



The Daily Bulletin: 2019-02-13

PUBLIC/HOUSE BILLS

H 61 (2019-2020) [OMNIBUS GUN CHANGES](#). Filed Feb 12 2019, *AN ACT TO MAKE MULTIPLE CHANGES TO THE STATE LAWS REGARDING FIREARMS*.

Part I. Carry Modifications

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

Enacts GS 14-415.35, setting out provisions relating to the carrying of handguns. Defines *handgun* to mean a firearm that has a short stock and is designed to be held and fired by the use of a single hand.

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

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

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

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

Enacts GS 14-415.37 making it an infraction to possess or carry, openly or concealed, a firearm or any other deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings. Excludes an ordinary pocket knife in a closed position, as defined in GS 14-269(d), from the meaning of the term "deadly weapon." Exempts: (1) persons exempted by GS 14-415.41 from this prohibition; (2) the Governor and the Governor's immediate family if the property is the Executive Mansion or the Western Residence of the Governor; and (3) a person with a valid carry permit under Article 54B, or who is exempt from obtaining a permit pursuant to GS 14-415.25, who has a firearm in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle.

Enacts GS 14-415.38 to make it an infraction to possess or carry, openly or concealed, a firearm or any other deadly weapon not used solely for instructional or officially sanctioned ceremonial purposes in any building housing any court of the General Court of Justice, or any part of a building used for court purposes. Exempts from this prohibition (1) persons exempt by GS 14-415.41, subject to the other exemptions' requirements; (2) any person in possession of a weapon for evidentiary purposes, to deliver it to a law enforcement agency, or for purposes of registration; (3) firearms carried by detention officers employed and authorized by the sheriff to carry firearms; (4) any district court or superior court judge carrying or possessing a concealed handgun with a valid carry permit under Article 54B in a building housing court when in the discharge of his or her official duties; (5) any magistrate carrying or possessing a concealed handgun of a building housing a court other than a courtroom itself if the magistrate is discharging his or her official duties, has a valid permit under Article 54B, has met the specified

weapons retention training requirement, and secures the weapon in a locked compartment when not on the magistrate's person; and (6) a person with a permit who has a firearm in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle.

Enacts GS 14-415.39 making it a Class 1 misdemeanor for any person participating in, affiliated with, or present as a spectator at a picket line or any demonstration upon any private health care facility or upon any public place owned or under the control of the State or any of its political subdivisions to willfully or intentionally possess or have immediate access to a firearm or any other dangerous weapon. Exempts from the prohibition (1) persons exempted by GS 14-415.41, (2) any person authorized by state or federal law to carry dangerous weapons in the performance of his or her duties, and (3) any person who obtains a permit to carry a dangerous weapon at a picket line or demonstration from the sheriff or police chief of the locality where the picket line or demonstration is to take place. Defines *dangerous weapon* to include those weapons specified in GS 14-269, GS 14-269.2, GS 14-284.1, GS 14-288.8, or GS 14-415.35 or any other object capable of inflicting serious bodily injury or death when used as a weapon.

Enacts new GS 14-415.40 to make it a Class 1 misdemeanor to carry a handgun into the following (unless provided otherwise by law): (1) an area prohibited by rule adopted under GS 120-32.1, (2) any area prohibited by 18 USC Sec. 922 or any other federal law, and (3) in a law enforcement or correctional facility. Specifies that the statute does not apply to any person exempted by new GS 14-415.27.

Enacts new GS 14-415.41, which exempts 15 classes of individuals from new GS 14-415.36 (reserved), GS 14-415.37 (prohibiting firearms or weapons on the premises of the State Capitol, Executive Mansion, or Western Residence of the Governor), new GS 14-415.38 (prohibiting firearms or weapons in courthouses or buildings housing any court), and new GS 14-415.39 (prohibiting firearms and weapons at picket lines and certain demonstrations). The 15 classes of individuals granted the exception are: (1) officers and enlisted personnel of the US Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons; (2) civil and law enforcement officers of the United States; (3) officers and soldiers of the militia and the National Guard when called into actual service; (4) a member of the North Carolina National Guard who has been designated in writing by the Adjutant General, State of North Carolina, who has a valid permit under Article 54B, and is acting in the discharge of his or her official duties; (5) officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties; (6) any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney in this state who has a valid permit under Article 54B. Requires the district attorney, assistant district attorney, or investigator to secure the weapon in a locked compartment when the weapon is not on the person. Allows a district attorney, but not an investigator, to carry a concealed weapon while in a courtroom; (7) any person who is a qualified retired law enforcement officer who either holds a permit under Article 54B, is exempt from obtaining a permit under GS 14-415.25, or is certified by the NC Criminal Justice Education and Training Standards Commission under GS 14-415.26; (8) detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties transporting a firearm to the parking space and store that firearm in the vehicle parked in the parking space, if specified conditions are met; (9) a North Carolina district court judge, North Carolina superior court judge, or a North Carolina magistrate who has a valid permit under Article 54B. Requires the judge or magistrate to secure the weapon in a locked compartment when the weapon is not on the person of the judge or magistrate; (10) a clerk of court or a register of deeds who has a valid permit under Article 54B. Requires the clerk of court or register of deeds to secure the weapon in a locked compartment when the weapon is not on the person of the clerk of court or register of deeds. Specifies that this subdivision does not apply to assistants, deputies, or other employees of the clerk of court or register of deeds; (11) sworn law enforcement officers, when off duty; (12) state probation or parole certified officers, when off-duty; (13) a person employed by the Department of Public Safety who has been designated in writing by the Secretary of the Department and has in the person's possession written proof of the designation by the Secretary of the Department, who has a valid permit under Article 54B; (14) an administrative law judge who has a valid permit under Article 54B; and (15) state correctional officers, when off-duty, who have a valid permit under Article 54B; however, the correctional officer is required to meet the firearms training standards of the Division of Adult Correction of the Department of Public Safety if the concealed weapon is handgun.

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

Recodifies GS 14-269.3, regarding the prohibition against carrying guns into assemblies where a fee was charged for admission, or into establishments serving alcoholic beverages, as GS 14-415.36. Exempts persons listed under GS 14-415.41, and persons carrying a handgun with a valid concealed handgun permit from the statute.

Makes conforming changes, repealing GS 14-269.4 (Weapons on certain State property and in courthouses) and GS 14-277.2 (Weapons at parades, etc., prohibited).

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

Directs the North Carolina Criminal Justice Education and Training Standards Commission to include all changes related to the possession and carrying of handguns enacted by this act into the general guidelines for approved firearms safety and training courses prior to December 1, 2019.

Effective July 1, 2019.

Part II. Clarifying Changes to Carry Modifications

Amends GS 14-269 (Carrying concealed weapons) to add guns to the list of weapons that may not be carried in a concealed way except on the person's own premises. Adds that the terms "weapon" and "gun" do not include a handgun for purposes of the statute. Makes conforming changes to eliminate subsections (a1) and (a2) pertaining to carrying a concealed handgun with a permit and the punishments set out for violations of those subsections in subsection (c). Makes further conforming changes to eliminate related requirements in the exceptions and defenses to prosecution under this statute. Amends the list of classes of people exempt from the concealed carry prohibition. Clarifies that the following classes of people must have a valid concealed handgun permit under GS Chapter 14, Article 54B (was, they had to have a concealed handgun permit issued in accordance with the Article or considered valid under GS 14-415.24) to qualify for the exemption: designated National Guard members, district attorneys, assistant district attorneys, investigators employed by the office of a district attorney, superior and district court judges, magistrates, clerks of court, registers of deeds, Department of Public Safety employees designated in writing by the Secretary, administrative law judges, and off-duty state correctional officers. Deletes the prohibition on district attorneys and assistant district attorneys carrying concealed weapons in a courtroom, and prohibits district attorneys' investigators from carrying concealed weapons in a courtroom. Makes a conforming change by deleting language regarding compliance by off-duty state correctional officers with firearms training standards (which is now addressed in GS 14-415.41). Amends the defense to prosecution under this statute to include the element that the weapon was not a handgun (was, the weapon was not a firearm). Makes technical changes.

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

Amends GS 14-269.2 (Weapons on campus or other educational property). Deletes proposed amendments to subsections (i), (j), and (k) (regarding exemptions for employees of institutions of higher education or public or nonpublic schools, who resided on the campus of the school, and for persons with concealed handgun permits).

Makes conforming changes to GS 14-288.8.

Amends GS 14-401.24 (Unlawful possession and use of unmanned aircraft systems) by amending the definition of *weapon* to also include those specified in GS 14-415.35.

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

Amends GS 14-415.4, which directs the court to deny the petition to restore the firearms rights of any petitioner if the court finds the petitioner is or has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for

one or more crimes of violence constituting a misdemeanor, as specified. Adds to the specified misdemeanors those provided under new GS 14-415.36, GS 14-415.37, GS 14-415.38, and GS 14-415.39. Makes conforming changes to delete references to misdemeanors set out under statutes repealed by the act.

Amends GS 14-415.11 (Permit to carry a concealed handgun; scope of permit). Modifies and adds to the areas in which a permit does not authorize a person to carry a concealed handgun, except as provided in GS 14-415.27. Amends subdivision (c) (1) to prohibit carrying in areas prohibited by GS 14-462.2, new GS 14-415.36, and new GS 14-415.39. Amends subdivision (c)(2) to prohibit carrying in an area prohibited by new GS 14-415.37, except that a person can have a concealed handgun if it is in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. Adds new subdivision (c)(2a) to prohibit carrying in an area prohibited by new GS 14-415.38, except that a person can have a concealed handgun if it is in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. Deletes provisions authorizing persons with concealed handgun permits on the grounds or waters of State Parks, prohibiting concealed carry of a handgun while consuming alcohol, and authorizing concealed carry of a handgun at State-owned rest areas.

