



The Daily Bulletin: 2018-06-13

PUBLIC/HOUSE BILLS

H 9 (2017-2018) [ALLOW ELECTION DAY SERVICE - RETIRED LEOS](#). Filed Jan 25 2017, *AN ACT TO ALLOW RETIRED LAW ENFORCEMENT OFFICERS TO BE EMPLOYED BY A COUNTY BOARD OF ELECTIONS FOR ELECTION DAY SERVICE WITHOUT CAUSING THE SUSPENSION OF THE RETIRED OFFICERS' SPECIAL SEPARATION ALLOWANCE*.

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

Amends 143-166.42(c1) by revising the new subdivision (2) to clarify that payments to a retired officer shall not cease when employed by a local government in service to a county board of elections on election day in a capacity that complies with the requirements of GS 128-21(19) (defining retirement) and does not result in cessation or suspension of benefits from the Local Government Employees' Retirement System.

Intro. by Fraley.

GS 143

[View summary](#)

Employment and Retirement, Government, Local Government

H 86 (2017-2018) [VIRTUAL CURRENCY CHANGES \(NEW\)](#). Filed Feb 9 2017, *AN ACT TO MAKE CLARIFYING CHANGES TO PERMISSIBLE INVESTMENTS AND STATUTORY TRUST UNDER THE MONEY TRANSMITTERS ACT*.

Senate committee substitute replaces 1st edition with a new act *TO MAKE CLARIFYING CHANGES TO PERMISSIBLE INVESTMENTS AND STATUTORY TRUST UNDER THE MONEY TRANSMITTERS ACT*. Changes short title to "Virtual Currency Changes."

Amends GS 53-208.42, which sets out the definitions for Article 16B, the Money Transmitters Act. Changes definition of authorized delegate to no longer require that the designee be from a branch office. Changes definition of permissible investments to include value of receivables due to the licensee that are no more than 30 days past due. Previously included value of receivables no more than 90 days past due. Changes the requirements of virtual currency as a permissible investment to remove requirement that the virtual currency be owned by the licensee. Amends GS 53-208.48, concerning permissible investments and statutory trust, adding new subsection (c), to require that if a licensee possesses virtual currency as permissible investments under this Article, the Commissioner of Banks of the State of North Carolina may at any time request the licensee to verify aggregate virtual currency transmission obligations outstanding and virtual currency held as permissible investments, including virtual currency stored offline. Makes other conforming change.

Intro. by Hardister, Jordan, K. Hall, Goodman.

GS 53

[View summary](#)

Banking and Finance

H 92 (2017-2018) [CHEROKEE REG. PLATE/TEACHING AGREEMENT. \(NEW\)](#) Filed Feb 14 2017, *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN EASTERN BAND OF CHEROKEE INDIANS, A FEDERALLY RECOGNIZED TRIBE, SPECIAL REGISTRATION PLATE AND TO PROVIDE AN EXEMPTION FROM LICENSURE FOR TEACHING CHEROKEE LANGUAGE AND CULTURE CLASSES*.

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN EASTERN BAND OF CHEROKEE INDIANS, A FEDERALLY RECOGNIZED TRIBE, SPECIAL REGISTRATION PLATE AND TO PROVIDE

AN EXEMPTION FROM LICENSURE FOR TEACHING CHEROKEE LANGUAGE AND CULTURE CLASSES. Enacted June 13, 2018. Effective June 13, 2018.

Intro. by Torbett.

GS 20, GS 115C

[View summary](#)

Courts/Judiciary, Motor Vehicle, Education, Elementary and Secondary Education, Government, State Agencies, Department of Transportation, State Board of Education, Transportation

H284 (2017-2018) [25-YEAR LEO RETIREMENT OPTION](#). Filed Mar 8 2017, *AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM TO RETIRE AFTER ACHIEVING TWENTY-FIVE YEARS OF CREDITABLE SERVICE, TO ALLOW FOR SEPARATION BUYOUTS FOR LAW ENFORCEMENT OFFICERS, AND TO ALLOW TRANSFERS UNDER THE SPECIAL RETIREMENT ALLOWANCE TO BE PAID IN WHOLE OR IN PART WITH EMPLOYER CONTRIBUTIONS.*

Senate committee substitute makes the following change to the 3rd ed: changes the effective date of Sections 2 and 3 of the act from July 1, 2018, to July 1, 2019.

Intro. by Murphy, McNeill, Rogers, Malone.

GS 128, GS 135, GS 143

[View summary](#)

Employment and Retirement, Government, State Government, State Personnel

H 325 (2017-2018) [AMEND ARSON LAW/PROSECUTOR FUNDS](#). Filed Mar 13 2017, *AN ACT TO MODIFY AND STRENGTHEN THE CRIMINAL LAWS REGARDING ARSON.*

Senate committee substitute amends the 4th ed. by changing the effective date for sections 1 and 2 of the act from December 1, 2017, to December 1, 2018.

Intro. by McNeill, Hurley.

GS 14, GS 58

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety, State Agencies, Department of Insurance

H 507 (2017-2018) [LAND-USE REGULATORY CHANGES](#). Filed Mar 28 2017, *AN ACT TO MAKE CHANGES TO THE LAND-USE REGULATORY LAWS OF THE STATE.*

Senate committee substitute makes the following changes to 3rd edition.

Amends GS 143-755. Removes the provision allowing the development permit applicant to choose which state agency regulation to apply. Removes provision for a development permit applicant to be entitled to damages if any State agency or local government takes action that is in violation of this section. Adds caveat that definition of *development* does not alter the scope of any other regulatory authority. Enumerates examples of development permit and land development regulation. Makes other clarifying changes.

Amends GS 160A-360.1 with clarifying change. Requires that the definitions of GS 143-755 apply to this statute and to GS 153A-320.1.

Recodifies GS 160A-385(c) as GS 160A-385(b)(5).

Amends GS 160A-385 caption to *Changes to land development regulations*. Alters structure of section to include subheadings. Specifies which terms will be defined as in GS 143-755, to include development permit and land development regulation. Defines multi-phased development as a development containing 25 or more acres that is submitted for development permit approval to occur in more than one phase and is subject to a master development plan with committed elements.

Recodifies GS 153A-344(b1) as GS 153A-344(b)(5).

Amends GS 153A-344 to remove zoning ordinances from its provisions. Alters structure of section to include subheadings. Recodifies subsection (b1). Specifies which terms will be defined as in GS 143-755, to include development permit and land development regulation. Defines multi-phased development as a development containing 25 or more acres that is submitted for development permit approval to occur in more than one phase and is subject to a master development plan with committed elements.

Amends proposed GS 160A-393.1, adding *joinder of complaint and petition for writ of certiorari in certain cases* to caption. Allows review of vested rights claim, allowing a person claiming a statutory or common law vested right to submit information to substantiate that claim to the zoning administrator to make a determination as to whether there is a vested right. This decision is appealable and will be reviewed de novo. Alternatively, a person may bring a civil action. Allows for bringing a civil action to challenge the enforceability or validity of a land development regulation on the grounds that it is unconstitutional or preempted or in excess of its statutory authority. Allows for joinder of a civil action authorized by this section with a writ of certiorari. Deletes previous provisions of this section.

Amends GS 160A-372, removing provision that if a city fails to adopt an ordinance setting forth performance guarantees, the city is not authorized to require successful completion of required improvements prior to a plat being recorded. Deletes new subsection (6).

Amends GS 153A-331, removing provision that if a county fails to adopt an ordinance setting forth performance guarantees, the county is not authorized to require successful completion of required improvements prior to a plat being recorded.

Amends GS 160A-307, reinstating provision that if a conflict between written driveway regulations and related driveway improvements required by the city exist, the more stringent requirement will apply. Makes other clarifying changes.

Sets out that GS 160A-385(b)(5) and GS 153A-344(b)(5) are effective with respect to multi-phased development approvals that are valid and unexpired on the effective date of this act.

Deletes amendments to GS 160A-384, GS 153A-343, GS 160A-393, GS 160A-393.2, GS 6-21.7, GS 160A-381, GS 153A-340, GS 153A-352(b), and GS 160A-412(b).

Intro. by Jordan, J. Bell, Conrad, W. Richardson.

[GS 143, GS 153A, GS 163A](#)

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning, Government, Local Government](#)

H 569 (2017-2018) [PRETAX SUPPLEMENTAL BENEFITS](#). Filed Apr 5 2017, *AN ACT TO ALLOW PRODUCTS SELECTED BY THE EMPLOYEE INSURANCE COMMITTEES TO BE OFFERED ON A PRETAX BASIS*.

Senate committee substitute amends the 2nd ed. to make the act applicable to products or services funded by payroll deductions on or after January 1, 2019, instead of January 1, 2018.

Intro. by Dollar, Malone, Destin Hall, Corbin.

[GS 58](#)

[View summary](#)

[Business and Commerce, Insurance](#)

H 611 (2017-2018) [EMPLOYMENT CONTRACT EXCEPTION \(NEW\)](#). Filed Apr 5 2017, *AN ACT TO CREATE AN EXCEPTION FOR EMPLOYMENT CONTRACTS OF SPOUSES OF SUPERINTENDENTS OF LOCAL SCHOOL ADMINISTRATIVE UNITS WHEN THE LOCAL BOARD OF EDUCATION APPROVES THE EMPLOYMENT.*

Senate committee substitute rewrites entirely the 2nd ed. and makes conforming changes to the bill title. Amends GS 14-124 by adding a new subdivision (3a) to exempt from the prohibition under this statute against self-benefiting from a public contract the employment of the spouse of the superintendent of that local school administrative unit if the employment contract is approved by the local board of education in an open session of a public meeting as required under the board's anti-nepotism policy adopted pursuant to GS 115C-47(17a).

Intro. by Dobson, Bert Jones, Murphy, Earle.

