PUBLIC/HOUSE BILLS

H 43 (2019-2020) ESTABLISH STANDARDS FOR SURGICAL TECHNOLOGY. Filed Feb 7 2019, AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN HOSPITALS AND AMBULATORY SURGICAL FACILITIES.

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

Amends proposed new GS 131E-79.3, pertaining to hospital standards for surgical technology care, and new GS 131E-147.2, pertaining to ambulatory surgical facility (facility) standards for surgical technology care. Modifies the qualifications for employment by a hospital or facility, now allowing a hospital or facility to employ or contract with an individual to practice surgical technology if the individual provides documentation of employment to practice surgical technology during the three years immediately preceding December 31, 2019 (previously, required documentation of active and continuous employment to practice during the specified time period). Expands the exception provided for employing or contracting with an individual who does not meet the qualifications to any hospital or facility meeting the specified requirements regarding efforts to employ a qualified surgical technologist, records retention, and compliance with continuing education requirements (previously, the exception was limited to hospitals and facilities located in a tier one county who meets the specified requirements).

Intro. by Murphy, Lambeth, Humphrey.

GS 131E

View summary

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

H 50 (2019-2020) ALLOW HYPERBARIc OXYGEN THERAPY FOR TBI/PTSD. Filed Feb 12 2019, AN ACT AUTHORIZING CERTAIN MEDICAL PROFESSIONALS TO PRESCRIBE HYPERBARIC OXYGEN THERAPY FOR VETERANS WITH TRAUMATIC BRAIN INJURY AND POSTTRAUMATIC STRESS DISORDER.

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

Changes the act's long title.

Amends proposed GS 122C-465.1 to now prohibit any person other than an authorized medical professional from prescribing (was, prescribing or providing) hyperbaric oxygen therapy treatment to a veteran for the treatment of traumatic brain injury or posttraumatic stress disorder. Makes conforming changes.

Intro. by Murphy, Grange, Martin, Speciale.

GS 122C

View summary

Health and Human Services, Health, Health Care Facilities and Providers, Military and Veteran's Affairs

H 106 (2019-2020) PED/INMATE HEALTH CARE REIMBURSEMENT. Filed Feb 19 2019, AN ACT TO IMPROVE INMATE HEALTH CARE REIMBURSEMENT AND INTERNAL PROCESSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION COMMITTEE.

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

Amends proposed changes to GS 143B-707.3 to require that any contracts and extensions of contracts (was, extension of contracts only) for medical services provided to inmates by contracted providers and facilities include the specified
reimbursement rates. Specifies that any contracts or extension of contracts for medical services provided to inmates by contracted providers and facilities entered into on or after July 1, 2019, must include the reimbursement rates provided in GS 143B-707.3(a).

Makes clarifying and organizational changes to proposed GS 143B-707.5.

Adds that by October 1, 2019, and quarterly thereafter until full implementation is achieved, the Department of Public Safety and the Department of Health and Human Services must jointly report to the specified NCGA committees on progress in receiving federal reimbursement for performing Medicaid eligibility activities for inmates. Also requires by October 1, 2019, that the Department of Public Safety report to the specified NCGA committee on the implementation of the documentation of criteria for the submission of Medicaid applications and the electronic submission of Medicaid applications.

Deletes the provision in Section 6 about performance measures for the telemedicine pilot program and replaces it with the following. Requires the Department of Public Safety, Health Services Section, to establish a telemedicine pilot program to provide physical health services to inmates in remote correctional facilities, to initially be established in two correctional facilities serving male inmates, one located in the eastern portion of the state and one located in the western portion. Requires consultation with specified entities and reports when designing the pilot program. Requires the pilot to connect the two correctional facility pilot sites with the Central Prison Healthcare Complex and its contracted providers' facilities and be operational by October 1, 2019. Specifies service areas that are to be included in the pilot. Requires documentation of rationale for not including any particular service area in the pilot. Specifies a non-exhaustive list of measures that are to be used to assess the pilot program. Requires an interim report on the assessment criteria by October 1, 2020, to the specified NCGA committees. Requires a report to the specified NCGA committees by October 1, 2021, on the assessment criteria and recommendations on whether to expand the pilot to additional sites.

Makes additional technical changes.

Intro. by Horn, Farmer-Butterfield, Lucas, R. Turner.

GS 143B

Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Government, Public Safety and Emergency Management, State Agencies, Department of Public Safety, Office of State Human Resources (formerly Office of State Personnel), Health and Human Services, Health, Health Insurance, Social Services, Public Assistance

H 107 (2019-2020) PED OVERSIGHT/EPP CHANGES. Filed Feb 19 2019, AN ACT TO MAKE CHANGES TO THE EDUCATOR PREPARATION PROGRAM PERFORMANCE STANDARDS AND DATA REPORTING SYSTEM.

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

Deletes the proposed changes to GS 115C-269.35(a) regarding performance standards for educator preparation programs (EPPs). Current law requires the performance standards to include proficiency and growth of students taught by educators holding an initial professional license, requiring EVAAS data to be used to measure student proficiency and growth. Now only requires EVAAS data to be used to measure student growth. Further, now requires the performance standards to include the two-year retention rate for individuals who completed an EPP and became initially licensed and employed in an NC public school. Deletes the inclusion of the quality of students entering the EPP from the information the performance standards must be based on, and instead requires this information be included in the EPP's annual performance report under subsection (b). Makes conforming changes.

Further amends GS 115C-269.35(b) regarding indicators that must be included in EPP annual performance reports. Makes several clarifying changes. In addition to existing required indicators and information, now requires the reports to include: the number of graduates of the EPP licensed in the State; the number of graduates of the EPP employed in the State; the number and percentage of students who convert from a residency license to either an initial professional license or a continuing professional license; pass rates (was, average scores) of graduates on professional, pedagogy, and content area exams for the purpose of licensure; the activities offered by the EPP designed to prepare educators to effectively teach students with
disabilities and students of limited English proficiency (previously did not specify activities designed to prepare); and the retention of beginning educators in the profession for at least three years after licensure. Removes from the required reporting: the number of students retained; the amount of time required by students employed as beginning teachers under residency licenses to be issued initial professional licenses; and time to graduation rates.

Modifies proposed GS 115C-269.45, concerning the small group exception to performance assessment and assignment of sanctions, to require the State Board of Education (State Board) to adopt a rule to establish a small group exception for circumstances in which there is a risk of identifying individual program participants (was, circumstances in which disaggregation of performance data with respect to race, sex, or ethnicity is not possible due to the small number of program participants in a demographic group). Maintains the deadline of October 1, 2019, by which the State Board must adopt the rule. Now requires the State Board to apply the rule beginning with the data collected from the 2018-19 academic year for purposes of the annual reports made available to the public by December 15, 2019 (was, 2020) and annually thereafter, pursuant to GS 115C-269.50.

Intro. by Horn, Farmer-Butterfield, Lucas.

H 184 (2019-2020) STUDY STATE HEALTH PLAN DESIGN. Filed Feb 26 2019, AN ACT TO EXAMINE THE NEEDS AND CONCERNS OF STATE EMPLOYEES PARTICIPATING IN THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO FURTHER STUDY REDESIGNING THE STATE HEALTH PLAN IN A WAY THAT ADOPTS NEW PRACTICES AND PAYMENT METHODOLOGIES THAT PROMOTE HEALTH WHILE INCENTIVIZING PARTICIPATION FROM BOTH ENROLLEES AND PROVIDERS.

House committee substitute to the 1st edition makes the following changes. Provides for a seventeen-member Joint Legislative Study Committee on the Sustainability of the North Carolina State Health Plan (was, sixteen members) by adding a second member appointed by the State Employees' Association. Requires that the Committee make its final report to the General Assembly by December 15, 2019 (was, April 1, 2020).

Intro. by Dobson, Howard, Brisson, Adcock.

H 205 (2019-2020) VEH. PROPERTY DMG./DETERMINING AMT. OF LOSS. Filed Feb 26 2019, AN ACT TO AMEND THE LAW GOVERNING THE PROCEDURES FOR DETERMINING THE AMOUNT OF PROPERTY DAMAGE TO A MOTOR VEHICLE WHEN LIABILITY FOR COVERAGE FOR THE CLAIM IS NOT IN DISPUTE.

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

Amends GS 20-279.21(d1) further by requiring that for a claim for property damage to a motor vehicle against an insurer the policy must provide that if the difference in the claimant's and insurer's estimate of the diminution in fair market value is greater than $500 (was, $20,000 or 25%) of the fair market retail value of the vehicle before the accident as determined by the latest edition of the National Automobile Dealers Association Pricing Guide Book (removes the option of using another publication approved by the Commissioner of Insurance), then on written demand, the claimant and insurer must each select a competent and disinterested appraiser and notify the other of the selection within 20 days. Requires that the appraiser exchange appraisals within 15 days. Refusal by an appraiser to appraise the loss or exchange an appraisal with an opposing appraiser subjects the appraiser to civil penalties. Provides that an umpire's report (was, an agreement between either of the appraisers and the umpire) is binding on both the claimant and the insurer.
Changes the effective date of the act from when it becomes law to October 1, 2019.

Intro. by Torbett.

GS 20

View summary

Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle

H 315 (2019-2020) INSTRUCTIONAL MATERIAL SELECTION. Filed Mar 7 2019, AN ACT TO MODERNIZE THE SELECTION OF INSTRUCTIONAL MATERIALS FOR NORTH CAROLINA PUBLIC SCHOOLS.

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

Amends the proposed definition of *supplemental material* for new Part 3C, now defining the term to mean educational materials that supplement specific instruction for the standard course of study selected and procured by a local board of education for a grade or course or general education needs of the school (previously did not specify materials selected and procured by a local board). Additionally, amends the proposed definition of *unfit materials*, now defining the term to mean instructional or supplemental materials determined to be inappropriate for use in either an elementary or secondary school because the material is either (1) obscene, (2) inappropriate to the age, maturity, or grade level of students, or (3) not aligned with the standard course of study (previously, included material educationally unsuitable or pervasively vulgar; did not include material that is obscene or not aligned with the standard course of study). Makes conforming changes throughout proposed Part 3C, Selection of Instructional Material, to Article 8, General Education, of GS Chapter 115C concerning challenges to and determinations of unfit materials.

Specifies that local boards are required to adopt written policies concerning selection and procurement of supplemental materials for a grade or course or for general education needs at a school or throughout the entire local school administrative unit (previously, generally required written policies for the selection and procurement of supplemental materials).

Now provides for electronic and written notice to be provided by a local board to all parents of students in the local unit, in the same manner as provided in GS 115C-102.50 (as enacted), of the opportunity to review materials in the program repository when adopting, modifying, or amending a health and safety program and the instructional and supplemental materials of that program (previously, GS 115C-102.35 provided for separate and distinct notice requirements for the public and for parents, and distinct from those provided in GS 115C-102.50). Maintains the previously specified required contents of the notice. Makes a conforming deletion.

Clarifies that the continuous repository local boards of education are required to maintain is of current instructional and supplemental materials that have been selected and purchased by the local boards pursuant to Article 8 (previously, instructional and supplemental materials purchased by local boards). Further specifies that classroom materials developed by teachers are not required to be included in the repository.

Provides that optional supplemental materials available through the school library are not included in the materials that can be challenged on the grounds that they are unfit and evaluated by local community media advisory committees created pursuant to proposed GS 115C-102.60.

Intro. by Elmore, Arp, Johnson.

GS 115C, GS 143A, GS 143C

View summary


H 330 (2019-2020) EFFICIENT GOVERNMENT BUILDINGS &amp SAVINGS ACT. Filed Mar 11 2019, AN ACT TO SAVE NORTH CAROLINA TAXPAYER DOLLARS BY REQUIRING REDUCTIONS IN ENERGY AND WATER CONSUMPTION IN PUBLIC BUILDINGS BY 2025.
House committee substitute to the 1st edition makes the following changes.

Amends the proposed changes to GS 143-64.12, to maintain the biennial frequency of management plan updates for each State agency and State institution of higher learning (previously proposed increase to annually). Increases the frequency of reporting utility consumption and costs of each community college from biennially to annually. Removes the requirement for the Department of Administration to develop and conduct an energy audit and procedure for conducting energy audits every five years as part of the Facilities Condition and Assessment Program. Makes conforming changes to the management plans of State agencies and institutions. Makes conforming deletion of the Department of Administration’s reporting requirement regarding energy audits. Deletes the proposed increase in frequency of the report of the State Energy Office on its comprehensive program to manage utility use for State agencies and State institutions of higher learning, to now maintain the biennial frequency (previously proposed increase to annually).

Enacts GS 143-64.12A to require all State agencies and institutions of higher learning to ensure that lighting in unoccupied interior spaces and upward-directed flood lighting is turned off on the premises of all building owned or leased by the entities from midnight until 6:00 A.M., unless required for safety, emergency or insurance purposes. Places compliance responsibility with the building manager or property manager of each premises.

Modifies the proposed changes to the definition of energy conservation measure as used in Part 2, Article 3B, GS Chapter 143 (Energy Saving Measures for Governmental Units) set out in GS 143-64.17. Now defines the term to mean a facility or meter alteration, training, or services related to the operation of the facility or meter, when the alteration, training, or services provide anticipated energy savings, generate revenue, or capture lost revenue (previously, eliminated the existing language for providing capture lost revenue). Now specifically includes proper building envelope (was, air) and duct sealing of all applicable areas in the building in insulating the building structure and systems. Further amends the proposed changes to the definition of energy savings as used in Part 2, to refer to both captured lost revenues and generated revenues (previously, referred to "generated revenues” rather than "captured lost revenues").

Changes the timelines concerning the analyses for implementing energy conservation measures. Now requires every State agency and State institution of higher learning to conduct a preliminary practicality and feasibility analysis of implementing energy conservation measures for all building greater than 20,000 square feet in size that have been in use for more than 10 years by October 1, 2020, (was, May 31, 2020). Now requires implementation, as specified, of the measures if they are found to be practical and economically feasible, including issuing a request for proposal (RFP) no later than April 1, 2021 (was, December 31, 2020), if the agency or institution decides to issue an RFP for a guaranteed energy savings contract for one or more buildings to achieve energy conservation measures. Now requires each State agency and State institution of higher learning to repeat the described analysis process for all buildings greater than 10,000 square feet in size and that have been in use for more than 10 years no later than October 1, 2025 (was, May 31, 2025), with RFPs issued for a guaranteed energy savings contract no later than April 1, 2026 (was, December 31, 2025).

Eliminates the proposed repeals of Sections 4.2(a) and 4.2(b) of SL 2017-10, which repealed the annual reporting requirement of the Department of Administration on the implementation of the Sustainable Energy Efficient Building Program set out in GS 143-135.39(f) and (g) and GS 143-135.40(b).

Intro. by Szoka, Arp, Humphrey, Ross.

GS 143

power. Provides that a future capacity need must only be avoided in a year where the utility's most recent biennial integrated
resource plan filed with the Utilities Commission (Commission) has identified a projected capacity need to serve system load
and the identified need can be met by the type of small power producer resource based upon its availability and reliability of
power, other than hydropower small power producers with purchase agreements with an electric public utility in effect as of
July 27, 2017, and the renewal of such a power purchase agreement, if the hydroelectric power facility total capacity is equal to
or less than five megawatts (MW), (previously, generally proposed an exclusion for hydropower so long as the total capacity of
the facility is equal to or less than five MW; maintains existing exclusion for swine or poultry waste for which a need is
established).

Deletes the proposed changes to GS 62-133.8 which required that the Commissions's standards for interconnection of
renewable energy facilities and other nonutility-owned generation with a generation capacity of 10 megawatts or less to an
electric public utility's distribution system include an expedited review process for hydroelectric power projects of two
megawatts or less.

Intro. by Szoka, Arp.

GS 62

View summary Environment, Energy, Public Enterprises and Utilities

H 377 (2019-2020) REDUCE TESTING. Filed Mar 18 2019, AN ACT TO REPLACE OR ELIMINATE CERTAIN TESTS
ADMINISTERED TO STUDENTS IN PUBLIC SCHOOLS AND TO PROHIBIT HIGH SCHOOL GRADUATION PROJECTS AS A
CONDITION OF GRADUATION.

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

Deletes the requirement that the State Board of Education (Board) adopt a policy to require local school administrative units
assess teacher performance and professional growth in the manner described.

Requires that the End-of-Grade (EOG) tests for grades three through eight be replaced with a through-grade assessment model
with three interim assessments similar to NC Check-Ins in grades 3-8 three times per school year, to be administered by the
specified dates (was, required administration of NC Check-Ins in those grades three time per school year). Provides for an
average of the combined scores for at least two of the through-grade assessments to constitute the annual assessment for grades
3-8, which is governed by Subchapter IV of GS Chapter 115C, Educational Program. Make conforming changes to the
assessment for science for grade five and eight and for reading for third grade.

Requires that the End-of Course (EOC) tests (was, end of grade tests) for grades 9-12. Adds that for school performance grades
issued based on data from the 2019-20 school year, the career readiness indicated in GS 115C-83.15(b)(2)f and GS 115C-
83.16(a)(2)b.4 must not be considered in calculating school performance grades.

Adds and modifies the effective dates in Section 3 of the act as follows. Makes the replacement of grade 9-12 EOCs with the
ACT or other recognized assessment, and the changes to GS 115C-174.11(4) concerning the adoption of a nationally
recognized assessment of high school achievement and college readiness, effective January 1, 2020, applicable beginning with
testing administered for the 2020-21 school year. Makes the elimination of ACT WorkKeys and the repeal of GS 115C-174.25
effective when they become law, applicable beginning with the 2019-20 school year. Makes the changes to GS 115C-83.15(b)
(2) and GS 115C-83.16(a)(2) effective January 1, 2021, applicable beginning with school performance grades issued based on
data from the 2020-21 school year. Makes the change to GS 116-11, concerning information included on transcripts, effective
July 1, 2020, applicable beginning with students entering their junior year in the 2020-21 school year.

