



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 744

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S744-AMD-60 [v.3]

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Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date _____, 2014

Senator Apodaca

1 moves to amend the bill on page 272, line 28, by inserting immediately after the line the
2 following:

3 "PART XXXVIIA. VARIOUS CHANGES

4
5 PURCHASE INSURANCE FOR ALL NC UNINSURED, INCLUDING
6 UNDOCUMENTED ALIENS

7 SECTION 37A.1.(a) Article 2 of Chapter 108A of the General Statutes is amended
8 by adding the following new part:

9 "Part 10. Health Insurance Payment Assistance.

10 "§ 108A-70.40. Definitions.

11 The following definitions apply in this Part:

- 12 (1) Health benefit coverage. – Insurance coverage under a 'health benefit plan,'
13 as that term is defined under G.S. 58-3-167.
14 (2) Health benefit exchange. – An exchange established under the Patient
15 Protection and Affordable Care Act, P.L. 111-148, as amended.
16 (3) Program. – The program to provide health insurance payment assistance
17 established by this Part.

18 "§ 108A-70.41. Creation of program; program administration.

19 (a) There is hereby created a program to provide health insurance payment assistance
20 for all persons residing in the State, regardless of immigration status.

21 (b) The Program shall be administered by the Department of Health and Human
22 Services.

23 "§ 108A-70.42. Program benefits.

24 (a) The Program shall provide monthly cash assistance to persons for health insurance
25 premiums in amounts as provided below:

- 26 (1) For those eligible to purchase a plan of health benefit coverage on a health
27 benefit exchange, a sum equal to the monthly premium payment for
28 Silver-level health benefit coverage purchased through a health benefit
29 exchange for that purchaser and the purchaser's dependents. This amount
30 shall not include the amount of any federal assistance received towards the
31 price of health insurance premiums.



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1 (2) For those ineligible to purchase a plan of health benefit coverage on a health
2 benefit exchange due to their immigration status, a sum equal to the monthly
3 premium payment for health benefit coverage purchased on the individual
4 market for the purchaser and the purchaser's dependents.

5 (b) The Program shall reimburse persons receiving benefits under subsection (a) of this
6 section for health insurance cost sharing, including cost sharing such as copays, deductibles,
7 coinsurance. This amount shall not include the amount of any federal assistance received
8 towards the price of cost sharing.

9 (c) Benefits under the Program shall not be available to anyone eligible for any of the
10 following:

11 (1) Employer-sponsored health benefit coverage.

12 (2) Medicaid.

13 (3) Medicare.

14 "**§ 108A-70.43. Application and verification.**

15 Application for participation in the Program shall be on a form and in a format developed
16 by the Department of Health and Human Services, including a means of verifying the amount
17 of applicants' monthly premiums."

18 **SECTION 37A.1.(b)** The Department of Health and Human Services shall develop
19 appropriate rules to implement Part 10 of Article 2 of Chapter 108A, as enacted by this section,
20 including rules on applying for program participation and how to submit claims for
21 reimbursement for health insurance cost sharing.

22 **SECTION 37A.1.(c)** The sum of six billion eight hundred two million seven
23 hundred ninety-seven thousand five hundred thirty nine dollars (\$6,802,797,539) is
24 appropriated from the General Fund to the Department of Health and Human Services for fiscal
25 year 2014-2015, recurring, to provide health insurance payment assistance under Part 10 of
26 Article 2 of Chapter 108A of the General Statutes, as enacted by subsection (a) of this section.

27 **SECTION 37A.1.(d)** The sum of ten million dollars (\$10,000,000) is appropriated
28 from the General Fund to the Department of Health and Human Services for fiscal year
29 2014-2015, recurring, for the cost of administering the program of health insurance payment
30 assistance under Part 10 of Article 2 of Chapter 108A of the General Statutes, as enacted by
31 subsection (a) of this section.

32 **SECTION 37A.1.(e)** This section becomes effective July 1, 2014.

33
34 **AUTHORIZE AND FUND MEDICAID EXPANSION**

35 **SECTION 37A.2.(a)** Section 3 of S.L. 2013-5 is repealed.