GS 14

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education

H 619 (2017-2018) [CLARIFY MOTOR VEHICLE DEALER LAWS](#). Filed Apr 5 2017, *AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS.*

Senate committee substitute makes the following changes to 2nd edition. Deletes amendments to GS 20-288(a1)(2), concerning licensure for used motor vehicle dealers. Amends GS 20-305(50), concerning unlawfulness of coercing a new motor vehicle dealer to change location or make alterations to its dealership facilities. Applies only to dealerships with alterations of facilities within the preceding 10 years costing more than \$250,000, indexed to the Consumer Price Index. Previously threshold was \$100,000 of alterations. Requires that changes were made toward compliance with a facility initiative or facility program that was sponsored or supported and approved by the manufacturer or distributor. Changes costing less than \$250,000 will be governed by the applicable subdivisions of this section. Adds exception that this statute will not apply to any facility change that is voluntarily agreed to by the new motor vehicle dealer and for which the dealer receives facilities-related compensation from the manufacturer or distributor for the alteration equivalent to at least a majority of the cost incurred. Adds new subdivision (51), making it unlawful for manufacturers to use criteria for measuring the sales or service performance of franchised new vehicle dealers for the purpose of terminating a franchise agreement which are unfair and do not consider relevant data of comparable dealers. If a survey is used, it must be based on a valid sample size. Places the burden of proof on the distributor or manufacturer with respect to proceedings under this subsection. Forbids distributors from relying on these criteria to terminate a franchise relationship if the criteria are found to be unfair.

Amends GS 20-305.1, concerning automobile dealer warranty and recall obligations, removing requirement for vehicle manufacturers and distributors to include in the written notice of motor vehicle dealer's obligations the obligations for any service performed under a maintenance plan, extended warranty, certified pre-owned, or service contract issued by the manufacturer or distributor or their agents. Removes requirement for disclosure to include the schedule of compensation for service in connection with any services performed by the dealers under any warranty or service contracted issued by the manufacturer, distributor, or their agent. Requires that reasonable compensation for warranty and recall service be competitive with the retail rates charged for parts and labor by other franchised dealers of the same line-make located within the dealer's market. Requires that if there are no other same line-make dealers located in the dealer's market or if they are all owned by the same entity, prices may be compared to competing line-make vehicles. Amends subsection (b), adding back exception for compensation for parts used to repair the living facilities of recreational vehicles. Removes new prohibition making it unlawful for any manufacturer or distributor to fail to fully compensate dealers for warranty work including repair of living facilities of the vehicle and any equipment, appliances and other options included by the manufacturer. Makes conforming changes with respect to compensation for a qualifying used motor vehicle. Adds new subsection (i), setting out compensation for used motor vehicle recall. Makes it unlawful for any manufacturer or distributor to fail to compensate a franchised motor vehicle dealer for any qualifying used vehicle in the inventory of a dealer authorized to sell new vehicles of the same line-make or by a dealer authorized to perform recall repairs on vehicles of the same line-make. Requires the manufacturer or distributor to compensate the dealer for any qualifying used vehicle in the dealer's inventory at the prorated rate of at least 1.5% per month of the average trade-in value of the vehicle beginning on the date the vehicle is qualified and ending when it is no longer qualifying. Requires distributors to create an efficient process for franchised dealers to submit monthly compensation claims. Adds new subsection (j), defining terms for use with used vehicles. Defines "qualifying used motor vehicle" as a vehicle of a line-make for which

the dealer holds an active franchise to sell and service, subject to a recall notice and subject to a stop-sale or do-not-drive order, for which parts to fully repair the underlying defect were not made available by the dealer within 30 days of the notice of recall, and is owned by the dealer at the time a stop-sale order is issued. Defines a used vehicle as no longer qualifying when either the parts necessary to repair the underlying defect are made available, or the dealer sells or trades the vehicle, or the stop-sale is no longer in effect. Adds subsection (k) which requires that any compensation provided to the dealer pursuant to subsection (i) may not be combined with any other state or federal recall compensation civil remedy for recall of used vehicles.

Removes changes to GS 20-305.5, GS 305.2, and GS 20-101.3.

Amends GS 20-305.7(b) to remove restriction on a third party to whom a dealer's data was provided to charge the dealer a fee to reimburse the third party for fees to access the dealer's data. Removes declaration that the rights conferred under this subsection on a dealer are not waivable and may not be modified by any contract or agreement. Removes clarifying changes.

Amends GS 20-79.02(g), extending deadline for dealers to place LD license plates on loaner vehicles to January 1, 2021.

Extends SL 2015-232, sections 1.1 [amending GS 20-4.01(48a)] and 1.4 [amending GS 20-79(d)] to December 31, 2020.

Intro. by Brawley, Ross, Johnson, Clampitt.

[View summary](#)

H 646 (2017-2018) [AMEND PED STATUTES \(NEW\)](#). Filed Apr 6 2017, *AN ACT TO AMEND THE PROGRAM EVALUATION STATUTES TO MAKE IT EXPLICIT THAT THE DIVISION MAY EVALUATE NON-STATE ENTITIES THAT RECEIVE OR EXPEND ANY STATE FUNDS, ADD ADMINISTRATION OF MEASURABILITY ASSESSMENTS AS A FUNCTION OF THE DIVISION, REMOVE THE REQUIREMENT THAT REQUESTS FOR VALUATIONS MUST BE SUBMITTED BY A MEMBER OF THE GENERAL ASSEMBLY, CREATE STANDARDIZED EVALUATION REPORTS, AND REVISE THE POWERS AND DUTIES OF THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Senate committee substitute deletes all provisions of 3rd edition and replaces it with *AN ACT TO AMEND THE PROGRAM EVALUATION STATUTES TO MAKE IT EXPLICIT THAT THE DIVISION MAY EVALUATE NON-STATE ENTITIES THAT RECEIVE OR EXPEND ANY STATE FUNDS, ADD ADMINISTRATION OF MEASURABILITY ASSESSMENTS AS A FUNCTION OF THE DIVISION, REMOVE THE REQUIREMENT THAT REQUESTS FOR EVALUATIONS MUST BE SUBMITTED BY A MEMBER OF THE GENERAL ASSEMBLY, CREATE STANDARDIZED EVALUATION REPORTS, AND REVISE THE POWERS AND DUTIES OF THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.* Amends short title to "Amend PED Statutes."

Amends GS Chapter 120, Article 7C, amending GS 120-36.11 to make the Program Evaluation Division (Division) of the Legislative Services Commission a staff agency of the General Assembly. Specifies that the purpose of the Division is to assist the General Assembly in fulfilling its responsibility to oversee government functions by providing an independent, objective source of information to be used in evaluating whether programs or activities of a State agency, or programs or activities of a non-State entity conducted or provided using State funds, are operated and delivered in the most effective and efficient manner and in accordance with law. Makes other clarifying and technical changes. Amends GS 120-36.12 with various clarifying changes. Deletes subsection requiring State agencies to submit a written response to a proposed or final recommendation of the Division. Adds requirement to administer measurability assessments. Makes conforming changes. Amends GS 120-36.13 to make the Joint Legislative Program Evaluation Oversight Committee's (Committee) work plan biennial. Requires the Committee to consider which programs of the State or programs using State funds should be evaluated by the Division. Requires consideration of which proposed or existing State programs should be subject to measurability assessments. Removes provision that legislation directing a study or evaluation without an impact statement will be included in the next work plan. No longer requires a request to the Division for an evaluation of a program or an activity be submitted by a member of the General Assembly. Instead, requires the Director to assist the Committee in developing the work plan based on suggestions for evaluations and measurability assessments submitted by members of the Committee to the cochairs.

Amends GS 120-36.14, requiring the Division to complete an evaluation report for each evaluation required in the work plan and submit the report to the Committee for review. Adds to what must be included in the report. Amends GS 120-36.15 with technical changes. Amends GS 120-36.16 with clarifying and conforming changes. Deletes GS 120-36.17.

Intro. by S. Martin, Horn, Conrad, Brody.

GS 120

[View summary](#)

Government, General Assembly

H 670 (2017-2018) **PROTECT EDUCATIONAL PROPERTY**. Filed Apr 10 2017, *AN ACT TO INCREASE THE CRIMINAL PENALTY FOR COMMUNICATING A THREAT OF MASS VIOLENCE ON EDUCATIONAL PROPERTY OR AT A PLACE OF RELIGIOUS WORSHIP, TO PROVIDE FOR CONDITIONAL DISCHARGE OF PERSONS CONVICTED OF THOSE OFFENSES WHEN THE OFFENSE IS COMMITTED UNDER THE AGE OF TWENTY, AND TO REQUIRE A JUDGE TO SET CONDITIONS OF RELEASE FOR THOSE OFFENSES.*

Senate committee substitute rewrites the 2nd edition entirely and makes conforming changes to the bill title.

Adds new GS 14-277.6 to create a criminal offense of communicating a threat of mass violence on educational property or at a curricular or extracurricular activity sponsored by a school. Makes the offenses punishable as a Class H felony.

Adds new GS 14-277.7 to create a criminal offense of communicating a threat of mass violence at a place of religious worship and defines a place of religious worship. Makes the offense punishable as a Class H felony.

Adds new GS 14-277.8 authorizing conditional discharge and dismissal of a conviction of a violation of GS 14-277.5, 14-277.6, or 14-277.7. A court may order that a defendant convicted of any of these offenses may be placed on conditional supervised probation for one year if the defendant has no prior criminal or misdemeanors convictions other than a traffic violation and is under 20 years of age at the time the offense was committed. The conditions of probation must include that the defendant complete a minimum of 30 hours of community service, obtain a mental health evaluation, and comply with any mental health treatments recommended. Upon successful completion of the terms and conditions of probation, the court is required to discharge the defendant and dismiss the proceedings without court adjudication of guilt. Upon discharge, the defendant may apply for expunction of the criminal record pursuant to GS 15A-145.7. A person is entitled to conditional discharge and dismissal of offenses under this statute only once.

Adds new GS 15A-145.7 to authorize expunction of the criminal record of eligible defendants convicted of a violation of GS 14-277.5, 14-277.6, or 14-277.7 upon successful completion of the conditions of probation and discharge and dismissal of the criminal charges under GS 14-277.8. In applying for expunction, the applicant must provide (1) an affidavit attesting to the applicant's good behavior and no criminal convictions other than a traffic violation; (2) affidavits by two persons not related to the applicant by blood or marriage attesting to the applicant's good character; and (3) application for a national criminal record check. The judge to whom the petition for expunction is presented may obtain additional information from the applicant's probation officer. After a hearing, the court must order expunction if all requirements are met, thus requiring all records related to the criminal proceeding to be expunged except those retained in confidential files under GS 15A-151. Applicant must pay a fee of \$175 at the time the petition for expunction is filed; the fee is allocated between the Department of Public Safety and the Administrative Office of the Court.