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

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

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

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

Amends GS 106-503.2 (Regulation of firearms at State Fair). Amends the exception to now refer to those classes named in GS 14-415.41 instead of GS 14-269 and further exempts persons exempted by GS 14-415.41(11) (sworn law enforcement officers whether on or off duty).

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

Part III. Standardize and Ensure Uniformity of Concealed Handgun Permit Applications and Make Conforming Changes

Amends GS 14-415.10 to revise the definitions of *qualified former sworn law enforcement officer*, *qualified retired correctional officer*, and *qualified retired probation or parole certified officer* to include individuals retired from service in those positions who have been retired for five years or less (was, two years or less).

Amends GS 14-415.12 by amending the criteria that must be met before a sheriff can issue a concealed handgun permit to require that the applicant not suffer from a currently diagnosed and ongoing mental disorder the sheriff determines would reasonably prevent the safe handling of a handgun (was, does not suffer from a physical or mental infirmity that prevents the safe handling of a handgun). Specifies that previous treatment for transient disorders is not disqualifying. Requires the sheriff to deny a permit to an applicant who is currently, or has been previously, adjudicated by a court to be a danger to self or others due to mental illness or lack of mental capacity (was, adjudicated by a court or administratively determined by a governmental agency whose decision is subject to judicial review to be lacking mental capacity or mentally ill).

Amends GS 14-415.13 to add that a sheriff may schedule appointments for concealed handgun applications if they are scheduled for 15 business days or less from the date on which the applicant informs the sheriff that the applicant possesses all necessary documentation. Also amends the type of mental health and capacity records an applicant must allow to be disclosed to the sheriff.

Amends GS 14-415.15 by requiring the sheriff to issue or deny the concealed handgun permit within 90 days after receiving the items required in GS 14-415.13 from an applicant. Requires that, if the sheriff has not received the required mental health or capacity records after 45 days, that the sheriff request the records again.

Amends GS 14-415.19 to increase the application fee from \$80 to \$81 and requires that \$46 (was, \$45) of the fee be remitted to the Department of Public Safety for the costs of performing the criminal record checks.

Part III is effective October 1, 2019, and applies to permit applications submitted on or after that date.

Part IV. Concealed Carry in State Legislative Buildings

Amends GS 120-32.1 to add that legislators, legislative employees, and qualified former sworn law enforcement officers with concealed handgun permits are authorized to carry a concealed handgun on the premises of the State legislative buildings and grounds, notwithstanding any rule by the Legislative Services Commission (Commission). Authorizes the Commission to adopt a rule requiring the legislator, legislative employee, or qualified current or former sworn law enforcement officer to provide notice to the Chief of the General Assembly Special Police before carrying the handgun on the premises. Authorizes the Legislative Services Commission to adopt a rule prohibiting the carrying of a firearm in the gallery of the State legislative building. Makes conforming changes to GS 14-415.11. Effective December 1, 2019.

Part V. Changes to Weapons on Educational Property

Amends GS 14-269.2 (regulating weapons on campus or other educational property) as follows. Defines *school operating hours* as any times when curricular or extracurricular activities are taking place on the premises and any time when the premises are being used for educational, instructional, or school-sponsored activities. Adds that the restrictions on possessing a firearm when attending a school sponsored curricular or extracurricular activity do not apply if (1) the person is not a participant in, or chaperone or spectator of, the extracurricular activity and (2) the extracurricular activity is conducted in a public place. Adds that the statute does not apply to a person in a vehicle on a road not maintained by the school that crosses the educational property if the person has a weapon, including an open or concealed handgun, within the locked vehicle and the person stays in the vehicle while crossing the property and only unlocks the vehicle for the entrance or exit of someone else. Adds that the statute does not apply to a person with a valid concealed handgun permit, or who is exempt from obtaining a permit if all of the following apply: (1) the person possesses and carries a handgun on educational property other than an institution of higher education or a nonpublic, post-secondary education institution; (2) the education property is the location of both a school and a building that is a place of religious worship; (3) the weapon is a handgun; and (4) the handgun is only possessed and carried on educational property outside of the school operating hours.

Part V is effective December 1, 2019, and applies to offenses committed on or after that date.

Part VI. Pistol Permit/Mental Health Record to Sheriff

Amends GS 14-404 as follows. Amends the information that an applicant for a pistol permit must submit to no longer require a signed release that authorizes and requires disclosure to the sheriff of any court orders concerning the applicant's mental health or capacity. Instead, adds that the sheriff must request disclosure of any court orders concerning the applicant's mental health or mental capacity. Specifies that this is not to be construed to increase the documentation an applicant is required to provide or to increase the time period. Requires that the permit application include a specified warning that the applicant is giving the sheriff authority to obtain criminal and mental health court orders. Makes conforming changes.

Amends GS 122C-54 by deleting (d2) concerning a sheriff's access to records of involuntary commitment reported to the National Instant Criminal Background Check System. Adds that when a sheriff gives the potential holder of a mental health order written notification that an individual has applied for a pistol purchase permit, the holder of any mental health or capacity court orders must release the orders concerning the applicant to the sheriff.

Part VI is effective August 1, 2019, and applies to applications for pistol purchases pending or submitted on or after that date.

Part VII. Other Changes to Weapons Law and Additional Conforming Changes

Amends GS 14-269.1, as amended in Section 2.2 of the act, to clarify that weapons used in specified crimes must be returned to their rightful owners under specified conditions, unless the rightful owner is the convicted defendant, in which case the presiding judge may dispose of the weapon as specified at the judge's discretion. Adds that if the weapon is owned by the defendant and the defendant is not convicted as provided in the statute, then the presiding judge must order the weapon returned to the defendant.

Amends GS 15-11.1 (seizure, custody, and disposition of articles; exceptions) to provide that after a hearing, the judge must order the disposition of the firearm (which has been determined to no longer be necessary or useful as evidence in a criminal trial) by ordering that the firearm be returned to its rightful owner if the owner is someone other than the defendant and the court makes the required findings. Allows the firearm to be disposed of in the other listed ways if the defendant is the rightful owner.

Enacts new GS 14-277.9 (Going armed to the terror of the people). Creates a new Class 1 misdemeanor for persons who arm themselves with an unusual and dangerous weapon for the purpose of terrifying others, and go about on public highways in a manner to cause terror to the people. Provides that no person may be convicted of this crime based only upon the person's possession or carrying of a handgun, whether openly or concealed.

Part VII is effective December 1, 2019, and applies to offenses committed on or after that date.

Part VIII. Develop Comprehensive Firearm Education and Wildlife Conservation Courses

Enacts new GS 115C-81.90 requiring the State Board of Education, in consultation with law enforcement agencies and firearms associations, to develop a firearm education course that can be offered as a high school elective. Specifies elements that must be included in the course, requires that it rely on input from law enforcement agencies and firearms associations as well as related scientific engineering and design-related educational sources, and prohibits the use of live ammunition in the course. Requires that the course be supervised by an adult approved by the school principal.

Enacts new GS 115C-81.95 requiring the State Board of Education, in consultation with the Wildlife Resources Commission, the Division of Marine Fisheries, and the Wildlife Management Institute, to develop a comprehensive course on the North American Model for Wildlife Conservation that can be offered as a high school elective.

Part VIII is effective when it becomes law and applies beginning with the 2019-20 school year.

Part IX. Effective Date

Makes section 9.1 (which includes only the effective date provisions) effective July 1, 2019. Specifies that unless otherwise provided, the remainder of the act is effective December 1, 2019.

Intro. by Pittman, Potts, Kidwell.

[GS 14, GS 15, GS 74E, GS 74G, GS 106, GS 113, GS 115C, GS 120, GS 122C](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, General Assembly, Public Safety and Emergency Management, Health and Human Services, Mental Health

H 64 (2019-2020) [BLUE/GOLD STAR MOTHERS' APPRECIATION DAY](#). Filed Feb 13 2019, *AN ACT DESIGNATING THE LAST MONDAY IN SEPTEMBER OF EACH YEAR AS BLUE AND GOLD STAR MOTHERS' APPRECIATION DAY*.

Enacts new GS 103-15, as the title indicates. Includes whereas clauses.

Intro. by Horn, Cleveland, Grange, Potts.

[GS 103](#)

[View summary](#)

Government, Cultural Resources and Museums, Military and Veteran's Affairs

H 65 (2019-2020) [MARRIAGE AMENDMENT REAFFIRMATION ACT](#). Filed Feb 13 2019, *AN ACT TO REAFFIRM THE VOTE OF THE PEOPLE OF NORTH CAROLINA TO ADOPT ARTICLE XIV, SECTION 6 OF THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, KNOWN AS THE MARRIAGE AMENDMENT, TO STATE WHY THE AMENDMENT SHOULD BE UPHELD, TO DECLARE NULL AND VOID FOR THE STATE OF NORTH CAROLINA THE OBERGEFELL V. HODGES DECISION OF THE UNITED STATES SUPREME COURT, AND TO CALL ON THE UNITED STATES SUPREME COURT TO OVERTURN THE OBERGEFELL V. HODGES DECISION.*

Amends GS 51-1.2, as the title indicates. Includes whereas clauses.

Intro. by Pittman, Brody, Kidwell.

[GS 51](#)

[View summary](#)

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

H 66 (2019-2020) [REQ ACTIVE TIME FELONY DEATH MV/BOAT](#). Filed Feb 13 2019, *AN ACT TO REQUIRE ACTIVE TIME FOR A CONVICTION OF FELONY DEATH BY VEHICLE OR FELONY DEATH BY IMPAIRED BOATING.*

Amends GS 20-141.4 to require any intermediate punishment issued for a conviction of felony death by vehicle to include special probation with a continuous period of confinement of one-fourth of the maximum sentence of imprisonment imposed for the offense. Allows the continuous period of confinement to be for up to 27 months.