36 **SECTION 37A.2.(b)** Section 12H.10(b) of S.L. 2013-360 is amended by adding a
37 new subdivision to read as follows:

38 **"SECTION 12H.10.(b)** For the following Medicaid eligibility classifications for which the
39 federal poverty guidelines are used as income limits for eligibility determinations, the income
40 limits will be updated each April 1 immediately following publication of federal poverty
41 guidelines. The Department of Health and Human Services, Division of Medical Assistance,
42 shall provide Medicaid coverage to the following:

43 ...

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1 (8) Effective January 1, 2015, all people under age 65 who have incomes equal
2 to or less than one hundred thirty-three percent (133%) of the federal poverty
3 guidelines. The medical assistance provided to persons in this Affordable
4 Care Act expansion group shall consist of the coverage described in
5 42 USC 1396a(k)(1)."

6 **SECTION 37A.2.(c)** The sum of seventeen million eighty-one thousand nine
7 hundred sixteen dollars (\$17,081,916) is appropriated to the Department of Health and Human
8 Services, Division of Medical Assistance, for fiscal year 2014-2015, recurring, for the
9 administrative costs associated with the Medicaid expansion provided for in subsection (b) of
10 this section. This appropriation consists of the following:

- 11 (1) Five million eight hundred thirty thousand eight hundred seventeen dollars
12 (\$5,830,817) from the General Fund for the State share of administrative
13 costs.
14 (2) Eleven million two hundred fifty-one thousand ninety-eight dollars
15 (\$11,251,098) from federal Medicaid receipts for the federal share of
16 administrative costs.

17 **SECTION 37A.2.(d)** The following reductions are made for fiscal year 2014-2015,
18 recurring, to the General Fund appropriations made in S.L. 2103-360, notwithstanding
19 S.L. 2013-360:

- 20 (1) The appropriation for the Department of Health and Human Services,
21 Division of Mental Health, is reduced by eight million one hundred
22 eighty-five thousand nine hundred ninety-seven dollars (\$8,185,997).
23 (1) The appropriation for the AIDS Drug Assistance Program (ADAP) in the
24 Department of Health and Human Services, Division of Public Health, is
25 reduced by fourteen million three hundred eight thousand six hundred
26 twenty-three dollars (\$14,308,623).
27 (2) The appropriation for the Inmate Health Care program within the
28 Department of Public Safety, Division of Corrections, is reduced by eight
29 million five hundred thousand dollars (\$8,500,000).

30 **SECTION 37A.2.(e)** This section becomes effective July 1, 2014.

31
32 **ELIMINATE TAX CUTS IN H998**

33 **SECTION 37A.3.(a)** S.L. 2013-316 is repealed. Any statutes or portions of
34 statutes repealed by that act are reenacted as they existed on the effective date of the repeal of
35 those statutes or portions of statutes.

36 **SECTION 37A.3.(b)** This section is effective when it becomes law.

37
38 **EXTEND EARNED INCOME TAX CREDIT**

39 **SECTION 37A.4.(a)** G.S. 105-151.31(c) reads as rewritten:

40 "(c) Sunset. – This section is repealed effective for taxable years beginning on or after
41 January 1, ~~2014,2019.~~"

42 **SECTION 37A.4.(b)** This section is effective when it becomes law.

43

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1 **EXPAND NC PREKINDERGARTEN PROGRAM TO MEET REQUIREMENTS OF**
2 **LEANDRO II**

3 **SECTION 37A.5.(a)** There is appropriated from the General Fund to Department
4 of Health and Human Services, Division of Child Development and Early Education, the sum
5 of one hundred seventy-two million nine hundred twenty-six thousand seven hundred fifty-
6 three dollars (\$172,926,753) for the 2014-2015 fiscal year to expand funding for the
7 prekindergarten program (NC Pre-K) to ensure all qualifying at-risk prospective enrollees
8 access to the program.

9 **SECTION 37A.5.(b)** This section becomes effective July 1, 2014.

10
11 **TRIPLE FUNDING FOR THE OFFICE OF MINORITY HEALTH AND HEALTH**
12 **DISPARITIES**

13 **SECTION 37A.6.(a)** There is appropriated from the General Fund to the
14 Department of Health and Human Services, Division of Public Health, Office of Minority
15 Health and Health Disparities, the sum of nine million five hundred seventy-eight thousand five
16 hundred forty seven dollars (\$9,578,547) for the 2014-2015 fiscal year for the operations of the
17 Office.