Amends GS 15A-150(a) to make technical conforming change.

Adds new GS 153A-534.7 to establish procedures for bail and pretrial release of defendants charged with violations of GS 14-277.6 or GS 14-277.7. Within the first 48 hours of arrest, only a judge may establish conditions for pretrial release and must consider the defendant's criminal history when setting conditions of pretrial release. The defendant may be detained for a reasonable period of time during which the judge determines conditions of pretrial release if the judge finds that immediate release will pose a danger of injury to persons or property or that a bond will not reasonably secure the defendant's appearance. The conditions of pretrial release may include requiring the defendant to stay away from the place against which the threat was communicated. The provisions of Article 5 of Chapter 122C apply if the defendant is either mentally ill or a substance abuser and is a danger to himself or others.

Provides that the act is effective December 1, 2018, and applies to all offenses committed on or after that date.

Intro. by Faircloth.

GS 14, GS 15A

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

H 741 (2017-2018) [DHHS STUDY/MATERNAL AND NEONATAL CARE](#). Filed Apr 11 2017, *AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES PERTAINING TO HIGH-QUALITY, RISK-APPROPRIATE MATERNAL AND NEONATAL CARE AND TO ALLOW SIMULTANEOUS CREMATION OF CERTAIN FETUSES AND INFANTS.*

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

Delays the reporting requirement for the study on providing women with timely and equitable access to high-quality, risk-appropriate maternal and neonatal care by a year to now require an interim report to the 2019 Regular Session of the 2019 General Assembly on or before May 1, 2019, and a final report of its findings and recommendations to the 2020 General Assembly.

Adds a section amending GS 90-210.129 by making an exception to the prohibition on the simultaneous cremation of the human remains of more than one person in the same cremation chamber to allow simultaneous cremation with the express written direction of the authorized agent for the human remains of multiple fetuses from the same mother and the same birth, or the human remains of multiple persons up to the age of one year old from the same mother and the same birth.

Makes conforming changes to the act's long title.

Intro. by Murphy, Boswell, Adcock, Cunningham.

STUDY, GS 90

[View summary](#)**Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Public Health**

H 774 (2017-2018) [AMEND CERTIFICATES OF RELIEF \(NEW\)](#). Filed Apr 11 2017, *AN ACT TO AMEND THE LAW REGARDING A CERTIFICATE OF RELIEF FOR CRIMINAL CONVICTIONS.*

Senate committee substitute replaces 1st edition with a new act *TO AMEND THE LAW REGARDING A CERTIFICATE OF RELIEF FOR CRIMINAL CONVICTIONS*. Amends GS 15A-173.2, increasing number of convictions a person may have when petitioning for a Certificate of Relief for criminal convictions from two to five. Removes option for those convicted of Class G felonies to seek relief. Removes restriction on number of misdemeanors a person may have when seeking relief. Requires that if a person has more than one Class H or I felony from the same session of court, then those convictions will be treated as one felony conviction for purposes of this statute. Requires that a Certificate of Relief is automatically revoked if an individual is convicted of a felony or misdemeanor other than a traffic violation. Requires a warning stating as such to be included on criminal judgment records.

Creates a \$50 fee to file a petition for a Certificate of Relief, to be deposited into the General Fund, with an exception for indigent petitioners. Requires the fee to be waived on a showing that the petitioner already paid the fee in another county. Requires the Certificate of Relief holder to notify any employer, landlord, and other parties who relied on the Certificate if the holder has any subsequent conviction, or the Certificate is modified or revoked.

Amends GS 15A-173.4, discontinuing the benefits provided by a Certificate of Relief when the individual is subsequently convicted of a felony or misdemeanor other than a traffic violation. Allows a court to revoke a Certificate if it finds the petitioner made a material misrepresentation in obtaining it.

Amends GS 15A-173.5, barring any negligence action alleging lack of care due to engaging in activity with a Certificate holder if the defendant in the proceeding relied on the Certificate at the time of the alleged negligence.

Makes other clarifying changes.

Intro. by Stevens, Clampitt.

GS 15A

[View summary](#)**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Criminal Law and Procedure**

H 826 (2017-2018) **CLARIFY SYSTEM DEVELOPMENT FEES. (NEW)** Filed Apr 11 2017, *AN ACT TO REVISE SYSTEM DEVELOPMENT FEES.*

Senate amendment makes the following change to 2nd edition. Amends Section 1.(b) to clarify that only this section becomes effective October 1, 2018, not the entire act.

Intro. by Riddell, Saine, Dulin, Fraley.

GS 162A

[View summary](#)**Development, Land Use and Housing, Building and
Construction, Land Use, Planning and Zoning, Environment,
Environment/Natural Resources**

H 933 (2017-2018) **RECIPROCITY/SCHOOL PSYCHOLOGIST LICENSURE.** Filed May 16 2018, *AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO GRANT A LICENSE TO PRACTICE AS A SCHOOL PSYCHOLOGIST TO ANY INDIVIDUALS WHO HOLD THE NATIONALLY CERTIFIED SCHOOL PSYCHOLOGIST CREDENTIAL, ESTABLISHING A PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT), ALLOWING INSURERS TO PROVIDE STOP LOSS INSURANCE TO SMALL BUSINESSES, ALLOWING CERTAIN NONPROFIT ORGANIZATIONS TO SPONSOR SELF-FUNDED HEALTH BENEFIT PLANS, AND EXPANDING THE MASSAGE AND BODYWORK THERAPY BOARD.*

Senate amendment makes the following changes to 3rd edition. Amends title to include *EXPANDING THE MASSAGE AND BODYWORK THERAPY BOARD*. Adds new Section 6.5, amending GS 90-625 to expand the Board of Massage and Bodywork Therapy from seven members to nine members. The two additional members are required to be persons licensed to operate a massage and bodywork therapy establishment, appointed upon recommendation by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Effective July 1, 2018.

Intro. by Dobson, Torbett, Lewis, Lucas.

GS 58, GS 90, GS 115C

[View summary](#)**Business and Commerce, Occupational Licensing, Education,
Elementary and Secondary Education, Health and Human
Services, Health, Health Care Facilities and Providers, Health
Insurance, Mental Health, Nonprofits**

H 960 (2017-2018) **LOCAL LAW ENFORCEMENT/CITIZENS ACADEMIES.** Filed May 17 2018, *AN ACT TO ENCOURAGE LOCAL LAW ENFORCEMENT AGENCIES TO OPERATE PROGRAMS THAT EDUCATE CITIZENS REGARDING LAW ENFORCEMENT OPERATIONS, TO RECOGNIZE THE DANGER SIGNS OF POTENTIALLY VIOLENT ACTIVITIES, AND TO PROVIDE TRAINING TO CITIZENS WHO WANT TO PROVIDE VOLUNTEER SERVICES TO LOCAL LAW ENFORCEMENT AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE.*

House amendment makes the following changes to 2nd edition. Amends GS 160A-289.3 and GS 162-27 to require the citizens academy programs run by police and sheriffs to include training on de-escalation, mental health crisis, understanding persons with disabilities or mental illness, and diversity and equity.

Intro. by Faircloth.

GS 160A, GS 162

[View summary](#)**Government, Public Safety, Local Government**

H 969 (2017-2018) **ENHANCE PRISON SECURITY**. Filed May 17 2018, *AN ACT TO ENHANCE PRISON SECURITY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY*.

House amendments to the 2nd ed. revises the bill as follows:

Amendment 1 revises amendments to GS 14-258.4 by adding a new subsection (b) to make willfully exposing genitalia to an employee while the employee is performing official duties a Class I felony, and adding a new subsection (c) to apply the statute to offenses committed inside or outside a jail or correctional facility.

Amendment 2 deletes revisions to GS 143B-919 and instead amends GS 143B-929 to authorize the Information and Sharing Analysis Center of the State Bureau of Investigation to analyze information related to threats of violence on educational property or places of worship. The Center must promptly notify local law enforcement if the threat is credible, the location of the threatened property, and the location of the suspect if ascertained. If requested by local law enforcement, the SBI and other sworn law enforcement officers may provide assistance to local law enforcement.

Intro. by Davis, Boles.

GS 14

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Criminal Law and Procedure,
Government, State Agencies, Department of Public Safety**

H 986 (2017-2018) **VARIOUS CHANGES TO EDUCATION LAWS (NEW)**. Filed May 22 2018, *AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS*.

Senate committee substitute makes the following changes to 2nd edition. Changes title to *AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS*. Changes short title to "Various Changes to Education Laws."

Adds the following provisions.

Amends GS 115C-269.50, requiring Educator Preparation Program (EPP) report cards to be created annually. Requires the EPP to provide user-friendly accessibility to the public, including the ability to easily compare EPPs. Removes requirement that the State Board of Education provide information from each EPP's annual performance report to the Board of Governors of the University of North Carolina.

Directs the State Superintendent of Public Instruction to study and make recommendations on ways to reduce testing not otherwise required by State or federal law in kindergarten through 12th grade. Requires the Superintendent to report on this to the specified legislative entities by January 15, 2019.

Directs the Department of Public Instruction, under the direction of the State Superintendent and in consultation with the Department of Health and Human Services, Division of Public Health, to develop standards for a mental health training program that includes youth mental health, suicide prevention, substance use, and sexual abuse and sex trafficking prevention. Requires these offices to develop an evidence-based model mental health training program. Requires these offices to develop minimum requirements and a model for a suicide risk referral protocol. Requires the State Superintendent to report on all of the above to the Joint Legislative Education Oversight Committee by October 15, 2018. Directs the State Board of Education to repeal its school-based mental health initiative policy.

Allows a local board of education of a local school administrative unit that has the greatest percentage of restart model schools in the State, received low-wealth supplemental funding for the 2017-18 fiscal year, and has more than average daily membership of 10,000 students for the 2017-18 school year to submit a renewal school system plan to the State Board to permit the board of education to decide all matters related to the operation of the schools under its control, including use of State funds, curriculum, and operating procedures. The purpose of this will be to design a comprehensive and innovative strategic vision for sustainable school improvement by tailoring instruction to the needs of the students. Requires the State

Board to approve plans by July 15, 2018, to begin operation in the 2018-19 school year. Requires plans to include a description of how the plan will meet its goals. Requires State Board to approve plans by August 2, 2018. Allows the local board of education with such a plan to be exempt from rules applicable to other local school administrative units for the purpose of operating its schools. Sets out the various provisions of GS Chapter 115C which will still govern such school boards. Requires such schools to provide instruction for at least 185 days or 1,025 hours over nine calendar months. Requires these schools to meet student performance standards adopted by the State Board.