Intro. by Elmore, K. Hall, Bell, Conrad.

GS 115C, GS 116

View summary Education, Elementary and Secondary Education, Government, State Agencies, State Board of Education

https://lrs.sog.unc.edu/lrs-subscr-view/dailybulletin/2019-03-26#
H 450 (2019-2020) REDUCE BARRIERS TO IMPROVE NC HEALTH &amp; SAFETY. Filed Mar 26 2019, AN ACT TO INCREASE ACCESS TO ABUSE-DETERRENT OPIOID ANALGESICS AND TO ENSURE THE PROPER ADMINISTRATION OF STEP THERAPY PROTOCOLS FOR PRESCRIPTION DRUGS.

Includes whereas clauses.

Enacts new GS 58-3-295, which allows a health benefit plan that covers abuse-deterrent opioid analgesic drug products (defined as a analgesic drug product approved by the USFDA with an abuse-deterrence labeling claim that indicates that the drug product is expected to deter abuse) to impose a prior authorization requirement for the product only if the plan imposes the same requirement for each opioid analgesic drug product without an abuse-deterrence labeling claim. Prohibits a health benefit plan covering the abuse-deterrent opioid analgesic drug product from requiring the use of an opioid analgesic drug product without an abuse-deterrence labeling claim before authorizing the use of an abuse-deterrent opioid analgesic drug product.

Enacts new Part 8, Administration of Step Therapy Protocols, in Article 50 of GS Chapter 58. Requires clinical review criteria used to establish step therapy protocols to be based on clinical practice guidelines that meet the five specified requirements. Defines step therapy protocol as a protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition are medically appropriate for a particular patient and are covered by an insurer or health plan. Requires that the patient and prescribing practitioner have access to a clear and convenient process for requesting a step therapy override determination when coverage for a prescription drug is restricted for use by a health benefit plan or utilization review organization through the use of a step therapy protocol. Sets out conditions under which a step therapy override determination request must be expeditiously granted. Requires that when an override determination is granted, the health plan or utilization review organization authorize coverage for the prescribed drug if it is a covered prescription. Sets out the timeline within which the health benefit plan or utilization review organization must respond to a step therapy exception request or an appeal of a request denial; if the deadline is not met, then the exception request or the appeal is deemed granted. Specifies that nothing in the Part impacts an insurer's ability to substitute a generic drug for a name brand drug. Effective October 1, 2019, and applies to health benefit contracts issued, renewed, or amended on or after that date.

Intro. by Potts, Dobson, Lewis, Sasser.

GS 58

View summary Health and Human Services, Health, Health Insurance

H 451 (2019-2020) TITUS'S LAW. Filed Mar 26 2019, AN ACT REQUIRING PARENTAL CONSENT PRIOR TO THE DISPOSITION OF FETAL REMAINS.

Enacts new GS 130A-421 to require consent from the mother before disposing of fetal remains when fetal death results from accidental injury, stillbirth, or miscarriage. Requires consent from the father if the mother is unable to give consent and the father is known and able to be contacted within seven days. Allows the fetal remains to be disposed of if neither parent is able or available to give consent. Requires when fetal death results from accidental injury, stillbirth, or miscarriage, that the attending physician or individual in charge of the institution where the remains were expelled or extracted to, upon request of the mother or father, that the fetal remains be released to the mother, father, or their authorized representative for burial or cremation. Allows the attending physician or the individual in charge of the institution to dispose of the remains if neither the mother nor the father has requested the fetal remains within seven days from the time the remains were expelled or extracted. Applies to the disposition of remains on or after January 1, 2020.

Intro. by Potts, Zachary, White, Jarvis.

GS 130A

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

H 452 (2019-2020) MEMORANDUM OF 287(G) AGREEMENTS. Filed Mar 26 2019, AN ACT TO REQUIRE THE SECRETARY OF PUBLIC SAFETY TO SEEK TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC
SAFETY AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF JUSTICE, OR OTHER APPROPRIATE FEDERAL AGENCY.

Enacts new GS 143B-602.2 requiring the Secretary of Public Safety (Secretary) to seek to enter into a Memorandum of Agreement between the Department of Public Safety and the US Department of Homeland Security, US Department of Justice, or other appropriate federal agency, concerning the enforcement of federal immigration laws, detentions and removals, and all related investigations in the State of North Carolina by certain authorized officers. Requires the Secretary to sign the Memorandum of Agreement on behalf of the Department of Public Safety, or take any action required by the US Department of Homeland Security, US Department of Justice, or other appropriate federal agency to execute the Memorandum.

Requires the Secretary to report by January 1, 2020, to the Governor and the specified NCGA committee on attempts to enter into any Memorandum of Agreement under this act.

Effective July 1, 2019.

Intro. by Henson, Setzer, K. Hall.
GS 143B
View summary
Government, Public Safety and Emergency Management, State Agencies, Department of Public Safety, Immigration

H 453 (2019-2020) CONCEALED CARRY/LAW ENFORCEMENT FACILITY. Filed Mar 26 2019, AN ACT TO ALLOW CERTAIN PERSONS EMPLOYED BY A LAW ENFORCEMENT AGENCY TO CARRY A CONCEALED HANDGUN IN A LAW ENFORCEMENT FACILITY.

Amends GS 14-415.27 to allow a person with a concealed handgun permit to carry a concealed handgun in a law enforcement facility if the person is employed by a law enforcement agency who (1) is not a law enforcement officer sworn and certified pursuant to Article 1 of GS Chapter 17C or GS Chapter 17E, (2) has been designated in writing by the head of the law enforcement agency in charge of the facility, (3) has in the person's possession written proof of the designation, and (4) has not had the designation rescinded. Applies to offenses committed on or after July 1, 2019.

GS 14
View summary
Courts/Judiciary, Criminal Justice, Government, Public Safety and Emergency Management

H 454 (2019-2020) ALLOW ERPOS TO SAVE LIVES & PREVENT SUICIDES. Filed Mar 26 2019, AN ACT TO AUTHORIZE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER TO RESTRICT TEMPORARILY A PERSON'S ACCESS TO FIREARMS IF THERE IS EVIDENCE THAT THE PERSON POSES A DANGER OF PHYSICAL HARM TO SELF OR OTHERS.

Enacts new GS Chapter 50E, the Extreme Risk Protection Orders Act, providing a court procedure for concerned citizens and law enforcement to obtain an order temporarily restricting a person's access to firearms in situations where a person poses a significant danger of harming themselves or others by possessing a firearm. Includes related legislative findings. Sets out defined terms applicable to the Chapter.

Allows either a family or household member or a law enforcement officer or agency to file a verified petition in district court for an Extreme Risk Protection Order (ERPO) in any county authorized by the venue provisions set out in GS 1-82 (most commonly where the plaintiff or defendant resides). Defines family or household member to be (1) a person related by blood, marriage, or adoption to the respondent; (2) a dating partner of the respondent; (3) a person who has a child in common with the respondent; (4) a domestic partner of the respondent; (5) a person who has a biological or legal parent-child relationship with the respondent, including stepparents, stepchildren, grandparents, and grandchildren; and (6) a person who is acting or has acted as the respondent's legal guardian. Sets out information required in the petition, including: (1) a factual allegation that the respondent poses a danger of physical harm to self or others (and in the case of an ex parte ERPO, poses an imminent danger of physical harm to self or others) by having in his or her care, custody, possession, ownership, or control a firearm; (2) an
ERPO into the National Crime Information Center registry; update the orders in the registry upon modification, termination, or expiration. Requires the sheriff to promptly enter the fact that the respondent legally and voluntarily relinquished possession of a firearm. Requires the sheriff to issue receipt at the time of surrender or seizure, and file receipt with the court within 48 hours after issuing the receipt. Provides for a warrant to be issued for failure to surrender firearms. Allows the sheriff to charge the respondent a reasonable fee for the storage of any firearms and ammunition taken pursuant to an ERPO. Provides for retrieval if the ex parte ERPO expires and the court does not enter a full ERPO. Otherwise, requires the respondent to file a motion for retrieval within 90 days after an ERPO expires, whereby surrendered firearms, ammunition, and permits must be returned to the respondent within 30 days of the motion unless the court finds the respondent is otherwise precluded from owning or possessing a firearm pursuant to state or federal law. Provides for motion for return by a third party. Authorizes disposal of surrendered firearms that have not been or cannot be returned as specified.

Requires a summons be issued and served no later than five days prior to the date set for the full ERPO hearing, with the ERPO petition, any ex parte ERPO that has been issued and the notice of hearing on the ex parte ERPO, and a description of an ERPO attached. Directs the clerk of court to effect service through the appropriate law enforcement agency.

Sets forth the required information that must be included in an ERPO, including (1) a statement of the grounds supporting its issuance; (2) the date and time the ERPO was issued and when it expires; (3) whether a mental health or chemical dependency evaluation of the respondent is required; (4) the court's address where a responsive pleading can be filed; (5) a description of the relinquishment and retrieval requirements for firearms, ammunition, and related permits of the respondent; (6) a description of the process for seeking termination of the ERPO; and (7) a statement that violation of the ERPO is a Class A1 misdemeanor.

Details the parameters of issuing an ex parte ERPO without service or notice. Requires that it appear clearly to the court from the facts shown that the respondent poses an imminent danger of causing physical injury to self or others by having in his or her custody a firearm before a judge or magistrate can issue an ex parte ERPO. Provides that the chief district court judge can designate for each county at least one judge or magistrate to be reasonably available to issue ex parte ERPOs when the court is not in session. Authorizes hearings to consider ex parte relief to be held by video conference.

Details the parameters of issuing a full ERPO, including a hearing on the petition no later than 10 days from either the date an ex parte ERPO was issued, if applicable, or the date the petition was filed. Allows for one continuance of no more than 10 days unless all parties consent or good cause is shown. Permits issuance of a full ERPO when (1) the court finds by a preponderance of the evidence that the respondent poses a danger of causing physical injury to self or others by having in his or her custody a firearm, (2) process was proper, and (3) notice of hearing was proper.

Requires the respondent to immediately surrender to the sheriff possession of all firearms, ammunition, and permits in the custody or control of the respondent upon service of an ERPO, or within 24 hours of service at a time and place specified by the sheriff in the event weapons cannot be surrendered at the time the ERPO is served. Requires the sheriff to issue receipt at the time of surrender or seizure, and file receipt with the court within 48 hours after issuing the receipt. Provides for a warrant to be issued for failure to surrender firearms. Allows the sheriff to charge the respondent a reasonable fee for the storage of any firearms and ammunition taken pursuant to an ERPO. Provides for retrieval if the ex parte ERPO expires and the court does not enter a full ERPO. Otherwise, requires the respondent to file a motion for retrieval within 90 days after an ERPO expires, whereby surrendered firearms, ammunition, and permits must be returned to the respondent within 30 days of the motion unless the court finds the respondent is otherwise precluded from owning or possessing a firearm pursuant to state or federal law. Provides for motion for return by a third party. Authorizes disposal of surrendered firearms that have not been or cannot be returned as specified.

Sets the duration of an ex parte ERPO to be from its effective date to the date the hearing is held, or if a hearing is not held or a continuance not granted, no more than 10 days from its issuance. Requires a full ERPO to be effective for a fixed period of time not to exceed one year. Provides for renewal of any ERPO by the petitioner one or more times prior to its expiration, providing the initial requirements are satisfied and there has been no material change in the circumstances since its issuance. Limits the granting of renewals to open court.

Details the process of terminating an ERPO, with the respondent limited to submitting one motion for termination for every 12-month period the full ERPO is in effect. Requires the court to set a hearing no sooner than 14 days and no later than 30 days from the date of service upon the petitioner. Requires the respondent to prove by a preponderance of the evidence that he or she does not pose a danger of causing physical harm to self or others by having a firearm in his or her custody or care.

Requires the clerk to provide same day notice of ERPO issuance to the sheriff. Requires the sheriff to promptly enter the ERPO into the National Crime Information Center registry; update the orders in the registry upon modification, termination,
renewal, or dismissal; and to provide 24/7 access to the orders to the courts. Also requires a copy of the ERPO be issued promptly to and retained by the municipal police department. Provides for notice to the respondent if he or she was not present when the ERPO was issued, and for notice to third parties where applicable.

Makes it a Class A1 misdemeanor for any person to possess, purchase, or receive, or attempt to possess, purchase, or receive, a firearm, ammunition, or permits to purchase or carry concealed firearms for so long as an effective ERPO is entered against that person.

Makes it a Class 2 misdemeanor for any person to knowingly make a false statement when petitioning for an ERPO, and for any person to knowingly make a false statement to law enforcement that an ERPO remains in effect.

Clarifies that the remedies provided in new GS Chapter 50E are not exclusive, and that the Chapter does not affect the ability of law enforcement to remove a firearm or permit from any person, or conduct any search and seizure for firearms, pursuant to other lawful authority.

Specifies that Chapter 50E does not impose any criminal or civil liability on any person or entity for acts or omissions related to obtaining an ERPO.

Amends GS Chapter 15C, providing for the inclusion of petitioners for an ERPO in the Address Confidentiality Program. Makes conforming changes.

Directs the Administrative Office of the Courts (AOC) to develop the appropriate forms to implement the processes set out in new GS Chapter 50E.

Effective December 1, 2019.

Intro. by Morey, Clark, Harrison, Martin.

GS 15C, GS 50E

View summary


H 455 (2019-2020) CLARIFY MOTOR VEHICLE DEALER LAWS. Filed Mar 26 2019, AN ACT TO CLARIFY VARIOUS MOTOR VEHICLE DEALER LAWS.

Amends the definitions in GS 20-286 that apply to the motor vehicle dealers and manufacturers licensing laws by adding and defining the term special tool or essential tool.

Amends GS 20-305 to make unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative whatsoever of any of them, to require, coerce, or attempt to coerce any new motor vehicle dealer in the state to purchase or lease computer hardware or software used for any purpose other than the maintenance or repair of motor vehicles (was, to purchase nondiagnostic computer equipment or programs). Adds that instead of purchasing or leasing any special tools that are required by a manufacturer, factory branch, distributor, or distributor branch, a dealer may share access to special tools with other dealers if the four specified conditions are met, including that the dealers have franchises with the same manufacturer, factory branch, distributor, or distributor branch, and that sharing tools will not unreasonably delay the completion of repairs. Further amends the statute by amending the definition of goods as used in the prohibition of requiring, coercing, or attempting to coerce a dealer located in this state to purchase goods or services of any nature from a vendor selected, identified, or designated by a manufacturer, distributor, affiliate, or captive finance source when the dealer may obtain goods or services of substantially similar quality and design from a vendor selected by the dealer, provided the dealer obtains prior approval from the manufacturer, distributor, affiliate, or captive finance source, for the use of the dealer's selected vendor. Provides that "goods" does not include parts as reasonably required by the manufacturer to be used in repairs under warranty obligations of a manufacturer or distributor.

Amends the provisions of GS 20-305 that make it illegal to assign or change a franchised new motor vehicle dealer's area of responsibility under the franchise arbitrarily or without due regard to the present or projected future pattern of motor vehicle sales and registrations within the dealer's market and without having provided the affected dealer with written notice, as
specified. Adds that a franchised new motor vehicle dealer who believes that it is unreasonable for a manufacturer, factory branch, distributor, or distributor branch with whom the dealer has entered into a franchise to include one or more portions of the dealer's existing area of responsibility previously unassigned to that dealer may request the elimination of the contested territory from the dealer's area of responsibility by submitting a written request. Sets out additional requirements governing the request. Allows a dealer to file a petition within 60 days of receiving notice of the manufacturer's rejection of the dealer's request to eliminate the contested territory and have an evidentiary hearing. Makes conforming changes.

Amends the provisions of GS 20-305 that make it illegal to establish, implement, or enforce criteria for measuring the sales or service performance of any of its franchised new motor vehicle dealers in this state that (1) are unfair, unreasonable, arbitrary, or inequitable; (2) do not consider available relevant and material local, State, and regional criteria, data, and facts; relevant and material criteria, data, or facts include those of motor vehicle dealerships of comparable size in comparable markets; and (3) if such performance measurement criteria are based on a survey, the survey must be based on a statistically significant and valid random sample; no longer requires that these actions be taken for the purpose of cancelling, terminating, or nonrenewal of a franchise agreement. Makes conforming changes. Expands upon the types of decisions in which the performance criteria of the manufacturer or distributor (which have been found to be faulty in one of the specified ways) may not be used as any part of the determination. Makes additional clarifying changes.

Amends GS 20-305 by making it illegal to prohibit, limit, or restrict a dealer from selling over the Internet parts and accessories obtained by the dealer from the manufacturer, factory branch, distributor, or distributor branch, or from any source recommended or approved by such entities.

Amends GS 20-305.1 (concerning automobile dealer warranty and recall obligations) to limit conducting the following audits to only one time within a 12-month period: (1) for warranty or recall parts or service compensation, or compensation for a qualifying used motor vehicle; (2) for sales incentives, service incentives, rebates, or other forms in incentive compensation; (3) a dealer by a manufacturer for sales or leases made to exporters or brokers. Adds that persons or entities employed or contracted by a manufacturer, factory branch, distributor, or distributor branch to conduct an audit of a dealer regulated by the statute must comply with the statute's requirements. Makes it unlawful to contract with or employ any person or other entity to conduct an audit of any motor vehicle dealer in the state regulated under the statute for which the person or entity conducting the audit would be compensated on the bases of the dollar amount, volume, or number of charge backs that would result to the dealer from the audit.

