

State Government

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H7 - LRC/Strengthen Savings Reserve. (SL 2017-5)

S.L. 2017-5 amends G.S. 143C-4-2 to (i) require the automatic transfer of a set amount of funds each fiscal year to the Savings Reserve and (ii) limit the uses for which funds in the Savings Reserve may be expended.

The section requiring the Office of State Budget and Management and the Fiscal Research Division to start establishing the target required under G.S. 143C-4-2(f), as enacted by this act, became effective April 13, 2017. The remainder of this act becomes effective October 1, 2017.

H120 - National Guard Can Purchase From Correction Enterprises. (SL 2017-154)

S.L. 2017-154 adds National Guard members, employees, and retirees to the list of individuals eligible to purchase from Correction Enterprises, subject to verification through federal or State issued identification, or proof of retirement status.

This act became effective July 21, 2017.

H142 - Reset of S.L. 2016-3. (SL 2017-4)

S.L. 2017-4 does the following:

- Repeals S.L. 2016-3 and S.L. 2016-99.
- Preempts regulation of access to multiple occupancy restrooms, showers, or changing facilities by any State or local government, except in accordance with an act of the General Assembly.
- Prohibits a local government from enacting or amending an ordinance regulating private employment practices or regulating public accommodations. This section expires December 1, 2020.

This act became effective March 30, 2017.

H161 - Divestment From Companies That Boycott Israel. (SL 2017-193)

S.L. 2017-193 requires State divestment from, and prohibits State agencies from contracting with, companies that boycott Israel. S.L. 2017-193 also amends the existing Sudan and Iran Divestment statutes. This act becomes effective October 1, 2017, except for the section authorizing the State Treasurer to retain personnel to assist in its implementation, which became effective July 27, 2017.

H252 - Building Code Regulatory Reform. (SL 2017-130)

S.L. 2017-130 makes several changes to building inspection procedures for counties and cities, including:

- Prohibiting the adoption or enforcement of any existing regulation requiring regular, routine building inspections, without first obtaining approval from the North Carolina Building Code Council;
- Adding new inspection requirement exemptions for persons supervised by architects or engineers and new exemptions for engineered components and elements certified as compliant by the manufacturer;
- Creating a new informal review process for inspection decisions made by county and city inspectors;
- Allowing a building permit applicant to choose which version of an interpretation will apply to the permit, if an interpretation changes after the building permit is issued;
- Exempting certain lots from needing separate meters for new irrigation systems; and
- Exempting therapeutic equine facilities from the State Building Code.

This act became effective October 1, 2017, except for the section exempting therapeutic equine facilities from the State Building Code, which became effective July 20, 2017.

H256 - 2017 Appointments Bill. (SL 2017-75)

S.L. 2017-75 appoints persons to various public offices upon the recommendation of the Speaker of the House of Representatives, President Pro Tempore of the Senate, and the majority and minority leaders of the House of Representatives and Senate; and makes technical changes to prior appointments.

S.L. 2017-75 became effective June 29, 2017.

H294 - Unclaimed Property Notice Requirements/Modify Various Board Term Limits. (SL 2017-134)

S.L. 2017-134:

- Amends notice requirements under the North Carolina Unclaimed Property Act (NCUPA), effective October 1, 2017.
- Restores the Treasurer's authority under the NCUPA to dispose of abandoned property having no substantial commercial value, retroactively effective October 1, 2015.
- Makes other technical and conforming changes to the NCUPA, effective July 20, 2017.
- Modifies term limits of certain members of the Vocational Rehabilitation Council and the Board of Trustees of the North Carolina Museum of Art, effective July 20, 2017.

CURRENT LAW:

H719 - Improve Security/Upper Level/Parking Lot 65. (SL 2017-199)

S.L. 2017-199 makes all of the parking spaces in the upper level of Parking Deck 65 under the Halifax Street Mall part of the "State legislative buildings and grounds" for purposes of allocation by the Legislative Services Commission. The act also gives the Legislative Services Commission the exclusive authority to assign parking spaces in Lot 7 of the State Government Parking Complex. The act became effective July 31, 2017.

H740 - Search and Rescue Rename/Disputed County Boundaries/Mapping. (SL 2017-170)

S.L. 2017-170 modernizes and updates statutes related to the urban search and rescue program and the North Carolina Geodetic Survey, including the following:

- Changes the name of the Urban Search and Rescue Program to the North Carolina Search and Rescue Program, and directs the Secretary of the Department of Public Safety to include reliance on memorandums of understanding and agreement with contract response teams in search and rescue efforts.
- Directs the North Carolina Geodetic Survey to assist counties in defining and reestablishing the location of an uncertain or disputed boundary, upon receiving written request from all counties adjacent to the uncertain or disputed boundary.
- Requires that maps, drawings, or documents identifying the protected mountain ridges be housed with the office of the North Carolina Geodetic Survey, NC Emergency Management, in Raleigh.