Amends GS 75A-10.3 to require any intermediate punishment issued for a conviction of felony death by impaired boating to include special probation with a continuous period of confinement of one-fourth of the maximum sentence of imprisonment imposed for the offense. Allows the continuous period of confinement to be for up to 27 months.

Applies to offenses committed on or after December 1, 2019.

Intro. by Pittman, Speciale, Jackson, Graham.

[GS 20, GS 75A](#)

[View summary](#)

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

H 67 (2019-2020) [ROAD BARRIER PROHIBITION](#). Filed Feb 13 2019, *AN ACT TO EXPAND THE PROHIBITION ON THE REMOVAL, DESTRUCTION, OR DRIVING THROUGH OF ROADWAY CONSTRUCTION BARRIERS TO INCLUDE DANGEROUS ROADWAY CONDITION CLOSURE BARRIERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.*

Amends GS 136-26 to allow the Department of Transportation (DOT) to also prohibit traffic on transportation infrastructures under its jurisdiction it deems necessary to be excluded from public travel due to damage posing a danger to public safety (currently, more generally authorized to close any transportation infrastructure under its jurisdiction to permit proper completion of construction work). Expands the statute to make any person who willfully drives onto transportation infrastructure closed pursuant to the statute, or removes or destroys barriers or warning signs, lights or lanterns posted and placed pursuant to the statute (currently, warning signs not included), guilty of a Class 1 misdemeanor. Adds new language specifically exempting from the statute law enforcement, first responders, emergency management, and DOT personnel acting in the course and scope of their official duties. Effective December 1, 2019, and applies to offenses committed on or after that date.

Intro. by McNeill, Shepard, Goodman, R. Turner.

[GS 136](#)

[View summary](#)

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

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

H 69 (2019-2020) **NONPARTISAN REDISTRICTING COMMISSION**. Filed Feb 13 2019, *AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS*.

Enacts Article 1B, *Nonpartisan Redistricting*, to GS Chapter 120.

Enacts GS 120-4.51, setting forth ten defined terms.

Enacts GS 120-4.54, establishing the Nonpartisan Redistricting Commission (Commission), consisting of 11 registered voters from the specified parties serving four-year terms. Provides for member nominations by the four appointing authorities (President Pro Tempore of the Senate, the Senate minority leader, the Speaker of the House, and the House minority leader) and appointment by random selection by the Office of the State Auditor. Prohibits service for more than three consecutive full terms. Establishes eligibility criteria, excluding from eligibility: (1) individuals who have, or have a relative who has, within five years of appointment, been appointed, elected, or a candidate for any elective public office, been appointed to a State board or commission, served as an officer or executive committee members of a political party, served as an officer, paid employee, or paid consultant of a candidate's campaign committee, or been a registered lobbyist; (2) individuals who are General Assembly or Congress employees, consultants, or contractors; and (3) individuals having a financial relationship with the Governor. Further, places restrictions on Commission members for five years after service on the Commission from being appointed to a State board or commission; serving as an officer or executive committee member of a political party; serving as an officer, paid employee, or paid consultant of a candidate's campaign committee; or registering as a lobbyist. Limits the duties of the Commission to those prescribed by GS 120-4.58, as enacted.

Enacts GS 120-4.55, setting forth administration provisions regarding chair selection, vacancies, quorum, and member expenses.

Enacts GS 120-4.56, requiring record-keeping, as specified, by the Commission of any files, documents or other information submitted to the Commission or any Commission member. Declares such records are public. Further, directs the Commission to adopt procedures for each Commission member to document verbal conversations with individuals holding public office or declared candidates, and specifies minimum information that must be documented.

Enacts GS 120-4.57, providing for the staffing and offices of the Commission. Authorizes the Commission to employ staff, including consultants and legal representation, and authorizes the Commission to contract for other expertise as needed. Provides for Commission staff confidentiality. Houses the Commission within the Department of Administration, but explicitly states the Commission's independent operation.

Enacts GS 120-4.58, setting forth the five duties of the Commission, as:

- Preparing proposed plans for revising the senate and representative districts;
- Preparing proposed plans for the election of US House members;
- Preparing proposed plans in the event that a plan passed by the General Assembly is held invalid;
- Maintaining meeting notes and work documentation; and
- Maintaining a website or online platform to disseminate Commission information, including public access to live and archived meetings and hearings and public submissions to the Commission.

Enacts GS 120-4.61, providing for the Commission's preparations for redistricting. Directs the Commission to obtain federal census population data from the Census Bureau by December 31 of each year ending in zero, and use the data to prepare descriptions and maps of geographic and political units, as specified. Requires the Commission to obtain from the Census Bureau, as soon as possible after January 1 of each year ending in one, population data necessary and use the data to assign a population figure to geographic and political units for congressional and legislative redistricting. Requires the Commission to begin preparing the proposed plans upon receipt of the population data, consistent and compliant with GS 120-4.62 and GS 120-4.64, as enacted. Requires the Commission to conduct at least 21 public hearings throughout the State before submitting a proposed plan and at least 10 after releasing any proposed plan, providing for racial and language minority participation, as specified. Requires the Commission to release any data used to create a proposed plan when preparing for submission. Further,

requires the Commission to provide terminals for the public to access the data and associated software. Allows any member of the public to submit maps for consideration, and declares the submissions public record, open to public comment.

Enacts GS 120-4.62, requiring the Commission to submit, not later than April 1 of each year ending in one, a proposed plan for revising the senate and representative districts and for election of US House members. Requires a vote of at least eight Commission members, and further requires affirmative votes from at least two members of each of the three categories of membership. Provides for an extension of this deadline if the federal census population data and the geographic encoding and referencing data file are unavailable to the Commission on or before February 15 of a year ending in one. Requires a successfully voted proposed plan to be delivered to the principal clerks of both chambers along with the companion maps, summary of standards for development, and district population statements.

Enacts GS 120-4.63, requiring a member of the General Assembly to file a bill embodying the submitted proposed plan from the Commission within three legislative days after receipt. Intends the bills be brought to a vote in the house where it was filed no less than three legislative days after filing, and upon passing third reading, brought to the second house expeditiously. Requires the bill be voted under a procedure or rule only allowing for corrective amendments. If the bill fails approval, allows the respective house to direct the reasoning by resolution to the Commission. Upon failure to pass second or third reading in either house, the Commission is required to submit a second proposed plan within 35 calendar days after the vote by which a chamber failed to approve the bill, following the specified procedures. Similarly to the first proposed plan, requires a member of the General Assembly to file a bill embodying the second proposed plan within three legislative days of receipt by the principal clerks, and the bill to move through the chambers expeditiously and under a procedure or rule only allowing for corrective amendments. Provides for the same procedure if the second proposed plan fails to be enacted, with the Commission being required to submit a third proposed plan within 35 calendar days of the vote by which a chamber failed to approve the second proposed plan bill. Prescribes the same time period for voting as above; however, allows amendments in the same manner as other bills.

Enacts GS 120-4.64, setting forth redistricting standards relating to ideal populations for districts, whole county requirements, the maintenance of convenient contiguous territories, and reasonable compactness parameters. Prohibits the Commission from drawing a district for the purpose of favoring a political party, incumbent legislator or Congress member, or other person or group or for the purpose of augmenting or diluting the strength of a language or racial minority. Further prohibits the Commission from making use of political affiliations of registered voters, previous election results, demographic information (other than population head counts), and the location of incumbents' residences.

Requires the four selecting authorities to prepare the prescribed list of Commission nominees by March 1, 2020, with the goal of representing the State's diversity. Requires the Office of the State Auditor to randomly select initial Commission members by April 1, 2020, as specified, for initial terms ranging from three to five years.

Applies to redistricting following the return of the 2020 federal decennial census and thereafter.

Intro. by Reives, McGrady, Hardister, B. Turner.

[GS 120](#)

[View summary](#)

[Government, Elections](#)

H 70 (2019-2020) [DELAY NC HEALTHCONNEX FOR CERTAIN PROVIDERS](#). Filed Feb 13 2019, *AN ACT EXTENDING THE DEADLINE BY WHICH CERTAIN PROVIDERS ARE REQUIRED TO CONNECT TO AND PARTICIPATE IN NORTH CAROLINA'S HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS NC HEALTHCONNEX*.

Under current law, GS 90-414.4, deadlines are given to certain providers by which each must begin participation in North Carolina's Health Information Exchange (HIE) Network, ranging from June 1, 2018, to June 1, 2021. Amends the statute to extend the mandatory deadline to begin submitting appropriate encounter and claims data for the following 14 providers to June 1, 2021: licensed psychiatrists, licensed psychologists and associates, licensed professional counselors, substance abuse professionals, licensed clinical social workers and associates, fee-based pastoral counselors, licensed marriage and family therapists, specified providers of services for individuals with intellectual or developmental disabilities, adult care homes, family care homes, home care agencies, and home health agencies. Makes conforming changes.

Intro. by Dobson, White, Murphy, Lambeth.

[GS 90](#)

[View summary](#)

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

H 73 (2019-2020) **CIVIC RESPONSIBILITY EDUCATION**. Filed Feb 13 2019, *AN ACT TO ENSURE INSTRUCTION IN CIVIC RESPONSIBILITY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SCHOOL SAFETY.*

Requires the State Board of Education to include instruction on civic responsibility in the standard course of study for the specified elementary, middle, and high school courses. Requires that the instruction focus on respect for school personnel, responsibility for school safety, service to others, and good citizenship, as detailed in the act. Makes a conforming deletion of GS 115C-81.60(b), which encouraged local boards of education to include instruction on those same topics. Makes conforming changes to GS 115-81.60. Applies beginning with the 2020-21 school year.