Directs the State Board to identify low-performing schools operating under such a plan annually. Defines low-performing schools as having a performance grade of D or lower and a school growth score of meeting or not meeting expected growth. Also requires the State Board to identify continually low-performing schools in the local school administrative unit annually, with a continually low-performing school defined as a school that has been designated by the State Board as low-performing for at least two of three consecutive years. Requires local boards of education to provide transportation to students. Encourages school administrative units to adopt a policy against bullying. Requires the administrative units under the plan to comply with reporting requirements established by the State Board at least annually. Requires compliance with driver eligibility certificate rules. Requires employment of staff to run schools under plan beginning August 2, 2018. Requires at least half of teachers to hold teacher licenses. Requires core area teachers to hold college degrees.

Directs the Department of Public Instruction to calculate the amount of State funds to be allocated to schools under such a plan on the same basis as other schools. Allows the State Board to require such schools to make financial reports. Allows participation in the retirement system for such schools. Requires State Board to review schools under such a plan at the end of the 2022-23 school year and at least every three years thereafter. Allows the State Board to terminate the plan if the school failed to meet requirements for student performance, or the majority of schools in the local school administrative unit have been identified as low-performing schools in the prior two years. Allows the State Board to terminate prior to 2022 if it finds that the school administrative unit did not meet fiscal management standards or violated State or federal law. Allows the State Superintendent to recommend termination based on the annual reports, and requires the State Board to terminate if such a recommendation is made. Requires the State Board to develop a transition plan for the local board if the plan is terminated. Requires the local school administrative unit operating under a plan to report to the State Superintendent annually on the assessment instruments used and the student outcomes based on these assessments, staff vacancies, and student attendance.

Intro. by Hurley, Elmore, Horn, Johnson.

[STUDY, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, Department of Health and Human Services, Department of Public Instruction](#)

H 998 (2017-2018) [IMPROVING NC RURAL HEALTH \(NEW\)](#). Filed May 23 2018, *AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY AND REPORT RECOMMENDATIONS TO CREATE INCENTIVES FOR MEDICAL EDUCATION IN RURAL AREAS OF THE STATE AND TO ASSIST RURAL HOSPITALS IN BECOMING DESIGNATED AS TEACHING HOSPITALS BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; TO DIRECT THE OFFICE OF RURAL HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO ENSURE ITS LOAN REPAYMENT PROGRAM IS TARGETED TO BENEFIT HEALTH CARE PROVIDERS IN RURAL NORTH CAROLINA, INCLUDING IDENTIFYING AND MAKING RECOMMENDATIONS TO ADDRESS THE NEED FOR DENTISTS IN RURAL AREAS; AND TO IMPROVE ACCESS TO DENTAL CARE IN RURAL NORTH CAROLINA; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY MEDICAID HEALTH OUTCOMES PROGRAMS.*

Senate committee substitute makes the following changes to 3rd edition. Amends the act's long title. Deletes Part III, directing the study of the state health plan and Medicaid program. Amends GS 90-36, deleting entirety of subsection (e), which required a dentist to timely enter practice and only practice in North Carolina. Makes conforming change. Effective October 1, 2018. Adds new Section V, directing the Department of Health and Human Services to conduct a study and propose two coordinated quality outcomes programs requiring the State's transformed Medicaid delivery system to be built on defined measures and goals for risk-adjusted health outcomes. Requires one program to address acute care hospitals participating in the State

Medicaid program and the other program to apply to all Medicaid Prepaid Health Plans in the State. Requires report on these plans by October 1, 2018, to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice.

Intro. by Lewis, Murphy, White, Hunter.

[STUDY, GS 90](#)

[View summary](#)

[Education, Higher Education, Government, General Assembly, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Social Services, Public Assistance](#)

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

House amendments makes the following changes to the 3rd edition, as amended.

Amendment #3 adds a new section amending GS 20-58.4(e1), allowing an affidavit by the owner that the security interest has been satisfied, by defining owner, for purposes of (e1), as the owner of the manufactured home and the owner of real property on which the manufactured home is affixed or a title insurance company as agent of or on behalf of an insured owner of real property. Amends GS 20-58.3A by providing that the Division of Motor Vehicles is not subject to a claim under Article 31 of GS Chapter 143 related to the failure to acknowledge or give effect to an expired perfection of a security interest on a certificate of title for a manufactured home if the claim is based on reliance by the Division on any application for renewal submitted to the Division by a third party or based on the automatic expiration of a perfection of a security interest. Effective October 1, 2018.

Amendment #4 adds a new section amending GS 20-63 by amending the required appearance of the National/State mottos license plate to allow the Division to select an image that represents the American flag (instead of requiring that the American flag be contained in the background) and removes specification on the size and color of the mottos.

Amendment #6 makes technical corrections to changes made by Amendment #1.

Intro. by Torbett, Iler.

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

[View summary](#)

[Alcoholic Beverage Control, Courts/Judiciary, Motor Vehicle, Government, Budget/Appropriations, State Agencies, Department of Transportation, Transportation](#)

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*.

House committee substitute makes the following changes to the 1st ed.:

Adds new subsection (b1) that embodies the provisions of the new subsection (f) in the previous edition, and modifies those provisions to clarify that the subject of mediation is the amount of money appropriated to the local current expense fund. Modifies the formula for the sum to be appropriated for the fiscal year in dispute to now include, as the initial calculation in a new subdivision (1), the amount appropriated to the local current expense fund in the prior fiscal year that are expended in that year by the LEA or transferred as required by law divided by the sum of the average daily membership of the LEA plus the share of average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the LEA for the prior school year. Further modifies the formula calculation in subdivision (3) to provide that the amount calculated

under that subdivision shall be multiplied by the sum of the allotted average daily membership for the school year plus the share of the average daily membership of any innovative, charter, regional, or laboratory school whose students reside in the LEA for the budget year in dispute.

Adds new subsection (b2) that embodies the provisions of the new subsection (g) in the previous edition, and makes identical changes to the formula for calculating the amount to be appropriated to the local current expense fund under that subsection.

Adds new subsection (b3) that embodies the provisions of the new subsection (h) in the previous edition and clarifies that the subsection applies only to the local current expense fund and not the capital outlay fund.

Eliminates repeal of subsection (c) and clarifies that that this subsection applies to mediation and legal challenges related to the amount of moneys to be appropriated to the capital outlay fund.

Eliminates repeal of subsection (d) and makes technical changes.

Eliminates repeal of subsection (e) and makes technical changes.

Modifies amendment to GS 115C-432(a) to clarify that this section applies to the capital outlay fund.

Expands the study to be conducted by the Local Government Commission and the School of Government to include disputes related to the capital outlay fund.

Intro. by Horn, Hurley, Lucas.

[STUDY, GS 115C](#)

[View summary](#)

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

H1031 (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.*

House amendment to the 2nd ed. revises the bill as follows:

Modifies the new GS 115C-431(b1)(2) to clarify that the percent change calculation is based on the twelve month percent change, and makes identical change in subsection (b2)(2).

Makes grammatical changes to GS 115C-431(c) and clarifies that the court or jury is required to find the amount of money necessary from the board of county commissioners for buildings and equipment as required by GS 115C-521.

Intro. by Horn, Hurley, Lucas.

[GS 115C](#)

[View summary](#)

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

PUBLIC/SENATE BILLS

S 124 (2017-2018) [LEO MANAGED CBD OIL DROP BOX](#). Filed Feb 22 2017, *AN ACT TO REQUIRE RESIDUAL OIL FROM HEMP EXTRACT TO BE DISPOSED AT ESTABLISHED SPECIFIC SECURE COLLECTION BOXES MANAGED BY LAW ENFORCEMENT.*

House committee substitute makes the following change to 2nd edition. Changes effective date of act from December 1, 2017, to December 1, 2018.

Intro. by D. Davis, Hise.

GS 90

[View summary](#)**Government, Public Safety, Health and Human Services,
Health**

S 125 (2017-2018) [VARIOUS CHANGES TO EDUCATION \(NEW\)](#). Filed Feb 22 2017, *AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT STUDENT ATTENDANCE RECOGNITION PROGRAMS AND TO PROVIDE THAT STUDENTS SERVING AS LEGISLATIVE OR GOVERNOR'S PAGES SHALL BE ELIGIBLE FOR PARTICIPATION IN THESE PROGRAMS AND TO EXPAND ELIGIBILITY OF CHILDREN TO OBTAIN CERTAIN SCHOLARSHIPS UNDER PART 2 OF ARTICLE 14 OF CHAPTER 143B OF THE GENERAL STATUTE.*

House committee substitute makes the following change to 3rd edition. Makes new GS 115C-382.5 applicable beginning with the 2018-19 (was, 2017-18) school year. Changes the due date of the report from the Department of Military and Veterans Affairs from March 30, 2018 to March 30, 2019.

Intro. by D. Davis, Brown.

GS 115C, GS 143B

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

S 140 (2017-2018) [TITLE INS. REV/BAILBONDSMEN DEPOSITS \(NEW\)](#). Filed Feb 28 2017, *AN ACT TO MAKE VARIOUS CHANGES RELATED TO REAL ESTATE TITLE INSURANCE COMPANIES AND TO AMEND THE DEPOSIT REQUIRED OF PROFESSIONAL BAILBONDSMEN ACTING AS SURETIES ON BAIL BONDS.*

House committee substitute rewrites the 2nd ed. entirely and makes conforming changes to the bill title. Amends GS 58-26-1(b1) to clarify that deposits by foreign and domestic insurance companies are subject to the same requirements that govern those of stock casualty companies. Effective October 1, 2018.

Amends GS 58-26-25 by deleting subsections (a), (b), (c), and (d), and adding a new subsection (a1) to require domestic title insurance companies to establish and maintain a minimum premium reserve of \$0.17 for \$1,000 of net retained liability for each title insurance policy. Defines net retained liability as total liability for a single risk minus ceded liability. Establishes formula for release of premium reserve in equal quarterly amounts over a 20 year period. Adds new subsection (b1) requiring that amounts held in premium reserves in excess of the amount required under the new subsection (a1) as of December 31, 2018, shall be released to net profits. Makes technical conforming changes throughout the statute. Effective October 1, 2018.

