



## The Daily Bulletin: 2019-06-12

### PUBLIC/HOUSE BILLS

H 37 (2019-2020) **CHILD SEX ABUSE/EXTEND STATUTE OF LIMITATIONS**. Filed Feb 6 2019, *AN ACT EXTENDING THE STATUTE OF LIMITATIONS FOR A CIVIL ACTION FOR CHILD SEXUAL ABUSE SO THAT A PLAINTIFF HAS UNTIL AGE THIRTY-EIGHT TO COMMENCE AN ACTION AND TO REQUIRE TRAINING ON CHILD SEX ABUSE AND SEX TRAFFICKING FOR SCHOOL PERSONNEL*.

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

Amends proposed GS 1-17 to authorize plaintiffs to file civil actions against a defendant for sexual abuse suffered while the plaintiff was under 18 years of age, until the plaintiff reaches 38 years of age (was, 45 years of age).

Changes the effect of the proposed changes to GS 1-52, now reviving any civil action for child sexual abuse otherwise time-barred under GS 1-52 as it existed immediately before the enactment of the act, effective January 1, 2020, until December 31, 2021 (was, until December 31, 2020).

Enacts GS 115C-375.20 to require each local board of education to adopt and implement a child sexual abuse and sex trafficking program for school personnel who work directly with students in grades K through 12 that provides education and awareness related to child sexual abuse and sex trafficking, as specified. Allows the training to be provided by a local nongovernmental organizations with expertise in the area, local law enforcement officers, or other court officers. Requires all school personnel who work with K through 12 students to receive two hours of training consistent with the statute's requirements biennially. Provides immunity for all entities required to adopt a child sexual abuse and sex trafficking program and its members, employees, designees, agents, or volunteers with regard to the provision of, participation in, or implementation of the training program, unless the conduct amounts to gross negligence, wanton conduct, or intentional wrongdoing. Specifies that the statute does not impose a specific duty of care. Enacts GS 115C-47(64), GS 115C-218.75(g), GS 115C-238.66(14), and GS 116-239.8(b)(17) to require local boards of education, charter schools, regional schools, and laboratory schools to adopt and implement a child sex abuse and sex trafficking training program in accordance with new GS 115C-375.20.

Requires the entities to adopt and implement the training program by January 1, 2020, with training required for school personnel beginning with the 2020-21 school year. Appropriates \$50,000 from the General Fund to the Department of Public Instruction for the 2019-20 fiscal year to assist the entities in implementing the training requirement.

Adds a severability clause.

Makes conforming changes to the act's long title.

**Intro. by Riddell, White, Torbett, B. Turner.**

**APPROP, GS 1, GS 115C, GS 116**

[View summary](#)

**Courts/Judiciary, Civil, Civil Law, Civil Procedure, Education, Elementary and Secondary Education, Government, Budget/Appropriations**

H 228 (2019-2020) **MODERNIZE LAWS PERTAINING TO NC MEDICAL BOARD.-AB** Filed Feb 27 2019, *AN ACT TO MODERNIZE LAWS PERTAINING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE*.

House amendment makes the following changes to the 4th edition.

Part I.

Makes clarifying changes to proposed GS 90-1.1(4b) and GS 90-5.4(b), and GS 90-14(a)(11) and GS 90-14.13(a1).

**Intro. by Murphy.**

GS 8, GS 14, GS 55B, GS 90, GS 130A, GS 143

[View summary](#)

**Business and Commerce, Corporation and Partnerships, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, APA/Rule Making, Health and Human Services, Health, Health Care Facilities and Providers**

H 389 (2019-2020) [ABC/UNIV ATHLETIC FACILITY](#). Filed Mar 19 2019, *AN ACT TO AUTHORIZE PUBLIC COLLEGES AND UNIVERSITIES TO ALLOW ALCOHOL SALES AT STADIUMS, ATHLETIC FACILITIES, AND ARENAS LOCATED ON SCHOOL PROPERTY.*

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

Amends GS 18B-1006(a)(7) to allow the sale of malt beverages, unfortified wine, or fortified wine at any stadium that supports a NASCAR-sanctioned one-fourth mile asphalt flat oval short track owned or leased by a public college or university (removing the requirement that the sales be limited to events that are not sponsored or funded by the public college or university).

**Intro. by Bell, Boles, Goodman, Lewis.**

GS 18B

[View summary](#)

**Alcoholic Beverage Control, Education, Higher Education**

H 421 (2019-2020) [PROMOTE NORTH CAROLINA SAWMILLS](#). Filed Mar 20 2019, *AN ACT TO PROMOTE LOCAL SAWMILLS BY ALLOWING THE USE OF UNGRADED LUMBER IN CERTAIN CIRCUMSTANCES.*

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

Deletes the previously proposed provisions. Instead, enacts GS 143-138.2, establishing training and registration requirements for persons milling or offering *ungraded lumber*, as defined, for sale in the State for use in the construction of one- and two-family dwelling. Provides parameters for the required sawmill operation and lumber manufacturing training program component, establishing that a training program completion certificate is valid for seven years. Sets the registration fee with the Department of Insurance at \$200, with registration effective for as long as the person has a valid certificate. Permits the use of ungraded lumber in the construction of one- and two-family dwellings when the use meets seven requirements, including that (1) the ungraded lumber is milled at the request of the person owning the source logs for use in the construction of the dwelling to be inhabited by that person, (2) the sawmill operator is registered with the Department of Insurance and has a valid training program completion certificate, (3) the ungraded lumber is sold directly by the owner or employee of the sawmill that milled the ungraded lumber to the owner of the dwelling to be constructed or a representative, and (4) the sawmill provides a *local mill certification*, as defined, to the owner of the dwelling to be constructed or a representative. Prohibits the owner of a one- or two-family residence built with ungraded lumber from selling or leasing the residence until the owner has occupied the home for no less than one year from the date of the issuance of the Certificate of Occupancy. Requires that if the title passes to another party within the one-year occupancy period for reasons other than the sale of the property, that the closing documents include a statement disclosing that the property was built using ungraded lumber.

Directs the Building Code Council to amend the Residential Code for One- and Two-Family Dwelling consistent with the act. Additionally directs the Department of Insurance to adopt rules consistent with the act.

**Intro. by Sasser, Brody, Elmore, Dixon.**

GS 143

[View summary](#)

**Agriculture, Development, Land Use and Housing, Building and Construction, Government, State Agencies, Department**

## of Insurance

H 469 (2019-2020) **VARIOUS FAMILY LAW CHANGES. (NEW)** Filed Mar 26 2019, *AN ACT TO REVISE THE LAWS PERTAINING TO EQUITABLE DISTRIBUTION, AMEND THE LAWS PERTAINING TO PARENTING COORDINATORS, AND TO MAKE VARIOUS CHANGES UNDER THE LAWS PERTAINING TO ADOPTIONS.*

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

Places the existing content under Part I and adds the following to the act.