Intro. by Torbett, Lewis, Dobson, Bell.

GS 115C

[View summary](#)

**Education, Elementary and Secondary Education,
Government, State Agencies, State Board of Education**

H 74 (2019-2020) **2019 SCHOOL SAFETY GRANTS PROGRAM**. Filed Feb 13 2019, *AN ACT TO ENACT THE 2019 SCHOOL SAFETY GRANTS PROGRAM AND TO INCREASE FUNDING FOR SCHOOL RESOURCE OFFICER GRANTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SCHOOL SAFETY.*

Requires the Superintendent of Public Instruction (Superintendent) to establish the 2019 School Safety Grants Program (program) to provide grants for (1) services for students in crisis, (2) school safety training, (3) safety equipment in schools, and (4) school mental health support personnel (defined as school nurses, counselors, psychologists, and social workers). Allows public school units or community partners to apply for grants. Defines *public school units* as local school administrative units, regional schools, innovative schools, laboratory schools, or charter schools. Defines *community partner* as a public or private entity, including, but not limited to, a nonprofit corporation or a local management entity/managed care organization (LME/MCO) that partners with a local school administrative unit to provide services or pay for providing services for the unit. Requires grant applicants to include an assessment of the need for improving school safety within the unit and to identify needs and their estimated costs. Requires the Superintendent to develop guidelines on the administration and use of the grants, including the specified factors when assessing grant applications, by August 1, 2019.

Requires that the Superintendent, in consultation with the Department of Health and Human Services, use up to \$4,580,000 in recurring funds from the funds appropriated to the Department of Public Instruction (DPI) in the act for the program in 2019-20 for grants to community partners for the specified crisis services.

Requires that the Superintendent, in consultation with the Department of Health and Human Services, use up to \$4,570,000 in recurring funds from the funds appropriated to DPI in the act for the program in 2019-20 for grants to community partners for training to help students develop healthy responses to trauma and stress, including the specified services.

Requires that the Superintendent, in consultation with the Department of Health and Human Services, use up to \$6,140,000 in nonrecurring funds from the funds appropriated to DPI in the act for the program in 2019-20 for grants to schools for the purchase of safety equipment for government-owned school buildings.

Requires that the Superintendent, in consultation with the Department of Health and Human Services, use up to \$18.2 million in recurring funds from the funds appropriated to DPI in the act for the program in 2019-20 for grants to public school units to provide all or a portion of the salary and benefits costs to employ additional school mental health support personnel; requires that grants be matched as specified.

Specifies that grants supplement and do not supplant funds already provided for these services.

Allows the Superintendent to use up to \$100,000 of the funds appropriated to DPI for the program in 2019-20 for administrative costs.

Requires the Superintendent to report by April 1, 2020, to the specified NCGA committees and division on specified information about the grant program and awards as well as recommendations for the implementation of additional effective school safety measures.

Appropriates the following from the General Fund to DPI for 2019-20: (1) \$6,140,000 in nonrecurring funds for school safety equipment and (2) \$35,050,000 in recurring funds for (a) grants for students in crisis; (b) grants for school safety training; (c) grants for school mental health support personnel; and (d) beginning in 2019-20, an additional \$7.7 million in recurring funds for school resource officers for the grant program in SL 2018-5.

Effective July 1, 2019.

Intro. by Torbett, Lewis, Dobson, Bell.

APPROP

[View summary](#)

Education, Elementary and Secondary Education, Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Department of Public Instruction, Health and Human Services, Mental Health

H 75 (2019-2020) **SCHOOL MENTAL HEALTH SCREENING STUDY**. Filed Feb 13 2019, *AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE DEVELOPMENT OF A MENTAL HEALTH SCREENING PROCESS FOR CHILDREN IN NORTH CAROLINA PUBLIC SCHOOLS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SCHOOL SAFETY.*

Directs the Department of Health and Human Services and the Department of Public Instruction to conduct a study to recommend a mental health screening process to identify North Carolina school children at risk of harming themselves or others. Requires collaboration with the NC Medical Board, the NC Psychology Board, and other stakeholders. Identifies 11 issues the study must examine, including whether the State should require a mental health screen to identify school-aged children at risk of harming themselves or others, and what behaviors or mental health diagnoses the screen should be targeted to identify. Requires the Departments to submit their findings to the specified NCGA committees no later than February 15, 2020.

Intro. by Torbett, Lewis, Dobson, Bell.

STUDY

[View summary](#)

Education, Elementary and Secondary Education, Government, State Agencies, Department of Health and Human Services, Department of Public Instruction, Health and Human Services, Mental Health

H 76 (2019-2020) **SCHOOL SAFETY OMNIBUS**. Filed Feb 13 2019, *AN ACT TO MAKE VARIOUS CHANGES TO IMPROVE SCHOOL SAFETY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SCHOOL SAFETY.*

Part I. Requirements for School Safety for All Public Schools

Adds the term *public school unit* to GS Chapter 115's defined terms, set out in GS 115C-5, defining the term to include a local school administrative unit, a charter school, a regional school, and a school providing elementary or secondary instruction operated by the State Board of Education (State Board) or UNC.

Codifies the existing statutes of Article 8C of GS Chapter 115C into two Parts. Codifies GS 115C-105.46 (State Board of Education responsibilities), GS 115C-47A (Proposals to establish alternative learning programs or alternative schools), and GS 115C-105.48 (Placement of students in alternative learning schools/alternative learning programs) into Part 1, titled Local Plans for Alternative Schools/Alternative Learning Programs, and the remaining sections of Article 8C into Part 2, Maintaining Safe and Orderly Schools.

Amends GS 115C-105.49(a) and (d), GS 115C-105.49A(b), GS 115C-105.52, GS 115C-105.53(a) and (b), and GS 115C-105.54(a), to refer to "public school unit" rather than "local school administrative unit."

Further amends GS 115C-105.49, adding a new requirement for each public school unit to report the date and time the full school-wide tabletop exercise and drill (drill) is conducted to the Center for Safer Schools (Center).

Further amends GS 115C-105.49A, additionally requiring the Division of Emergency Management (Division) to leverage the schematic diagrams of participating nonpublic schools' facilities in constructing the School Risk and Response Management System (SRRMS) (currently, only includes public school units). Makes conforming changes to GS 115C-105.53(b).

Repeals specified subsections of GS 115C-218.75 (concerning charter schools), GS 115C-238.66 (concerning regional schools), and GS 115C-239.8 (concerning laboratory schools) regarding respective School Risk Management Plans (SRMPs), school safety exercises, and school safety information reported to the Division. Instead, enacts a new subsection to each statute requiring charter schools, regional schools, and laboratory schools to comply with the applicable requirements of Part 2 of Article 8C, as amended. Similarly, makes the same requirements applicable to innovative schools and the North Carolina School of Math and Sciences, adding to GS 115C-75.9 and GS 116-235, respectively. Enacts GS 115C-150.16 and GS 116-69.2, adding the same requirements to schools for students with visual and hearing impairments and the North Carolina School of the Arts, respectively.

Amends GS 115C-551 to more specifically refer to private church schools or schools of religious charter regarding voluntary participation in State programs. Adds a new section encouraging all private church schools and all schools of religious charter to adopt a SRMP in coordination with local law enforcement, provide schematic diagrams and main entrance keys to local law enforcement agencies (in addition to implementing companion provisions in GS 115C-105.52), at least annually hold a full school-wide lockdown exercise, and provide specified safety information to the Division. Amends GS 115C-559 to more specifically refer to qualified nonpublic schools regarding voluntary participation in State programs. Adds a new section encouraging the same school safety protocols as those added to GS 115C-551, above.

Effective July 1, 2019, and applicable beginning with the 2019-20 school year.

Part II. Clarify the Powers and Duties of the Center for Safer Schools

Amends GS 115C-105.57, which establishes the Center and provides for its operation. Current law generally grants the Center all powers and duties provided for in Article 8C of GS Chapter 115C. Enumerates 11 specific duties of the Center, including (1) serving as a resource and referral center for the State in conducting research, sponsoring workshops, and providing information regarding current school safety concerns; (2) providing training and professional development for public school personnel in the development and implementation of initiatives promoting school safety; (3) developing model policies for threat assessment teams for public school units; and (4) coordinating grants for school resource officers in elementary and middle schools and ensuring that training requirements for school resource officers funded by those grants are met. Further amends the statute, explicitly charging the Center with the duty to coordinate, collaborate, and seek necessary information from eight State and local government agencies, enumerated by the statute. Adds a new subsection, requiring the Center to receive guidance and advice from the Task Force for Safer Schools. Makes technical changes.

Part III. Threat Assessment Teams

Enacts GS 115C-105.60 in Article 8C. Sets forth defined terms. Requires public school units to adopt policies for establishing threat assessment teams consistent with the model policies developed by the Center pursuant to GS 115C-105.57(c). Defines threat assessment team to mean a team that includes persons with expertise in counseling, instruction, school administration, and law enforcement that conducts threat assessments in a public school unit. Requires the policies to include procedures for referrals to health care providers for evaluation or treatment, when appropriate. Permits superintendents to establish a committee charged with coordination and monitoring of the threat assessment teams, or charge an existing committee. Mandates that each school in the public school unit have a threat assessment team established by the superintendent. Grants the superintendent discretion in establishing a threat assessment team that can serve more than one school in the unit. Details five duties of threat assessment teams, including conducting threat assessments to determine appropriate actions and intervention based on the level of threat determined by the assessment, ranging from low risk to imminent risk, as described. Sets out the practice for the threat assessment team to immediately notify the superintendent or the superintendent's designee upon a preliminary determination that an individual poses a high risk or imminent risk threat of violence or physical harm to self or others (as described), and details the required response(s) of the superintendent or the designee upon such report, including immediate attempts to notify the student's parent or legal guardian. Clarifies that public school personnel are not precluded

from acting immediately to address an imminent risk threat. Establishes reporting requirements for each threat assessment team established to the Center. Provides for attainment of health records and criminal records upon a preliminary determination by the threat assessment team that an individual poses an imminent risk. Provides for confidentiality of records obtained, only allowing release in connection with an emergency under the standards of the federal Family Educational and Privacy Rights Act. Directs all public school units to establish threat assessment teams no later than March 1, 2020.