18 **SECTION 37A.6.(b)** This section becomes effective July 1, 2014.

19
20 **CREATE NORTH CAROLINA DEPARTMENT OF HUMAN RIGHTS**

21
22 **SECTION 37A.7.(a)** The General Statutes are amended by adding a new Chapter to
23 read:

"Chapter 168B.

"North Carolina Department of Human Rights.

24
25
26 **"§ 168B-1. Short title.**

27 This Chapter may be cited as the 'North Carolina Department of Human Rights Act.'

28 **"§ 168B-2. Definitions.**

29 The following definitions apply in this Chapter:

30 (1) Commission. – The Human Rights Commission.

31 (1) Department. – The Department of Human Rights.

32 (2) Secretary. – The Secretary of Human Rights.

33 **"§ 168B-3. Organization.**

34 (a) There is established the Department of Human Rights. The head of the Department
35 of Human Rights is the Secretary of Human Rights. The Department shall consist of the
36 following divisions:

37 (1) Advocacy Division.

38 (2) Investigations Division.

39 (3) Education and Outreach Division.

40 (b) The Secretary may appoint deputy secretaries to lead each of the respective
41 divisions of the Department, each of whom shall be under the control and direction of the
42 Secretary. The salaries of the deputy secretaries shall be set by the Secretary. The deputy
43 secretaries are exempt from the provisions of Chapter 126 of the General Statutes. The powers

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1 and duties of the deputy secretaries and the respective divisions shall be subject to the direction
2 and control of the Secretary of Human Rights.

3 **§ 168B-4. Powers and duties of the Department of Human Rights.**

4 It is the duty of the Department of Human Rights to do all of the following:

- 5 (1) To advise the Governor, the principal State departments, and the General
6 Assembly concerning human rights issues and violations.
- 7 (2) To investigate claims of human rights violations.
- 8 (3) To refer human rights violations to the Human Rights Commission for
9 further investigation and hearings.
- 10 (4) To educate the citizens of the State about relevant human rights issues.
- 11 (5) To advocate for victims of human rights violations.
- 12 (6) To act as a liaison between advocacy groups for victims of human rights
13 violations and State agencies or local governments.
- 14 (7) To develop a statewide needs assessment annually. This needs assessment
15 shall incorporate input from various advocacy groups and stakeholders, grant
16 and funding opportunities, and budgetary needs. This needs assessment shall
17 from the basis for outreach and education.
- 18 (8) To enter into contracts, leases or other legal agreements to carry out the
19 purposes of this Chapter.

20 **§ 168B-5. Powers and duties of the Secretary of Human Rights.**

21 The Secretary of Human Rights shall have the powers and duties as are conferred on the
22 Secretary by this Chapter, delegated to the Secretary by the Governor, and conferred on the
23 Secretary by the Constitution and laws of this State. These powers and duties include the
24 following:

- 25 (1) Prepare and present the Department's budget in accordance with Chapter
26 143C of the General Statutes.
- 27 (2) Adopt rules for the administration of the Department and implementation of
28 the provisions of this Chapter pursuant to Chapter 150B of the General
29 Statutes.

30 **§ 168B-6. Departmental Personnel.**

31 (a) Personnel and Consultants. – The Secretary may appoint all employees of the
32 Department of Human Rights, including legal counsel, necessary to carry out the powers and
33 duties of the Department. All employees of the Department are under the supervision, direction,
34 and control of the Secretary, who may assign any function vested in his or her office to any
35 subordinate employee of the Department.

36 (b) The Secretary may designate additional managerial and policymaking positions as
37 exempt from Chapter 126 of the General Statutes under G.S. 126-5(b), including a finance
38 officer, general counsel, and other positions subject to the limitations of G.S. 126-5(d). The
39 Secretary may, subject to the provisions of G.S. 147-64.7(b)(2), obtain the services of
40 independent consultants and other professional persons or experts to carry out the powers and
41 duties of this Chapter.