Part II.

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 findings 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, in 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 courts 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 that 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 master's 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 a 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 any person 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 presiding judge 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.

### Part III.

Amends GS 48-2-100, which prohibits state courts from exercising jurisdiction under the Chapter if, at the time an adoption petition is filed, a court of any other state is exercising jurisdiction substantially in conformity with the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA; Article 2, GS Chapter 50A), unless the other state court dismisses its proceeding or releases its exclusive, continuing jurisdiction prior to a grant of the adoption decree. Expands the jurisdiction of state courts under the Chapter to matters in which another state is exercising jurisdiction in substantial conformity with the UCCJEA and places custody of the adoptee in an agency, the petitioner, or another custodian expressly in support of an adoption plan that does not identify a specific prospective adoptive parent other than the petitioner. Makes clarifying changes.

Amends GS 48-2-205, concerning the recognition of adoption decrees from other jurisdictions. Provides that two persons (was, a man and a woman) who adopted a minor child in a foreign country while married to one another must readopt jointly, regardless of whether they have been since divorced. Adds that if two persons have adopted a minor child in a foreign country while married to one another and one of them has died, the survivor can petition for readoption and the court must issue a decree of adoption in the names of both the persons who adopted the minor child in a foreign country. Makes conforming changes to GS 48-2-301(c), concerning who can file adoption petitions.

Makes clarifying and organizational changes to GS 48-2-606, concerning adoption decrees.

Amends GS 48-3-303, concerning information which must be reported in preplacement assessments, to allow for the redaction from the assessment provided to a placing parent or guardian detailed information reflecting the prospective adoptive parent's income, expenditures, assets, and liabilities (was, income and financial account balances).

Amends GS 48-3-605 to now require an individual before whom a consent is signed and acknowledged to certify in writing that to the best of the individual's knowledge or belief, the parent, guardian, or minor to be adopted executing the consent has been advised of the right to seek the advice of legal counsel before executing the consent. Makes identical changes to the provisions regarding the execution of relinquishment set out in GS 48-3-702. Amends GS 48-3-606 and GS 48-3-703 to refer to the right to seek the advice of legal counsel, rather than to employ independent legal counsel, concerning requirements of the consent or the relinquishment executions.

Amends GS 48-9-102 concerning confidentiality and sealing of adoption records. Clarifies that the Department of Social Services, Division of Social Service (DSS) must permanently index and file the records, without review. Now requires DSS to transmit a report of each adoption and name changes to the State Registrar or entity of another state responsible for issuing birth certificates within 40 days after receiving the report from the court (previously, no timeline specified).

Amends GS 48-9-109 to add that nothing in Article 9, Confidentiality of Records and Disclosure of Information, prevents an employee of a court, agency, or any other person from giving a file-stamped copy of a document to a person, or to the legal representative of a person, who has filed the document in an adoption proceeding.

Amends GS 1-597, regarding regulations for newspaper publication of legal notices and advertisements. Provides that whenever a notice or any other paper, document, or legal advertisement of any kind or description is required to be published in a jurisdiction outside of the State where legal notices are customarily published in specialized legal publications, any form of publication that meets the requirements for legal notices under the law of the locality where it is published is deemed sufficient under GS 1-597.

Amends GS 7B-200, regarding jurisdiction over cases involving juveniles alleged to be abused, neglected, or dependent to explicitly include in a court's exclusive original jurisdiction proceedings for the return of a juvenile to the State and proceedings to review a refusal or failure of the administrator of the Interstate Compact on the Placement of Children (the Compact; set forth in Article 38, GS Chapter 7B) in the State to forward a request for approval of a placement to the receiving

state or to find that placement does not appear to be contrary to the interests of the child. Enacts GS 7B-3807 to provide for such judicial proceedings under the Compact. Provides for initiation of the review by motion in a pending action, as specified, or by petition. Requires the administrator to communicate an intention to refuse to forward a request for approval of a placement to the receiving state or to find that a placement does not appear to be contrary to the interests of the child, or for the matter to have been before the administrator for more than five business days, before a motion or petition is to be filed. Requires notice of the motion or petition for review to be given to the administrator by any reasonable means. Provides for venue in instances in which there is not a pending action as to the juvenile, as specified, in a court in the State. Deems this review to be an expedited proceeding, and requires the court to conduct a hearing within 10 days from the date of filing the petition or during the next term of court, as appropriate, and authorizes the court to order the administrator to take any action the administrator is permitted to take.

Amends GS 150B-1 to exempt the from the contested case provisions the Department of Health and Human Services in administering the Compact under Article 38, GS Chapter 7B.

Effective October 1, 2019.

Makes conforming changes to the act's titles.

**Intro. by Stevens.**

[GS 1](#), [GS 7B](#), [GS 48](#), [GS 50](#), [GS 150B](#)

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[Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Family Law](#), [Juvenile Law](#), [Abuse, Neglect and Dependency](#), [Government](#), [APA/Rule Making](#)

H 954 (2019-2020) [QUALIFIED DISABLED VETERAN PREFERENCE. \(NEW\)](#) Filed Apr 25 2019, *AN ACT PROVIDING A PREFERENCE FOR CERTAIN QUALIFIED DISABLED VETERAN BUSINESSES BIDDING ON STATE CONSTRUCTION OR REPAIR CONTRACTS, AND APPROPRIATING FUNDS TO IMPLEMENT THE PREFERENCE.*

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

Makes the following modifications to proposed GS 143-128.5 concerning state construction or repair contract bidding preference for qualified disabled veteran businesses. Changes the definition of *qualified disabled veteran*, now defining the term to mean a veteran with a disability rating of 60% or higher for a service-connected disability (was, a veteran with a service-connected disability). Additionally, defines *qualified disabled veteran-owned business* to mean a business that is 100% owned by one or more qualified disabled veterans (previously, termed *qualified disabled veteran business* and required the business to be 51% or more owned by owned by one or more qualified veterans). Specifies that a spouse of a qualified disabled veteran business owner can have an ownership interest in the business so long as the the ownership interest of the qualified disabled veterans is at least 50%. Amends the definition of the term *service-connected disability* to limit the term to mean a disability incurred in the line of duty in active service (previously, included disabilities aggravated in the line of duty as well). Makes conforming changes.