Enacts GS 143B-931A, authorizing the Department of Public Safety to provide criminal record checks to members of a threat assessment team pursuant to GS 115C-105.76. Reiterates confidentiality requirements of threat assessment team members.

Amends GS 115C-47 to require local boards of education to require peer-to-peer student support programs be established at all school with grades six and higher, and encouraging local boards to implement the support programs as appropriate in other grades. Amends GS 115C-316.1 to require school counselors to coordinate and provide training for students in peer-to-peer student support programs that address conflict resolution, general health and wellness, and mentoring. Provides that the Center will support school counselors in the administration and delivery of these support programs.

Applicable beginning with the 2019-20 school year.

Part IV. County Local School Administrative Units State Emergency Plan

Amends GS 115C-47(40), requiring each local board of education to adopt a state of emergency plan for the public school units of the county as part of the SRMP. Requires prior consultation with any other public school units within the county.

Enacts GS 115C-105.50 in Article 8C, requiring county boards of education to implement the state of emergency plan developed pursuant to GS 115C-47(40), as amended, in the event of a countywide state of emergency, as that term is defined by the statute. Mandates compliance with the plan by all public school units within the county.

Applies beginning with the 2019-20 school year. Directs county boards of education to adopt the state of emergency plan by October 1, 2019.

Part V. School Resource Officer Defined/Training Standards/Reports

Enacts GS 115C-105.70, defining a *school safety resource officer* as a law enforcement officer who is assigned to one or more public schools for at least 20 hours per week to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned by the school or law enforcement agency. Requires school safety resource officers to complete initial training before service and to comply with any continuing training requirements established by the officer's certifying commission. Directs the NC Criminal Justice Education and Training Standards Commission and the NC Sheriff's Education and Training Commission (the Commissions) to collaborate with the Center for Safer Schools to establish initial training and continuing education standards for school safety resource officers. Requires the standards to minimally include training on mental health, students with disabilities, and crisis intervention and de-escalation. Applies to school safety resource officers employed beginning with the 2020-21 school year.

Amends GS 17C-6(a) and GS 17E-4(a), concerning the power of the NC Criminal Justice Education and Training Standards Commission and the NC Sheriff's Education and Training Commission, respectively, to make conforming changes authorizing the Commissions to establish initial training and continuing education training standards for school safety resource officers pursuant to new GS 115C-105.70.

Requires the Commissions to collaborate with the Center for Safer Schools and establish the initial training standards for school safety resource officers no later than January 15, 2020.

Enacts GS 115C-105.71, establishing annual reporting requirements for public school units to the Center regarding school resource officers, with the first report due by September 15, 2019. Requires the Center to annually submit to the specified NCGA committee, with the first report by November 15, 2019, an executive summary and aggregation of data for each public school unit regarding the information reported by the units to the Center.

Part VI. School Building Vulnerability Assessment

Enacts GS 115C-105.52A, directing each local school administrative unit to require each school under its control to complete a facility vulnerability assessment for each school building at least once annually. Directs the Center to develop a facility vulnerability assessment tool in collaboration with the Department of Public Instruction, Division of Safe and Healthy Schools Support (Division), to be used by administrative units in their annual assessment. Requires the Center for Safer Schools and

the Division to develop the assessment tool by January 15, 2020. Requires each administrative unit to complete a facility vulnerability assessment for each school building before the end of the 2019-20 school year and annually thereafter.

Amends GS 115C-105.49A, as amended in Part 1 of the act, mandating the SRRMS, constructed by the Division, integrate any facility vulnerability assessments as part of an SRMP pursuant to new GS 115C-105.52A where technically feasible.

Intro. by White, Torbett, Horn, Elmore.

[GS 17C, GS 17E, GS 115C, GS 116, GS 143B](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Public Safety and Emergency Management, State Agencies, Department of Public Instruction](#)

H 77 (2019-2020) [ELECTRIC STANDUP SCOOTERS](#). Filed Feb 13 2019, *AN ACT TO DEFINE AND AUTHORIZE THE USE OF ELECTRIC STANDUP SCOOTERS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.*

Adds *electronic standup scooter* to the defined terms in GS 20-4.01. Excludes electronic standup scooters from the defined terms *motor vehicle* and *moped (passenger vehicle)*, but deems an electronic standup scooter a vehicle for purposes of GS Chapter 20 that are applicable to a driver of a vehicle. Makes organizational changes.

Amends GS 20-51, exempting electronic standup scooters from the requirement of registration and certificate of title.

Excludes electronic standup scooters from the term *motor vehicle* as used in GS Chapter 58 (Insurance).

Enacts Part 11D of Article 3, GS Chapter 20. New GS 20-175.7 allows for the use of electronic standup scooters on public highways with posted speed of 35 mph or less, sidewalks, and bicycle paths. Requires electronic standup scooter operators to yield the right-of-way to pedestrians and other human-powered vehicles. Makes provisions of GS Chapter 20 which are applicable to bicycle riders also applicable to electronic standup scooter operators on roadways. Permits electronic standup scooters to be parked on sidewalks so long as they do not impede normal and reasonable pedestrian traffic. Authorizes municipalities to regulate electronic standup scooter use, and the licensing of persons offering scooters for hire, as provided. Renders conflicting ordinances in effect on or adopted after the effective date of the act null and void. Directs municipalities having adopted an ordinance or regulation affecting standup electronic scooters to review their ordinances and regulations for compliance upon the effective date of the act.

Applies to offenses committed on or after the date the act becomes law.

Intro. by Torbett, Presnell, Iler, Shepard.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, Local Government](#)

H 79 (2019-2020) [ACADEMIC ALIGNMENT/BOARDS OF EDUCATION & CC](#). Filed Feb 13 2019, *AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO ALIGN THEIR SCHOOL CALENDARS WITH LOCAL COMMUNITY COLLEGES.*

Amends GS 115C84.2(d) to authorize local boards of education to align the calendar of schools in the local school administrative unit with the calendar of a community college serving the city or county in which the unit is located. Applies beginning with the 2019-20 school year.

Intro. by Horn, Johnson, Elmore, Strickland.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 81 (2019-2020) [MOVE OVER LAW/INCREASE PENALTIES](#). Filed Feb 13 2019, *AN ACT TO INCREASE THE PENALTIES FOR VIOLATION OF THE MOVE OVER LAW*.

Identical to [S 29](#), filed 2/6/19.

Titles the act the "Officer Jason Quick Act."

Amends GS 20-157, which contains penalties for failing to move over upon approach of law enforcement, fire department, or rescue squad vehicles or ambulances; driving over a fire hose or blocking fire-fighting equipment; and parking near a law enforcement, fire department, or rescue squad vehicle or ambulance as follows. Makes it a Class 2 misdemeanor for a driver to fail to, as appropriate, either move the vehicle into a lane that is not the lane nearest a parked or standing authorized emergency vehicle or public service vehicle or slow the vehicle and drive at a reduced speed and be prepared to stop until completely past the authorized emergency vehicle or public service vehicle when the emergency or public service vehicle is parked or standing within 12 feet of the road and is giving a warning by appropriate light. Such violations are currently an infraction, punishable by a fine of up to \$250, with enhanced penalties when the violation causes property damage or injury to an emergency response person, and when the person causes serious injury or death to an emergency response person. Makes conforming changes.

Further amends the statute to make a violation of the statute a Class I felony (was, a Class 1 misdemeanor) when the person causes damage to property in the immediate area of the emergency or public service vehicle that is in excess of \$500 or causes injury to an emergency response person. Makes a violation of the statute a Class F felony (was, a Class I felony) when the person causes serious injury or death to an emergency response person in the immediate area of the authorized emergency or public service vehicle.

Effective December 1, 2019, and applies to offenses committed on or after that date.

Intro. by Jones.

[GS 20](#)

[View summary](#)

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

H 82 (2019-2020) [RAILROAD CROSSINGS/ON-TRACK EQUIPMENT](#). Filed Feb 13 2019, *AN ACT TO CLARIFY THAT VEHICLES AND PERSONS MUST OBEY RAILROAD SIGNALS AND CROSSING RULES FOR ON-TRACK EQUIPMENT*.

Amends GS 20-4.01 by adding and defining the term *on-track equipment* to mean any railcar, rolling stock, equipment, vehicle, or other device that is operated on stationary rails.

Amends GS 20-142.1, concerning drivers obeying railroad signals, to extend the requirements so that they also apply to the approach or passing of on-track equipment (in addition to railroad trains).

Amends GS 20-142.3, concerning the stopping of vehicles at railroad grade crossings, to require drivers of specified vehicles (including school buses) to stop, listen, and look in both directions along the track for any on-track equipment or approaching train (was, approaching train only) and not proceed until it is safe to do so. Makes conforming changes to the statute.

Amends GS 20-142.4, concerning moving heavy equipment at railroad grade crossings, to require the operator to stop, listen, and look in both directions along the track for any on-track equipment or approaching train (was, approaching train only) and not proceed until it is safe to do so. Makes conforming changes to the statute.