Repeals GS 58-26-31 (governing premium reserves held in trust or as a deposit) and GS 58-26-35 (requiring maintenance of a premium reserve fund). Effective October 1, 2018.

Amends GS 58-71-145 by changing the deposit requirement for professional bondsmen acting as sureties on bail bonds from one-eighth to one-twelfth the amount of all bonds on which the bondsman is liability as of the first day of each month.

Intro. by Hise.

GS 58

[View summary](#)**Business and Commerce, Insurance, Courts/Judiciary, Court
System, Government, State Agencies, Department of
Insurance**

S 168 (2017-2018) [AOC OMNIBUS CHANGES \(NEW\)](#). Filed Mar 1 2017, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAW GOVERNING THE ADMINISTRATION OF JUSTICE.*

House amendment make the following change to 2nd edition. Deletes Part IV, which amended GS 7A-308 to set court fee for in rem foreclosures at \$300.

Intro. by Randleman.

GS 7A, GS 15A, GS 28A, GS 30, GS 35A, GS 45, GS 48, GS 75,
GS 132

[View summary](#)

S 220 (2017-2018) [MOTOR FUEL TAX EXEMPTION FOR JOINT AGENCY](#). Filed Mar 8 2017, *A BILL TO BE ENTITLED AN ACT TO ALLOW A MOTOR FUEL TAX EXEMPTION FOR CERTAIN JOINT ENTITIES.*

House amendment to the 3rd ed. revises the bill as follows:

Changes the effective date from July 1, 2018, to October 1, 2018.

Intro. by Sanderson.

[View summary](#)

S 224 (2017-2018) [LANDLORD RECOVERY OF EXPENSES/RULE 60 MOTION \(NEW\)](#). Filed Mar 8 2017, *AN ACT TO ALLOW LANDLORDS TO RECOVER OUT-OF-POCKET EXPENSES IN SUMMARY EJECTMENT CASES AND TO FILE A MOTION FOR RELIEF FROM JUDGMENT WHEN A POST-JUDGMENT AGREEMENT HAS BEEN MADE WITH A DEFENDANT.*

House committee substitute deletes all provisions of 1st edition and replaces it with *AN ACT TO ALLOW LANDLORDS TO RECOVER OUT-OF-POCKET EXPENSES IN SUMMARY EJECTMENT CASES AND TO FILE A MOTION FOR RELIEF FROM JUDGMENT WHEN A POST-JUDGMENT AGREEMENT HAS BEEN MADE WITH A DEFENDANT.* Changes short title to "Landlord Recovery of Expense/Rule 60 Motion."

Contains whereas clause.

Amends GS 42-46, adding new subsection (i), allowing a landlord to recover from a tenant out-of-pocket expenses from court filing fees, cost of process service, and reasonable attorneys' fees pursuant to a lease, not to exceed 15% of the amount owed, or 15% of the monthly rent if the eviction is based on a default other than nonpayment of rent. Adds new subsection (j), allowing the expenses listed in (i) to be included in the amount required to cure a default by the landlord. Amends GS 42-46(h) (3) with conforming change.

Enacts new GS 42-36.1B, requiring a landlord who enters into a post-judgment agreement with a defendant after obtaining a judgment for possession which gives the defendant possession of the premises to submit a motion and proposed order for relief to the clerk of superior court within 60 days of the defendant satisfying any duties arising under the agreement. After the defendant has satisfied the terms of the post-judgment agreement, the landlord may not cause the issuance of an execution on such judgment.

Effective October 1, 2018, and applies to actions filed on or after that date.

Intro. by J. Jackson, Britt, Lee.

GS 42

[View summary](#)

**Courts/Judiciary, Civil, Civil Law, Development, Land Use
and Housing, Property and Housing**

S 335 (2017-2018) [BUDGET TECHNICAL CORRECTIONS AND STUDY \(NEW\)](#). Filed Mar 21 2017, *AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2018*

AND TO CREATE THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF COLLEGE STUDENT-ATHLETES.

Conference committee report rewrites the 2nd ed. entirely to make technical corrections to the 2018 Appropriations Act (SL 2018-5), and makes conforming changes to the bill title.

Part I adjusts the amounts of appropriations to various state agencies.

Part II amends various sections relating to public education as follows:

Amends Sec. 8.2.(c) to provide that, if a principal does not have growth scores for the time periods identified in the provision, the criteria for determining school growth scores is the most recent growth scores up to 2016-2017 school year (for the period between July 1, 2018 through December 1, 2018) or up to the 2017-2018 school year (for the period between January 1, 2019 through June 30, 2019).

Amends Sec. 8.4.(f) to make technical change to session law citation.

Adds new Sec. 7.28 requiring that, of the funds appropriated to the Department of Public Instructions, \$25,000 shall be allocated to the New Dimensions Charter School to be used for operating expenses.

Amends Sec. 41.1(a) to make technical correction to effective date of that section.

Amends GS 115C-105.49A(b) to clarify that the Division of Emergency Management and the Center for Safer Schools shall leverage the existing enterprise risk management database in collaboration with the Department of Public Instruction, and makes other technical clarifying changes to the statute.

Amends GS 115C-105.52 to clarify that the Center for Safe Schools may also consult with the Division of School Operations to develop school crisis kits.

Adds new GS 115C-105.57 to Article 8C of Chapter 115C establishing the Center for Safe Schools within the Department of Public Instruction and providing for the appointment of an Executive Director and requiring all agencies to cooperate with the Center.

Amends Sec. 7.7 to prohibit the Department of Public Instruction from transferring or reducing positions in the Office of Charter Schools during the 2018-2019 fiscal year in implementing budget reductions, audit recommendations or other efficiency changes.

Amends Sec. 8.7 of SL 2016-94, as amended by Sec. 7.9 of SL 2018-5, to clarify that the State Board of Education must issue an initial Request for Proposals, and then may issue subsequent RFPs as necessary to carry out the requirements of the section.

Adds a new Sec. 9.12 adjusting the enrollment growth appropriation to the community college system for fiscal year 2018-2019.

Adds a new Sec. 9.11 allocating \$200,000 in funds appropriated to the Community Colleges System Office to the Johnston County Community College for the Fire Tower Training Facility and allocating \$50,000 to the Wilkes County Community College for Culinary Arts Building equipment.

Adds a new Sec. 10.6 allocating \$4.8 million in funds appropriated to the UNC Board of Governors to the Southern Regional Area Health Education Center for residency programs.

Amends GS 115C-83.6(a2) to delete reference to GS 115C-174.11.

Adds new Sec. 10.7 to extend the terms of the initial members appointed to the Advisory Council on Rare Diseases to July 1, 2023, and that members serve 3-year terms thereafter.

Amends GS 115C-562.1(3)b. exempt from the calculation of household income for scholarship eligibility any distribution from the estate of a decedent.

Amends Sec. 6 of S.L. 2016-110, as further amended by subsequent session laws, to require the Department of Public Instruction to award innovation zone model grants up to \$150,000 from within funds appropriated to the Department for innovation zone grants, and that these funds may be used for administrative expenses only during the 2018-2019 fiscal year.

Adds new Sec. 7.29 to allocate \$10,000 to Graham County Schools from among the funds appropriated to the Department of Public Instruction.

Adds new Sec. 7.30 to reduce the grant-in-aid to DonorsChoice.org by \$200,000.

Adds new Sec. 2.16 to adjust the points calculations for school achievement, growth, performance scores, and grades for high schools in the 2017-2018 school year.

Amends GS 116-280 to define the term armed forces for purposes of Article 34 of Chapter 116 establishing need-based scholarships for students attending private colleges. Further amends GS 116-281(3) to make eligible for scholarships active duty members of the armed forces abiding in this state due to active military service. Applies beginning with the 2018-19 school year.

Part III amends various sections relating to health and human services as follows:

Adds new Sec. 11F.9A to reallocate \$50,000 appropriated to Gigi's Playhouse located in Raleigh to Gigi's Playhouse located in Charlotte.

Adds new Sec. 11A.3A. to reallocate \$250,000 appropriated to the Free Clinic of Reidsville to the Free Clinic of Rockingham County, Inc.

Adds new Sec. 11A.3B. to reallocate \$25,000 appropriated to the Ada Jenkins Center in Davidson County to the Ada Jenkins Center in the Town of Davidson.

Amends GS 110-130.1(a) to make technical change to statutory citation.

Amends Sec. 11L.1.(a) to make various changes in allocations of health and human services block grants funds.

Adds new Sec. 11B.6 to clarify that the Department of Health and Human Services is not required to eliminate the position referenced in the section.

Adds new Sec. 11F.9C.(a) requiring that \$348,558 of the funds appropriated to the Department be used to fund a suicide prevention lifeline.

Amends GS 90-288.14A to change reference to nursing home to adult care home.

Adds new Sec. 11F.2A to reallocate \$4 million dollars appropriated to the Cape Fear Medical Center in Cumberland County to the Betsy Johnson Hospital in Harnett County.

Adds new Sec. 11H.9A to require the Department to study increased utilization of group home services and report to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division by January 7, 2019.

Adds new Sec. 11F.9B allocating \$25,000 to the Adventure House located in Shelby.

Adds new Sec. 11H.13.(a) reducing the amount of funds appropriated for the Medicaid Rebase by \$7.5 million dollars, appropriating \$5.5 million dollars to increase the rate for in-home aide services, appropriating \$2 million dollars to provide adult optical Medicaid coverage, and requiring the Department to report to Joint Legislative Oversight Committee on Medicaid and NC Health Choice and the Fiscal Research Division by March 1, 2019, on new services and rate increases implemented.

Part IV amends various sections relating to agriculture and natural resources as follows:

Clarifies that funds appropriated to Yancey County for the Cane River Park may be used for lighting anywhere within the park.

Amends Sec. 13.2 to make technical change to the official name of the Charlotte Motor Speedway and allows it to allocate the grant to another entity.

Transfers funds appropriated to the Mountain Island Education State Forest to a special fund.

Amends GS 143-215.3E to include releases of pollutants in addition to discharge of pollutants under this statute. Makes identical conforming change to GS 143-215.2A.