Modifies the policy preference for qualified disabled veteran-owned businesses in state construction or repair contracts to qualify that the policy must balance against a priority to maintain the lowest cost to the State. Amends the policy's implementation to now afford a qualified disabled veteran-owned business that submits a bid for a state construction or repair contract that is within 10% of the lowest responsible, responsive bid, the opportunity to match the lowest responsible, responsive bid (unless it was made by the same) and requires the contract be awarded to the qualified veteran-owned business if the business agrees to match that lowest responsible, responsive bid (previously, calculated the preference against the lowest responsible, responsive bid submitted and determined award based on that calculation, granted to the lowest responsible, responsive bid). Specifies that in instances where there are more than one qualified disabled veteran-owned businesses eligible for preference, the one that submitted the lowest responsible, responsive bid will be awarded the contract. Requires that in giving the preference, no sacrifice or loss in price or quality is permitted. Makes organizational changes. Clarifies that preference eligibility requires that the qualified disabled veteran-owned business be a responsible, responsive bidder and includes in its bid proof that the business is properly registered with the Secretary of State (was, that the business has its principle place of business in the State). Adds that a bid failing to include the required documentation for preference is still eligible for the contract but is not eligible for the preference. Now provides that loss of preference qualification under contract

makes the business ineligible for preference in the future but allows the business to continue to perform the contract (previously, required the contract price to be discounted the preference amount and did not disqualify future preference). Eliminates the notification requirements. Clarifies that the act applies to state construction or repair contracts bids (was, contracts) submitted on or after October 1, 2019.

Makes conforming changes to the act's titles.

**Intro. by Jarvis, Horn, Potts.**

GS 143

[View summary](#)

**Business and Commerce, Development, Land Use and Housing, Building and Construction, Government, Budget/Appropriations, State Agencies, Department of Administration, 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.*

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

Modifies the proposed changes to SL 2018-5, Section 13.9, as amended, by requiring that the \$5 million appropriated to the Division of Water Resources to provide grant-in-aid to Resource Institute Inc. for the purpose of working with coastal local governments and engineering firms to explore opportunities for the development and implementation of emerging techniques that can extend the useful life of beach nourishment projects, instead be allocated in equal amounts to the Towns of North Topsail Beach, Surf City, and Topsail Beach for hurricane recovery projects in or benefiting the towns and their adjoining coastline (previously, required \$3.4 million be allocated to provide grant-in-aid to Resource Institute Inc. to work with and implement projects in or benefiting Surf City and Topsail Beach, and that \$1.6 million of the \$5 million appropriation be allocated to North Topsail Beach alone for hurricane recovery projects). Makes conforming changes to the reporting requirement, now requiring the towns receiving the allocations to report to the specified NCGA committee and division by October 1, 2019, with the report including a list of projects funded, project participants, and impact documentation (no longer requiring a summary of emerging technologies developed and implemented resulting from collaboration with local governments, engineering firms, and Resource Institute Inc.).

**Intro. by Burgin.**

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**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 227 (2019-2020) [TP3/PRINCIPAL FELLOWS CONSOLIDATION. \(NEW\)](#) Filed Mar 12 2019, *AN ACT TO MAINTAIN ADMINISTRATION FOR CURRENT GRANT RECIPIENTS OF THE EXISTING TRANSFORMING PRINCIPAL PREP PROGRAM AND PHASE IN ADMINISTRATION BY THE NEW PRINCIPAL FELLOWS AND TP3 COMMISSION.*

House committee substitute deletes all provisions of the 3rd edition and now provides the following.

Effective June 30, 2019, repeals Section 2(a) through (d) of SL 2018-145, which makes changes to Part 4, Transforming Principal Preparation Grant Program, of Article 23 of GS Chapter 116 to transfer the Program's administration to the NC Principal Fellows Commission. Amends Section 2 of SL 2018-145, effectively prohibiting the award of new grants or provision for grant renewals under the program. Further amends Section 2 of SL 2018-145 concerning the transfer of grant

recipient data. Now requires the nonprofit corporation contracting with the State Education Assistance Authority (Authority) to transfer to the NC Principal Fellows and TP3 Commission (Commission, as enacted) all data collected from grantees selected prior to January 1, 2019, through the program with the term of the grant ending prior to July 1, 2020, no later than June 30, 2020, and all data collected from grant recipients with the term of the grant ending prior to July 1, 2021, no later than June 30, 2021. Amends Section 11.9(o) of SL 2015-241, as amended, concerning the allocation of funds appropriated to the program. Limits the required \$4.2 million allocation to the Authority each fiscal year to award grants to the 2017-208, 2018-19, and 2019-20 fiscal years for recipients selected prior to January 1, 2019. Provides that for the 2020-21 fiscal year, \$2,515,098 of funds appropriated to the program are to be allocated to the Authority to award grants to recipients selected prior to January 1, 2019.

Makes the following changes to Part 4, Transforming Principal Preparation Grant Program (Grant Program), of Article 23 of GS Chapter 116. Limits the applicability of the Part to the administration of grants for grant recipients selected prior to January 1, 2019. Expands the program to include the provision of forgivable scholarship loans to school leader preparation program participants, administered by the Authority as provided. Adds the defined term *public school*. Amends GS 116-209.73 concerning grant administration under the Grant Program to make conforming changes to eliminate provisions regarding grant renewal. Enacts GS 116-209.75 to authorize the Authority to use up to \$130,000 each year of the 2019-20 and 2020-21 fiscal years from the total funds appropriated to the program for its administrative costs. Enacts GS 116-209.76, setting forth the terms of forgivable scholarship loans under the program. Eligibility includes \$20,000 per year for up to four years in the program, with a maximum loan amount of \$40,000 per participant. Requires evidence of the loan by promissory note, bearing interest at no more than 10% annually, beginning at the earlier of 90 days after completion of the school leader preparation program or 90 days after termination of the loan. Requires the loan to be disbursed directly to the grantee. Allows termination upon withdrawal from the preparation program or noncompliance with the standards set by the Commission. Provides for forgiveness of the total loan amount and interest accrued if, within seven years after graduation from a school leader preparation program, the recipient serves as a school administrator at a NC public school, excluding authorized deferment for extenuating circumstances. Varies the percentage of the loan forgiven based on whether the recipient serves in a high-need school. Requires the Commission and the grantees to monitor service repayment agreements and compliance. Allows a loan to be forgiven if the Commission finds it is impossible for the recipient to work for four years as a school administrator, within seven years after completion of the program, because of the death or permanent disability of the recipient. Requires the loan to be repaid within 10 years after completion of the program if the recipient is paying with cash payments. Provides for payment of principal and interest to begin no later than 27 months after completion of the program. Makes extension available for extenuating circumstances for cash payments for a period of no more than a total of 12 years. Applies beginning with school leader program participants entering, on or after June 1, 2020, a school leader preparation program supported by a grant awarded under the Program.