Amends GS 20-142.5 to prohibit a driver from driving onto any railroad grade crossing unless there is enough space to accommodate the vehicle without obstructing the passage of on-track equipment.

Intro. by Pierce, Shepard.

[GS 20](#)

[View summary](#)

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

PUBLIC/SENATE BILLS

S 11 (2019-2020) [ABC REGULATION AND REFORM](#). Filed Jan 31 2019, *AN ACT TO STRENGTHEN THE PERMITTING ENFORCEMENT AUTHORITY OF THE ABC COMMISSION AND TO MAKE OTHER CHANGES TO THE ABC LAWS.*

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

Alters the proposed changes to GS 18B-904(e)(4), which provides for summary suspension or revocation of permits by the ABC Commission, by order and without prior hearing, if two conditions are met. Further modifies the conditions to now require: (1) ALE agents or local ABC Board officers to have consulted with the Commission Legal Division staff regarding the ongoing undercover operation and the sufficiency of evidence gathered at the time of the consultation (previously, required ALE agents, local ABC Board officers, or local law enforcement agencies to provide advance notice to the Commission Legal Division staff of the ongoing undercover operation; did not require consultation or presentation of sufficiency of evidence gathered); and (2) upon execution of a search warrant resulting from the operation, five or more persons are criminally charged with the specified violations. Adds assault to the existing specified violations. Further, modifies the proposed notification requirement by the Commission to require prompt notification of the permittee (was, all interested parties) of the Commission's order and reasoning.

Intro. by Wells.

GS 18B, GS 130A

[View summary](#)

[Alcoholic Beverage Control, Health and Human Services, Health, Public Health](#)

S 55 (2019-2020) [CONTINUING EDUCATION FOR GENERAL CONTRACTORS](#). Filed Feb 13 2019, *AN ACT TO REVISE THE LAW GOVERNING THE LICENSURE OF CERTAIN GENERAL CONTRACTORS TO REQUIRE CONTINUING EDUCATION FOR THE PURPOSE OF ENHANCING THE PROFESSIONAL COMPETENCE AND PROFESSIONAL RESPONSIBILITY OF THOSE LICENSEES.*

Enacts GS 87-10.2, requiring eight hours of continuing education annually as a condition of license renewal for a licensee holding a building contractor, residential contractor, or unclassified license classification. Specifies requirements for entities with one or multiple qualifiers or qualifying parties. Provides framework for the annual requirement, with a mandatory course approved by the State Licensing Board for General Contractors (Board) for two hours and the remaining six being electives. Sets out duties of the Board regarding approval of course content, accreditation, computation of credit, and general compliance procedures. Provides for mandatory and elective course approval and the like. Provides for carrying over of up to four hours of elective course credit to the next calendar year. Sets out requirements to receive course credit, including attending a course taught live by a Board approved instructor. Defines *live instruction*. Authorizes disciplinary action for false certification of course attendance. Requires the Board maintain and distribute coursework records as appropriate.

Establishes the period by which the annual continuing education requirements must be completed from January 1 to November 30 of each calendar year, with a 90-day grace period. Failure to satisfy the requirements by the expiration of the grace period results in license invalidation until all requirements have been met. Allows a licensee to request the Board to place a license in an inactive status if the licensee chooses not to satisfy the continuing education requirements, whereby the license becomes invalid. Requires licensees with inactive licenses to pay the same annual renewal fee as active licensees to maintain inactive status. Specifies further continuing education requirements that must be met for a licensee to return to active status, based on whether the licensee is seeking reinstatement within the first two years after the license becomes inactive.

Directs the Board to establish the following nonrefundable administrative fees and permits the Board to charge fees in the specified amounts, ranging from \$12.50 to \$25.00, for the initial and annual review of proposed courses. Requires the Board to charge a fee no more than \$5 per credit hour, per qualifier or qualifying party, to an approved course provider for each qualifier or qualifying party completing an approved continuing education course conducted by that provider.

Authorizes the Board to modify the continuing education requirements by rule in case of certified illness or undue hardship. Further authorizes the Board to adopt rules implementing the statute.

Makes conforming changes to GS 87-10. Deems a license archived and not eligible for renewal after a license has been invalid (was, inactive) for four years.

Directs the Board to adopt temporary rules to implement the act, which are to remain in effect until consistent permanent rules are adopted. Exempts the Board from the fiscal note requirement in adopting its implementation rules.

Effective January 1, 2020.

Intro. by Gunn, Newton, D. Davis.

GS 87

[View summary](#)

**Business and Commerce, Occupational Licensing,
Development, Land Use and Housing, Building and
Construction**

S 56 (2019-2020) [REVENUE LAWS TECHNICAL CHANGES](#). Filed Feb 13 2019, *AN ACT TO MAKE TECHNICAL CHANGES TO THE REVENUE LAWS*.

Identical to [H 60](#), filed 2/12/19.

Part I. IRC Update

Updates the definition of Code set out in GS 105-228.90(b)(1b) to refer to the Internal Revenue Code as enacted as of January 1, 2019.

Part II. Corporate Income Tax Changes

Amends GS 105-130.5(a), regarding additions made to federal taxable income in determining State net income. Modifies the addition of the amount of gain that would be included for federal income tax purposes without regard to section 1400Z-2(b) (concerning the deferral of capital gains invested in opportunity zones) to instead refer to section 1400Z-2(a) of the Code (concerning capital gains invested in opportunity zones, generally). Further amends GS 105-130.5, modifying the deduction of the amount of gain included in the taxpayer's federal income tax under section 1400Z-2(a) of the Code to the extent the same income was included in the taxpayer's State net income (was, federal taxable income) in a prior taxable year under subdivision (a)(26) of the statute, as amended above.

Part III. Personal Income Tax Changes

Amends Section 38.1(j) of SL 2018-5, specifying the changes made by Section 38.1(c) of the session law to GS 105-153.5(a) (concerning modifications to a taxpayer's adjusted gross income with regard to capital gains invested in opportunity zones) are effective for taxable years beginning on or after January 1, 2018.

Amends GS 105-153.5(a1), concerning the child deduction amount from a taxpayer's adjusted gross income, to refer to a deduction for each qualifying child for whom the taxpayer is allowed a federal tax credit, rather than each dependent child.

Further amends GS 105-153.5, modifying subsection (c2) regarding decoupling adjustments in the calculation of a taxpayer's adjusted gross income. Tracks the changes made by the act to GS 105-130.5 regarding corporate income tax additions and deductions relating to capital gains invested in opportunity zones.

Part IV. Excise Tax Changes

Amends GS 105-113.6, specifying the cigarette tax levied is levied upon the sale or possession for sale by a person other than a licensed distributor (currently, does not specify a licensed distributor), and upon the use, consumption, and possession for use or consumption of cigarettes within the State.

Amends GS 105-113.9, regarding out-of-state cigarette shipments whereby partial stock may be set aside without paying tax, to more specifically refer to licensed distributors throughout the statute.

Amends GS 105-113.13, regarding the Secretary's authority to require a bond or irrevocable letter of credit of cigarette distributors, to more specifically refer to licensed distributors throughout the statute.

Amends GS 105-113.77, GS 105-113.78, GS 105-113.82, GS 105-113.80, and GS 105-113.83, concerning city and county retail licenses and taxing, to refer to malt beverage(s) rather than beer.

Further amends GS 105-113.80, to refer to the spirituous liquor seller's rather than distiller's price in calculating the excise tax on liquor, and to allow for another calculation specified by law.

Amends GS 105-113.83, removing the sale or disposal of the beverage by the wine shipper permittee from the determination of the date on which the excise tax on malt beverages and wine is due.

Amends GS 105-164.13(11), exempting the specified fuels from the retail sales and use tax, to except from the exemption motor fuel for which a refund of the per gallon excise tax is allowed under GS 105-449.106(c) (provides quarterly tax refund for certain nonprofits for purchase and use of motor fuel) (was, GS 105-449.105A, which sets out monthly tax refund for kerosene sold for non-Highway use).

Amends GS 105-259 to allow an officer, an employee, or an agent of the State who has access to tax information in the course of service to or employment by the State to exchange information concerning a tax imposed by GS Chapter 105, Articles 2A (Tobacco Products Tax), 2C (Alcoholic Beverage License and Excise Tax), or 2D (Unauthorized Substances Tax) with the Alcohol and Tobacco Tax and Trade Bureau of the US Department of the Treasury when the information is needed to fulfill a duty.

Amends GS 105-449.76 by specifying that the Secretary may cancel a license issued to gasoline refiners, suppliers, terminal operators, importers, exporters, blenders, and specified others under Article 36C upon the licensee's written request and the immediate return of the license to the Secretary (was, only upon licensee's written request). Requires that a notice of license revocation and the required hearing be sent by certified mail (was, registered mail). Makes a clarifying change to GS 105-449.90(e).

Part V. Sales Tax Changes

Amends SL 2018-5, Section 38.5(aa) by making GS 105-164.13(5e) [which provides an exemption from sales tax for sales of mill machinery or mill machinery parts or accessories (not to include electricity) to the specified persons] effective on July 1, 2018.

Amends GS 105-164.8(b), which requires one of the listed conditions to be met in order for a retailer making a remote sale subject to sales tax, by adding as one of the conditions that the retailer, with respect to remote sales into the state for the previous calendar year, had one or more of (1) gross sales exceeding \$100,000 or (2) 200 or more separate transactions.

Amends GS 105-164.13, concerning the exemption from sales tax, by referring to food and other items purchased under the Supplemental Nutrition Assistance Program instead of the Food Stamp Program.