Amends GS 20-305 to make it illegal for a motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof to own any ownership interest in, operate, or control any motor vehicle dealership in this state that offers motor vehicles for sale, lease, or subscription (was, any motor vehicle dealership in this state).

Amends GS 20-305.7 to void (was, voidable at the option of the dealer) any requirement that a new motor vehicle dealer provide its customer lists, customer information, consumer contact information, transaction data, or service files to the manufacturer, factory branch, distributor, or distributor branch, or to a third party as a condition to the dealer's participation in any incentive program or contest. Amends one of the three conditions that must be met in order to avoid voiding the requirement to include that the dealer is either permitted to restrict the data fields that may be accessed in the dealer's computer system, or the dealer is allowed to provide the same data or information by furnishing the data in a widely accepted file format. Makes additional clarifying changes. Adds that it is unlawful for any manufacturer, factory branch, distributor, or distributor branch to fail or refuse to provide dealer notice, in a standalone written document, at least 60 days before making any changes in any of the dealer or customer data the dealer is required to share. The changes in the data is void unless the applicable manufacturer, factory branch, distributor, or distributor branch complies with the notice requirements. Makes it unlawful for any manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor, or any third party with access to a dealer management computer system to (1) take any action that would prohibit or limit a dealer's ability to protect, store, copy, share, or use any customer or dealer information maintained in a dealer management computer system used by a new motor vehicle dealer located in the state and sets out an inclusive list of examples of such prohibited conduct and (2) engage in cyber ransom. Makes it illegal for any dealer management computer system vendor or other third party who has access to any dealer or management computer system to fail or refuse to (1) adopt and make available a standardized framework for the exchange, integration, and sharing of data from dealer management computer systems with any party authorized to access a dealer management computer system; (2) provide access to open application programming interfaces to any party authorized to access a dealer management computer system; (3) access, use, store, or share any data from a dealer management computer system only to the extent permitted in its written agreement with the dealer; (4) make any agreement regarding access to, sharing or selling of, copying, using, or transmitting data on any dealer
management computer system terminable upon no more than 90 days' notice from the dealer; (5) upon receipt of notice of the
dealer's intent to terminate its contract, work to ensure a secure transition to a successor dealer management computer system
vendor or any other party authorized to access a dealer management computer system; (6) promptly provide a dealer, upon
request, with a list of entities with whom it is sharing any data from the dealer management computer system, or to whom it
has allowed access to any data from the dealer management computer system; and (7) allow and facilitate a dealer to audit the
dealer management computer system vendor's access and use of its dealer management computer system and any data obtained
or obtainable from its dealer management computer system.

Amends GS 20-308.1 to give any association comprised of at least 400 new motor vehicle dealers, or at least 10 motorcycle
dealers, substantially all of whom are new motor vehicle dealers located within the state and which represents the collective
interests of its members, standing to initiate an action or participate as a party to any civil or administrative proceeding in any
of the courts or administrative agencies of this state. Removes the requirement of initiating mediation before the association
and manufacturer, factory branch, distributor, or distributor branch brings an action. Amends when a cognizable injury to the
collective interest of the members of the association is deemed to have occurred to when a manufacturer, factory branch,
distributor, or distributor branch doing business in this state engages in any conduct or takes action that has harmed or would
harm or which has or would affect all or a substantial number of franchised new motor vehicle dealers in the state.

Includes a severability clause.

Intro. by Ross, Wray.

VIEW SUMMARY

Business and Commerce, Courts/Judiciary, Motor Vehicle

H 456 (2019-2020) PERMIT REQ'D/ASSAULT WEAPON &amp LONG GUN. Filed Mar 26 2019, AN ACT TO REQUIRE A PERMIT
FOR THE PURCHASE OF AN ASSAULT WEAPON OR LONG GUN.

Amends GS 14-402 to require a permit to purchase an assault weapon or long gun. Defines assault weapon to mean: (1) any
selective-fire firearm capable of semiautomatic or burst fire at the option of the user; (2) 37 specified semiautomatic firearms;
(3) 49 specified semiautomatic centerfire rifles, or copies or duplicates with the capabilities of the rifles; (4) 22 specified
semiautomatic centerfire pistols, or copies or duplicates with the capabilities of the pistols; (5) all IZHMAH Saiga 12
shotguns or copies or duplicates with the capabilities of the shotguns; and (6) all semiautomatic firearms that meet any of the
eight specified criteria. Defines long gun as a shotgun or rifle that is not considered an antique firearm or assault weapon.

Makes conforming changes to GS 14-403, GS 14-404, and GS 14-408.1.

Applies to the sale, giving away, transfer, purchase, or receiving of a pistol, assault weapon, or long gun on or after December
1, 2019.

Intro. by Clark, Morey, Harrison.

VIEW SUMMARY

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

H 457 (2019-2020) RESTORE MASTER'S PAY FOR CERTAIN TEACHERS. Filed Mar 26 2019, AN ACT TO REINSTATE
EDUCATION-BASED SALARY SUPPLEMENTS FOR CERTAIN TEACHERS.

Repeals Section 8.22 of SL 2013-360 and Section 8.3 of SL 2014-100, regarding the phase-out of certain advanced-degree-
based salary supplements for teachers and instructional support personnel.

Specifies certain teachers and instructional support personnel eligible to be paid on the "M" salary schedule or receive a salary
supplement for academic preparation at the six-year degree level or at the doctoral degree level for the 2019-20 school year
and subsequent school years. Includes: (1) certified school nurses and instructional support personnel in positions for which a
master's degree is required for licensure; (2) teachers and instructional support personnel who were paid on the schedule or received the salary supplement prior to the 2014-15 school year; (3) teachers and instructional support personnel who complete a degree at the specified degree level for which they completed at least one course prior to August 1, 2013, and would have qualified for the salary supplement pursuant to State Board of Education policy TCP-A-006, as it was in effect on June 30, 2013; (4) teachers employed in a low-performing school, a high-attrition school (as defined), or an elementary school, or as a teacher in the licensure areas of science, technology, engineering, or mathematics (STEM), special education, or English; and (5) teachers who do not otherwise qualify under the act but spend at least 70% of their work time in classroom instruction related to their graduate field or subject area of licensure with remaining time spent on mentoring teachers, performing demonstration lessons, writing curricula, and/or developing and leading staff development programs.

Requires the Superintendent of Public Instruction to identify and provide to each local administrative unit a list of STEM and special education licensure areas that qualify for education-based salary supplements under the fourth category of teachers provided for in the act. Requires local units to make the list available to teachers.

Requires an annual determination beginning with the 2019-20 fiscal year as to whether a teacher who is paid on the "M" salary schedule under the fourth and fifth categories, described above, should be paid on the M salary schedule or receive a salary supplement. Permits removal or discontinuance if the requirements of the fourth category for eligibility are not being met.

Specifically prohibits teachers and instructional support personnel who earn an advanced degree in school administration from being paid on the "M" salary schedule or receiving a salary supplement for academic preparation unless the individual qualifies under specified provisions of the act.

Effective July 1, 2019.

Intro. by Horn, Ball, Johnson, Brockman.

H 460 (2019-2020) FAIR CHANCE HIRING. Filed Mar 26 2019, AN ACT DIRECTING STATE AGENCIES TO ADJUST EMPLOYMENT PRACTICES TO REDUCE BARRIERS TO EMPLOYMENT FOR INDIVIDUALS WITH A CRIMINAL HISTORY.

Enacts new GS 126-20 which provides as follows. Applies to all State agencies and positions in State government employment, except: (1) a position for which State or federal law specifically disqualifies an applicant with a record of conviction for one or more specified offenses and (2) a position the duties of which are related to the investigation, apprehension, detention, or post-release supervision of individuals suspected or convicted of committing criminal offenses, including law enforcement officers, correctional officers, and probation and parole officers. Prohibits asking an applicant to disclose information concerning the applicant's criminal record or history until the applicant has received a conditional offer of employment and has signed the waiver authorizing release. Requires that if a background check has been lawfully completed and a criminal history exists, that the state agency inform the applicant of a potential adverse employment decision based on the report and requires giving the applicant an opportunity to respond with information pertaining to the three specified factors before making a final decision, including the applicant's efforts toward rehabilitation. Sets out seven issues that must be considered by the agency before proffering or denying an offer of employment when a criminal history exists, including the nature and gravity of the offenses, age of the person at the time of conviction, and whether the position offers the opportunity for the same or similar offense to occur. Prohibits a record of arrest that did not result in conviction or a record that has been expunged from being used to disqualify a person from public employment. Allows an applicant to bring a grievance concerning an alleged violation of the statute. Requires agencies to keep records of certain related information and report the information annually to the Office of State Human Resources, which must then annually by April 1, compile the information and make it available to the public. Specifies that the statute does not require performing a background check when one is not otherwise required by law or policy. Encourages comparable hiring practices among local government and private employers.

Makes conforming changes to GS 126-34.02 and GS 126-5.

Intro. by Grange, Hardister, R. Turner.

GS 126
H 461 (2019-2020) FUNDS FOR FORT FISHER AQUARIUM. Filed Mar 26 2019, AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF THE NORTH CAROLINA AQUARIUM AT FORT FISHER.

Includes whereas clauses.

Appropriates $10 million in nonrecurring funds for 2019-20 from the General Fund to the Department of Natural and Cultural Resources, Division of North Carolina Aquariums, to be used as title indicates. Effective July 1, 2019.

Intro. by Davis, McElraft.

View summary

H 462 (2019-2020) JUDICIAL DISTRICT 19D - HOKE COUNTY. Filed Mar 26 2019, AN ACT TO ESTABLISH A RESIDENCY REQUIREMENT FOR ONE DISTRICT COURT JUDGE POSITION FOR HOKE COUNTY.

Identical to S 347, filed 3/25/19.

Amends GS 7A-133 by requiring that one of the four district court judges in district 19D (consisting of Hoke and Moore counties) be a resident of Hoke County while allowing the other three to be residents of either Hoke or Moore counties. Effective January 1, 2023, and requires elections held in 2022 to be conducted accordingly.

Intro. by Pierce.

View summary

H 463 (2019-2020) EDUCATION/JOB READINESS IN PRISONS & MFR. JAILS. Filed Mar 26 2019, AN ACT TO PROVIDE ACCESS TO EDUCATION AND JOB READINESS SKILLS FOR INDIVIDUALS INCARCERATED IN STATE PRISONS AND LOCAL JAILS.

Amends GS 115C-499.2, which sets out the eligibility requirements for scholarships for a community college or constituent institution of the UNC System, modifying the requirement that the student must meet all other eligibility requirements for the federal Pell Grant by excepting any eligibility requirements related to whether an individual is incarcerated in a State penal institution from the requirement.

Amends GS 115D-40.1, to now specify that an incarcerated individual who is not eligible for federal education assistance on the basis of the incarceration is not disqualified from receiving financial assistance under the Need-Based Assistance program or the Targeted Assistance program for community college students pursuant to the statute.

Amends GS 116-25.1, to now specify that an incarcerated individual who is not eligible for federal education assistance on the basis of the incarceration is not disqualified from receiving financial assistance under The University of North Carolina Need-Based Financial Aid Program if the individual otherwise meets the requirements of the program.

Amends GS 116-143.1, which sets out provisions for determining resident status for tuition purposes at community colleges and constituent institutions of the UNC System, to establish that an individual's incarceration in a State penal institution located in the State is prima facie evidence of the individual's legal residence in the State, and can be reinforced or rebutted by other evidence of legal residence requested of the individual. Requires an individual qualifying as a legal resident under the subsection to (1) be permitted to enroll and receive State financial assistance as a resident without meeting the 12-month duration requirement, and (2) be classified as a resident for purposes of receiving the in-State tuition rate. Clarifies that the new subsection does not confer legal residency for any other purpose.
Amends GS 116-281, which sets out the eligibility requirements for Need-Based Scholarships for students attending private institutions of higher education, modifying the requirement that the student must meet all other eligibility requirements for the federal Pell Grant by excepting any eligibility requirements related to whether an individual is incarcerated in a State penal institution from the requirement.

Applies to the award of financial assistance beginning with the 2020-21 academic year.

Amends Section 8.3 of SL 2010-31, removing the provision that prohibits using funds appropriated for community college courses for prison inmates for Associate of Arts, Associate of Science, or Associate of General Education degrees. Removes the provision prohibiting courses in local jails from earning regular budget full-time equivalents; maintain the provision prohibiting the same for courses in federal prisons. Makes conforming changes to GS 115D-5, modifying the statute to require all community college course offerings approved for prisoners in local jails to be tied to clearly identified job skills, transition needs, or both (as required by existing law for course offerings approved for State prison inmates). Applies current approval provisions concerning community college course offerings which apply to courses offered to State prison inmates to those offered to prisoners in local jails. Provides that beginning with the 2019-20 academic year, community college courses offered in local jails earn regular budget full-time equivalents.

Effective July 1, 2019.

Intro. by Rogers, Brody, Hardister, John.

GS 115C, GS 115D, GS 116

View summary

Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Education, Higher Education

H 466 (2019-2020) FIREFIGHTERS' LINE OF DUTY DISEASES/FUNDS. Filed Mar 26 2019, AN ACT EXPANDING THE LIST OF CANCERS COVERED AS OCCUPATIONAL DISEASES FOR FIREFIGHTERS' DEATH BENEFITS AND APPROPRIATING FUNDS TO COVER THE ADDITIONAL DEATH BENEFITS.

Amends the definition of killed in the line of duty as the term is used in Article 12A, Public Safety Employees' Death Benefits Act. Now includes the death of a firefighter that occurs as a direct and proximate result of cancer of the small intestine (previously included intestinal cancer), Non-Hodgkin's lymphoma, brain and other nervous system cancer, and multiple myeloma, which are occupationally related to firefighting.

Appropriates $1,023,000 in recurring funds from the General Fund each for the 2019-20 and 2020-21 fiscal years to the Department of Insurance to be used to cover the additional occupational diseases for firefighters' death benefits.

Effective July 1, 2019.

Intro. by Riddell, Saine, Wray, Barnes.

APPROP, GS 143

View summary

Employment and Retirement, Government,
Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Insurance,
Health and Human Services, Health

H 467 (2019-2020) ESTABLISH STATE BOARD OF PROP. Filed Mar 26 2019, AN ACT TO ESTABLISH THE NORTH CAROLINA PROPRIETARY SCHOOL LICENSURE ACT.

Repeals GS Chapter 115D, Article 8 (regarding Proprietary Schools) effective October 1, 2019.

Enacts new GS Chapter 115F (regarding Proprietary Schools), applicable to any person applying for an initial license or the renewal of a license for a proprietary school on or after October 1, 2019. The new Chapter is largely identical to the repealed GS Chapter 115D, Article 8, with the following exceptions.
Sets out the purpose of the new Chapter.

New term definitions are added, including Distance Education and License.

Changes the definition of Catastrophic loss amount to increase the dollar amount in the definition from $1 million to $1.5 million. Changes the definition of Fund cap amount from $1.5 million to the amount for the catastrophic loss amount plus a $5,000 reserve.

Changes the name of the State Board of Proprietary Schools to the North Carolina Board of Proprietary Schools (Board). Transfers all powers and responsibilities currently given to the State Board of Community Colleges regarding proprietary schools to the North Carolina Board of Proprietary Schools.

Requires the Board to establish the Office of Proprietary Schools. Requires the Office to use BEACON for payroll purposes for Board employees. Directs the executive director of the Office of Proprietary Schools to annually submit a written report to the North Carolina Board of Proprietary Schools and the State Board of Community Colleges to report annually, including eight specified pieces of information. Deletes the provision requiring the Executive Director to give the Board an annual projected operating budget. Authorizes the Board's Executive Director to collect fees prescribed by the Article and turn the funds over to the State Treasurer, to be credited to the appropriate Fund of the State Board and expended for the administration and enforcement of the Article. Establishes caps on the fees that may be established for initial licensure, annual renewal, and inspections.

Directs that the physical locations of proprietary schools in separate counties constitute separate proprietary schools for the purposes of licensure.

Allows the Board to refuse to issue or renew a license, or suspend or revoke a license, for failure to pay license or renewal fees.

Amends the Bond requirements to allow the bond currently applicable to the first four license renewals to apply to the first five bond requirements, and the requirement for schools licensed for at least five continuous school years to apply to schools licensed for at least six continuous school years. Authorizes the Board to require any licensed school to increase its bond if it determines the increase is necessary to provide indemnification to a student or student's parent or legal guardian who may suffer a loss of tuition, fees, or any other instructional related expenses paid to the school.

Authorizes the Board or its authorized representatives to make application to superior court for an order enjoining violations of this Chapter. Authorizes the court to grant an injunction or restraining order or take any other appropriate action upon a showing of violation or impending violation, regardless of whether criminal prosecution or other actions may be instituted as a result of the violation. Authorizes the Board to assess a civil penalty of up to $1,000 for the violation of any section of this Chapter, or of Board rules implementing the chapter, to be remitted to the Civil Penalty and Forfeiture Fund. Directs the Board to establish a schedule of penalties for violations of this Chapter. Directs the Board to consider four listed factors before assessing a civil penalty under the statute. Authorizes the Board to assess the costs of enforcement actions taken under this Chapter.

Makes technical and conforming changes.