Adds new Sec. 12.6 authorizing the Department of Agriculture and Consumer Services to retain up to 10% of the funds appropriated for the Health Food Small Retailers Program for administrative expenses.

Adds new Sec. 15.9 making the following changes to grants-in-aid: (1) clarifies that \$50,000 appropriated to the Town of Archer Lodge is not subject to a match requirement; (2) authorizes \$180,000 allocated to the City of Lexington to be used for demolition and debris removal; (3) reduces by \$10,000 the funds allocated to the Southwest North Carolina Planning and Economic Development Commission; (4) reduces by \$50,000 the funds allocated to the Town of High Shoals; (5) allocates \$25,000 to the Town of High Shoals for debt service.

Adds new Sec. 15.10 to clarify that the Department of Commerce is not required to eliminate the position referenced in the section.

Adds new Sec. 12.7 to authorizes the Tobacco Trust Fund Commission to use \$375,000 for administrative and operating expenses.

Part V amends various sections relating to justice and public safety as follows:

Amends GS 115D-5(b)(2)j to make technical changes to the title of the Division. Specifies that the waivers apply to participants and recent graduates of the North Carolina Criminal Justice Fellows Program to obtain certifications for eligible criminal justice professions.

Adds new Sec. 5.6(a1) clarifying that federal disaster relief funds are appropriated in the amounts provided in the notification of award, and requiring all affected state agencies to report grant awards to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division.

Amends GS 18B-1003(c1) to make technical change.

Amends Sec. 18B.4.(a) to extend the number of fiscal years to which the requirements of the section apply.

Adds new Sec. 18B.7 to transfer the NC Human Trafficking Commission to the Administrative Office of the Courts and to make technical conforming changes in related statutes.

Part VI amends various sections relating to general government as follows:

Amends Sec. 26.3 to make the following changes to grants-in-aid: (1) allocate funds to the Orrum Volunteer Fire Department, Inc. instead of the Proctorville Volunteer Fire Department, Inc.; (2) allocate \$100,000 to the City of Davidson Fire Department; and (3) allocate \$100,000 to the City of Davidson Police Department.

Adds new Sec. 31.4 to clarify that the Department of Administration is not required to eliminate the position referenced in the section.

Adds new Sec. 31.5 to reallocate \$1.5 million dollars from the North Carolina Coalition Against Sexual Assault to the North Carolina Human Trafficking Commission, and authorizes the Administrative Office of the Courts to use up to 10% of this allocation for administrative expenses.

Adds Sec. 21.2 requiring the State Treasurer to transfer \$2.4 million dollars from the escheats fund for scholarships for children of veterans.

Adds new Sec. 19.4 transferring \$500,000 from the North Carolina Veterans Home Trust Fund to the Veterans Leadership Council of North Carolina-Cares for the Veterans Life Center in Butner.

Part VII makes changes to various provisions relating to transportation as follows:

Amends GS 136-44.2(f1)(2)b to eliminate contingency projects from this provision. Effective June 30, 2018.

Revises the total requirements for the Public Transportation Division to \$124,072,699.

Amends Sec. 34.16 to name the US 221/US 421 overpass in Watauga County as the Sgt. Dillon C. Baldrige Bridge.

Amends 160A-307.1 to repeal the prohibition against a city conditioning the approval of any zoning, rezoning, or permit request on waiver or reduction of any provision of that section. Makes the change effective retroactive to August 1, 2017.

Amends GS 136-189.11(d1) to clarify that State funding cannot be used for a light rail project until all necessary non-State funding has been committed.

Amends GS 136-189.10(3) to clarify that total State funding committed for a commuter rail or light rail project shall not exceed the lesser of 10% of the regional allocation or 10% of the total project costs.

Limits the amount of state funding for the Durham-Orange Light Rail Project to \$190 million.

Requires the Department of Transportation to remove a project from the Transportation Improvement Program if all funds for the project are not committed by April 30, 2019, and a written agreement required by law is not provided to the Department by November 30, 2019.

Part VIII amends various sections relating to salaries and benefits as follows:

Amends GS 20-185.1 revising the reimbursement requirements for State Troopers by authorizing the state to require a trooper to reimburse the state for costs associated with training if the trooper leaves state service within 36 months of completing training, and further requires a municipal, county, or company police agency that hires a trooper within 36 months of the trooper's completion of training to reimburse the state for the trooper's training expenses, and sets the amount of reimbursement at \$36,000. Makes additional technical conforming changes, and requires the Department of Transportation to report on implementation of trooper training reimbursement agreements to the Joint Legislative Oversight Committee on Justice and Public Safety by January 1, 2021.

Amends Sec. 35.21 to make eligible for a 4% legislative salary increase case managers, correctional programs personnel, and facility maintenance and technician personnel employed by the Division of Adult Correction, appropriates \$1,247,488 to fund the salary increases, and establishes minimum salary levels for correctional officers.

Adds a new Sec. 35.21A to reduce the amount of funds budgeted for implementation of the OSHR Minimum of Market Adjustment by \$947,488.

Adds a new Sec. 35.19A creating an employee classification and salary administration flexibility pilot program by granting sole authority and discretion for new or vacant position classifications, hiring decisions, and salaries within the position classification range for the 2018-2019 fiscal year. Flexibility authority granted to Council of State agencies, Office of State Controller, Community College System Office, and University of North Carolina. Agencies granted flexibility must report by March 1, 2019, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division information prescribed in the section related to personnel actions taken under the flexibility pilot program.

Adds new Sec. 35.25A to prohibit employees of the State Highway Patrol from being denied a salary increase based on a prior infraction unless the employee received an active disciplinary action resulting in 10 or more days of unpaid suspension.

Part IX amends various sections relating to capital appropriations as follows:

Adds new Sec. 36.7 making adjustments to appropriations as follows: (1) authorizes the Department of Military and Veterans Affairs to use up to \$27,223,560 of Veterans Home Trust Fund monies to match federal funds for veterans home constructions projects; (2) reallocates \$300,000 of funds carried forward for the Manteo Old House Channel project to the NC Wildlife Habitat Foundation for the Oyster Highway project on the New River in Onslow County; (3) reallocates \$1.9 million dollars of funds carried forward for the Manteo Old House Channel project to fund maintenance dredging of Range 1 to 4 of the Manteo Channel; and (4) appropriates \$874,053 to the Department of Military and Veterans Affairs to match federal funds for expansion and site improvements at the Sandhills and Western Carolina State Veterans Cemeteries.

Amends Sec. 36.3 to clarify that no matching funds are required for maintenance dredging Range 1 to 4 of the Manteo Channel project.

Amends Sec. 5.6(b) to appropriate \$20,000 in disaster recovery funds to Transylvania County for storm debris removal in streams and rivers and reduces the allocation to housing related issues.

Amends Sec. 36.2 to make technical change to the name of the NC Museum of Natural Sciences.

Part X amends various sections relating to information technology as follows:

Amends GS 143B-1373(e) to remove the prohibition against protests based on actual current connection speed in a proposed project area.

Adds new Sec. 37.6 to reduce the funding for FirstNet by \$300,000.

Amends 37.4(b) to make technical changes to the liability protections for service providers established under that section.

Amends GS 143B-1325(d) to clarify reporting requirements for various state agencies.

Part XI amends various sections relating to finance as follows:

Amends GS 160A-690(b)(1) to authorize municipalities to appropriate funds for public school capital in addition to other expenditures already authorized.

Amends GS 105-130.4(l)(3) to clarify that receipts covered under this subdivision are from intangible property and are received from sources within the state.

Part XII creates the Legislative Commission on the Fair Treatment of College Student-Athletes to study the needs of college students participating in athletic programs on behalf of institutions of the University of North Carolina. The Commission shall submit its report and recommendations to the General Assembly by March 1, 2019.

Effective July 1, 2018.

Intro. by Daniel, Bishop, Tarte.

APPROP, STUDY, UNCODIFIED, GS 7A, GS 20, GS 90, GS 105, GS 115C, GS 115D, GS 116, GS 136, GS 143, GS 143B, GS 160A

Education, Elementary and Secondary Education, Higher Education, Environment, Environment/Natural Resources, Government, State Agencies, State Government, State Personnel, Tax, Local Government, Health and Human Services, Health, Health Care Facilities and Providers

[View summary](#)

S 411 (2017-2018) **VARIOUS MOTOR VEHICLE LAW REVISIONS**. Filed Mar 28 2017, *ACT TO EXPAND THE REQUIRED USE OF THE ELECTRONIC LIEN SYSTEM IMPLEMENTED BY THE DIVISION OF MOTOR VEHICLES AND TO REVISE THE LAW GOVERNING WHEN A MOTOR VEHICLE DEALER THAT DOES NOT HAVE A MOTOR VEHICLE'S STATEMENT OF ORIGIN OR CERTIFICATE OF TITLE MAY TRANSFER TITLE TO THE MOTOR VEHICLE AND TO MAKE OTHER CHANGES TO LAWS AFFECTING MOTOR VEHICLE DEALERS.*

House amendment makes the following changes to 4th edition. Amends GS 20-72(b) to clarify that no person will have a cause of action against the Division *or Division contractors*. Adds Section 2.(g), amending GS 20-73(a), allowing a person who transfers title to a vehicle pursuant to a sworn certificate pursuant to GS 20-52.1(d)(concerning when a manufacturer's statement of origin or an existing certificate of title on a motor vehicle is unavailable) to be considered to have complied with this section even when the Division issues a certificate of title to the person after the time limit has elapsed.

Intro. by B. Jackson.

STUDY, GS 20, GS 105

[View summary](#)

Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Tax, Transportation

S 411 (2017-2018) **VARIOUS MOTOR VEHICLE LAW REVISIONS**. Filed Mar 28 2017, *ACT TO EXPAND THE REQUIRED USE OF THE ELECTRONIC LIEN SYSTEM IMPLEMENTED BY THE DIVISION OF MOTOR VEHICLES AND TO REVISE THE LAW GOVERNING WHEN A MOTOR VEHICLE DEALER THAT DOES NOT HAVE A MOTOR VEHICLE'S STATEMENT OF ORIGIN OR*

CERTIFICATE OF TITLE MAY TRANSFER TITLE TO THE MOTOR VEHICLE AND TO MAKE OTHER CHANGES TO LAWS AFFECTING MOTOR VEHICLE DEALERS.

House committee substitute makes the following changes to the 3rd edition.