Amends GS 105-164.13E, concerning the exemption for farmers, by requiring that an exempt item be purchased by a qualifying farmer or conditional farmer (was, qualifying farmer only) and used by the qualifying or conditional farmer primarily in farming operations (was, used by the farmer in farming operations). Amends the list of items considered to be used by a farmer for farming operations to include those used by a person who boards horses. Makes additional conforming changes.

Amends GS 105-164.27A(a3) by correcting a statutory cross-reference.

Amends GS 105-164.28A, concerning exemption certificates, by removing all requirements for items that are subject to a preferential rate of tax, which was dependent on the status of the purchaser or the intended use of the item.

Amends GS 105-241.14 to clarify that when a taxpayer requests a review of a proposed assessment and the Department of Revenue (Department) and the taxpayer cannot resolve the taxpayer's objection, the Department must send the taxpayer a notice of final determination concerning the proposed assessment (was, concerning the assessment). Makes conforming changes.

Amends GS 105-244.3(a), which lists the conditions that must be met when granting grace periods when the retailer did not receive written advice for the transaction at issue for the law in effect for the applicable periods. Clarifies that the condition for

a person who failed to collect sales tax on the taxable portion of a mixed service contract that exceeds 10% for a transaction on or after January 1, 2017, and before January 1, 2019, does not prohibit assessing use tax on purchases used to fulfill a mixed service contract (was, a mixed contract). Makes additional clarifying changes.

Amends GS 105-269.14(b) by requiring that the Secretary distribute the local portion of the net use tax proceeds collected under the statute in accordance with GS Chapter 105, Subchapter VIII (Local Government Sales and Use Tax), and SL 1967-1096 (concerning Mecklenburg County sales and use tax); deletes the currently specified formula.

Part VI.

Unless otherwise indicated, effective when the act becomes law.

Intro. by Tillman, Hise, Newton.

GS 105

[View summary](#)

Business and Commerce, Government, Tax, Local Government, Transportation

S 57 (2019-2020) **REENACT FILM CREDIT**. Filed Feb 13 2019, *AN ACT TO REENACT THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY*.

Reenacts GS 105-151.29 and GS 105-130.47, individual and corporate income tax credits for qualifying expenses of a production company, as they existed immediately before repeal and makes the following changes. Extends the sunset of the statutes to January 1, 2023 (was, 2015). Applies to qualifying expenses occurring on or after January 1, 2019.

Intro. by Lowe, Nickel, Peterson.

GS 105

[View summary](#)

Government, Tax

S 58 (2019-2020) **REVISE MARIJUANA LAWS**. Filed Feb 13 2019, *AN ACT TO INCREASE THE AMOUNT OF MARIJUANA THAT MAY BE LEGALLY POSSESSED FOR PERSONAL USE AND TO ALLOW FOR THE EXPUNCTION OF RECORDS RELATED TO CERTAIN CONVICTIONS FOR POSSESSION OF MARIJUANA*.

Amends GS 90-95 such that it is no longer unlawful to possess marijuana for personal use in quantities of four ounces or less. Adjusts the penalties for possession of marijuana accordingly: for possession of over three ounces (previously one half of an ounce) the violation is a Class 1 misdemeanor; for possession of over 16 ounces (previously one and one half ounces) the violation is a Class I felony. Applies to offenses committed on or after July 1, 2019.

Amends GS Chapter 15A, Article 5, adding new section GS 15A-145.8, which allows for expunction of criminal records for violations for possession of less than three ounces of marijuana. A person convicted of such a violation may file a petition in the court of the county where they were convicted for expunction of the offense from the person's criminal record and any other official record containing an entry relating to the person's apprehension, charge, trial, or conviction. The court must hold a hearing on the petition, on notice to the district attorney, to determine if the violation involved possession of less than four ounces of marijuana. If so, the court must order the expunction from the Administrative Office of the Courts and all law enforcement agencies. Any other applicable State or local government agency must also expunge the violation from their records. The agencies must also reverse any administrative actions taken against a person as a result of the violation when their record is so expunged. The Department of Justice, State DNA Database, and State DNA Databank need not expunge their records. A person filing for expunction under this section must pay a \$100 fee at filing, to be deposited into the General Fund. An indigent person need not pay this fee. A person who has obtained such an expunction order cannot be held to be guilty of perjury or giving a false statement for failure to state or acknowledge any of the expunged entries. Effective July 1, 2019.

Intro. by Lowe, Foushee, Fitch.

GS 15A, GS 90

[View summary](#)

Courts/Judiciary, Criminal Justice, Corrections

(Sentencing/Probation), Criminal Law and Procedure, Health and Human Services, Health

S 60 (2019-2020) [RESTORE EDUCATIONAL SALES TAX HOLIDAY](#). Filed Feb 13 2019, *AN ACT TO REENACT THE SALES AND USE TAX HOLIDAY FOR SCHOOL SUPPLIES*.

As title indicates. Effective July 1, 2019.

Intro. by Mohammed, Foushee, Lowe.

GS 105

[View summary](#)

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

S 61 (2019-2020) [GUARDIAN/PARENT AUTHORIZED PLATE](#). Filed Feb 13 2019, *AN ACT TO AUTHORIZE THE ISSUANCE OF HANDICAPPED LICENSE PLATES TO A REGISTERED VEHICLE OWNER THAT IS THE GUARDIAN OR PARENT OF A HANDICAPPED PERSON*.

Amends GS 20-37.6, allowing the registered owner of a vehicle who is the guardian or parent of a handicapped person to apply for and display a distinguishing license plate (currently, limited to handicapped persons who are registered vehicle owners). Specifies that a vehicle with a distinguishing license plate can be lawfully used when a handicapped person is not a driver or passenger so long as the vehicle is not using handicapped privileges. Requires a registered owner who is the guardian or parent of a handicapped person and displays a distinguishing license plate to submit certification of the required medical determination every five years, though annual renewal of the distinguishing license plate is required. Makes conforming changes. Amends GS 20-37.5 to add *guardian* to the defined terms. Effective February 1, 2020.

Intro. by J. Davis, McInnis, J. Jackson.

GS 20

[View summary](#)

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

S 62 (2019-2020) [STORMWATER/INCLUDE DONATED LAND IN DENSITY](#). Filed Feb 13 2019, *AN ACT TO REQUIRE THAT PROPERTY DONATED TO THE STATE OR A LAND CONSERVATION ORGANIZATION BE INCLUDED IN CALCULATIONS OF PROJECT DENSITY UNDER STATE STORMWATER RULES*.

Requires that 15A NCAC 02H .1003, the Calculation of Project Density Rule, be implemented for purposes of calculating project density under state stormwater rules, so as to provide that the total project area includes property that is contiguous with the developed property and is donated by the permittee to the State or a land conservation organization. Requires the Environmental Management Commission to adopt a rule to amend the Calculation of Project Density Rule consistent with this provision.

Intro. by Wells.

UNCODIFIED

[View summary](#)

[Development, Land Use and Housing, Building and Construction, Property and Housing, Environment, Environment/Natural Resources](#)

LOCAL/HOUSE BILLS

H 17 (2019-2020) [LOCAL OPTION MEALS TAX/BRUNSWICK CO. MUNIS.](#) Filed Jan 31 2019, *AN ACT TO AUTHORIZE THE MUNICIPALITIES LOCATED IN BRUNSWICK COUNTY TO LEVY EITHER BY RESOLUTION OR BY REFERENDUM A PREPARED FOOD AND BEVERAGES TAX.*

House committee substitute makes the following changes to the 1st edition. Corrects a statutory cross-reference in Section 1(a).

Intro. by Iler.

[Brunswick](#)

[View summary](#)

[Government, Tax](#)

H 68 (2019-2020) [ALBEMARLE CITY LOCAL OPTION SALES TAX.](#) Filed Feb 13 2019, *AN ACT TO AUTHORIZE THE LEVY OF A MUNICIPAL ONE-QUARTER PERCENT SALES AND USE TAX.*

Applicable only to the City of Albermarle, enacts Article 47 to GS Chapter 105. Subject to voter approval, authorizes the City to levy a one-quarter cent sales and use tax in addition to any other State and local sales and use taxes levied. Requires the tax to be levied by resolution and only after 10 days' public notice. Sets parameters for an election on the question, and provides ballot language. Provides for the administration of the tax. Requires the Secretary of Revenue to monthly distribute the net proceeds collected from the tax to the City, and provides for apportionment in situations where proceeds cannot be identified as attributable to a particular taxing municipality. Specifies that amounts collected by electronic funds transfer payments are included in the monthly distribution in which the rerun that applies to the payment is received. Authorizes the City to use the net proceeds of the tax levied under Article 47 for road construction and maintenance.

Intro. by Sasser, Goodman.

[Stanly](#)

[View summary](#)

H 71 (2019-2020) [PERMIT LINCOLN CO SCHOOLS & COM COLLEGE ALIGN.](#) Filed Feb 13 2019, *AN ACT TO PERMIT THE LINCOLN COUNTY BOARD OF EDUCATION TO ALIGN ITS SCHOOL CALENDAR WITH THAT OF GASTON COLLEGE.*

Includes whereas clauses.

Amends GS 115C-84.2(d), as it applies to Lincoln County Schools only, to allow the local board of education to align the school calendars with the calendar of a community college serving the city or county in which the local school administrative unit is located. Effective beginning with the 2019-20 school year.

Intro. by Saine.

[Lincoln](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 72 (2019-2020) [SUPPORT MULTIPLE RECESSES FOR LINCOLN CO SCHL.](#) Filed Feb 13 2019, *AN ACT TO EXPRESS THE SUPPORT OF THE GENERAL ASSEMBLY FOR MULTIPLE RECESS PERIODS FOR PUBLIC SCHOOLS LOCATED IN LINCOLN COUNTY.*

Includes several whereas clauses regarding school recess and local school administrative units' flexibility in structuring their school days.