Amends GS 135-1.1 by adding that a State board charged with administering any law related to the licensing of proprietary school who is subject to the State Budget Act, may make an irrevocable election by October 1, 2019, to become an employer in the Teachers' and State Employees' Retirement System.


Requires the members serving on the State Board of Proprietary Schools as of the date this section becomes law who were appointed under GS 115D-89.1 to: (1) beginning September 1, 2019, serve in a dual capacity as members of the State Board of Proprietary Schools and as members of the North Carolina Board of Proprietary Schools until September 30, 2019, (2) beginning October 1, 2019, serve the remainder of their terms as members of the North Carolina Board of Proprietary Schools established under GS Chapter 115F, and (3) beginning October 1, 2019, assume the advisory duties and responsibilities of the State Board of Proprietary Schools under Article 8 of Chapter 115D of the General Statutes in regard to any proprietary school operating in this State under a license approved on or before October 1, 2019.
Authorizes the North Carolina Board of Proprietary Schools to enter into an agreement with the State Board of Community Colleges to provide that the Community Colleges System Office acts as the fiscal agent for the North Carolina Board of Proprietary Schools and for the Office of Proprietary Schools for the purpose of administering the Commercial Education Fund and the Student Protection Fund, until those funds may be established in accounts with the Department of State Treasurer under the sole supervision and direction of the North Carolina Board of Proprietary Schools.

Establishes the fees for application, initial licensure, license renewal, and inspections performed of proprietary schools that are to be used until the fees are established under new GS 115C-35.

Unless otherwise indicated, effective September 1, 2019.

Intro. by R. Turner, Fraley, Blackwell.

GS 86A, GS 90, GS 93A, GS 115F, GS 116, GS 126, GS 135

View summary Education, Elementary and Secondary Education

H 469 (2019-2020) AMEND EQUITABLE DISTRIBUTION LAWS. Filed Mar 26 2019, AN ACT TO AMEND THE LAWS PERTAINING TO EQUITABLE DISTRIBUTION.

Amends GS 50-20.1, concerning the equitable distribution of certain marital benefits, retitling the statute, Pension, retirement, and deferred compensation benefits (was, Pension and retirement benefits). Modifies and adds to the statute's provisions, now providing as follows.

Provides for the distribution of vested marital pension, retirement, or deferred compensation benefits to be payable as a lump sum from the plan, program, system, or fund for those benefits; as fixed amounts over a period of time from the plan, program, system or fund for those benefits; as a prorated portion of the benefits made to the designated recipient at the time the participant-spouse, as defined, is eligible to receive benefits, actually begins to receive benefits, or reaches earliest retirement age (previously limited to the time the party actually begins to receive benefits and by appropriate domestic relations order); by awarding a larger portion of other assets to the party not receiving the benefits and a smaller share of other assets to the party entitled to receive the benefits; or as a lump sum, over a period of time in fixed amounts, by agreement (not previously an option).

Provides for the distribution of nonvested marital pension, retirement, or deferred compensation benefits to be payable by as a lump sum agreement; over a period of time in fixed amounts by agreement; or as a prorated portion of the benefits made to the designated recipient at the time the participant-spouse, as defined, is eligible to receive benefits, actually begins to receive benefits, or reaches earliest retirement age, if permitted by the plan, program, system, or fund (previously limited to the time the party actually begins to receive benefits and by appropriate domestic relations order).

Makes conforming changes throughout to refer to the plan, program, system or fund for the benefits rather than the fund or plan for those benefits. Prohibits a court from requiring the administrator of the plan, program, system or fund involved to make any payments or distributions to the nonparticipant spouse, except as the terms of the plan, program, system, or fund permit (previously prohibited until the party against whom the award is made actually begins to receive the benefits unless the plan permits an earlier distribution).

Provides that when the amount of the benefit payable by the plan, program, system, or fund to the participant-spouse is determined in whole or part by the length of time of the participant-spouse's employment, the marital portion is determined using the proportion of time the marriage existed simultaneously with the total time of the employment which earned the benefit subject to equitable distribution, to the total amount of time of employment which earned the benefit subject to equitable distribution (clarified from existing language). Maintains existing language concerning the determination calculation. Requires the award to include costs of living adjustments and similar enhancements to the participant's benefit. Provides that if a court makes the award payable as a prorated portion of the benefits made to the designated recipient, as specified in subdivisions (a)(3) or (b)(3) as amended, and divides the marital portion of the benefit equally, the court is not required to determine the total value of marital benefits before classifying and distributing the benefits; however, neither party is prohibited from presenting evidence of the total value of any marital benefits or any benefits that are separate property of either spouse. Provides for a similar distribution where a pension, retirement, or deferred compensation plan, program, system or fund, or applicable statute, limits or restricts the amount of the benefit subject to equitable distribution.

https://lrs.sog.unc.edu/lrs-subscr-view/dailybulletin/2019-03-26#
Requires the court to determine the award when the amount of the benefit payable by the plan, program, system or fund is based on contributions and held in one or more accounts with readily determinable balances, by determining the amount in the account balance that is due to contributions made or earned during the marriage and before separation, together with the income, gains, losses, appreciation, and depreciation accrued on those contributions. Allows the court to determine the award based on the proportion of the time the marriage existed simultaneously with the employment which earned the benefit subject to equitable distribution to the total amount of time of employment, as in subsection (d) as amended, if sufficient evidence is not presented to the court make the determination required. Either way, requires the award to be based on the vested and nonvested accrued benefit as of the date of separation, together with the income, gains, losses, appreciation and depreciation accrued after the date of separation on the date-of-separation benefits. Prohibits the award from including contributions that can accrue or be made after the date of separation, or any income, gains, losses, appreciation, and depreciation accrued on those contributions.

Maintains the award cap of 50% of the benefits the person against whom the award is made is entitled to receive as vested and nonvested pension, retirement, or deferred compensation benefits, except as previously specified. Maintains the provisions providing for the unpaid balance of the award to pass as previously specified in the event the person receiving the award dies.

Provides further specifications for when an award is made payable as a prorated portion of the benefits made to the designated recipient pursuant to subdivisions (a)(3) and (b)(3) as amended, regarding awards and allocations dependent on whether the pension, retirement or deferred compensation plan, program, system or fund permits the use of a "separate interest" approach in the domestic relations order.

Adds that whenever a pension, retirement, or deferred compensation plan, program, system, or fund does not automatically provide pre-retirement survivor annuity protection for the nonparticipant spouse, the court is required to order the protection for the nonparticipant spouse if permitted by the plan, program, system, or fund. Authorizes the court to equally allocate any fees assessed by the plan, program, system, or fund in order to process any domestic relations order or qualified domestic relations order.

Maintains the provisions concerning a court's avenues to require distribution of the award, now including by domestic relations order.

Clarifies that the statute and GS 50-21 applies to all vested and nonvested pension, retirement, and deferred compensation plans, program, systems, or funds, including but not limited to the specified programs and plans provided, including uniformed services retirement programs, church plans, and charitable organization plans (previously specified certain plans but did not qualify that covered plans are not limited to those specified).

Provides for a court to enter a subsequent order to clarify or correct a prior order upon a plan, program, system, or fund deeming an order providing for distribution of its benefits unacceptable.

Allows a claim to be filed, as specified, for an order effectuating the distribution of benefits provided in a valid written agreement, as defined in GS 50-20(d), whether or not a claim for equitable distribution has been filed or adjudicated. Authorizes a court to enter an order effectuating the distribution provided for in the valid written agreement.

Applies to distributions made on or after October 1, 2019.

**Intro. by Stevens.**

**GS 50**

View summary **Courts/Judiciary, Civil, Civil Law**

**H 470 (2019-2020) AMEND PARENTING COORDINATOR LAWS/FAMILY LAW.** Filed Mar 26 2019, *AN ACT TO AMEND THE LAWS PERTAINING TO PARENTING COORDINATORS.*

Makes the following changes to Article 5, Parenting Coordinator, GS Chapter 50.

Adds *party* to the defined terms set out in GS 50-90, defining the term to mean any person granted legal or physical custodial rights to a child in a child custody action.
Amends GS 50-91, regarding the appointment of parenting coordinators. Now authorizes the court to appoint or reappoint a parenting coordinator at any time in a child custody action involving minor children brought under Article 1, on or after entry of a custody order other than an ex parte order, or upon entry of a contempt order involving a custody issue pursuant to: (1) all parties consent to the appointment and the scope of authority; (2) upon motion of a party requesting the appointment; or (3) upon the court's own motion (previously, did not provide for reappointment; specified during the proceedings of the action; did not provide for the court to make appointment upon motion of a party requesting appointment or upon its own motion). Further provides for the court to make specified finding that the action is a high-conflict case, the appointment is in the best interests of any minor child in the case, and that the parties are able to pay for the cost of the coordinator, if the event the parties have not consented to the appointment (previously, allowed the court to make the appointment without consent of the parties upon entry of a custody order other than an ex parte order, or upon entry of a parenting plan, only if those specified findings were made). Adds that the court does not have to find a substantial change of circumstance has occurred to appoint a parenting coordinator. Requires the appointing order to specify the terms of the appointment. Removes the requirements for the order to specifically incorporate any agreement regarding the role of the coordinator made by the parties. Also eliminates the requirement for the court to give a copy of the order to the parties prior to the appointment conference. Provides for selection of the parenting coordinator from a list maintained by the district court (previously, selection specifically by the court). Clarifies that prior to appointment, the court, the parties' attorneys, or the parties must contact the coordinator to determine if the coordinator is willing and able to accept the appointment.

Amends GS 50-92, regarding the authority of the parenting coordinator. Requires the authority to be limited to matters that will aid the parties in complying with the custody order, resolving disputes regarding issues that were not specifically addressed in the custody order, or ambiguous or conflicting terms in the custody order (previously, identify disputed issues, reduce misunderstandings, clarify priorities, explore possibilities for compromise, develop methods of collaboration in parenting, and compliance with the court's order). Now provides 20 areas which the scope of authority can, but is not limited to, including transition time, pick up, or delivery, sharing vacations and holidays, diet, clothing, extracurricular activities, and discipline. Authorizes the coordinator to decide any issue within the scope of authority, and deems the decision enforceable as an order of the court. Requires decisions to be in writing and provided to the parties and their attorneys. Deems the decision binding so long as the custody order is in effect, even after the expiration of the coordinator's term unless the coordinator or subsequent coordinator modifies the decision or the court review and modifies the decision. Allows any party or their attorney to file a motion for the court to review a coordinator's decision. Requires the parties to comply with the decision unless the court, after a review hearing, determines the decision is not in the child's best interest or the decision exceeded the scope of authority (previously, allowed the court to authorize the coordinator to make decisions regarding implementation of the parenting plan not specifically governed by the order, binding on the parties until reviewed by the court at a hearing at the request of the coordinator or either party; did not provide specific findings the court must make in its review of the decision). Provides that the moving party or their attorney must cause a subpoena to be issued for the coordinator's attendance at the review hearing (previously, only the judge presiding over the case can subpoena the coordinator to attend and testify at the review hearing). Requires the court to determine how the coordinator's fees are to be apportioned between the parties at the conclusion of the review hearing. Further authorizes the court to review and modify the coordinator's decision after the expiration of a parenting coordinator's term (not previously provided for). Requires the coordinator to provide any financial issues related to the coordinator's decisions to the parties or their attorneys (previously, did not specify the financial issues must relate to the coordinator's decisions and limited reference to the parties' attorneys). Make further clarifying changes.

Amends GS 50-93, regarding qualifications for inclusion of the district court's list of parenting coordinators, now requiring the person to hold a masters or doctorate degree in psychology, law, social work or counseling (removing the qualification to hold a master's degree or doctorate degree in medicine or a related area) and current North Carolina license in the coordinator's areas of practice (previously, did not specify the license must be a North Carolina license; removes the qualifying phrase of applicability).

Amends GS 50-94, concerning the parenting coordinator appointment conference, to no longer require a conference if the coordinator's term is later extended, a subsequent coordinator is appointed in the same matter, or the parties, their attorneys, and the proposed coordinator consent to a waiver of the conference by signing the proposed appointment order. Prohibits the court from entering an appointment order or conducting an appointment conference unless a custody order has already been entered or is simultaneously entered. Removes the requirement for the court to determine the information each party must provide to the parenting coordinator at the time of the appointment conference. Makes clarifying changes. Eliminates the provisions requiring the coordinator and any guardians ad litem to bring all necessary releases, contracts, and consents to the conference, and requiring the coordinator to schedule the first session with the parties.
Amends GS 50-95, concerning fees of the parenting coordinator, to now require the coordinator to file a fee report and request a hearing in the event of a dispute of fee or retainer payment (previously, the coordinator was not required to file a fee report, and disputes on retainers were not included). Now additionally provides for a party disputing the fees or the allocation of the fees to file a motion with the court requesting a review of the fees. Adds that the district court retains jurisdiction to resolve disputes regarding the coordinator's fees after the conclusion of the coordinator's term so long as the coordinator's fee report was filed in a timely manner. Removes the provision authorizing the court to condition the appointment upon the parties' payment of a specified fee to the coordinator, and prohibiting the coordinator from beginning any duties until the fee has been paid.

Expands GS 50-96, now allowing meeting and communications between the parties, their attorneys, or any other person with information that assists the coordinator in the coordinator's duties, to be informal and ex parte. Now requires the parties to timely execute any releases necessary to facilitate communication with anyone having information that assists the coordinator in the coordinator's duties, upon request of the coordinator. Authorizes the coordinator, in the coordinator's discretion, to meet or communicate with the minor children.

Rewrites GS 50-97, regarding reports of the parenting coordinator. Now permits the coordinator to file a report with the court regarding any of the five specified issues, including the parenting coordinator's belief that the existing custody order is not in the best interest of the child, a party's noncompliance with a decision of the coordinator or the terms of the custody order, or the parenting coordinator's request that the appointment be modified or terminated. Provides for a hearing in the event of a party's noncompliance with the coordinator's decision, the terms of the custody order, or nonpayment of the coordinator fees (previously, provided for a hearing no later than two weeks following receipt of the required report if the coordinator made noncompliance determinations). Specifies that the provisions do not prevent a party from filing its own motion regarding noncompliance with the coordinator's decision or the terms of the custody order. Now requires an expedited hearing to be granted and occur within four weeks of the filing of the report unless the coordinator requests longer or the court has already issued an order during a party to show cause why the party should not be held in contempt. Authorizes the court to issue temporary custody orders as required for a child's best interest after a hearing on the report.

Rewrites GS 50-98, regarding parenting coordinator records, to permit the coordinator to release any records held by the coordinator to the parties or their attorneys, at the discretion of the coordinator (previously, required the coordinator to provide written summaries of development and copies of other written communications to the parties and their attorneys; also required coordinators to maintain records of each meeting, which could only be subpoenaed by the presiding judge, and were reviewable in camera and released only if the court determined the records would assist the parties with the presentation of their case at trial). Now permits any party to apply to the judge presiding for the issuance of a subpoena to compel production of the coordinator's records. Requires any party submitting the application to provide reasonable notice to the coordinator and the parties so that any objection to the release of information or the manner of release can be considered prior to the issuance of the subpoena.

Amends GS 50-99, authorizing the court to terminate or modify the parenting coordinator's appointment upon motion of any party, upon the agreement of the parties, or by the court on its own motion, for good cause shown (previously, included upon motion of either party at the request of the coordinator). Now allows for the court to modify or terminate the coordinator's appointment upon request of the coordinator for good cause shown as set forth in GS 50-97(a)(5), as enacted. Makes organizational changes to the provisions describing good cause, and now includes in the term: (1) lack of reasonable progress (previously qualified with over a significant period of time despite the best efforts of the parties and the coordinator); and (2) the inability or unwillingness of the coordinator to continue to serve (was, the coordinator is unable or unwilling to serve). Makes clarifying changes.

Effective October 1, 2019.

Intro. by Stevens.

GS 50

View summary

Courts/Judiciary, Civil, Family Law

H 471 (2019-2020) REDUCE ADMIN. DUPLICATION MH/DD/SAS PROVIDERS. Filed Mar 26 2019. AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A WORKGROUP TO EXAMINE AND MAKE
RECOMMENDATIONS ABOUT HOW TO ELIMINATE ADMINISTRATIVE DUPLICATION FOR MENTAL HEALTH, INTELLECTUAL/DEVELOPMENTAL DISABILITY, AND SUBSTANCE USE DISORDER PROVIDERS.

Requires the Secretary of the Department of Health and Human Services to establish a workgroup to examine current administrative requirements for mental health, intellectual/developmental disability, and substance use disorder providers and how best to integrate these requirements with similar administrative requirements for physical health providers in order to avoid duplication and enhance efficiency. Specifies membership of the workgroup. Requires the study to include a review of at least all of the 14 specified categories of requirements imposed on mental health, intellectual/developmental disability, and substance use disorder providers and physical health providers, including service delivery, facility licensure, medicaid enrollment, and audits. Requires the workgroup to identify the federal or State entity that created each requirement examined by the workgroup and provide a recommendation about whether that requirement should remain, be eliminated or redesigned, including State legislation, statutes, contractual requirements, federal Medicaid, and managed care law. Requires the workgroup to consider any requirement imposed on mental health, intellectual/developmental disability, and substance use disorder providers that: (1) is not federally mandated; (2) exceeds what is required for physical health; (3) does not add value to the delivery of behavioral health services; or (4) is unable to be incorporated into standard electronic health records or does not align with meaningful use of electronic health records.

Requires the Department of Health and Human Services to report the workgroup's findings by March 31, 2020, to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, and the Fiscal Research Division.