Amends GS 20-58.4A by deleting the provision that prohibited a lien on a motor vehicle from being noted on the certificate of title or otherwise perfected by the Division of Motor Vehicles unless the electronic lien system is utilized by the lienholder in accordance with the statute.

Amends GS 20-52.1 by providing that no person has a cause of action against the Division or Division contractors arising from the transfer of a vehicle by a sworn certification when the manufacturer's statement of origin or an existing certificate of title on a motor vehicle is unavailable.

Amends GS 20-58 by providing that for a vehicle registered in this state, the application for notation of a security interest must be accompanied by the existing certificate of title unless in the possession of a prior secured party or in the event the manufacturer's statement of origin or existing certificate of title (1) was not delivered to the dealer or (2) was lost or misplaced on the date the dealer sells or transfers the motor vehicle.

Intro. by B. Jackson.

[STUDY, GS 20, GS 105](#)

[View summary](#)

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

S 412 (2017-2018) [ABANDONED VEHICLES/CHARITIES \(NEW\)](#). Filed Mar 28 2017, *AN ACT TO PROVIDE A PROCESS FOR USED MOTOR VEHICLE DEALERS TO DISPOSE OF ABANDONED VEHICLES RECEIVED FROM CHARITABLE ORGANIZATIONS.*

House amendment makes the following change to 3rd edition. Amends GS 20-109.3 to clarify that the Division and Division contractors may not be held liable for any damages arising from the transfer or subsequent operation of any vehicle titled or sold pursuant to this section.

Intro. by B. Jackson.

[GS 20, GS 105](#)

[View summary](#)

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

S 412 (2017-2018) [ABANDONED VEHICLES/CHARITIES \(NEW\)](#). Filed Mar 28 2017, *AN ACT TO PROVIDE A PROCESS FOR USED MOTOR VEHICLE DEALERS TO DISPOSE OF ABANDONED VEHICLES RECEIVED FROM CHARITABLE ORGANIZATIONS.*

House committee substitute makes the following changes to the 2nd edition.

Amends GS 20-109.3(c) by providing that no person has a cause of action against the Division or Division contractors (was, Division only) arising from the issuance of a title for an abandoned vehicle received from a charitable organization.

Intro. by B. Jackson.

[GS 20, GS 105](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, Tax, Nonprofits, Transportation](#)

S 420 (2017-2018) [CC GOVERNANCE/AMEND MEDICAL BD. \(NEW\)](#) Filed Mar 28 2017, *AN ACT TO PROVIDE FOR CIRCUMSTANCES IN WHICH THE STATE BOARD OF COMMUNITY COLLEGES MAY APPOINT AN INTERIM BOARD OF TRUSTEES TO ASSUME THE POWERS AND DUTIES OF A BOARD OF TRUSTEES; TO CLARIFY THE TIME FOR ELECTIONS OF OFFICERS FOR BOARDS OF TRUSTEES; TO REQUIRE THAT A BOARD OF TRUSTEES MEET AT LEAST SIX TIMES A YEAR; TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO REQUIRE FINANCIAL AUDITS IN CERTAIN CIRCUMSTANCES; AND TO AMEND THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL BOARD.*

House committee substitute makes the following changes to the 1st ed.:

Clarifies the new GS 115D-6.5(a) that the State Board of Community Colleges [State Board] defines what constitutes sound fiscal and management practices to be followed by community college boards of trustees, and adds authorization for the State Board to appoint an advisory committee to assist colleges that are required to take remedial action. Advisory committees must include representatives of the State Board, the NC Association of Community College Trustees, the NC Association of Community College Presidents, and the System Office.

Modifies the new GS 115D-6.5(b) regarding removal of college board of trustee members to clarify that removal of trustee leadership may include the chair and vice-chair. Provides that the original appointing authority must fill the vacancy of removed members. Expands the State Board's removal authority to include the entire membership of the college board of trustees where the college board continues to fail to comply with state laws and sound fiscal management after removal of the college board's leadership. Limits removal of the entire college board to situations where remedial actions required under subsection (b) have not corrected identified problems.

Modifies the new GS 115D-6.5(c) to clarify that, in the event of removal of the entire board, the State Board must consult with the advisory committee assisting that college on the membership of the college's interim board of trustees. Requires members of the interim board to be residents of the administrative area of the college.

Amends GS 115D-18 to require college boards of trustees to elect a chair and vice-chair at the first meeting held on or after July 1 (was at the first meeting after the board's selection). Modifies the number of times a college board must meet from once every three months to six times a year.

Adds new section amending GS 90-2(a) amending the membership of the North Carolina Medical Board as follows: (1) reduces the number of general members recommended by the Review Panel and appointed by the Governor who must be licensed physicians from seven to six; and (2) increases the number of members appointed by the governor from four to five and requires the fifth gubernatorial appointee to be a doctor of osteopathy or a full-time medical school faculty member who utilizes integrative medicine in that physician's clinical practice. Changes are effective for vacancies on the Medical Board occurring on or after October 31, 2019.

Makes conforming changes to the bill titles.

Intro. by Curtis, Barefoot.

[GS 90, GS 115D](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Education, Higher Education, Government, State Agencies, Community Colleges System Office](#)

S 420 (2017-2018) [CC GOVERNANCE/AMEND MEDICAL BD. \(NEW\)](#) Filed Mar 28 2017, *AN ACT TO PROVIDE FOR CIRCUMSTANCES IN WHICH THE STATE BOARD OF COMMUNITY COLLEGES MAY APPOINT AN INTERIM BOARD OF TRUSTEES TO ASSUME THE POWERS AND DUTIES OF A BOARD OF TRUSTEES; TO CLARIFY THE TIME FOR ELECTIONS OF OFFICERS FOR BOARDS OF TRUSTEES; TO REQUIRE THAT A BOARD OF TRUSTEES MEET AT LEAST SIX TIMES A YEAR; TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO REQUIRE FINANCIAL AUDITS IN CERTAIN CIRCUMSTANCES; AND TO AMEND THE MEMBERSHIP OF THE NORTH CAROLINA MEDICAL BOARD.*

House amendment makes the following change to 2nd edition. Deletes the word "not," to make the North Carolina Medical Board position subject to recommendations of the Review Panel.

Intro. by Curtis, Barefoot.

GS 90, GS 115D

[View summary](#)**Business and Commerce, Occupational Licensing, Education,
Higher Education, Government, State Agencies, Community
Colleges System Office**

S 531 (2017-2018) **DEANNEX: TOWNS OF STANFIELD/BADIN/RED CROSS (NEW)**. Filed Mar 29 2017, *AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF STANFIELD, THE TOWN OF BADIN, AND THE TOWN OF RED CROSS.*

House committee substitute rewrites entirely the 1st ed. and makes conforming changes to bill title. Provides for deannexation of specified properties from the corporate limits of the Town of Stanfield, the Town of Badin, and the Town of Red Cross. Preserves the validity of ad valorem and special assessment liens imposed by the towns on the subject property. Effective June 30, 2018.

Intro. by Tucker, Rabon.

Stanly

[View summary](#)

S 559 (2017-2018) **STUDY ON INDIAN TRIBE ELIGIBILITY/DRA EXEMPT (NEW)**. Filed Mar 30 2017, *AN ACT TO DETERMINE THE ELIGIBILITY OF STATE-RECOGNIZED INDIAN TRIBES TO RECEIVE ECONOMIC DEVELOPMENT AND DISASTER RECOVERY FUNDS FROM NONPROFITS AND CHARITABLE FOUNDATIONS AND TO EXEMPT CERTAIN DISASTER RECOVERY ACT ALLOCATIONS FROM CERTAIN STATE FUNDS PROCEDURES.*

House committee substitute rewrites the entire 1st edition of the bill deleting all sections and instead requiring the Legislative Research Commission (LRC) to study the legal status of state-recognized Indian Tribes to determine whether statutory changes are needed to enable tribes to be eligible for economic development and disaster recovery funds from nonprofits and charitable foundations. LRC shall report to the 2019 General Assembly. Makes conforming changes to the bill titles.

Intro. by J. Jackson, Britt.

STUDY

[View summary](#)**Government, General Assembly**

S 559 (2017-2018) **STUDY ON INDIAN TRIBE ELIGIBILITY/DRA EXEMPT (NEW)**. Filed Mar 30 2017, *AN ACT TO DETERMINE THE ELIGIBILITY OF STATE-RECOGNIZED INDIAN TRIBES TO RECEIVE ECONOMIC DEVELOPMENT AND DISASTER RECOVERY FUNDS FROM NONPROFITS AND CHARITABLE FOUNDATIONS AND TO EXEMPT CERTAIN DISASTER RECOVERY ACT ALLOCATIONS FROM CERTAIN STATE FUNDS PROCEDURES.*

House amendment to the 2nd edition revises the bill as follows and makes conforming changes to the bill title:

Adds new Sec 2 amending Sec. 4.1 of S.L. 2016-124 (the 2016 Disaster Recovery Act) to exempt funds appropriated to The Golden L.E.A.F. for small business loans from certain state uniform grant administration requirements under GS 143C-6-23(d) and grant return requirements under GS 143C-6-23(f1)(1). Makes identical changes to appropriations to The Golden L.E.A.F. for disaster recovery under Sec. 1 of S.L. 2017-119.

Intro. by J. Jackson, Britt.

APPROP, GS 143C

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

S 561 (2017-2018) [VIOLATE TAX LAW/VENUE/PROPERTY TAX/DWI. \(NEW\)](#) Filed Mar 30 2017, *AN ACT TO PROVIDE THAT THE SITUS OF TAX LAW VIOLATIONS IS IN THE COUNTY WHERE THE CHARGED OFFENSE OCCURS AND TO CREATE CONFORMITY IN THE TREATMENT OF CERTAIN PROPERTY INTERESTS FOR TAX PURPOSES AND TO PROVIDE THAT THE STATUTE OF LIMITATIONS FOR MISDEMEANORS IS SATISFIED IF CHARGED WITHIN TWO YEARS OF THE OFFENSE AND TO PROVIDE THAT THE RESULTS OF HGN TESTS SHALL BE ADMISSIBLE WHEN GIVEN BY A PERSON WHO HAS SUCCESSFULLY COMPLETED HGN TRAINING AND THE TEST IS ADMINISTERED IN ACCORDANCE WITH THE PERSON'S TRAINING.*

House committee substitute rewrites the 1st ed. entirely and makes conforming changes to the bill title.