The section of the act pertaining to the search and rescue program became effective July 1, 2017. The sections of the act pertaining to the North Carolina Geodetic Survey became effective July 21, 2017.

S68 - Bipartisan Bd of Elections and Ethics Enforce. (SL 2017-6)

S.L. 2017-6 repeals certain provisions related to the designation of exempt positions in State employment; repeals the portion of the 2016 Session Law consolidating the functions of ethics, elections, and lobbying; and re-establishes the Bipartisan State Board of Elections and Ethics Enforcement, effective May 1, 2017.

As of November 1, 2017, portions of S.L. 2017-6 remain under litigation. Members of the Bipartisan State Board of Elections and Ethics Enforcement have not yet been appointed due to order of the courts.

S107 - Streamline Dam Removal. (SL 2017-145)

S.L. 2017-145 amends State law on dam removal to expedite the removal process under certain circumstances. This provision became effective July 1, 2017.

The act also directs the Department of Environmental Quality and the Department of Public Safety to study the dam removal process and recommend changes to reduce regulatory barriers to obsolete dam

removal and consolidate permit processes. The report shall be submitted to the Environmental Review Commission by March 1, 2020. This provision became effective July 20, 2017.

S131 - Regulatory Reform Act of 2016-2017. (SL 2017-10)

S.L. 2017-10 amends State laws related to the following:

S257 - Appropriations Act of 2017.

Sec. 6.7: Use of State Funds for Employment of Outside Counsel/General Assembly Right to Intervene. (SL 2017-57)

Section 6.7 of S.L. 2017-57:

- Provides that no State funds can be used by State agencies to pay for litigation services provided by private counsel, except as expressly authorized by an appropriation of the General Assembly, or unless an exception applies.
- Makes changes to State law governing standing, necessary joinder, and intervention rights of the General Assembly in specified legal proceedings challenging legislative actions.
- Provides that participation of the Speaker and the President Pro Tempore in specified legal proceedings challenging legislative actions do not constitute a waiver of legislative immunity or legislative privilege.
- States duties of the Attorney General to the General Assembly in specified legal actions challenging legislation actions.
- Provides that the President Pro Tempore and the Speaker continue to have the authority to represent and articulate the institutional position of the General Assembly in the action known as *Berger v. Price*, 5:17-cv-00025-FL (E.D.N.C.).

This section became effective July 1, 2017, with specified provisions applicable to pending and future legal actions.

S257 - Appropriations Act of 2017.

Sec. 6.8: Pending Litigation. (SL 2017-57)

Sec. 6.8 of S.L. 2017-57 provides that any reference to either the State Board of Elections or the State Ethics Commission in the Appropriations Act or the Appropriations Act Committee Report does not constitute a waiver by the General Assembly regarding the validity and constitutionality of S.L. 2017-6, short title: Bipartisan Board of Elections and Ethics Enforcement.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 15.10: Prosperity Zone Reporting. (SL 2017-57)

Sec. 15.10 of S.L. 2017-57 requires the Department of Commerce to:

- Submit a report, with specified performance measures, on or before September 1 of each year to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Joint Legislative Economic Development and Global Engagement Oversight Committee, and the Fiscal Research Division for each Collaboration for Prosperity Zone.
- Develop performance metrics for Community Planners for the Collaboration for Prosperity Zones and submit a report on or before September 1 of each year to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Joint Legislative Economic Development and Global Engagement Oversight Committee, and the Fiscal Research Division detailing the performance metrics and the measurements observed for each Community Planner within the Collaboration for Prosperity Zones.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 15.12: Youth Workforce Investment Program Changes. (SL 2017-57)

Sec. 15.12 of S.L. 2017-57 makes the following changes to the Youth Workforce Investment Program:

- Requires local Workforce Development Boards to include a competitive process for awarding grants that requires youth workforce investment activity grant recipient applicants to provide specified information in their applications.
- Requires, on or before October 1 of each year, that local Workforce Development Boards submit a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the chairs of the House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, the Joint Legislative Education Oversight Committee, and the Fiscal Research Division on prior State fiscal year program activities, expenditures, fund sources, grant recipients, and the amount of each grant.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 15.15A: Transformative Project. (SL 2017-57)

Section 15.15A of S.L. 2017-57 establishes enhanced benefits under the Jobs Development Investment Grant (JDIG) program for a "transformative project," a project where a business invests at least \$4 billion in private funds and creates at least 5,000 jobs in this State. This section became effective on July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16.2: No Transfer of Positions to Other State Agencies. (SL 2017-57)

Sec. 16.2 of S.L. 2017-57 prohibits the Office of State Budget and Management (OSBM) from transferring any positions, personnel, or funds from the Department of Public Safety (DPS) to any other State agency during the 2017-2019 fiscal biennium, unless otherwise included in a base budget for that period or if related to the annual transfer to the Office of the Governor for administrative support.