Repeals Part 4 of Article 23 of GS Chapter 116, as amended, and Section 11.9(o) of SL 2015-241, as amended, effective July 1, 2021. Additionally repeals Section 11.9(m) of SL 2015-241, effective July 1, 2021, which allocates \$500,000 per fiscal year to the Authority for the Program's administration.

Makes the following changes to Article 5C, NC Principal Fellows Program, of GS Chapter 116.

Amends GS 116-74.41, renaming the NC Principal Fellows Commission as the NC Principal Fellows and TP3 Commission (Commission). Makes conforming changes throughout the Article. Provides that the Commission is to exercise its powers and duties independently (was, independently of the UNC Board of Governors) in administering the NC Principal Fellows and Transforming Principal Preparation Program, which includes the Principal Fellows Program and the NC Transforming Principal Preparation Program (Program). Requires the Director of the Program to staff the Commission in accordance with GS 116-74.49, as enacted. Adds to the responsibilities of the Authority the award of grants and execution and enforcement of forgivable loan agreements under GS 116-74.46 and GS 116-74.48, as enacted. Increases membership of the Commission from 12 to 15 members, adding one dean of a school appointed by the President of the NC Independent Colleges and Universities; one human resources expert from the private sector appointed by the State Superintendent of Public Instruction; the Executive Director of the NC Principals and Assistant Principals' Association or a designee; the President of the Personnel Administrators of NC or a designee; and the President and CEO of NC Business Leaders for Education or a designee. Modifies membership to now require one rather than two deans of a school appointed by the UNC President, and to no longer require one parent of a public school child. Provides for the initial meeting of the Commission and appointment of the director by the Commission at that meeting.

Enacts GS 116-74.41A, setting forth defined terms for the Article. Makes conforming changes to reflect the chosen terminology throughout the Article.

Enacts GS 116-74.41B, establishing the NC Principal Fellows and TP3 Trust Fund (Trust Fund) as an institutional trust fund, consisting of appropriations and funds received by the Principal Fellows Program for scholarships and other program purposes, the Program for the award of grants, all funds received as repayment of scholarship loans, and all interest earned. Restricts use of the Trust Fund to: scholarship loans granted under the Principal Fellows Program, administrative costs, and operation costs; the award of grants under the Program, as described. Allows the Authority to use up to 2% of funds appropriated each fiscal year or \$160,000 from the Trust Fund, whichever is greater, for its administrative costs. Authorizes the Authority to allocate up to \$800,000 to the Commission each fiscal year for the salary and benefits of the director and Program staff; the expenses of the Commission for the Principal Fellows Program; Principal Fellows Program monitoring and evaluation; extracurricular enhancement activities for Program; and the Commission expenses for grant administration pursuant to GS 116-74.44, as enacted.

Amends GS 116-74.42, eliminating the Principal Fellows Trust Fund. Specifies that the Director of the Program appointed by the Commission is to oversee the Principal Fellows Program. Requires the UNC System Office to provide office space and staff for the Principal Fellows Program pursuant to GS 116-74.49, as enacted. Makes further technical changes to limit the statute's scope to the Principal Fellows Program, as it is under existing law. Similarly modifies GS 116-74.43 to limit the scope of the statute to the Principal Fellows Program.

Enacts GS 116-74.44 through GS 116-74.76, establishing the NC Transforming Principal Preparation Program (TP3) with the same purpose as the program under GS 116-209.70, as amended. Transfers much of the language from Part 4 of Article 23 of GS Chapter 116, as amended. Charges the Authority with TP3 administration in collaboration with the Commission (previously, the program was administered through a cooperative agreement with a private, nonprofit corporation). Provides for program administration and the administration of forgivable scholarship loans. Details grant application requirements and establishes priority for certain eligible entities with a record of preparing principals in five specified areas. Defines *eligible entity* under the Article to mean a for-profit or nonprofit organization or institution of higher education that has an evidence-based plan for preparing school leaders who implement school leadership practices linked to increased student achievement. Sets forth procedures for the selection of up to eight grant recipients in any fiscal year by the Commission and details required uses of grant funds, including operating a school leader preparation program that provides the opportunity for all candidates to earn a master's degree and subsequent licensure and covering the cost of attendance and completion for program participants for the school leader preparation program. Provides for grants to be at least two years but no more than five years in duration, unless the Commission finds early termination warranted for noncompliance with the grant terms. Allows the Commission to renew a grant based on compliance with the grant terms and performance, including allowing the grantee to scale up or replicate the successful program. Details grant conditions, including requiring the Commission to develop procedures for the early retrieval of funds for noncompliance with the grant terms and the disbursement of forgivable scholarship loans. Sets forth considerations for the Commission to consider in evaluating performance for purposes of grant renewal, with primary consideration given to improvement in student achievement. Establishes reporting requirements for grantees as described and requires grantees to share its practices and materials. Subject to privacy constraints, requires the Commission to work with recipients, local school administrative units, and public schools to collect, analyze and evaluate specified data relevant to the program.

Enacts GS 116-74.47 to require the Commission to annually submit the data collected from grantees under GS 116-74.46 to the State Board of Education, the Authority, and the specified NCGA committee.

Enacts GS 116-74.48, setting forth the terms of forgivable scholarship loans under the program, mirroring those enacted in GS 116-209.76. Additionally provides for funds from the forgivable scholarship loan to be disbursed directly to the grantee on behalf of the recipient for participation in the school leader preparation program.

Enacts GS 116-74.49 to mandate the Commission to appoint a director of the Program (including the Principal Fellow Programs and the TP3). Provides for the director to chair and staff the Commission and administer the extracurricular enhancement activities of the Program. Requires the UNC System Office to provide office space for the Program, and specifically requires that the office space not be located on a campus of a constituent institution.

Makes further technical and conforming changes.

Makes conforming changes to GS 120-123, prohibiting legislators from serving on the Commission.

Provides for the expiration of the current members serving on the principal Fellows Commission representing two deans of schools and a parent of a public school parent, effective July 1, 2019. Requires initial appointments to the Commission, as amended, to be made by August 1, 2019, and provides two and four-year terms as specified. Requires the remaining Commission members serving on the Principal Fellows Commission as of July 1, 2019, and appointed under GS 116-74.41 to serve the remainder of their four-year terms as members of the Commission.

Allows grantees for the 2019-20 or 2020-21 fiscal years awarded under GS 116-209.73 to apply to the Commission for grant renewal pursuant to GS 116-74.46, as enacted. Subjects any grant term extending on or after July 1, 2021, to the provisions of Article 5C, as amended, for the remainder of the grant term, beginning July 1, 2021. Specifies that eligibility for a forgivable scholarship loan under GS 116-74.48, as enacted, applies beginning with the school leader program participants entering, on or after June 1, 2020, a school leader preparation program that is supported by a grant awarded pursuant to GS 116-74.46, as enacted.