Intro. by Hardister, White, Dobson, Adcock.  

View summary

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health Care Facilities and Providers

H 472 (2019-2020) NC A&T STATE UNIVERSITY/AG. FUNDS. Filed Mar 26 2019, AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY TO PROVIDE A MINIMUM MATCH FOR FEDERAL FUNDS TO SUPPORT AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION PROGRAM ACTIVITIES.

Appropriates $2 million in additional recurring funds for 2019-20 from the General Fund to the UNC Board of Governors to be allocated to NC A&T State University to support its agricultural research and cooperative extension activities by matching federal funds awarded to the University. Provides that the minimum match is $1 in nonfederal funds for every $1 in federal funds for agricultural research and extension activities approved in the plan of work submitted to the US Secretary of Agriculture. States the NCGA's intent to appropriate additional state funds as necessary to meet the minimum match for available federal funds for this program in subsequent fiscal years. Effective July 1, 2019.

Intro. by Hardister, Dobson, Faircloth, Clemmons.  

View summary

Government, Budget/Appropriations, State Agencies, UNC System

H 473 (2019-2020) MILEAGE & PER DIEM - STATE E'EES/LEGISLATORS. Filed Mar 26 2019, AN ACT TO INCREASE MILEAGE AND PER DIEM FOR STATE EMPLOYEES AND MEMBERS OF BOARDS AND COMMISSIONS TO CURRENT FEDERAL RATES AND TO SET 2021 Legislator MILEAGE AND PER DIEM AT 2019 FEDERAL RATES.

Amends GS 138-6 by amending the reimbursement rates for travel by the officers and employees of State departments, institutions, and agencies, as follows. Sets the rate for transportation by privately owned automobile at the current business standard mileage rate set by the IRS per mile of travel and the actual cost of paid tolls. Sets the rate for a subsistence allowance for meals and lodging at a daily rate equal to the maximum per diem rate for federal employees traveling to Raleigh as set out by the General Services Administration in the current fiscal year. Requires the Director of the Budget, effective July 1, 2019,
and annually thereafter to revise the amounts of payment of subsistence per day when traveling in-state and out-of-state equal to the maximum per diem rate for federal employees traveling to Raleigh as set out by the General Services Administration in the current fiscal year. Makes conforming deletions. Makes additional clarifying changes.

Amends GS 120-3.1, effective upon the convening of the 2021 General Assembly, as follows. Requires that General Assembly members' weekly travel allowances be calculated by multiplying the actual round-trip mileage from the member's home to Raleigh by the rate per mile, which is the business standard mileage rate set by the IRS in Rev. Proc. 2010-51, December 14, 2018 (was, Rev. Proc. 93-51, December 27, 1993). Requires the travel allowance rate to be based on the same updated business standard mileage rate. Requires members' subsistence allowance for meals and lodging to be at a daily rate equal to the maximum per diem rate for federal employees traveling to Raleigh as set out at 83 Federal Register 42501 (August 22, 2018) (was, 58 Federal Register 67959, December 22, 1993). Makes conforming changes.

Except as otherwise indicated, applies to travel occurring on or after July 1, 2019.

Intro. by Warren, Horn, Jackson, Carney.

View summary

GS 120, GS 138

Employment and Retirement, Government, General Assembly, State Government, State Personnel

H 474 (2019-2020) DEATH BY DISTRIBUTION. Filed Mar 26 2019. AN ACT TO CREATE THE OFFENSES OF DEATH BY DISTRIBUTION OF CERTAIN CONTROLLED SUBSTANCES AND AGGRAVATED DEATH BY DISTRIBUTION OF CERTAIN CONTROLLED SUBSTANCES.

Includes whereas clauses.

Enacts new GS 14-18.4 creating the crime of death by distribution of certain controlled substances applicable in instances when (1) the person unlawfully distributed at least one certain controlled substance to the victim; (2) the ingestion of the certain controlled substance or substances caused the user's death; (3) the person's unlawful distribution of the certain controlled substance or substances was a proximate cause of the victim's death; and (4) the person did not act with malice. Punishable as a Class C felony.

A person is guilty of aggravated death by distribution of certain controlled substances if the person meets the elements distribution of certain controlled substances described above and also has a previous conviction under this statute, GS 90-95(a) (1) (manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance), GS 90-95(c)(5) (any person 18 years of age or over who violates GS 90-95(a)(1) by selling or delivering a controlled substance to a youth in the identified age ranges or to a pregnant woman), GS 90-95.1 (engaging in a continuing criminal enterprise), GS 90-95.4 (employing or intentionally using a minor to commit a drug law violation), GS 90-95.6 (promoting drug sales by a minor), or trafficking in violation of GS 90-95, or a prior conviction in any federal or state court is substantially similar to an offense listed, within seven years of the date of the offense. Punishable as a Class B2 felony.

Defines certain controlled substances as any opium, opiate, or opioid; any synthetic or natural salt, compound, derivative, or preparation of opium, opiate, or opioid; cocaine or any other substance described in GS 90-90(1)(d); methamphetamine; a depressant described in GS 90-92(a)(1); or a mixture of one or more of these substances.

Provides that death by distribution of certain controlled substances constitutes a lesser included offense of aggravated death by distribution of certain controlled substances in violation of this statute and of murder.

Includes the General Assembly's intent.

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

Intro. by Arp, D. Hall, C. Smith, Faircloth.

View summary

GS 14

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure
H 475 (2019-2020) **NC PATRIOT STAR FAMILY SCHOLARSHIP/FUNDS.** Filed Mar 26 2019, *AN ACT TO ENACT THE NORTH CAROLINA PATRIOT STAR FAMILY SCHOLARSHIP ACT.*

Appropriates $500,000 in recurring funds for 2019-20 from the General Fund to the UNC Board of Governors to be provided as a grant to the Patriot Foundation to establish the NC Patriot Star Family Scholarship Program (Program) to provide scholarships to eligible children and spouses of certain veterans and current service members of the US Armed Forces to attend eligible post secondary institutions. Defines eligible child as a person (1) who is attending or has been accepted to enroll in an eligible postsecondary institution; (2) who is a legal resident of the state when scholarship documentation is completed, (3) has complied with the Selective Service System requirements, and (4) whose parent is a veteran or a currently serving member of the Armed Forces that meets the specified NC residency requirements and meets the following specified service conditions: (a) was a member of the Armed Forces who was killed in action or in the line of duty, or died of wounds or other causes not due to the service member's willful misconduct during a period of war or national emergency; (b) was a member of the Armed Forces who died of service-connected injuries, wounds, illness, or other causes incurred or aggravated while a member of the Armed Forces during a period of war or national emergency; (c) is a veteran of the Armed Forces who incurred traumatic injuries or wounds or sustained a major illness while a member of the Armed Forces during a period of war or national emergency and is receiving compensation for a wartime service-connected disability of at least 50%; (d) is a current member of the Armed Forces who incurred traumatic injuries or wounds or sustained a major illness while a member of the Armed Forces during a period of war or national emergency. Defines an eligible spouse as any person (1) who is attending or has been accepted to enroll in an eligible postsecondary institution, (2) who is a legal resident of the state when scholarship documentation is completed, (3) has complied with the requirements of the Selective Service System, and (4) whose spouse was a member of the Armed Forces who was killed in action or the line of duty, or died of wounds or other causes not due to the service member's willful misconduct during a period of war or national emergency. Also defines eligible postsecondary institutions and veteran.

Makes the Patriot Foundation responsible for administering the Program and sets out types of criteria and procedures that must be established by the Foundation. Prohibits the sum of all awarded scholarships and grants from exceeding the cost of attendance for the institution; requires that the amount of the scholarship be reduced in such circumstances.

Requires the Foundation to report annually by April 1 to the specified NCGA committee and division on the activities described in the act and the use of state funds.

Effective July 1, 2019.

Intro. by Arp, Moore, Bell, Lewis.

**APPROP**

View summary

**Education, Higher Education, Government,**

**Budget/Appropriations, State Agencies, UNC System, Military and Veteran's Affairs**

**PUBLIC/SENATE BILLS**

S 95 (2019-2020) **VETERANS MEMORIAL FUNDS/DO NOT REVERT.** Filed Feb 20 2019, *AN ACT PROVIDING THAT FUNDS APPROPRIATED FOR THE CONSTRUCTION OF PUBLIC FACILITIES AT THE NORTH CAROLINA VETERANS MEMORIAL PAVILION SHALL NOT REVERT TO THE GENERAL FUND UNTIL JUNE 30, 2020.*

Senate committee substitute to the 2nd edition makes the following addition.

Amends Section 14.20A of SL 2016-94, as amended, expanding the use restrictions for the specified amount of the funds appropriated to the Department of Environmental Quality (DEQ), Division of Water Infrastructure, by requiring the amount also be used to fund interconnection, extension of sewer lines, and related wastewater system modification and expansion involving Rockingham and Guilford Counties and the municipalities of Oak Ridge, Stokesdale, Summerfield, Reidsville, Madison, and Mayodan (previously, limited to interconnection, extension of water lines, and related water system modification and expansion in those identified counties and municipalities). Maintains the allocation parameters previously specified.
Makes conforming changes. Now provides for the return of funds not expended or encumbered by June 30, 2021 (was, June 30, 2020), to the Office of State Budget and Management for reversion to the General Fund.

Intro. by Burgin.

UNCODIFIED

View summary

Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Military & Veterans Affairs, Military and Veteran's Affairs, Public Enterprises and Utilities

S 355 (2019-2020) LAND-USE REGULATORY CHANGES. Filed Mar 26 2019, AN ACT TO CLARIFY AND MAKE CHANGES TO THE LAND-USE REGULATORY LAWS OF THE STATE.

Amends GS 143-755, regarding permit choice by development permit applicants, to more specifically provide for the development permit applicant to choose which adopted version of a rule or ordinance will apply to the permit, and now also apply to the use of the building, structure, or land indicated on the permit application, in the event the rule or ordinance is amended between the time the development permit application was submitted and a development permit decision was made. Defines development permit to include zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, building permits, subdivision of land, State agency permits for development, driveway permits, erosion and sedimentation control permits, and sign permits. Specifies that a rule or ordinance amendment includes an amendment to any applicable land development regulation. Adds further specifications for permit choice, including: (1) allowing the applicant to act on the permit without awaiting the outcome of a rule, map, or ordinance amendment if the applicant chooses the version of the rule applicable at the time of the permit application and (2) providing for permit choice in instances where an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, determined as specified. Prohibits the enforcement of any provision of the applicant's chosen version of the rule or ordinance determined to be illegal for any reason without the written consent of the applicant. Details a process to compel agency or local government compliance with the statute or GS 160A-360.1 (regarding permits in cities and towns) or GS 153A-320.1 (regarding permits in counties). Defines development and land development regulation. Makes conforming changes to GS 160A-360.1 and GS 153A-320.1, and adds that the definitions set out in GS 143-755, as amended, apply to the statutes.

Makes the following changes to zoning and land use provisions set out in GS Chapter 160A (concerning cities) and GS 153A (concerning counties).

Makes organizational changes to GS 160A-385, concerning changes in city zoning ordinances, recodifying GS 160A-385(c) as GS 160A-385(b)(5). Amends the statute concerning written comments by citizens of proposed amendments, modifications, or repeals of zoning ordinances, to specify that the comments and procedure are limited to those proposed amendments, modifications, or repeals of zoning ordinances that have been properly initiated as provided in GS 160A-384, and include changes to zoning maps or texts. Makes organizational changes to GS 153A-344, concerning changes in county zoning ordinances, recodifying GS 153A-344(b1) as GS 153A-344(b)(5).

Further amends GS 160A-385 (concerning cities) and GS 153A-344, to provide that amendments to land development regulations are not applicable or enforceable without the written consent of the owner with regard to: (1) buildings or uses of buildings or land for which a development permit application has been submitted and issued pursuant to GS 143-755, as amended; (2) subdivisions of land for which a development permit authorizing the subdivision has been submitted and issued pursuant to GS 143-755, as amended; (3) a vested right established pursuant to GS 160A-385.1 or GS 153A-344.1 that remains valid and unexpired under GS 160A-385.1 or GS 153A-385.1 (appears to intend, or GS 153A-344.1); (4) a vested right established by the terms of the development agreement authorized by Part 3D of Article 19, GS Chapter 160A, or Part 2D of Article 18, GS Chapter 153A; and (5) a multi-phased development in accordance with GS 143-755, as amended (previously provided for limited enforcement of amended zoning ordinances without consent for buildings and uses for which valid and unexpired permits were issued or rights were vested as specified; restricted the limited enforcement of amended zoning, subdivision, and unified development ordinances without written consent to multi-phased developments). Now provides that multi-phased developments are vested for the entire development with land development ordinances (previously referred to the zoning ordinances, subdivision ordinances, and unified development ordinances) in place at the time a site plan approval is
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with statutory or adopted ordinance procedure). Further clarifies that competent evidence does not include opinion testimony subdivision (k)(1) that are conclusively incompetent (constitutional violations, exceeding statutory authority, and inconsistent court's scope of review. Specifies that the term competent evidence excludes items noted in sub-subdivisions a., b., and c. of the court to review the decision-making board's decision as specified to ensure the rights of the petitioner were not prejudiced because the Rules of Civil Procedure apply to the supplementation of the record of those described issues. Specifies that the court can as previously specified (previously allowable at the court's discretion). Adds that the rules of discovery set forth in the NC record to be supplemented with evidence to the extent the petition raises standing, impartiality, or scope of review issues, Amends GS 160A-393, concerning superior court review of appealed administrative decisions, to now require a court to allow the record to be supplemented with evidence to the extent the petition raises standing, impartiality, or scope of review issues, as previously specified (previously allowable at the court's discretion). Adds that the rules of discovery set forth in the NC Rules of Civil Procedure apply to the supplementation of the record of those described issues. Specifies that the court can review the decision-making board's decision as specified to ensure the rights of the petitioner were not prejudiced because the decision-making body's decisions, inferences, conclusions, or decisions were in excess of the statutory authority conferred to the city, including preemption (previously did not explicitly include preemption). Makes clarifying changes regarding the court's scope of review. Specifies that the term competent evidence excludes items noted in sub-subdivisions a., b., and c. of subdivision (k)(1) that are conclusively incompetent (constitutional violations, exceeding statutory authority, and inconsistent with statutory or adopted ordinance procedure). Further clarifies that competent evidence does not include opinion testimony

https://lrs.sog.unc.edu/lrs-subscr-view/dailybulletin/2019-03-26#
of lay witnesses as to property use, vehicular traffic, or matters for which only expert testimony would be admissible, regardless of the lack of timely objection. Modifies the provisions regarding relief the court may grant the petitioner, now requiring the court to remand if the court determines the permit was wrongfully denied because the denial was not based on substantial competent evidence or was otherwise based on an error of law, with instructions that the permit be issued, subject to any conditions expressly consented to by the permit applicant as part of the application or during the board of adjustment appeal or writ of certiorari appeal (previously was permissive, and the remand with instruction to issue the permit was subject to reasonably and appropriate conditions). Adds a new provision requiring the court to reverse a zoning board decision if it finds that the decision upholding a zoning enforcement action was not supported by substantial competent evidence or was otherwise based on an error of law.

Enacts GS 160A-393.2, prohibiting a city or county from asserting an estoppel defense before any board of adjustment or in any civil action if the landowner or permit applicant is challenging conditions that were illegally imposed.

Amends GS 6-21.7, requiring a court to award reasonable attorneys' fees and costs to the party who successfully challenged a city or county action that was found to have violated a statute or case law setting forth unambiguous limits on its authority (previously, allowed the award of fees and costs upon finding the city or county acted outside its scope of authority, and required the award upon finding the action was an abuse of discretion). Defines unambiguous. Adds a provision to require the court to award reasonable attorneys' fees and costs to the party who successfully challenged a city or county's violation of GS 160A-360.1, GS 153A-320.1, or GS 143-755, as amended by the act. Clarifies that the court can award reasonable attorneys' fees and costs in all other matters to the prevailing litigant.

Amends GS 160A-381 and GS 153A-340, explicitly restricting cities and counties from issuing special use permits or conditional use permits that impose unenforceable regulations or restrictions, including without limitation taxes, impact fees, building design elements not voluntarily offered by the petitioner, street improvements in excess of those authorized, driveway improvements in excess of those authorized, or other unauthorized limitations on the development or use of land, as specified. Prohibits the denial of a development permit authorized by GS 160A-381(c) and GS 153A-340(c1) on the basis that existing public facilities are inadequate to serve the property described in the permit application regardless of the type of use or development of said property.

Amends GS 160A-382 and GS 153A-342 regarding the placement of property in special use districts, conditional use districts, or conditional districts. Prohibits cities and counties from requiring, enforcing, or incorporating into the zoning regulations or permit requirements any condition or requirement not authorized by otherwise applicable law, including without limitation requirements as specified (identical to those unauthorized limitations specified in GS 160A-381 and GS 153A-340, as specified).

Amends GS 160A-307 regarding city curb cut regulations. Prohibits a city from requiring an applicant to acquire right-of-way from property not owned by the applicant, but allows an applicant to voluntarily agree to acquire the right-of-way. Removes the provision that held the more stringent driveway regulation controlling where the Department of Transportation and the city driveway improvements conflict.

Amends GS 160A-390 and GS 153A-346, prohibiting the use of a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit inconsistent with any definition of the same in other State law, including the State Building Code Council (previously, did not include building or dwelling within the scope and limited the prohibition to using definitions that are more expansive than those in other State law; did not explicitly include the Council).