Transfers that violate this section that were made in fiscal year 2016-2017, prior to July 1, 2017, must be rescinded within 15 days of July 1, 2017.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16.3: Lapsed Salary Report. (SL 2017-57)

Sec. 16.3 of S.L. 2017-57 requires the Department of Public Safety (DPS) to submit reports and itemized accountings related to lapsed salaries by fund codes to the Joint Legislative Oversight Committee on Justice and Public Safety and the Appropriations Committee on Justice and Public Safety for both the House and the Senate. A lapsed salary accrues when a funded position is vacant for a portion of the year.

DPS shall submit these reports annually by February 1 and August 1. The August 1 report must include an annual accounting for the previous fiscal year.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 16E.2: Search and Rescue Changes. (SL 2017-57)

Sec. 16E.2 of S.L. 2017-57 renames the search and rescue services program of the Department of Public Safety, Division of Emergency Management, as the "North Carolina Search and Rescue Program."

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 21.1: Add Esophageal Cancer as Occupational Disease to Line of Duty Death Benefits for Firefighters. (SL 2017-57)

Sec. 21.1 of S.L. 2017-57 adds esophageal cancer as an occupational disease to line of duty death benefits for firefighters.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 24.1: Program Evaluation Division Study/Measurability Assessment of Department of Administration Administrative Activities and Programs. (SL 2017-57)

Sec. 24.1 of S.L. 2017-57 directs the Program Evaluation Division (PED) to conduct evaluations of the Department of Administration (DOA) to improve DOA accountability reporting, and to recommend potential cost savings. This section directs PED to report its findings and recommendations by March 30, 2018 to the Joint Legislative Program Evaluation Oversight Committee and Joint Legislative Oversight Committee on General Government and, upon request, to other committees.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 24.3: Study Rates and Transfers/Public Enterprises. (SL 2017-57)

Sec. 24.3 of S.L. 2017-57 directs the Legislative Research Commission (LRC) to study fees and charges for services, and transfers of funds from, local government public enterprises, focusing on water and sewer services. The LRC is directed to make an interim report to the 2017 Regular Session of the General Assembly prior to its reconvening in 2018, and a final report to the 2019 Regular Session of the General Assembly.

This section became effective June 28, 2017.

S257 - Appropriations Act of 2017.

Sec. 26.3: Results First Project. (SL 2017-57)

Sec. 26.3 of S.L. 2017-57 directs the Office of State Budget and Management (OSBM) to implement a cost-benefit analysis model for use in developing policy and budget decisions. This section directs OSBM to make an interim report to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Oversight Committee on General Government, and the Joint Legislative Program Evaluation Oversight Committee by April 8, 2018 on progress in implementing the cost-benefit analysis model, and an annual report by October 1 of each year.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 28.1: Housing Finance Agency/Workforce Housing Loan Program Established. (SL 2017-57)

Sec. 28.1 of S.L. 2017-57 directs the North Carolina Housing Finance Agency to establish and administer the Workforce Housing Loan Program for the purpose of making loans for qualified low income housing development in the State. This section also directs the Agency, by February 1 of each year, to report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on the loans made by the Program.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 31.1: Transfer the Human Relations Commission. (SL 2017-57)

Sec. 31.1 of S.L. 2017-57 transfers the North Carolina Human Relations Commission from the Department of Administration to the Civil Rights Division of the Office of Administrative Hearings.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 31.2: Council for Women/Domestic Violence Grants. (SL 2017-57)

Section 31.2 of S.L. 2017-57:

- Directs the Department of Administration to send contracts to Domestic Violence Center Fund grantees within 10 business days of the date the Current Operations Appropriations Act is certified in any fiscal year.
- Directs the North Carolina Council for Women to report on the quarterly distributions of the grants from the Domestic Violence Center Fund to the House and Senate chairs of the General Government Appropriations Committee within five business days of distribution.
- Directs the Department of Information Technology to review the grants management process of the North Carolina Council for Women and Youth Involvement Office and provide a report on online grants management options to the chairs of the Joint Legislative Oversight Committee on General Government prior to or on April 1, 2018.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 31.3: Department of Administration/Cost to Agencies to Maintain and Operate Motor Fleet. (SL 2017-57)

Section 31.3 of S.L. 2017-57 makes various changes to the State's system for allocating costs of motor fleet transportation used by State agencies.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 31.4: Department of Administration Allocate or Lease Office Space for Bipartisan State Board of Elections and Ethics Enforcement. (SL 2017-57)