Directs the Office of State Budget and Management to transfer the unexpended balance of the Principal Fellows Trust Fund to the Trust Fund.

Beginning with the 2019-20 fiscal year, of the funds appropriated from the General Fund to the Principal Fellows Trust Fund each fiscal year, appropriates \$3,258,000 in recurring funds to the Trust Fund.

Beginning with the 2020-21 fiscal year, of the funds appropriated from the General Fund to the UNC Board of Governors for the Transforming Principal Preparation Grant Program of GS 116-209.70, appropriates \$1,573,902 in recurring funds to the Trust Fund to be used to award TP3 grants pursuant to GS 116-74.43.

Repeals GS 116-74.42 and GS 116-74.43, concerning administration of the Principal Fellows Program, effective July 1, 2021. Directs the Commission to make final scholarship awards for the Principal Fellows Program for the 2021 spring academic semester.

Effective July 1, 2021, amends GS 115-204 to add to the duties of the Authority collecting loan repayments for scholarship loans awarded under the former Principal Fellows Program under Article 5C if the loan repayment is outstanding for more than 30 days.

Effective July 1, 2021, enacts GS 116-209.28 to provide for the Authority's administration of scholarships previously awarded by the NC Principal Fellows Commission and subject to repayment under the Principal Fellows Program. Mandates that all funds received by the Authority in this capacity are to be deposited in the Trust Fund.

Effective July 1, 2021, further amends specified statutes of Article 5C of GS Chapter 116 to remove references to the Principal Fellows Program. Amends GS 116-74.44 to rename the NC TP3 as the NC Principal Fellows and Transforming Principal Preparation Program. Charges the Authority with monitoring the implementation of forgivable scholarship loans to school leader preparation program participants executed pursuant to GS 116-209.76 and the administration of all outstanding forgivable scholarship loans previously awarded and subject to repayment under the program administered pursuant to Part 4 of Article 23. Makes further technical and conforming changes.

Beginning with the 2021-22 fiscal year, of the funds appropriated from the General Fund to the UNC Board of Governors for the Transforming Principal Preparation Grant Program of GS 116-209.70, appropriates \$3,006,098 in recurring funds to the Trust Fund.

Makes conforming changes to the act's titles.

**Intro. by Tillman.**

[GS 116, GS 120](#)

[View summary](#)

**[Education, Elementary and Secondary Education, Employment and Retirement, Government, State Agencies, UNC System](#)**

S 290 (2019-2020) [DISTILLER REGULATORY REFORM BILL](#). Filed Mar 18 2019, *AN ACT TO ALLOW A DISTILLERY TO SELL MALT BEVERAGES AND UNFORTIFIED AND FORTIFIED WINE; TO ALLOW CERTAIN ORDERS OF ELIGIBLE DISTILLERY*

*PRODUCTS; TO REVISE THE LAW GOVERNING THE SALE OF SPIRITUOUS LIQUOR BY A DISTILLERY TO VISITORS FOR CONSUMPTION OFF THE PREMISES; TO ALLOW A DISTILLERY TO ISSUE PURCHASE-TRANSPORTATION PERMITS FOR SPIRITUOUS LIQUOR SOLD BY THE DISTILLERY; AND TO ALLOW SPIRITUOUS LIQUOR TASTINGS AT AN ABC STORE.*

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

Part I.

Further amends GS 18B-1001 to allow a mixed beverages permit to be issued to a distillery permit holder authorized under GS 18B-1105, as amended.

Part II.

Amends GS 18B-1105 further to explicitly require that a distillery selling mixed beverages containing spirituous liquor other than that produced at the distillery to obtain a mixed beverages permit.

Part III.

Eliminates the previous provisions of Part III, which further amended GS 18B-1105 to allow a distillery permit holder to sell, deliver, and ship spirituous liquor in closed containers at wholesale to holders of a mixed beverages permit and at wholesale or retail to consumers in other states or nations.

Instead, amends GS 18B-800, requiring ABC stores to allow the purchase of individual liquor bottles not on the ABC Commission's approved special item list by special order through a process established by rule by the ABC Commission. Further, allows ABC stores to sell in store any bottles it receives in excess of what was purchased by the customer requesting the special order. Requires a local board to fulfill an order by a mixed beverages permittee for individual bottles or cases of spirituous liquor produced by an eligible distillery that are listed a regular code item for sale in the State, and allows for direct shipment from an eligible distillery to the local board to fulfill the order if the local board cannot fulfill the order due to lack of inventory or time, subject to notification and authorization of the ABC Commission. Defines an *eligible distillery* to be a distillery that sells fewer than 10,000 proof gallons of in-house brand spirituous liquor distilled and manufactured by it at the permit holder's distillery per year, as specified, and that is either the holder of a distillery permit or is a business located outside the State that is licensed or permitted similarly in the state it is located and lawfully sells products in the State. Details the procedure for direct shipments, including the State ABC warehouse consigning the authorized merchandise to the distiller's account in care of the local board. Applies to special orders placed on or after July 1, 2019.

Requires the ABC Commission to develop and implement an online system to facilitate the sale and purchase of spirituous liquor items by and among local ABC boards. Directs the Commission to amend its rules consistent with the provisions.

Part IV.

Amends GS 18B-1105 to maintain the requirement that visitors tour the distillery in order for distillery permit holders to sell spirituous liquor distilled at the distillery in closed containers for consumption off the premises (previously, eliminated requiring that visitors tour the distillery).

Part V.

Amends GS 18B-404 to provide that a mixed beverages permittee can obtain a mixed beverages purchase-transportation permit for spirituous liquor purchased from a distillery (was, that will be purchased from a distillery) pursuant to GS 18B-403(b)(5), as enacted.

Part VI.

Makes technical changes.

Part VII.

Eliminates the proposed provisions of Part VII, which amended GS 18B-1001 to allow bars to obtain an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, brown-bagging permit, special occasion permit, and mixed beverages permit. Makes conforming deletions and organizational changes.

Makes conforming changes to the act's long title.

**Intro. by Gunn, Blue, Harrington.**

GS 18B

[View summary](#)**Alcoholic Beverage Control**

S 315 (2019-2020) **NORTH CAROLINA FARM ACT OF 2019**. Filed Mar 20 2019, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS OF THE STATE*.