Amends GS 105-236(b) to require that a civil violation of a tax law is considered to have been committed in the office of the Secretary of Revenue in Raleigh while a criminal violation of a tax law is considered to have been committed in the county where the charged offense occurred with the District Attorney having sole jurisdiction to prosecute unless the District Attorney requests the Attorney General to prosecute. Effective December 1, 2018 and applies to offenses committed on or after that date.

Amends GS 105-275 to conform property tax treatment of leasehold interests in exempt property to that of other types of intangible personal property by repealing language in subsection (31) relating to an exempt leasehold interest and repealing subsection (31e) entirely. Effective for tax years beginning on or after July 1, 2018.

Amends GS 15-1 to change the trigger event for the two-year statute of limitations for misdemeanors from when the offense is presented or found by a grand jury to when the defendant is charged. Effective December 1, 2018, and applies to offenses committed on or after that date.

Amends GS 8C-1, Rule 702(a1) to provide that a person may give expert testimony solely on the issue of impairment when (1) the person testifying to the results of a HGN test administered a HGN test in accordance with the person's HGN training; or (2) the person testifying to impairment holds a current certification as a Drug Recognition Expert issued by the Department of Health and Human Services. Effective with the act becomes law.

Intro. by J. Jackson, Britt, B. Jackson.

[GS 8C](#), [GS 15](#), [GS 105](#)

[View summary](#)

[Courts/Judiciary](#), [Civil](#), [Civil Procedure](#), [Motor Vehicle](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Government](#), [Tax](#)

S 616 (2017-2018) [HEROIN & OPIOID PREVENTION & ENFORCEMENT ACT \(NEW\)](#) . Filed Apr 4 2017, *AN ACT AMENDING LAWS PERTAINING TO THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT AND THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT. INCLUDING THE REVISION AND ESTABLISHMENT OF PENALTIES FOR CERTAIN VIOLATIONS, AND EXPRESSING THE INTENT TO APPROPRIATE ADDITIONAL FUNDS IN THE FUTURE FOR COMMUNITY-BASED SUBSTANCE USE DISORDER TREATMENT AND RECOVERY SERVICES, THE PURCHASE OF OVERDOSE MEDICATIONS, OPERATION MEDICINE DROP, AND A SPECIAL AGENT POSITION WITHIN THE STATE BUREAU OF INVESTIGATION.*

House amendments make the following changes to 4th edition. Amends title to include *AND TO AMEND STATEWIDE TELEPSYCHIATRY PROGRAM THAT DELIVERS MENTAL HEALTH AND SUBSTANCE ABUSE CARE.*

Adds new Part IV-A. Amends GS 143-139.4B, adding definitions for relevant terms. Expands responsibilities of statewide telepsychiatry program to also treat patients in need of mental health or substance abuse care at an approved community-based site.

Amends GS 90-113.74, reinstating subsection (c)(5). Adds definition of bona fide active investigation as an investigation of one or more specific persons conducted with a reasonable, good-faith belief based on specific facts and circumstances equivalent to those normally necessary for the issuance of a court order. Makes technical changes.

Amends GS 90-95(h) with technical change.

Makes Section 2-7 of this act effective December 1, 2018.

Intro. by J. Davis.

[View summary](#)

S 622 (2017-2018) [BUSINESS CORPORATION ACT REVISIONS](#). Filed Apr 4 2017, *AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT*.

House committee substitute makes the following changes to the 2nd edition.

Amends GS 55-7-30 to provide that a voting trust that became effective prior to October 1, 2018 (was, October 1, 2017), is valid for no more than 10 years after its effective date unless the voting trust is amended to provide otherwise by agreement of the parties to the voting trust.

Amends GS 55-7-31 to provide that a voting agreement authorized by the statute in subsection (a) that became effective prior to October 1, 2018, (was, prior to October 1, 2017) is valid between the parties for not more than 10 years after its effective date or, if later, the effective date of the most recent extension or renewal of the voting agreement, unless it is amended after October 1, 2018 (was, October 1, 2017), to provide otherwise by agreement of the parties.

Changes the effective date of the act from October 1, 2017, to October 1, 2018.

Intro. by Barringer, Newton.

[GS 55, GS 55A, GS 57D, GS 59](#)

[View summary](#)

[Business and Commerce, Corporation and Partnerships](#)

S 711 (2017-2018) [NC FARM ACT OF 2018](#). Filed May 16 2018, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS*.

House amendments make the following changes to the 5th edition.

Amendment #1 to provide that nothing in Section 6 of the act, concerning the labeling of plant based products as milk, limits the Department of Agriculture and Consumer Services' authority to enforce its laws and regulations.

Amendment #2, as amended by amendment #6, amends GS 106-701 by amending the conditions that must be met before a nuisance action may be filed against an agricultural or forestry operation, to require that the real property affected by the conditions alleged to be a nuisance be located within one half-mile of the source of the activity or structure alleged to be a nuisance (was, within one half-mile of the agricultural or forestry operation).

Amendment #3 amends GS 106-702 to provide that a plaintiff may not recover punitive damages for a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation that has not been subject to a criminal conviction or a civil enforcement action *taken by a State or federal environmental regulatory agency* pursuant to a notice of violation for the conduct alleged to be the source of the nuisance within the three years prior to the first act on which the nuisance action is based.

Amendment #5 adds a section amending GS 106-266.35 to allow the dispensing of raw milk or raw milk products for personal use or consumption to, or the acquisition of raw milk or raw milk products for personal use or consumption by, an independent or partial owner of a cow, goat, or other lactating animal. Exempts raw milk or raw milk products dispensed for personal use or consumption to the independent or partial owner of a cow, goat, or other lactating animal from the required labeling about the illegality of selling raw milk. For the purposes of the statute, adds that "sale" or "sold" does not include the transfer or dispensing of raw milk or raw milk products to, or the right to acquire raw milk or raw milk products by, the independent or partial owner of a cow, goat, or other lactating animal. Effective October 1, 2018.

Intro. by B. Jackson, Cook, Sanderson.

[STUDY, GS 66, GS 90, GS 105, GS 106, GS 120, GS 139, GS](#)

153A

[View summary](#)

Agriculture, Business and Commerce, Occupational Licensing, Government, Public Safety, State Agencies, Department of Agriculture and Consumer Services, Department of Commerce, Department of Revenue, Tax, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities

S 711 (2017-2018) **NC FARM ACT OF 2018**. Filed May 16 2018, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS*.

House committee substitute makes the following changes to 4th edition. Amends Section 6 of the act as follows. Declares the importance of protecting dairy farmers and finds that the United States Food and Drug Administration failed to provide consistent guidance to the Department of Agriculture and Consumer Services and to the dairy industry as to the identity of milk. Declares intention to become a national leader in the preservation of the dairy industry while balancing need to maintain interstate commerce. Amends deadline for plant-based products to cease to be labeled as milk to be within 6 months after the effective date of this section. Previously the deadline was January 1, 2019. This deadline is effective upon enactment into law of a mandatory labeling requirement prohibiting the sale of plant-based products holding themselves out as milk in 11 of a set of enumerated Southern states. Removes Section 13.(a) and 13.(b), which amended GS 105-164.13 to create a sales tax exemption for zoos operated by a qualifying farmer.

Intro. by B. Jackson, Cook, Sanderson.

STUDY, GS 66, GS 90, GS 105, GS 106, GS 120, GS 139, GS 153A

[View summary](#)

Agriculture, Business and Commerce, Occupational Licensing, Government, Public Safety, State Agencies, Department of Agriculture and Consumer Services, Department of Commerce, Department of Revenue, Tax, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities

S 750 (2017-2018) **HEALTH-LOCAL CONFINEMENT/VET. CONTROLLED SUB (NEW)**. Filed May 24 2018, *AN ACT TO ADDRESS HEALTH ISSUES IN LOCAL CONFINEMENT FACILITIES AND TO ENSURE THAT STATE PRISONS ARE FULL PARTICIPANTS IN THE NC HEALTH INFORMATION EXCHANGE KNOWN AS NC HEALTHCONNEX, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES; TO AMEND THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES REPORTING SYSTEM PERTAINING TO THE PRACTICE OF VETERINARY MEDICINE; TO REQUIRE CONTINUING EDUCATION FOR VETERINARIANS ON ABUSE OF CONTROLLED SUBSTANCES; AND TO INCLUDE THE NORTH CAROLINA VETERINARY MEDICAL BOARD ON THE PRESCRIPTION DRUG ABUSE ADVISORY COMMITTEE*.

Senate amendment makes the following changes to 1st edition. Amends GS 90-113.73 by moving the provision allowing a veterinarian to submit prescription information by paper or other means, provided that all information required of electronically submitted data is submitted into its own subsection (g) and sets it to expire on October 1, 2019. Makes GS 90-113.73, effective January 1, 2019.

Intro. by Krawiec, Pate.

STUDY, GS 90, GS 153A

[View summary](#)

Animals, Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Government, State Agencies, Department of Health and Human Services, Department of

**Public Safety, Local Government, Health and Human
Services, Health, Health Care Facilities and Providers**

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.*

House amendment to the 2nd ed. revises the bill as follows:

Amends GS 14-27.20(2) by adding to the definition of mentally incapacitated a victim who has been provided a poisonous or controlled substance without the victim's knowledge or consent.

Intro. by Barringer, Harrington, Krawiec.

[GS 14](#)

[View summary](#)

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

LOCAL/HOUSE BILLS

H 993 (2017-2018) [BESSEMER CITY CHARTER AMENDMENT](#). Filed May 23 2018, *AN ACT AMENDING THE CHARTER OF THE CITY OF BESSEMER CITY TO AUTHORIZE THE CITY MANAGER TO APPOINT A CITY CLERK AND ONE OR MORE DEPUTY CITY CLERKS.*

AN ACT AMENDING THE CHARTER OF THE CITY OF BESSEMER CITY TO AUTHORIZE THE CITY MANAGER TO APPOINT A CITY CLERK AND ONE OR MORE DEPUTY CITY CLERKS. Enacted June 13, 2018. Effective June 13, 2018.

Intro. by Hastings.

[Gaston](#)

[View summary](#)

ACTIONS ON BILLS

No public actions on bills

No local actions on bills

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