Applicable only to Lincoln County, states that the General Assembly supports the Lincoln County Board of Education using the flexibility permitted in structuring the school day provided in GS 115C-84.2, or a charter school located in Lincoln County using the flexibility permitted in structuring the school day provided in Article 14A of GS Chapter 115C, to minimally extend the school day in order to have multiple shorter recess periods.

Intro. by Saine.[Lincoln](#)[View summary](#)[Education, Elementary and Secondary Education](#)

H 78 (2019-2020) [ACADEMIC ALIGNMENT/CERTAIN SCHOOL SYSTEMS](#). Filed Feb 13 2019, *AN ACT TO ALLOW CERTAIN LOCAL BOARDS OF EDUCATION TO ALIGN THEIR SCHOOL CALENDARS WITH LOCAL COMMUNITY COLLEGES*.

Amends GS 115C84.2(d) to authorize local boards of education to align the calendar of schools in the local school administrative unit with the calendar of a community college serving the city or county in which the unit is located. Applies only to Cleveland County Schools, Iredell-Statesville Schools, Rutherford County Schools, and Union County Public Schools. Applies beginning with the 2019-20 school year.

Intro. by Horn, Rogers, Fraley, Arp.[Cleveland, Iredell, Rutherford, Union](#)[View summary](#)[Education, Elementary and Secondary Education](#)

H 80 (2019-2020) [WATERFOWL HUNTING/ROANOKE RAPIDS LAKE](#). Filed Feb 13 2019, *AN ACT TO REGULATE WATERFOWL HUNTING ON ROANOKE RAPIDS LAKE IN NORTHAMPTON AND HALIFAX COUNTIES*.

Makes it a Class 2 misdemeanor, punishable by a fine of at least \$250, in addition to any other punishment for that offense, to place or leave unoccupied any equipment or vessels that may be used to take migratory waterfowl during waterfowl seasons before 4:00 am each day on Roanoke Rapids Lake in Halifax and Northampton counties. Requires that the equipment and unoccupied vessels be removed by two hours after sunset each day unless they are on a portion of the shoreline or attached to a dock. Allows for enforcement by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction. Effective October 1, 2019.

Intro. by Wray.[Halifax, Northampton](#)[View summary](#)[Animals](#)

H 83 (2019-2020) [SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS](#). Filed Feb 13 2019, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN LOCAL BOARDS OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the local boards of education for the Davidson County Schools, Lexington City Schools, and Thomasville City Schools with additional flexibility in adopting their school calendars. Applies beginning with the 2019-20 school year.

Intro. by Potts, Jarvis.[Davidson](#)[View summary](#)[Education, Elementary and Secondary Education](#)

H 84 (2019-2020) [CITY OF KANNAPOLIS/ANNEXATION](#). Filed Feb 13 2019, *AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS*.

As title indicates. Describes the territory to be annexed by metes and bounds.

Effective June 30, 2020.

Intro. by Howard, Warren.

Rowan

[View summary](#)

H 85 (2019-2020) [EMISSIONS/ONslow COUNTY](#). Filed Feb 13 2019, *AN ACT TO REMOVE ONSLOW COUNTY FROM THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM.*

Amends GS 143-215.107A, as title indicates.

Intro. by Shepard, Cleveland.

Onslow

[View summary](#)

[Courts/Judiciary](#), [Motor Vehicle](#), [Environment](#),
[Environment/Natural Resources](#), [Transportation](#)

LOCAL/SENATE BILLS

S 54 (2019-2020) [24TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 13 2019, *AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Gunn.

Alamance, Guilford

[View summary](#)

S 59 (2019-2020) [28TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 13 2019, *AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Robinson.

Guilford

[View summary](#)

S 63 (2019-2020) [CITY OF KANNAPOLIS/ANNEXATION](#). Filed Feb 13 2019, *AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS.*

Identical to [H 84](#), filed 2/13/19.

As title indicates. Describes the territory to be annexed by metes and bounds.

Effective June 30, 2020.

Intro. by Ford.

Rowan

[View summary](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 30: OFFICIAL STATE FROZEN TREAT.**

House: Reptd Fav

House: Re-ref Com On Health

H 36: INVITE GOVERNOR/STATE OF STATE.

House: Concurred In S Amend SA1

House: Ordered Enrolled

House: Ratified

House: Ch. Res 2019-2

H 49: RESPONSIBLE DEER MANAGEMENT ACT.

House: Passed 1st Reading

House: Ref to the Com on Wildlife Resources, if favorable, Agriculture, if favorable, Rules, Calendar, and Operations of the House

H 50: ALLOW HYPERBARIC OXYGEN THERAPY FOR TBI/PTSD.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar, and Operations of the House

H 51: OFFICIAL AZALEA FESTIVAL.

House: Passed 1st Reading

House: Ref to the Com on Commerce, if favorable, Rules, Calendar, and Operations of the House

H 53: A SECOND CHANCE FOR LIFE.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 54: UNBORN CHILD PROTECTION FROM DISMEMBERMENT.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 56: ARTS EDUCATION REQUIREMENT.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 57: CREATE TERM FOR PUBLIC SCHS. & CODIFY NCVPS.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 64: BLUE/GOLD STAR MOTHERS' APPRECIATION DAY.

House: Filed

H 65: MARRIAGE AMENDMENT REAFFIRMATION ACT.

House: Filed

H 66: REQ ACTIVE TIME FELONY DEATH MV/BOAT.

House: Filed

H 67: ROAD BARRIER PROHIBITION.

House: Filed

H 69: NONPARTISAN REDISTRICTING COMMISSION.

House: Filed

H 70: DELAY NC HEALTHCONNEX FOR CERTAIN PROVIDERS.

House: Filed

H 73: CIVIC RESPONSIBILITY EDUCATION.

House: Filed

H 74: 2019 SCHOOL SAFETY GRANTS PROGRAM.

House: Filed

H 75: SCHOOL MENTAL HEALTH SCREENING STUDY.

House: Filed

H 76: SCHOOL SAFETY OMNIBUS.

House: Filed

H 77: ELECTRIC STANDUP SCOOTERS.

House: Filed

H 79: ACADEMIC ALIGNMENT/BOARDS OF EDUCATION & CC.

House: Filed

H 81: MOVE OVER LAW/INCREASE PENALTIES.

House: Filed

H 82: RAILROAD CROSSINGS/ON-TRACK EQUIPMENT.

House: Filed

S 5: BUILDING NORTH CAROLINA'S FUTURE.

Senate: Reptd Fav

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

S 6: DARE COUNTY/CC CONSTRUCTION FUNDS.

Senate: Sequential Referral To Education/Higher Education Stricken

Senate: Reptd Fav

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

S 11: ABC REGULATION AND REFORM.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 38: CLASS SIZE REPORTING/PRINCIPAL.

Senate: Withdrawn From Com

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

S 43: ESTABLISH STANDARDS FOR SURGICAL TECHNOLOGY.

Senate: Passed 1st Reading

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

S 46: STANDING UP FOR RAPE VICTIMS ACT OF 2019.

Senate: Passed 1st Reading

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

S 50: REINSTATE EARNED INCOME TAX CREDIT.

Senate: Passed 1st Reading

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

S 51: UNBORN CHILD PROTECTION FROM DISMEMBERMENT.

Senate: Passed 1st Reading

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

S 52: A SECOND CHANCE FOR LIFE.

Senate: Passed 1st Reading

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

S 55: CONTINUING EDUCATION FOR GENERAL CONTRACTORS.

Senate: Filed

S 56: REVENUE LAWS TECHNICAL CHANGES.

Senate: Filed

S 57: REENACT FILM CREDIT.

Senate: Filed

S 58: REVISE MARIJUANA LAWS.

Senate: Filed

S 60: RESTORE EDUCATIONAL SALES TAX HOLIDAY.

Senate: Filed

S 61: GUARDIAN/PARENT AUTHORIZED PLATE.

Senate: Filed

S 62: STORMWATER/INCLUDE DONATED LAND IN DENSITY.

Senate: Filed

LOCAL BILLS**H 15: LEXINGTON/DISSOLVE UTILITIES COMMISSION.**

House: Reptd Fav

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

H 17: LOCAL OPTION MEALS TAX/BRUNSWICK CO. MUNIS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 47: SCHOOL CALENDAR FLEX/CHARLOTTE-MECKLENBURG.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 48: SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 52: WRIGHTSVILLE BEACH LOCAL ACT AMENDMENT.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 55: ALEXANDER COUNTY/SHERIFF VACANCIES.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 68: ALBEMARLE CITY LOCAL OPTION SALES TAX.

House: Filed

H 71: PERMIT LINCOLN CO SCHOOLS & COM COLLEGE ALIGN.

House: Filed

H 72: SUPPORT MULTIPLE RECESSES FOR LINCOLN CO SCHL.

House: Filed

H 78: ACADEMIC ALIGNMENT/CERTAIN SCHOOL SYSTEMS.

House: Filed

H 80: WATERFOWL HUNTING/ROANOKE RAPIDS LAKE.

House: Filed

H 83: SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS.

House: Filed

H 84: CITY OF KANNAPOLIS/ANNEXATION.

House: Filed

H 85: EMISSIONS/ONSLow COUNTY.

House: Filed

S 41: 16TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 42: 36TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 44: 7TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 45: 17TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 47: 46TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 48: PERMIT ALIGN SCHOOL/COMM. COLLEGE CALENDAR.

Senate: Passed 1st Reading

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

S 49: TOWN OF CHAPEL HILL INVESTMENTS.

Senate: Passed 1st Reading

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

S 53: 40TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

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

S 54: 24TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 59: 28TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 63: CITY OF KANNAPOLIS/ANNEXATION.

Senate: Filed

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