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

Amends GS 105-277.4 as follows. Only requires the assessor to provide written notice of a determination that the property has lost its eligibility for present-use value classification to instances where eligibility is lost for a reason other than failure to file a timely application required due to transfer of the land. No longer requires the notice to be provided separately from a regular yearly tax notice or tax bill. Deletes duplicate language. Adds that a new appeal to a decision of the assessor regarding the disqualification of property for which notice was received is not required to be submitted for subsequent tax years while the appeal of that disqualifying event is outstanding. Provides that when a property's present-use value classification is reinstated upon appeal of the disqualifying, it is reinstated retroactive to the date the classification was revoked. Deletes the provision providing that if no notice is given to the owner regarding the subsequent decision to disqualify, a reinstatement of the property by the specified entities is deemed effective for any assessments occurring from the date of the assessor's decision under appeal to the date of the final decision of that entity to reinstate the property. Makes the changes to GS 105-277.4 effective when the act becomes law (was, effective for taxes imposed for taxable years beginning on or after July 1, 2019).

**Intro. by B. Jackson, Sanderson, Johnson.**

STUDY, GS 20, GS 62, GS 75, GS 89C, GS 90, GS 99E, GS 105, GS 106, GS 120, GS 136, GS 139, GS 143, GS 153A, GS 160A

[View summary](#)

**Agriculture, Business and Commerce, Consumer Protection, Courts/Judiciary, Motor Vehicle, Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Environment, Energy, Government, State Agencies, Department of Agriculture and Consumer Services, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), Department of Environmental Quality (formerly DENR), Office of State Auditor, Tax, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities**

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*.

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

Eliminates previous Part I, which required 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. Eliminates the companion appropriation. Makes conforming organizational changes to the act.

Eliminates the proposed repeal of GS Chapter 131E, Article 9 (Certificate of Need) and accompanying 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; conforming repeal of GS 143B-1292; and conforming changes to GS 58-50-61 and GS 58-55-35. Instead provides the following.

Amends GS 131E-176, which sets out defined terms applicable to Article 9, Certificate of Need. Amends bed capacity to specify space used exclusively for inpatient care at a health care facility. Modifies terms throughout to remove reference to

"psychiatric facilities," "kidney disease treatment centers," "intermediate care facilities for the mentally retarded," "chemical dependency treatment facilities," "diagnostic facilities," and "ambulatory surgical facilities." Amends health service facility to exclude a licensable facility as defined in GS 122C-3(14)b. Changes the terminology to "intermediate care facility for individuals with intellectual disabilities" (was, mentally retarded). Makes further technical, clarifying, and conforming changes.

Amends GS 131E-177 to prohibit the Department of Health and Human Services (DHHS) from including policies or need determinations that limit the number of operating rooms in gastrointestinal endoscopy rooms in developing a State Medical Facilities Plan. Makes further technical and clarifying changes.

Makes conforming changes to GS 131E-178, GS 131E-183, GS 131E-184, and GS 131E-186 to eliminate requirements related to certificates of need and review for ambulatory surgical facilities, psychiatric facilities, and nursing care or intermediate care facilities for the mentally retarded.

Amends GS 131E-181 to require certificate of need recipients to complete the project authorized by the certificate of need within two years after the decision to issue the certificate of need becomes final. Deems the certificate expired the day after the two-year time period if the project authorized is not completed. Directs DHHS to withdraw a certificate of need issued to any recipient that ceases operating the health service or health service facility included in that certificate of need for more than one year.

Further amends GS 131E-184 regarding exemptions from certificate of need review. Adds new subsection (i) to require DHHS to exempt from certificate of need review the development, acquisition, construction, expansion, or replacement of a health service facility or health service that obtained certificate of need approval prior to October 1, 2019, as: an ambulatory surgical facility, including an ambulatory surgical facility with one or more operating rooms or gastrointestinal endoscopy procedure rooms; a diagnostic center; kidney disease treatment center, including freestanding dialysis units; chemical dependency treatment facility; intermediate care for individuals with intellectual disabilities; psychiatric hospital; or any other licensable facility, as defined.

Adds new subsection (j) to require DHHS to exempt from certificate of need review the establishment of a home health agency by a licensed continuing care retirement community to provide home health care services to one or more residents of the retirement community who have entered into a contract with the retirement community to receive continuing care services with lodging. Requires the continuing care retirement community to obtain a certificate of need if developing or offering services to any individual not a resident of the retirement community under a contract to receive continuing care services with lodging. Explicitly does not exempt from the State's home health agency licensure and certification requirements a continuing care retirement community that has been exempted from certificate of need review for the provision of home health services to one or more residents pursuant to new subsection (j). Provides that new subsection (j) applies to continuing care retirement communities engaged in the direct provision of home health services on or after October 1, 2019.

Amends GS 131E-188, concerning administrative and judicial review. Removes reference to the term 'affected person.' Instead entitles any proponent of an application that was reviewed with the application for the certificate of need to a contested case hearing. Authorizes the Court of Appeals to award all costs for judicial review to the prevailing party, as described. Increases the maximum secured bond required to be deposited by the appellant with the Clerk of the Court of Appeals for appeals of a final decision granting a certificate of need, allowing up to \$500,000 rather than \$300,000 in the court's discretion.

Amends GS 131E-147 regarding ambulatory surgical facility licensure requirements, to prohibit DHHS from issuing or renewing a license to operate an ambulatory surgical facility developed, acquired, or replaced on or after October 1, 2019, unless the application meets four criteria. Requires: (1) a commitment that the Medicare allowable amount for self-pay and Medicaid surgical cases, minus collected revenue, will be at least 4% of the total revenue collected for all surgical cases performed; (2) a commitment to report case numbers in specified payer categories; and (3) a commitment to report utilization and payment data for services provided to the statewide processor, as specified.

Makes conforming repeals in GS 131E-175 (legislative findings).

Effective October 1, 2019.

Maintains the recodification of Article 18A (Psychology Practice Act) of GS Chapter 90 as Article 18G, and enactment of Article 18H, Psychology Interjurisdictional Licensure Compact, in GS Chapter 90.

Enacts GS 90-270.54(a1) to require the NC Marriage and Family Therapy Licensure Board to issue licenses for marriage and family therapists to conduct involuntary commitment first examinations if they meet the specified licensure requirements and pay a \$10 fee. Amends GS 90-270.57 to establish the \$10 fee. Applies to applications submitted on or after October 1, 2019.

Eliminates all provisions of the previous Part V, amending GS 131E-138, which created an exemption from home care agency licensure requirements 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. Eliminates all accompanying proposed changes to GS Chapter 131D.