Applies to ordinances adopted before, on, and after the date the act becomes law. Applies to zoning map amendment applications submitted and appeals filed on or after the date the act becomes law.
S 356 (2019-2020) LIMIT OWNERSHIP OF CERTAIN ANIMALS. Filed Mar 26 2019, AN ACT TO PROHIBIT THE OWNERSHIP, POSSESSION, IMPORT, PURCHASE, OR SALE OF BIG CATS, BEARS, AND GREAT APES IN CERTAIN SITUATIONS.

Enacts Article 7, Big Cats, Bears, and Great Apes, to GS Chapter 19A. Sets out definitions for animal control authority; circus; big cat, bear, or great ape; law enforcement officer; person; and wildlife sanctuary. Prohibits any person from importing into, possessing, keeping, purchasing, having custody or control of, breeding, or selling within the State, by any means, a big cat, bear, or great ape. Specifies that the prohibition includes Internet transactions. Provides for exemptions, including circuses and wildlife sanctuaries. Excludes persons who lawfully possessed a big cat, bear, or great ape prior to June 1, 2019, so long as the person complies with ten detailed requirements and restrictions, including maintaining specified records and annually registering with local animal control authority with the initial registration by September 1, 2019. Makes ineligible for the prior possession exclusion any person convicted of an offense involving the abuse or neglect of any animal. Requires any person transporting a big cat, bear, or great ape to keep the animal at all times in a species-appropriate cage or travel container and comply with federal transport requirements. Requires any person possessing a big cat, bear, or great ape to keep the animal in a permanent enclosure designed to be escape-proof and having an operable lock. Prohibits any person from allowing members of the public within 15 feet of the animal unless there is a permanent barrier in place, as described. Prohibits any person from knowingly releasing a big cat, bear, or great ape into the wild.

Provides for enforcement of the Article by any State law enforcement officer or any other law enforcement officer with jurisdiction, or any animal control authority with jurisdiction. Specifies that the Article does not prohibit a city or county from adopting or enforcing any ordinance or other law that placed more restrictive restrictions or additional requirements on the possession, sale, transfer, or breeding of big cats, bears, or great apes. Authorizes and provides for the seizure or impounding of animals that are possessed, sold, transferred, bred, or exhibited in violation of the Article upon obtaining a warrant from any judge or magistrate upon probable cause. Provides for temporary holding for animals that pose a direct threat to public safety or are suffering from apparent neglect or cruelty in the custody and control of certain institutions (a wildlife sanctuary, duly incorporated nonprofit animal protection organization, veterinary hospital/clinic/practice, or institutions credited by the Association for Assessment and Accreditation of Laboratory Animal Care International; all exempted from the Article), or otherwise holding the animal in place. Sets procedures for a hearing within 14 days from the date of the seizure or impoundment, with five-days' written notice of the hearing. Deems the seized or impounded animal forfeited upon judicial determination of a violation of the Article, with the court ordering the violator to pay all reasonable expenses incurred in caring and providing for the animal from the time it was seized until forfeiture, to a wildlife sanctuary, duly incorporated nonprofit animal protection organization, veterinary hospital/clinic/practice, or institutions credited by the Association for Assessment and Accreditation of Laboratory Animal Care International. Provides for the transfer of a forfeited animal to an institution (a wildlife sanctuary, duly incorporated nonprofit animal protection organization, veterinary hospital/clinic/practice, or institutions credited by the Association for Assessment and Accreditation of Laboratory Animal Care International) willing and able to take custody.

Enacts GS 146-30.2 to require the net proceeds of any sale of State-owned real property located outside of the State Capital area be applied in accordance with Subchapter II, Allocated State Lands, GS Chapter 146. Defines State Capital Area to include land in the City of Raleigh situated within the described boundaries of Peace Street, Capital Boulevard/Dawson Street, and Morgan Street. Defines net proceeds to mean the gross amount received from the real property sale less: (1) expenses incurred incident to the sale, as authorized; (2) a service charge to be paid into the State Land Fund; (3) 12.5% of the gross amount received to be paid to the Clean Water Management Trust Fund; and (4) 12.5% of the gross amount received to be paid to the Parks and Recreation Trust Fund. Clarifies that the statute does not appropriate the described proceeds. Effective July 1, 2019.

Intro. by Wells, Brown.
Specifies that the Article does not prevent law enforcement from humanely euthanizing an animal if no institution is willing and able to provide long-term care for the animal. Specifies that the Article does not prevent voluntary, permanent relinquishment of an animal by its owner to a person legally able to possess the animal and willing and able to take possession. Clarifies that voluntary relinquishment does not affect criminal charges for violations of the Article. Authorizes law enforcement officers to humanely destroy any big cat, bear, or great ape found to not properly be confined, whether on the property of the owner or running at large, in order to protect public safety. Makes owners liable for costs incurred by law enforcement in humanely destroying or otherwise securing an animal found not properly confined.

Makes each violation of the Article a Class 2 misdemeanor punishable by a fine not to exceed $5,000. Provides that each animal possessed, sold, transferred, or bred in violation of the Article is a separate offense. Makes any big cat, bear, or great ape owner or custodian whose act or omission in care, control, or containment of that animal results in the animal running loose or causing property damage a Class A1 misdemeanor, with a resulting serious bodily injury to any person making the owner of the animal strictly liable for a Class I felony. Authorizes any person who lives in a county where a big cat, bear, or great ape is kept to bring a civil action against the animal's owner or custodian to enjoin any violation of the Article.

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

Intro. by Sawyer, Krawiec, Gallimore.

GS 19A

View summary Animals, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

S 358 (2019-2020) PROTECT CITIZENS FROM LEAKING GARBAGE TRUCKS. Filed Mar 26 2019, AN ACT TO RESTORE PUBLIC HEALTH PROTECTIONS FROM LEAKING SOLID WASTE TRANSPORT VEHICLES.

Repeals Section 59.2 of SL 2013-413, which required the Commission for Public Health to implement 15A NCAC 13B .0105 (Collection and Transportation of Solid Waste; "rule") by means of not requiring vehicles or containers used for the collection and transportation of solid waste to be leak-proof, but allowing the Commission to require that these containers be designed and maintained to be leak-resistant in accordance with industry standards. Required the Commission to adopt a permanent rule to replace the rule, substantively identical to the implementation provisions provided.

Directs the Commission to readopt a rule substantively identical to 15A NCAC 13B .0105, Collection and Transportation of Solid Waste, as it existed on August 22, 2013. Requires the Commission and the Department of Environment and Natural Resources (intends Department of Environmental Quality) to implement the rule as it existed prior to the effective date of SL 2013-413 until the effective date of the readopted rule.

Intro. by Garrett, Marcus, Woodard.

UNCODIFIED

View summary Health and Human Services, Health, Public Health

S 359 (2019-2020) BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT. Filed Mar 26 2019, AN ACT ESTABLISHING THE BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT.

Enacts Article 1L, Born-Alive Abortion Survivors Protection Act, to GS Chapter 90. Defines abortion and attempt to perform an abortion. Sets forth legislative findings. Establishes standards of care, now requiring any health care provider present at the time a child is born alive resulting from an abortion or attempt to perform an abortion to: (1) exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care practitioner would render to any child born alive at the same gestational age and (2) ensure that the child born alive is immediately transported and admitted to a hospital. Defines born alive to mean, with respect to a member of the species homo sapiens, the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of
voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

Requires a health care practitioner or any employee of a hospital, a physician's office, or an abortion clinic who has knowledge of noncompliance to immediately report the noncompliance to an appropriate State or federal law enforcement agency, or both. Bars prosecution of the mother of a child born alive for violation of, or attempt or conspiracy of GS 90-21.132 or GS 90-21.133, as enacted, involving the child who was born alive. Makes violations of GS 90-21.132 and GS 90-21.133 a Class D felony, punishable by a fine not to exceed $250,000, unless the conduct is covered under some other law providing greater punishment. Makes any person who intentionally performs or attempts to perform an overt act that kills a child born alive punishable for murder under GS 14-17(c), a Class A felony. Provides for civil remedies for the woman upon whom the abortion was performed or attempted in which a child is born alive and there is a violation of the Article, including damages for objectively verifiable money damages for all injuries (psychological and physical), treble statutory damages for the cost of the abortion or attempted abortion, and punitive damages. Provides for reasonable attorneys' fees if judgment is rendered in favor of the plaintiff or if the judgement is rendered in favor of the defendant and the court finds the suit was frivolous or brought in bad faith. Makes conforming changes to GS 14-17(c).

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

Provides a savings clause for prosecutions for offenses committed before the effective date of the act.

Effective December 1, 2019.

Intro. by Krawiec, Hise, Harrington.

GS 14, GS 90

View summary

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Health and Human Services, Health Care Facilities and Providers

S 360 (2019-2020) AMEND LAW REGARDING UNIVERSITY DISCIPLINE. Filed Mar 26 2019, AN ACT TO ESTABLISH DUE PROCESS SAFEGUARDS FOR STUDENTS FACING UNIVERSITY DISCIPLINARY PROCEEDINGS.

Identical to H 305, filed 3/7/19.

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

Enacts new Part 8, Student Disciplinary Proceedings, under Article 1 of GS Chapter 116. Enacts new GS 116-44.20 requiring each UNC constituent institution to adopt policies to govern student conduct and to establish adequate due process procedures to be followed when conducting disciplinary proceedings against students. Requires the policies to comply with the policies adopted by the BOG under GS 116-11, as described above; Article 1; and US and State laws and regulations. Requires that the University policies include or provide for the development of a Code of Student Conduct that notifies students of the standards of behavior, conduct that may subject a student to discipline, and the range of disciplinary measures that may be used. Allows the suspension, but not expulsion, of a student for conduct not occurring on campus, if the conduct violates the Code of Conduct and the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the constituent institution or the safety of individuals in the educational environment. Prohibits allowing a student to be suspended or expelled long-term without first providing a hearing and prohibits imposing mandatory suspensions or expulsions for specific violations unless otherwise provided by state or federal law. Requires minimizing the use of long-term suspension and expulsion. Requires University policies to include the hearing notification procedures and due process procedures to be followed by university officials and students for cases involving a disciplinary outcome that may result in suspension or expulsion, consistent with Article 1.
Recodifies GS 116-40.11 as GS 116-44.21 and includes it in new Part 8. Also amends the statute to give any student enrolled at a constituent institution who is accused of a violation of the Student Code of Conduct (was, violation of the disciplinary or conduct rules) the right to be represented, at the student's expense, by a licensed attorney or nonattorney advocate who must be (was, may be) allowed to participate during any disciplinary hearing or procedure. Provides that a student does not have the right to be represented by an attorney or advocate for any allegation of academic dishonesty (previously also included situations where the institution has implemented a student honor court that is fully staffed by students to address such violations). Makes additional conforming changes.

Applies to investigations and proceedings initiated on or after October 1, 2019.

Intro. by Krawiec, Ballard, Sawyer.

S 361 (2019-2020) HEALTH CARE EXPANSION ACT OF 2019. Filed Mar 26 2019, AN ACT TO MAKE VARIOUS REFORMS THAT WILL INCREASE ACCESS TO HEALTH CARE IN NORTH CAROLINA.

Part I.

Requires the Department of Health and Human Services, Division of Health Benefits (Division), to amend the North Carolina Innovations waiver to increase the number of slots available under the waiver by a maximum of 1,000 slots to be made available on January 1, 2020, and by a maximum of 1,000 slots to be made available on January 1, 2021.

Appropriates $10,250,000 in recurring funds for 2019-20 and $30,750,000 in recurring funds for 2020-21 fiscal year from the General Fund to the Division to be used to fund these additional slots.

Part II.

Repeals GS Chapter 131E, Article 9 (Certificate of Need). Makes conforming changes to GS 6-19.1, GS 113A-12, GS 122C-23.1, GS 131E-13, GS 131E-136, GS 148-19.1, GS 130A-45.02, GS 150B-2, and GS 150B-21.1; makes conforming repeals of GS 143B-1292. Makes further conforming changes to GS 58-50-61 (defining health service facility as it was defined in the repealed Article) and GS 58-55-35 (defining hospice and intermediate care facility for the mentally retarded as they were defined in the repealed Article).

Effective January 1, 2020.

Part III.

Recodifies Article 18A (Psychology Practice Act) of GS Chapter 90 as Article 18G.

Enacts new Article 18H, Psychology Interjurisdictional Licensure Compact, in GS Chapter 90. Sets out six purposes and objectives of the Psychology Interjurisdictional Licensure Compact (Compact), including increasing public access to professional psychological services by allowing telepsychological practice across state lines and temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice and enhancing the states' ability to protect public health and safety. Defines terms that are used in the Article, including telepsychology, which is defined as the provision of psychological services using telecommunication technologies.

Specifies that the home state is a compact state where a psychologist is licensed to practice psychology. Allows a psychologist to hold one or more compact state licenses at a time and allows a compact state to require a psychologist not previously licensed in a compact state to obtain and retain a license to practice in the compact state under circumstances not allowed by the Authority to Practice Interjurisdictional Telepsychology under the terms of the Compact. Also allows a compact state to require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by Temporary Authorization to Practice under the Compact terms. Temporary Authorization to Practice is a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under the Compact, in another compact state. Temporary in-person, face-to-face practice is where a psychologist is physically present (not through the use of telecommunications technologies) in the distant state to provide for the practice of psychology for 30
days within a calendar year and based on notification to the distant state. Sets out five conditions that must be met in order for a home state’s license to authorize a psychologist to practice in a receiving state (defined as a compact state where the client/patient is physically located when the telepsychological services are delivered), including that the compact state has a mechanism in place for receiving and investigating complaints about licensed individuals and the compact state complies with the bylaws and rules of the Psychology Interjurisdictional Compact Commission (Commission). Sets out five similar conditions that must be met in order for a home state’s license to grant Temporary Authorization to Practice to a psychologist in a distant state.

Establishes requirements that psychologists licensed to practice in a compact state must meet in order to exercise the Authority to Practice Interjurisdictional Telepsychology (defined as a licensed psychologist’s authority to practice telepsychology, within the limits authorized under the Compact, in another compact state), including holding a graduate degree in psychology that meets specified criteria; possessing a current, full, and unrestricted license to practice in a home state that is also a compact state; and having no criminal record history reported on an identity history summary that violates Commission rules. Provides that the home state maintains authority over the license of any psychologist practicing into a receiving state and makes a psychologist practicing into a receiving state subject to the receiving state’s scope of practice. Prohibits a psychologist from practicing telepsychology in a compact state if the psychologist’s license is restricted, suspended, or otherwise limited.

Establishes requirements that psychologists licensed to practice in a compact state must meet in order to exercise the Temporary Authorization to Practice, including holding a graduate degree in psychology that meets specified criteria; possessing a current, full, and unrestricted license to practice in a home state that is also a compact state; and having no criminal record history that violates Commission rules. Requires a psychologist practicing in a distant state under the Temporary Authorization to Practice to practice within the scope of practice authorized by the distant state; psychologists practicing in a distant state are subject to the distant state’s authority and law. Prohibits a psychologist from practicing telepsychology in a compact state if the psychologist’s license is restricted, suspended, or otherwise limited.

Allows a psychologist to practice in a receiving state only in the performance of the scope of practice for psychology as assigned by the appropriate state psychology regulatory authority and under the following circumstances: (1) the psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state or (2) other conditions regarding telepsychology as determined by Commission rules.

Sets out conditions under which a home state or receiving state may take adverse action against a psychologist and the procedures that are to be followed.

Sets out additional authority granted to a compact state’s psychology regulatory authority, including issuing cease and desist and/or injunctive relief orders to revoke a psychologist’s Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

Requires the Commission to develop and maintain a coordinated licensure information system (coordinated database) and reporting system that contains licensure and disciplinary action information on all psychologists to whom the Compact is applicable. Sets out information that compact states must provide to the coordinated database. Sets out additional procedures for not sharing designated information and expunging information in the coordinated database.

Provides for the creation of a joint public agency by the compact states to be known as the Psychology Interjurisdictional Compact Commission (Commission). Sets out requirements for Commission membership, voting, and meetings, which are to occur at least once during each calendar year. Requires the Commission to prescribe bylaws and/or rules to govern its conduct. Establishes the Commission’s 14 powers, including bringing and prosecuting legal proceedings or actions in the name of the Commission; borrowing, accepting, or contracting for services of personnel; disposing of any property; and establishing a budget and making expenditures. Sets out requirements for the Executive Board, made up of six elected officers. Sets out provisions governing the financing of the Commission. Provides for qualified immunity, defense, and indemnification of Commission members, officers, the executive director, employees, and representatives.

Establishes criteria that must be met and procedures that must be followed when the Commission exercises its rule-making powers. Provides that if a majority of the legislatures of the compact states reject a rule by enactment of a statute or resolution in the same manner used to adopt the Compact, then the rule has no further force and effect in any compact state. Includes situations when public hearing requirements must be met before a rule or amendment is adopted. Sets out conditions for adoption of emergency rules.
Requires the executive, legislative, and judicial branches in each compact state to enforce the Compact and gives the Compact’s provisions and rules standing as statutory law. Sets out actions that are taken when a compact state has defaulted in the performance of its obligations or responsibilities, including termination of membership only after all other means of securing compliance have been exhausted. Provides for dispute resolution upon request by a compact state. Requires the Commission to enforce Compact provisions and rules and sets out further enforcement requirements.

Provides that the Compact comes into effect on the date on which the Compact is enacted into law in the seventh compact state. Any state that joins after the initial adoption of the rules will be subject to the rules as they exist on the date on which the Compact becomes law in that state. Sets out provisions governing withdrawing from the Compact. Allows the Compact to be amended by the compact states.