S.L. 2017-57, Section 31.4, requires the Department of Administration to allocate office space in a State owned or leased facility or enter into a lease for office space in a non-State owned facility to be used by the Bipartisan State Board of Elections and Ethics Enforcement (State Board) no later than August 1, 2017. The square footage of the office space must be no less than the total square footage of the facilities previously occupied by the State agencies that were consolidated under the State Board. The State Board must house all personnel in the same office facility by September 1, 2017.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 32.1: Criminal Records Checks for the Department of Revenue. (SL 2017-57)

Section 32.1 of S.L. 2017-57 directs the Department of Public Safety, upon request, and for a fee, to provide criminal histories to the Department of Revenue for its prospective employees, employees, and contractors, subject to the conditions of this section.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 33.1: Overpayments Audit. (SL 2017-57)

Section 33.1 of S.L. 2017-57:

- Provides that during the 2017-2019 fiscal biennium, receipts generated by the collection of inadvertent overpayments by State agencies to vendors as a result of pricing errors, neglected rebates and discounts, miscalculated freight charges, unclaimed refunds, erroneously paid excise taxes, and related errors shall be deposited in a Special Reserve Account as required by law.

- Provides that of the funds appropriated from the Special Reserve Account, and for each year of the 2017-2019 fiscal biennium, \$500,000 of the funds shall be used by the Office of the State Controller for data processing, debt collection, or e commerce costs.
- Provides that all funds available in Special Reserve Account on June 30 of each year of the 2017-2019 fiscal biennium shall revert to the General Fund on that date.
- Requires the State Controller to the General Assembly on the revenue deposited in Special Reserve Account, and the disbursement of that revenue.

This section became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 35.21: Study State Employee Total Compensation/Reduce Long-Term Unfunded Health Care Liabilities . (SL 2017-57)

Section 35.21 of S.L. 2017-57 creates a study committee to study state employee total compensation and makes changes to reduce long-term unfunded health care liabilities.

The provisions establishing the committee and its membership became effective July 1, 2017. The provisions relating to retiree eligibility become effective January 1, 2021.

S257 - Appropriations Act of 2017.

Sec. 35.22: State Treasurer Authority over State Health Plan Employees. (SL 2017-57)

Section 35.22 of S.L. 2017-57 provides that the following employees of the State Health Plan shall serve at the pleasure of the State Treasurer: the Executive Administrator, the Deputy Executive Administrator, and all other employees designated by the State Treasurer as exempt from the North Carolina Human Resources Act.

Section 35.22 of S.L. 2017-57 became effective July 1, 2017.

S257 - Appropriations Act of 2017.

Sec. 36.12: Pay-As-You-Go Capital and Infrastructure Fund Established July 1, 2019. (SL 2017-57)

Sec. 36.12 of S.L. 2017-57 creates the State Capital and Infrastructure Fund to utilize debt service savings for the purpose of meeting the State's debt service obligations: new State and The University of North Carolina capital projects; and repair and renovation of existing capital assets.

This section becomes effective July 1, 2019.

S312 - Surplus Computers for Low-Income Students. (SL 2017-67)

S.L. 2017-67 expands the definition of nonprofit tax-exempt organizations, as it applies to the State Surplus Property Agency, to include certified 501(c)(3) nonprofit entities qualified under rules adopted by the State Surplus Property Agency that refurbish computers for the purpose of donating them to low-income students or households.

This act became effective June 28, 2017.

S338 - Disaster Recovery Act of 2017. (SL 2017-119)

S.L. 2017-119 allocates \$100,000,000 to various purposes and programs related to disaster relief from Hurricane Matthew, Tropical Storms Julia and Hermine, and the western wildfires.

This act became effective July 18, 2017.

S344 - Combine Adult Correction & Juvenile Justice. (SL 2017-186)

Parts I through III of S.L. 2017-186 statutorily combine the Division of Adult Correction and the Division of Juvenile Justice into one division within the Department of Public Safety to make the statutes consistent with the fact that those divisions have been operating as a single Division of Adult Correction and Juvenile Justice. These parts become effective December 1, 2017.

Part IV exempts the coverage of eyeglasses from the services that will be covered by Prepaid Health Plans under Medicaid transformation and allows payment for eyeglasses to continue under existing arrangements.

Except as otherwise indicated, the act became effective July 25, 2017.

S689 - 2017 Appointments Bill Modifications. (SL 2017-201)

S.L. 2017-201 appoints persons to various public offices upon the recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, and makes modifications to appointments made in the first 2017 appointments bill, S.L. 2017-75.

This act became effective August 3, 2017.