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

[APPROP, GS 90, GS 131E, GS 148](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers](#)

S 366 (2019-2020) [10TH GRADE/COLLEGE TRANSFER PATHWAYS. \(NEW\)](#) Filed Mar 26 2019, *AN ACT TO EXPAND ACADEMIC TRANSITION PATHWAY OPTIONS FOR CERTAIN FRESHMAN AND SOPHOMORE HIGH SCHOOL STUDENTS, TO PERMIT CERTAIN SOPHOMORE HIGH SCHOOL STUDENTS TO ENROLL IN COLLEGE COURSES AS PART OF A COLLEGE TRANSFER PATHWAY, AND TO REQUIRE THE STATE BOARD OF EDUCATION TO INCLUDE CERTAIN INDIVIDUALS AS QUALIFIED TO CONTRACT AS ADJUNCT INSTRUCTORS WITH LOCAL BOARDS OF EDUCATION FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.*

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

Modifies and adds to the proposed changes to GS 115D-20(4)a, concerning college transfer pathway programs for high school students. Now allows local community colleges, subject to approval of the State Board of Community Colleges, to collaborate with local school administrative units to also offer courses through academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate, diploma, or State- or industry-recognized credential and academic transition pathways for qualified freshmen and sophomore high school students that lead to a career technical education certificate or diploma in business technologies (previously only expanded to include construction certificates and diplomas). Regarding community college collaborations with local administrative units for offering courses through college transfer certificate programs, now excludes freshmen from eligibility. Modifies eligibility requirements for sophomores under the college transfer certificate program to now also require a determination by the Academically Gifted Coordinator, if one is employed by the student's high school or local unit, that the student is academically gifted, has demonstrated a readiness for the course material, and has the maturity to justify admission to the community college, in addition to requiring the same determination by the community college president and the student's high school principal or equivalent administrator. Adds additional criteria to require sophomores to participate in academic advising and obtain parental consent prior to participation. Makes organizational and clarifying changes.

Amends GS 115C-157.1 by adding to the State Board of Education's criteria for hiring an adjunct instructor to include in the minimum criteria that an individual can be qualified as an adjunct instructor without possessing an associate or baccalaureate degree if the individual (1) clearly demonstrates a minimum of six years in the last 10 years of professional experience in the relevant skill or trade and (2) possesses a recognized industry credential or an active professional license that is required for each subject area or course. Amends the cap on contracted adjunct instructor's hours, now allowing an adjunct instructor to be employed for no more than 20 hours per week or no more than five full consecutive months of employment (was, no more than 10 hours per week only). Clarifies that an adjunct instructor is not eligible to for state employment benefits.

Changes the act's titles.

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

[GS 115C, GS 115D](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges](#)

## System Office

S 425 (2019-2020) [CLARIFY DNA RESULT WOULD HAVE CHANGED VERDICT](#). Filed Mar 28 2019, *AN ACT TO CLARIFY THAT FOR A JUDGE TO GRANT POSTCONVICTION DNA TESTING THE JUDGE MUST DETERMINE THAT A FAVORABLE RESULT FROM THE REQUESTED DNA TEST WOULD SUPPORT THE DEFENDANT'S INNOCENCE CLAIM AND TO MODIFY WHICH JUDGE SHALL HEAR CERTAIN MOTIONS FOR APPROPRIATE RELIEF AFTER A CLAIM OF INNOCENCE IS DENIED BY A THREE-JUDGE PANEL.*

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

Amends GS 15A-269(b) by clarifying that the court is to grant the motion for DNA testing and, if testing complies with FBI requirements, the run of any profiles obtained from the testing, upon determining all of the three specified items.

Amends GS 15A-1469 by adding that the new provision requiring a motion for appropriate relief to be considered by the senior judge of the three-judge panel if the motion is filed any time within one year of the denied relief, is notwithstanding GS 15A-1413 (trial judges empowered to act; assignment of motions for appropriate relief). Makes additional clarifying changes.

Makes the entire act effective when it becomes law and applicable to motions pending or filed on or after that date (was, changes to GS 15A-1469 were effective December 1, 2019).

**Intro. by McKissick, Britt, Daniel.**

[GS 15A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Criminal Justice, Corrections \(Sentencing/Probation\)](#)

S 500 (2019-2020) [MODIFY ADVANCED MATH COURSE ENROLLMENT](#). Filed Apr 2 2019, *AN ACT TO MAKE CERTAIN MODIFICATIONS TO THE IMPLEMENTATION OF ADVANCED MATH COURSES OFFERED WHEN PRACTICABLE FOR GRADES SIX AND HIGHER.*

House amendment to the 4th edition makes the following changes.

Amends GS 115C-81.36(b) to reinstate the requirement that a seventh grade student be enrolled in a high school level mathematics course in eighth grade if scoring the specified level on the end-of-grade test and changes that level from a level five to the highest level on the seventh grade mathematics end-of-grade test. Makes conforming changes. Amends the Department of Public Instruction's annual reporting requirement to specify that the report must include data collected for the current school year on the number and demographics of students who were eligible for advanced mathematics courses under the statute (previously did not include reference to the statute) and adds that this includes high school level mathematics courses in eighth grade. Makes additional clarifying changes.

Adds that schools that did not offer Math I to eighth graders during the 2018-19 school year are not required to offer Math I to eighth graders for the 2019-20 school year. Requires that local boards of education with schools that meet this exemption for 2019-20 to develop a plan to implement GS 115C-81.36(b) beginning with the 2020-21 school year. Requires the plan to be submitted by January 15, 2020 (previously required each local board of education to develop a plan to implement GS 115C-81.36(b) by that date). Amends what is to be included in the plan to no longer require a list of each advanced mathematics course offered in grades six and higher in each school, and limits the other requirements to eighth grade Math I courses.

Deletes the provision providing that local board of education are not required to comply with GS 115C-81.36(b) for the 2019-20 school year.

**Intro. by Smith, Tillman, Chaudhuri.**

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 523 (2019-2020) [REV. LAWS CLARIFYING & ADMINISTRATIVE CHANGES](#). Filed Apr 2 2019, *AN ACT TO MAKE VARIOUS CLARIFYING AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS.*

Senate committee substitute to the 1st edition is to be summarized.