The above provisions are effective when at least seven states have enacted the PSYPACT. Requires the North Carolina Psychology Board to report to the Revisor of Statutes when the Compact has been enacted by the seven member states.

Part IV.

Amends GS 122C-263.1(a), which sets criteria for the Department of Health and Human Services (DHHS) to individually certify certain health, mental health, and substance abuse professionals to perform the first commitment examinations for involuntary commitment of individuals with mental illness or substance use disorders required by law. Expands upon those eligible classes of providers to also include a licensed marriage and family therapist. Provides that certification of a licensed marriage and family therapist under the statute does not authorize the therapist to expand the therapist's scope of practice. Makes technical changes. Effective October 1, 2019.

Part V.

Amends GS 131E-138, which sets out licensure requirements for home care agencies to create an exemption when home care services are provided to participants of the Program for All-Inclusive Care for the Elderly through an organization that has a valid program agreement with the Centers for Medicare and Medicaid Services and the Divisions of Health Benefits of the Department of Health and Human Services. Amends GS 131D-2.1 to amend the definitions of adult care home, assisted living residence, and multiunit assisted housing with service to include those residences that provide the specified services with a Program for All-Inclusive Care for the Elderly organization that has a valid program agreement with the Centers for Medicare and Medicaid Services and the Division of Health Benefits of the Department of Health and Human Services. Makes conforming, clarifying, and technical changes. Amends GS 131D-2.2, which prohibits multiunit assisted housing with service from caring for individuals with the specified conditions or needs to prohibit caring for individuals who require maximum physical assistance as documented by a uniform assessment instrument, unless the individual is enrolled in the Program for All-Inclusive Care for the Elderly, or the physician determines otherwise (was, only if the physician determines otherwise). Further amends the statute to give the resident of an assisted living facility the right to select the Program for All-Inclusive Care for the Elderly as the resident's health care provider without jeopardizing residence in the facility. Amends GS 131D-2.16 to require that the Medical Care Commission consider, when adopting rules, the need to ensure comparable quality of services, whether these services are provided by the listed entities or a Program for All-Inclusive Care for the Elderly organization that has a valid program agreement with the Centers for Medicare and Medicaid Services and the Division of Health Benefits of the Department of Health and Human Services. Amends GS 131D-6 concerning the certification of adult day care programs by exempting from the statute a Program for All-Inclusive Care for the Elderly organization that has a valid program agreement with the Centers for Medicare and Medicaid Services and the Division of Health Benefits of the Department of Health and Human Services. Effective October 1, 2019.

Part VI.

Amends GS 131D-2.11 by adding that if the annual inspection of an adult care home is conducted separately from the inspection required every two years to determine compliance with physical plant and life-safety requirements, the Division of Health Service Regulation must not cite, as part of the annual inspection, any violation that overlaps with an area addressed by the physical plant and life-safety inspection, unless failure to address the violation poses a risk to resident health or safety.
Part VII.

Includes a severability clause.

**Intro. by Krawiec, Bishop, Hise.**

APPROP, GS 6, GS 58, GS 90, GS 113A, GS 122C, GS 131D, GS 131E, GS 148

Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health, Social Services, Adult Services

S 362 (2019-2020) **ANNUAL REPORT STANDARDIZATION.** Filed Mar 26 2019, *AN ACT REVISIONING THE LAWS GOVERNING THE SUBMISSION OF ANNUAL REPORTS BY VARIOUS ENTITIES TO THE SECRETARY OF STATE.*

To be summarized.

**Intro. by Wells, Perry.**

View summary

S 363 (2019-2020) **FUNDS TO RESTORE TOWN OF PRINCEVILLE.** Filed Mar 26 2019, *AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF PRINCEVILLE TO ASSIST WITH DISASTER RECOVERY EFFORTS.*

Transfers $5 million for 2019-20 from the Hurricane Florence Disaster Recovery Reserve to the Hurricane Florence Disaster Recovery Fund and appropriates it on a nonrecurring basis to the Town of Princeville to be used as title indicates. Effective July 1, 2019.

**Intro. by Fitch.**

APPROP, Edgecombe

View summary

Government, Budget/Appropriations, Public Safety and Emergency Management

S 364 (2019-2020) **NC RECEIVERSHIP ACT REVISIONS.** Filed Mar 26 2019, *AN ACT TO ENACT THE NORTH CAROLINA RECEIVERSHIP ACT; REPEAL ASSIGNMENTS FOR THE BENEFIT OF CREDITOR STATUTES; AND MAKE AN ACTION FOR THE APPOINTMENT OF A GENERAL RECEIVER FOR CERTAIN DEBTORS A MANDATORY COMPLEX BUSINESS CASE, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.*

To be summarized.

**Intro. by Bishop.**

View summary

S 365 (2019-2020) **CLARIFY INSURANCE PROD'R CRIM. BCKGRD CHECK.** Filed Mar 26 2019, *AN ACT TO EXEMPT LIMITED LINE CREDIT INSURANCE PRODUCERS FROM CRIMINAL BACKGROUND CHECK REQUIREMENTS.*
Identical to H 310, filed 3/7/19.

Amends GS 58-33-48 as the title indicates. Effective October 1, 2019, and applies to applications for a new limited line credit insurance producer license or a renewal or continuation of such a licence received by the Commissioner of Insurance on or after that date.

Intro. by McInnis.

S 366 (2019-2020) 9TH/10TH GRADE/COLLEGE TRANSFER PATHWAYS. Filed Mar 26 2019, AN ACT TO PERMIT CERTAIN FRESHMAN AND SOPHOMORE HIGH SCHOOL STUDENTS TO BE ELIGIBLE TO ENROLL IN COLLEGE COURSES AS PART OF AN ACADEMIC TRANSITION PATHWAY OR COLLEGE TRANSFER CERTIFICATE.

Amends GS 115D-20(4)a., which authorizes local community colleges to collaborate with local school administrative units to offer courses in cooperative innovative high school programs, academic transition pathways, and college transfer certificates, as specified, and subject to approval of the State Board of Community Colleges (State Board). Qualifies the authorization to provide that the authority is subject to the adoption of criteria by the State Board for qualification of eligible students, including a minimum 3.0 GPA as part of the criteria for a sophomore student, and an equivalent measure to demonstrate readiness for the course material as part of the criteria for a freshman student.

Changes the provisions concerning community college collaboration with local units to offer academic transition pathways to qualified freshman, sophomore, junior, and senior high school students in the program that leads to a career technical education certificate, diploma, or State or industry-recognized credential (previously limited to qualified junior and senior high school students; with transition pathways available to qualified freshman and sophomore students but limited to those that lead to a career technical education certificate or diploma in industrial and engineering technologies, agriculture and natural resources, or transportation technology). Additionally, expands the authority to collaborate between community colleges and local units to now offer college transfer certificates requiring the successful completion of 30 semester credit hours of transfer courses to qualified freshman, sophomore, junior, and senior high school students (previously limited to junior and senior high school students).

Applies beginning with the 2019-20 school year.

Intro. by McInnis, B. Jackson.

S 367 (2019-2020) CLARIFY PROPERTY OWNERS' RIGHTS. Filed Mar 26 2019, AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT ADOPT ORDINANCES REGULATING THE REMOVAL OF TREES FROM PRIVATE PROPERTY WITHOUT THE EXPRESS AUTHORIZATION OF THE GENERAL ASSEMBLY.

Enacts GS 153A-145.8 and GS 160A-201.2, providing identical provisions regarding limitations of counties and cities, respectively. Prohibits counties and cities from adopting ordinances regulating the removal of trees from private property within the county or city's jurisdiction without an express legislative authorization. Requires any ordinance regulating the removal of trees from private property to provide that the owner can remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling, as defined, of the same or similar type.

Provides for the continued validity of 19 specified existing local acts which authorize ordinances regulating the removal of tree from private property, and requires the governing body of the respective county or city to amend the ordinances to include a provision which provides for tree removal by the property owner as described in new GS 153A-145.8 and GS 160A-201.2, as enacted.
Repeals any ordinances regulating the removal of trees from private property that were adopted before the act becomes law without the express authorization of the General Assembly.

**Intro. by McInnis, Krawiec, B. Jackson.**

GS 153A, GS 160A

Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Government, Local Government

S 368 (2019-2020) **PHYSICAL AND PSYCH. EVALS. FOR LEO'S.** Filed Mar 26 2019, *AN ACT TO SET CERTAIN MINIMUM REQUIREMENTS FOR THE EVALUATION OF MENTAL AND PHYSICAL HEALTH FOR THOSE PERSONS SEEKING TO BECOME CRIMINAL JUSTICE OFFICERS BY APPROVAL OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.*

Amends GS 17C-10 to require the NC Criminal Justice Education and Training Standards Commission to establish minimum standards to ensure criminal justice officer applicants are psychologically and physically suited to fulfill essential job functions. Sets out minimum standards. Applies to applications received on or after October 1, 2019.

**Intro. by Steinburg.**

GS 17C

Government, Public Safety and Emergency Management, Health and Human Services, Health

S 369 (2019-2020) **DESIGNATE LEGACY AIRPORTS.** Filed Mar 26 2019, *AN ACT TO DESIGNATE CERTAIN AIRPORTS AS NORTH CAROLINA LEGACY AIRPORTS.*

Enacts GS 63-59 designating the Smith Reynolds Airport in Forsyth County and the Michael J. Smith Field in Carteret County as legacy airports, defined as an airport in the state that (1) was established before 1945 and has been in continuous operation since that time; (2) contains a terminal building built before 1945; (3) has an actively used runway that is at least 6,000 feet long; and (4) has contributed significantly to the development of aviation in this state.

**Intro. by Lowe, Krawiec.**

GS 63

Transportation

S 370 (2019-2020) **STUDY GENERATOR REQ'S FOR MEDICAL OFFICES.** Filed Mar 26 2019, *AN ACT DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WHETHER CERTAIN MEDICAL OFFICES SHOULD BE REQUIRED TO HAVE EMERGENCY GENERATORS FOR USE DURING POWER OUTAGES.*

Identical to H 382, filed 3/19/19.

Requires the Legislative Research Commission (LRC) to study where the state should enact legislation requiring that physicians' offices be capable of providing emergency electrical service for use when there is a failure of the normal electrical service. Defines physician offices to mean any premises where a person licensed to practice medicine under GS Chapter 90, or where a professional association or corporation organized under GS Chapter 55B, engages in the practice of medicine. Sets out five issues the LRC must consider, including consulting with the North Carolina Medical Board to determine its support or objection to such a requirement and the reasons why. Requires the LRC report to the 2020 Regular Session of the 2019 General Assembly upon its convening.

**Intro. by Lowe.**

STUDY
S 371 (2019-2020) **PRE-REGULATORY LANDFILL MORATORIUM.** Filed Mar 26 2019, *AN ACT TO IMPOSE A PARTIAL MORATORIUM ON COLLECTION OF THE SOLID WASTE DISPOSAL TAX UNTIL COMPLETION OF THE CURRENT PILOT STUDY AND DIGITIZATION OF RECORDS.*

Reallocates the following specified amounts of all funds credited to the Inactive Hazardous Sites Cleanup Fund under GS 105-187.63(1) (which provides for 50% of waste disposal taxes received to be credited to the Fund) for the 2019-20 and 2020-21 fiscal year: (1) $1 million to the Department of Environmental Quality (DEQ) to contract for the digitization and addition to databases and inventories maintained by DEQ all remaining sites known by the Division of Waste Management as containing any waste or contamination over which DEQ has responsibility and for which DEQ maintains files only in a non-electronic format; (2) $18 million to complete work on the four sites overseen by the Division under the current pre-regulatory landfill pilot program; and (3) after such funds have been spent and encumbered, the remaining to be used by DEQ to fund administrative expenses related to hazardous and solid waste management.

Amends GS 105-187.61, decreasing the excise taxes on the disposal of municipal solid waste construction and demolition debris in any landfill, and on the transfer of municipal solid waste and construction and demolition debris to a transfer station, from $2 to $1 per ton of waste.

Amends GS 105-187.63, which provides for quarterly crediting or distribution of waste disposal taxes received (less the collection costs, as provided). Sets a moratorium on crediting the Inactive Hazardous Sites Cleanup Fund, effective July 1, 2021, and sunsets the moratorium on the first day of the first fiscal quarter beginning no less than 180 days following the date the DEQ has provided a final report to the specified NCGA committee and division regarding the completion and outcomes of the four-site pilot program for closure of pre-regulatory landfill sites. During the moratorium, provides for 75% of the waste disposal taxes received to be distributed to cities and counties on a per capita basis, as provided by existing law, and 25% to be credited to the General Fund.

Effective July 1, 2019.

*Intro. by Wells.*

S 372 (2019-2020) **FUNDS SCHOOL OF ED. BLDG./FAYETTEVILLE STATE.** Filed Mar 26 2019, *AN ACT TO APPROPRIATE FUNDS FOR A SCHOOL OF EDUCATION BUILDING AT FAYETTEVILLE STATE UNIVERSITY.*

Identical to H 177, filed 2/26/19.

Appropriates $50 million in nonrecurring funds for 2019-20 from the General Fund to the UNC Board of Governors to be used as title indicates. Effective July 1, 2019.

*Intro. by deViere, Clark.*

S 373 (2019-2020) **ELECTRIC STANDUP SCOOTERS.** Filed Mar 26 2019, *AN ACT TO DEFINE AND AUTHORIZE THE USE OF ELECTRIC STANDUP SCOOTERS.*

https://lrs.sog.unc.edu/lrs-subscr-view/dailybulletin/2019-03-26#
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.

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 Woodard, Krawiec.

GS 20

LOCAL/HOUSE BILLS

H 458 (2019-2020) HENDERSON MEALS TAX. Filed Mar 26 2019, AN ACT TO AUTHORIZE THE CITY OF HENDERSON TO LEVY A PREPARED FOOD AND BEVERAGES TAX.

Authorizes the Henderson City Council to levy a prepared food and beverage tax of up to 1% by resolution and after 10 days of public notice and a public hearing. Specifies seven exemptions. Directs retailers to collect the tax and either the City of Henderson or Vance County to administer the tax, as specified. Provides for refunds to nonprofit or governmental entities of the tax paid by those entities. Directs proceeds of the tax to be used for the promotion of travel and tourism-related activities in the City of Henderson, less up to 3% to provide for administrative costs. Requires the effective date of the tax to be the first day of a calendar month and prohibits the tax from being effective before the first day of the forth month after the date the resolution is adopted. Provides for repeal of the tax.

Intro. by Garrison.

Vance

H 459 (2019-2020) LEE COUNTY DEER HUNTING. Filed Mar 26 2019, AN ACT TO REGULATE DEER HUNTING IN LEE COUNTY.

Sets the seasons for hunting either sex deer with archery equipment, black powder, and guns in Lee County as those set by the Wildlife Resources Commission for the Southeastern Region of the state.

Intro. by Sauls.

Lee

H 464 (2019-2020) SMALL BUSINESS HEALTH CARE ACT. Filed Mar 26 2019, AN ACT TO ESTABLISH STANDARDS FOR ASSOCIATION HEALTH PLANS.

Enacts Article 50A, Association Health Plans, to GS Chapter 58. Requires all association health plan delivered or issued for delivery in the State to be in compliance with GS Chapter 58, regardless of the domicile of the sponsoring association receiving the policy. Defines associated health plan to mean a fully insured group health insurance policy that is sponsored by a sponsoring association and offered or sold to members of the sponsoring association, to provide health benefits, as permitted
under the Employee Retirement Income Security Act of 1974, its implementing regulations, and GS Chapter 58. Defines
*sponsoring association* to mean an association comprised of one or more employer members that provides an association
health plan to its employer members; provided that it meets the other requirements of Article 50A, a sponsoring association is
treated as an employer of a single group health plan under the Employee Retirement Income Security Act of 1974, its
implementing regulations, and GS Chapter 58. Defines *employer member* to mean a sole proprietorship, or an individual or
entity employing at least one person, which is a member of a sponsoring association.

Prohibits any insurer from delivering or issuing for delivery an association health plan (plan) to a sponsoring association unless
the sponsoring association meets five specified requirements, including (1) having at least one substantial business purpose
unrelated to the offering and providing of health insurance or other employee benefits to its employer members and their
employees, (2) having registered as a multiple employer welfare arrangement (MEWA) with the Insurance Commissioner, and
(3) having a commonality of interest shared among the employer members based on either the establishment by employer
members in the same trade/industry/business/profession, or by employer members as a statewide association in an area that
does not exceed State boundaries.

Sets out employer membership requirements to obtain coverage under a plan, requiring the employer member to be a member
of the sponsoring association and either be domiciled or have a principal headquarters or administrative office in the State, or
be licensed by the State agency for the employer member's industry, trade, or profession. Limits the provision of coverage to
eligible employees and individual paid on an IRS Form 1099, as specified. Requires employer members to commit to
remaining members of the sponsoring association and receiving and paying for benefits under the plan for a period of at least
two years.

Sets four criteria a plan must meet, including that the plan can neither be offered nor advertised to the public generally, and the
plan must provide a level of coverage that is at least 60% of the actuarial value of allowed costs for covered benefits.

Requires a sponsoring association to meet five specified solvency requirements before it can be delivered or issued for delivery
of a plan.

Prohibits a plan or sponsoring association from conditioning eligibility for coverage on any health-status factor, including
claims experience, evidence of insurability, and disability, among others. Permits a plan or sponsoring association to make
rating distinctions among its employer members on factors other than health-status factors, so long as the rating distinction is
not directed at individual beneficiaries or based on a health factor specifically identified by the statute. Prohibits plans from
imposing limitations based on preexisting conditions. Clarifies that the statute does not require a plan to provide particular
benefits other than those provided in the plan's terms, or otherwise required by law, nor prevents the plan from establishing
limitations or restrictions on the amount, level, extent, or nature of the benefits or coverage for similarly situated individuals
enrolled in the plan.

Prohibits a plan or sponsoring association from requiring any individual, as a condition of initial or continued enrollment in the
plan, to pay a premium or contribution greater than the premium or contribution for a similarly situated individual enrolled in
the plan on the basis of any health-status factor in relation to the individual or to an individual enrolled in the plan as a
dependent of the individual. Clarifies that the statute does not restrict the amount an insurer can charge for coverage under a
plan, or prevent an insurer from establishing premium discounts or modifying otherwise applicable co-payments or deductibles
for an association health plan in return for adherence to programs of health promotion and disease prevention.

Specifies that Article 50A does not preclude a sponsoring association from engaging a broker or agent licensed to sell
insurance in the State for purposes of reviewing and considering any plan.

Applies to contracts entered into, amended, or renewed on or after January 1, 2020.

*Intro. by K. Hall, Grange, Dobson, B. Turner.*  

**GS 58**  

- Business and Commerce, Health and Human Services, Health, Health Insurance
H 465 (2019-2020) CHARLOTTE CITIZENS REVIEW BRD SUBPOENA POWER. Filed Mar 26 2019, AN ACT TO GRANT CERTAIN SUBPOENA POWER TO THE CITY OF CHARLOTTE CITIZENS REVIEW BOARD.

Amends GS 160A-168 to authorize the chair, vice-chair acting as the chair, or majority of the Board to subpoena witnesses and compel the production of evidence in the police disciplinary process, as title indicates. Applies to Charlotte only.

Intro. by Autry. Mecklenburg

View summary Government, Public Safety and Emergency Management

H 468 (2019-2020) SHERIFF ROAD CLOSURE AUTH. Filed Mar 26 2019, AN ACT TO AUTHORIZE THE UNION COUNTY SHERIFF TO TEMPORARILY CLOSE TRANSPORTATION INFRASTRUCTURE DUE TO DANGEROUS ROADWAY CONDITIONS.

The following applies to Union County only.

Enacts new GS 162-27 allowing the sheriff to temporarily close any portion of the state transportation infrastructure if necessary to exclude public travel because of a dangerous road condition that poses an immediate visible threat to public safety. Requires notification to the Department of Transportation before the closure. Prohibits delegating responsibility for making the final decision to close state transportation infrastructure, but allows the sheriff to appoint a deputy to assist in performing the investigation of the road condition and temporary closure. Requires keeping a list of schools, colleges, or universities or providers of public transportation operating in the county that requests closure notifications and requires providing such notification. Requires traffic signs and traffic control devices placed on a highway to conform to the Uniform manual.

Effective October 1, 2019.

Intro. by Horn, Arp, Brody. Union

View summary Transportation

LOCAL/SENATE BILLS

S 235 (2019-2020) FRANKLIN/NASH MUNICIPALITIES/UNFIT DWELLINGS. (NEW) Filed Mar 13 2019, AN ACT TO GRANT MUNICIPALITIES IN FRANKLIN AND NASH COUNTIES THE AUTHORITY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN LARGER COUNTIES.

Senate committee substitute to the 1st edition makes the following change. Adds Nash County to the act's coverage. Makes conforming changes to the act's titles.

Intro. by J. Alexander. Franklin, Nash

View summary Development, Land Use and Housing, Building and Construction

S 242 (2019-2020) RECREATIONAL LAND FEE CHANGES. Filed Mar 13 2019, AN ACT RELATING TO SUBDIVISION RECREATIONAL FACILITIES IN HARNETT COUNTY

Senate committee substitute to the 1st edition deletes the proposed changes to GS 153A-331, and instead makes the following changes to the statute, applicable to Harnett County only. Allows a subdivision control ordinance to allow a developer to provide funds to the county to be used to acquire recreation land or areas and develop and construct recreational facilities to

https://lrs.sog.unc.edu/lrs-subscr-view/dailybulletin/2019-03-26#
serve the development or subdivision. Caps a fee that may be imposed under a subdivision control ordinance for these purposes at $500 per residential construction lot. Amends the act's long title.

Intro. by Burgin. Harnett

Development, Land Use and Housing, Building and Construction, Environment, Environment/Natural Resources

S 286 (2019-2020) AMEND FIRE PROT. FEES/UNION/BRUNSWICK. Filed Mar 14 2019, AN ACT TO AMEND FIRE PROTECTION FEE PROCEDURES REGARDING CERTAIN ANNEXED AREAS IN BRUNSWICK AND UNION COUNTIES.

Senate committee substitute to the 1st edition makes the following changes. Amends proposed Section 1(h1) in SL 1999-323 and the proposed change in GS 153A-236 by clarifying that the specified Part and Article are in GS Chapter 160A.

Intro. by Rabon, Johnson. Brunswick, Union

Government, Public Safety and Emergency Management

ACTIONS ON BILLS

PUBLIC BILLS

H 39: ADOPT THE OSPREY AS STATE RAPTOR.
   House: Reptd Fav
   House: Cal Pursuant Rule 36(b)
   House: Placed On Cal For 03/27/2019

H 43: ESTABLISH STANDARDS FOR SURGICAL TECHNOLOGY.
   House: Reptd Fav Com Sub 2
   House: Placed On Cal For 04/03/2019

H 50: ALLOW HYPERBARIC OXYGEN THERAPY FOR TBI/PTSD.
   House: Reptd Fav Com Substitute
   House: Placed On Cal For 04/03/2019

H 62: IN-STATE TUITION/MEMBERS SERVED ON USS NC.
   House: Reptd Fav
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 106: PED/INMATE HEALTH CARE REIMBURSEMENT.
   House: Reptd Fav Com Substitute
   House: Re-ref Com On Judiciary

H 107: PED OVERSIGHT/EPP CHANGES.
   House: Reptd Fav Com Sub 2
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 108: PED/SAFEKEEPER HEALTH CARE COST RECOV. PRACT.
   House: Withdrawn From Cal
   House: Re-ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House
H 121: EXPUNGENCE RELATED TO RTA/NO CONVICTION.
   House: Withdrawn From Cal
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 184: STUDY STATE HEALTH PLAN DESIGN.
   House: Serial Referral To Insurance Stricken
   House: Reptd Fav Com Substitute
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 197: RICHMOND CC/MULTICAMPUS FUNDS.
   House: Reptd Without Prejudice
   House: Re-ref Com On Appropriations, Education

H 205: VEH. PROPERTY DMG./DETERMINING AMT. OF LOSS.
   House: Reptd Fav Com Substitute
   House: Re-ref Com On Insurance

H 234: FUNDS FOR CHILD ADVOCACY CENTERS.
   House: Reptd Fav
   House: Re-ref Com On Appropriations, Health and Human Services

H 263: FILL VACANCIES/MODIFY 2018 APPOINTMENTS.
   Senate: Regular Message Sent To House
   House: Regular Message Received For Concurrence in S Amend

H 270: EDGECOMBE CC/FUNDS FOR TRAINING CENTER.
   House: Reptd Without Prejudice
   House: Re-ref Com On Appropriations, Education

H 275: CTE PILOT FOR GUILFORD CO. SCHOOLS.
   House: Reptd Fav
   House: Re-ref Com On Finance

H 315: INSTRUCTIONAL MATERIAL SELECTION.
   House: Reptd Fav Com Substitute
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 329: EXEMPT EV STATIONS/PUBLIC UTILITIES REGS.
   House: Reptd Fav
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 330: EFFICIENT GOVERNMENT BUILDINGS &AMP SAVINGS ACT.
   House: Reptd Fav Com Substitute
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 331: SMALL HYDRO AMENDS.
   House: Reptd Fav Com Substitute
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 340: AMEND APPT FOR COMPACT ON EDUCATION/MILITARY.
   House: Reptd Fav
   House: Re-ref Com On Rules, Calendar, and Operations of the House

H 377: REDUCE TESTING.
   House: Reptd Fav Com Substitute
H 382: STUDY GENERATOR REQ'S FOR MEDICAL OFFICES.
House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 03/27/2019

H 402: UNC CAPITAL PROJECTS.
House: Withdrawn From Com
House: Re-ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House

H 441: CLEAR ROADBLOCKS TO I-77 TOLL RELIEF.
House: Passed 1st Reading
House: Ref To Com On Rules, Calendar, and Operations of the House

H 442: STATE GOVT. MATERNITY-PATERNITY LEAVE/PED.
House: Passed 1st Reading
House: Ref to the Com on Health, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 443: NEED-BASED SCHOLAR. FUNDS/MILITARY DEPENDENTS.
House: Passed 1st Reading
House: Ref to the Com on Education - Universities, if favorable, Appropriations, Education, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 444: MODIFY B.O.B.E. FEES AND RECIPROCITY REQU.S.
House: Passed 1st Reading
House: Ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House

H 446: CIVIL PRO./PUNITIVE DAMAGES/CHANGE OF VENUE.
House: Passed 1st Reading
House: Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 447: ATTRACTIVE NUISANCES.
House: Passed 1st Reading
House: Ref to the Com on Judiciary, if favorable, Agriculture, if favorable, Rules, Calendar, and Operations of the House

H 448: PLANNING/DEVELOPMENT CHANGES.
House: Passed 1st Reading
House: Ref to the Com on Judiciary, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 449: SPECIAL REGISTRATION PLATES.
House: Passed 1st Reading
House: Ref to the Com on Transportation, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 450: REDUCE BARRIERS TO IMPROVE NC HEALTH &amp SAFETY.
House: Filed

H 451: TITUS'S LAW.
House: Filed

H 452: MEMORANDUM OF 287(G) AGREEMENTS.
House: Filed
H 453: CONCEALED CARRY/LAW ENFORCEMENT FACILITY.
   House: Filed

H 454: ALLOW ERPOS TO SAVE LIVES & PREVENT SUICIDES.
   House: Filed

H 455: CLARIFY MOTOR VEHICLE DEALER LAWS.
   House: Filed

H 456: PERMIT REQ'D/ASSAULT WEAPON &AMP LONG GUN.
   House: Filed

H 457: RESTORE MASTER'S PAY FOR CERTAIN TEACHERS.
   House: Filed

H 460: FAIR CHANCE HIRING.
   House: Filed

H 461: FUNDS FOR FORT FISHER AQUARIUM.
   House: Filed

H 462: JUDICIAL DISTRICT 19D - HOKE COUNTY.
   House: Filed

H 463: EDUCATION/JOB READINESS IN PRISONS &AMP JAILS.
   House: Filed

H 466: FIREFIGHTERS' LINE OF DUTY DISEASES/FUNDS.
   House: Filed

H 467: ESTABLISH STATE BOARD OF PROP.
   House: Filed

H 469: AMEND EQUITABLE DISTRIBUTION LAWS.
   House: Filed

H 470: AMEND PARENTING COORDINATOR LAWS/FAMILY LAW.
   House: Filed

H 471: REDUCE ADMIN. DUPLICATION MII/DD/SAS PROVIDERS.
   House: Filed

H 472: NC A&T STATE UNIVERSITY/AG. FUNDS.
   House: Filed

H 473: MILEAGE &AMP PER DIEM - STATE E'EES/LEGISLATORS.
   House: Filed

H 474: DEATH BY DISTRIBUTION.
   House: Filed

H 475: NC PATRIOT STAR FAMILY SCHOLARSHIP/FUNDS.
   House: Filed

S 9: FEMALE GENITAL MUTILATION/CLARIFY PROHIBITION.
Senate: Regular Message Sent To House
House: Regular Message Received From Senate

S 55: CONTINUING EDUCATION FOR GENERAL CONTRACTORS.
Senate: Sequential Referral To Rules and Operations of the Senate Stricken
Senate: Sequential Referral To Finance Added
Senate: Sequential Referral To Rules and Operations of the Senate Added

S 95: VETERANS MEMORIAL FUNDS/DO NOT REVERT.
Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate
Senate: Reptd Fav

S 156: CONDITIONS OF PRETRIAL DETENTION.
Senate: Passed 2nd Reading
Senate: Passed 3rd Reading

S 191: OUT-OF-STATE LAW ENFORCEMENT/2020 REP CONVTN.
Senate: Reptd Fav
Senate: Re-ref Com On Rules and Operations of the Senate

S 202: DMV/HIGH-RISK DRIVING BEHAVIORS.
Senate: Passed 2nd Reading

S 217: CORRECT PROSECUTORIAL DISTRICT NUMBERS.
Senate: Reptd Fav

S 239: CHILDREN OF WARTIME VETS/SCHOLARSHIPS.
Senate: Reptd Fav
Senate: Re-ref Com On Rules and Operations of the Senate

S 250: RECORDS OF EXCUSALS FOR JURY DUTY.
Senate: Withdrawn From Com
Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

S 310: ELECTRIC CO-OP RURAL BROADBAND SERVICES.
Senate: Withdrawn From Com
Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

S 334: MARTIN COUNTY EMERGENCY FACILITIES FUNDS.
Senate: Withdrawn From Com
Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 336: SMART START FUNDS.
Senate: Withdrawn From Com
Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 342: NC MILITARY BUSINESS CENTER FUNDS.
Senate: Withdrawn From Com
Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

S 343: CHANGES TO EDUCATION REPORTS.
Senate: Withdrawn From Com
Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate
S 347: JUDICIAL DISTRICT 19D - HOKE COUNTY.
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 348: CLEAR ROADBLOCKS TO I-77 TOLL RELIEF.
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 349: PROTECT BENEFITS FOR FIREFIGHTERS ACT.
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 350: EQUAL FUNDING FOR ALL STUDENTS/HACKNEY.
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 351: RAISE OUT-OF-STATE/LOWER IN-STATE UNC TUITION.
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 352: AMEND NC CONTROLLED SUBSTANCES ACT.
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 353: EXPAND CARTWAY PATH LAW.
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 354: STUDENT NOTICE/CHARTER SCHOOL CLOSURE/RESTR.
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

S 355: LAND-USE REGULATORY CHANGES.
Senate: Filed

S 356: SURPLUS PROPERTY PROCEEDS TO PARKS AND WATER.
Senate: Filed

S 357: LIMIT OWNERSHIP OF CERTAIN ANIMALS.
Senate: Filed

S 358: PROTECT CITIZENS FROM LEAKING GARBAGE TRUCKS.
Senate: Filed

S 359: BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT.
Senate: Filed

S 360: AMEND LAW REGARDING UNIVERSITY DISCIPLINE.
Senate: Filed

Senate: Filed

S 362: ANNUAL REPORT STANDARDIZATION.
Senate: Filed
S 363: FUNDS TO RESTORE TOWN OF PRINCEVILLE.
   Senate: Filed

S 364: NC RECEIVERSHIP ACT REVISIONS.
   Senate: Filed

S 365: CLARIFY INSURANCE PROD'R CRIM. BCKGRD CHECK.
   Senate: Filed

S 366: 9TH/10TH GRADE/COLLEGE TRANSFER PATHWAYS.
   Senate: Filed

S 367: CLARIFY PROPERTY OWNERS' RIGHTS.
   Senate: Filed

S 368: PHYSICAL AND PSYCH. EVALS. FOR LEO'S.
   Senate: Filed

S 369: DESIGNATE LEGACY AIRPORTS.
   Senate: Filed

S 370: STUDY GENERATOR REQ'S FOR MEDICAL OFFICES.
   Senate: Filed

S 371: PRE-REGULATORY LANDFILL MORATORIUM.
   Senate: Filed

S 372: FUNDS SCHOOL OF ED. BLDG./FAYETTEVILLE STATE.
   Senate: Filed

S 373: ELECTRIC STANDUP SCOOTERS.
   Senate: Filed

LOCAL BILLS

H 299: HENDERSON CTY/BUILD COMMUNITY COLLEGE BLDGS.
   House: Reptd Fav
   House: Re-ref Com On State and Local Government

H 445: SPECIAL SEP. ALLOWANCE/ALAMANCE CTY DOS.
   House: Passed 1st Reading
   House: Ref to the Com on State and Local Government, if favorable, Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

H 458: HENDERSON MEALS TAX.
   House: Filed

H 459: LEE COUNTY DEER HUNTING.
   House: Filed

H 464: SMALL BUSINESS HEALTH CARE ACT.
   House: Filed

H 465: CHARLOTTE CITIZENS REVIEW BRD SUBPOENA POWER.
   House: Filed
H 468: SHERIFF ROAD CLOSURE AUTH.

House: Filed

S 63: CITY OF KANAPOLIS/ANNEXATION.

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken
House: Withdrawn From Com
House: Re-ref to the Com on Finance, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

S 84: WALKERTOWN ZONING AUTHORIZATIONS.

 Senate: Regular Message Sent To House
House: Regular Message Received From Senate

S 235: FRANKLIN/NASH MUNICIPALITIES/UNFIT DWELLINGS, (NEW)

 Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

S 242: RECREATIONAL LAND FEE CHANGES.

 Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Rules and Operations of the Senate

S 270: DURHAM DEANNEXATION.

 Senate: Reptd Fav
Senate: Re-ref Com On Finance

S 272: ZONING FOR UNIVERSITY FACILITIES-DURHAM.

 House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 03/27/2019

S 286: AMEND FIRE PROT. FEES/UNION/BRUNSWICK.

 Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Finance

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