**Intro. by Tillman, Hise, Newton.**

GS 105

[View summary](#)

**Agriculture, Alcoholic Beverage Control, Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Government, Tax**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 37: CHILD SEX ABUSE/EXTEND STATUTE OF LIMITATIONS.**

*House: Reptd Fav Com Substitute*

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

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

#### **H 67: ROAD BARRIER PROHIBITION.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Transportation. If fav, re-ref to Rules and Operations of the Senate*

#### **H 82: RAILROAD CROSSINGS/ON-TRACK EQUIPMENT.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

#### **H 108: PED/SAFEKEEPER HEALTH CARE COST RECOV. PRACT.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate*

#### **H 131: REPEAL MAP ACT.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

#### **H 158: DOT REPORTING CHANGES.-AB**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Transportation. If fav, re-ref to Rules and Operations of the Senate*

#### **H 179: MINI-TRUCK CLASSIFICATION.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 206: DOT LEGISLATIVE CHANGES.-AB**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Transportation. If fav, re-ref to Rules and Operations of the Senate*

**H 228: MODERNIZE LAWS PERTAINING TO NC MEDICAL BOARD.-AB**

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 266: SCHOOL ANNUAL REPORT CARD.**

*Senate: Withdrawn From Com*

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

**H 301: CIP REVISIONS/JUVENILE CODE.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 389: ABC/UNIV ATHLETIC FACILITY.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**H 402: UNC CAPITAL PROJECTS.**

*House: Regular Message Sent To Senate*

**H 407: SPINDALE DRAINAGE.**

*House: Reptd Fav*

*House: Re-ref Com On Appropriations, Agriculture and Natural and Economic Resources*

**H 415: PHOTOS OF JUVENILES/SHOW-UPS.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 06/13/2019*

**H 421: PROMOTE NORTH CAROLINA SAWMILLS.**

*House: Reptd Fav Com Substitute*

*House: Serial Referral To Rules, Calendar, and Operations of the House Stricken*

*House: Re-ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House*

**H 469: VARIOUS FAMILY LAW CHANGES. (NEW)**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**H 493: ABUSE & NEGLECT RESOURCES.**

*Senate: Withdrawn From Com*

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

**H 521: TRANSITIONAL LICENSE/TEACHER FROM OTHER STATE (NEW)**

*Senate: Withdrawn From Com*

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

**H 531: PROTECT. TENANTS AT FORECLOSURE ACT RESTORED.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 06/13/2019*

**H 548: MODIFY PHYSICAL THERAPY DEFINITION.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 06/13/2019*

**H 553: LICENSING CERTAIN FIRE SAFETY EQUIP. WORK.**

*House: Regular Message Sent To Senate*

**H 578: MODIFY LEGITIMATIONS PROVISIONS.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 06/13/2019*

**H 617: ALLOW REPEAT REFERRAL TO TEEN COURT.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 06/13/2019*

**H 620: STREET DATABASE/MANUAL/PUBLIC RECORD EXCEPT. (NEW)**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Transportation. If fav, re-ref to Rules and Operations of the Senate*

**H 658: ALLOW DONATIONS OF UNEXPIRED DRUGS.**

*Senate: Reptd Fav*

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

**H 664: MYFUTURENC/POSTSECONDARY ATTAINMENT GOAL.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 06/13/2019*

**H 675: 2019 BUILDING CODE REGULATORY REFORM.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate*

**H 924: TEACHER CONTRACT CHANGES.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 06/13/2019*

**H 954: QUALIFIED DISABLED VETERAN PREFERENCE. (NEW)**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Appropriations, General Government*

**H 1015: CONFIRM CHRIS AYERS/EX. DIR. UTILITES COMM PS.**

*Senate: Withdrawn From Com*

*Senate: Re-ref Com On Select Committee on Nominations*

**H 1017: SPECIAL MASTER WAKE HOUSE PLAN.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**S 95: VETERANS MEMORIAL FUNDS/DO NOT REVERT.**

*House: Reptd Fav Com Substitute*

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

**S 148: PUBLIC RECORDS/RELEASE OF LEO RECORDINGS.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**S 151: BREAK OR ENTER PHARMACY/INCREASE PENALTY.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

**S 191: OUT-OF-STATE LAW ENFORCEMENT/2020 REP CONVTN.**

*House: Reptd Fav*

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

**S 219: MODIFY TEACHER LICENSING REQUIREMENTS.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Special Message Sent To Senate*

*Senate: Special Message Received For Concurrence in H Com Sub*

**S 227: TP3/PRINCIPAL FELLOWS CONSOLIDATION. (NEW)**

*House: Reptd Fav Com Substitute*

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

**S 255: STATE BOARD CONSTRUCTION CONTRACT CLAIM.**

*Senate: Concurred In H Com Sub*

*Senate: Ordered Enrolled*

**S 290: DISTILLER REGULATORY REFORM BILL.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Finance*

**S 315: NORTH CAROLINA FARM ACT OF 2019.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**S 361: HEALTH CARE EXPANSION ACT OF 2019.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Appropriations/Base Budget*

*Senate: Withdrawn From Com*

*Senate: Re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate*

**S 366: 10TH GRADE/COLLEGE TRANSFER PATHWAYS. (NEW)**

*House: Reptd Fav Com Substitute*

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

**S 377: MILITARY BASE PROTECTION ACT.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Special Message Sent To House*

*House: Special Message Received From Senate*

*House: Passed 1st Reading*

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

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

**S 381: RECONSTITUTE/CLARIFY BOARDS AND COMMISSIONS. (NEW)**

*Senate: Ratified*

**S 399: REHIRE HIGH-NEED TEACHERS.**

*House: Reptd Fav*

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

**S 425: CLARIFY DNA RESULT WOULD HAVE CHANGED VERDICT.**

*House: Reptd Fav Com Substitute*

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

**S 448: AMEND APPT FOR COMPACT ON EDUCATION/MILITARY.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

**S 500: MODIFY ADVANCED MATH COURSE ENROLLMENT.**

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**S 523: REV. LAWS CLARIFYING & AMP ADMINISTRATIVE CHANGES.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**S 553: REGULATORY REFORM ACT OF 2019.**

*House: Passed 1st Reading*

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

**S 556: GSC PEOPLE FIRST LANGUAGE 2019.**

*House: Reptd Fav*

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

**S 648: SUPPORT SHELLFISH AQUACULTURE.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

## LOCAL BILLS

**H 4: CLAREMONT DEANNEXATION.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to State and Local Government. If fav, re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate*

**H 6: BURLINGTON AIRPORT/LEASE/CONTRACT AUTHORITY.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Rules and Operations of the Senate*

**H 237: BRUNSWICK COUNTY ZONING PROCEDURE CHANGES.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate*

**H 299: HENDERSON CTY/BUILD COMMUNITY COLLEGE BLDGS.**

*Senate: Withdrawn From Com*

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

**H 336: EXTEND SUSPENSION OF SPENCER MOUNTAIN.**

*Senate: Regular Message Sent To House*

*House: Regular Message Received For Concurrence in S Amend*

**H 489: LINCOLNTON-LINCOLN COUNTY AIRPORT AUTHORITY.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate*

**S 84: WALKERTOWN ZONING AUTHORIZATIONS.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

**S 194: WEST JEFFERSON SATELLITE ANNEXATIONS.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

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

*House: Reptd Fav*

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

**S 242: RECREATIONAL LAND FEE CHANGES.**

*House: Reptd Fav*

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

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