42 **§ 168B-7. Advocacy.**

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1 (a) There is created an Advocacy Division of the Department of Human Rights. The
2 division shall act as advocate for victims of human rights violations within this State.

3 (b) In fulfilling its function, the Advocacy Division shall have the power to:

4 (1) Provide assistance to victims of human rights violations and private human
5 rights advocacy groups.

6 (2) Apply for and receive gifts and grants from public, private, and nonprofit
7 donors.

8 (3) Suggest, monitor, and impact legislation affecting human rights.

9 (4) Present an annual report to the Governor concerning the status of human
10 rights in the State, the effectiveness of current Department programs, and the
11 need for new programs.

12 (5) Adopt guidelines and policies necessary to carry out the foregoing powers
13 and duties.

14 (6) Receive proposed rules, and recommend rules to the Secretary for adoption.

15 **§ 168B-8. Investigations.**

16 (a) There is created an Investigations Division of the Department of Human Rights. The
17 division shall provide research services for the Department and its divisions on matters
18 pertaining to human rights, violations of human rights, and any other matter as requested by the
19 Secretary.

20 (b) The Investigations Division shall investigate claims of human rights violations
21 brought by individuals or human rights advocacy groups. In conducting investigations, the
22 division shall have the power to:

23 (1) Administer oaths and affirmations, subpoena witnesses, and compel the
24 production of necessary documents.

25 (2) Access, at reasonable times, State premises, records, and documents relevant
26 to any claims.

27 (3) Examine, photograph, and copy any evidence relevant to any claims.

28 **§ 168B-9. Education and outreach.**

29 (a) There is created an Education and Outreach Division of the Department of Human
30 Rights. The division shall provide education and disseminate information to the public
31 regarding human rights, violations of human rights, and the various services offered to the
32 citizens of the State by the Department.

33 (b) In fulfilling its obligation to the citizens of the State, the division shall have the
34 power to:

35 (1) Promote statewide or targeted activities for the purposes of identifying
36 victims and claims of human rights violations.

37 (2) Encourage the establishment and support of local human rights
38 organizations.

39 (3) Provide information to the general public and State, local, and private
40 agencies concerning the activities and findings of the Department.

41 (4) Advise the Secretary on any matter referred to it, and to perform any other
42 duties as assigned by the Secretary.

43 **§ 168B-10. Human Rights Commission.**

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1 (a) There is created the Human Rights Commission. The Commission shall be located
2 within the Department of Human Rights, Advocacy Division for organizational, budgetary, and
3 administrative purposes.

4 (b) The purpose of the Commission is to (i) assess statewide issues related to human
5 rights violations, (ii) assure that necessary services, policies, and programs are provided to
6 those in need, (iii) recommend new human rights programs, (iv) recommend improvements to
7 existing human rights protections, (v) hear claims referred by the Department, and (vi) refer
8 claims for human rights violations to the Department of Justice for prosecution.

9 (c) The Human Rights Commission shall consist of 22 members. The Secretary shall
10 appoint one member from each of the 13 congressional districts, whose initial terms shall
11 expire June 30, 2017. The Secretary shall also appoint five at-large members, whose initial
12 terms shall expire June 30, 2018. The Speaker of the North Carolina House of Representatives
13 shall appoint two members, whose initial terms shall expire on June 30, 2019. The President
14 Pro Tempore of the Senate shall appoint two members, whose initial terms shall expire on June
15 30, 2019. At the end of the respective terms of office of the initial Commission members, the
16 appointment of their successors shall be for terms of four years. No member of the Commission
17 shall serve more than two consecutive terms. A member having served two consecutive terms
18 shall be eligible for reappointment one year after the expiration of the second term. Any
19 appointment to fill a vacancy on the Commission created by the resignation, dismissal, death,
20 or disability of a member shall be filled in the manner of the original appointment for the
21 unexpired term. The Secretary shall designate two co-chairs from among the Commission
22 members.

23 (d) Members of the Commission shall receive per diem and necessary travel and
24 subsistence expenses in accordance with the provisions of G.S. 138-5.

25 (e) A majority of the Commission shall constitute a quorum for the transaction of
26 business.

27 (f) All clerical and support services required by the Commission shall be supplied by
28 the Secretary."

29 **SECTION 37A.7.(b)** Chapter 147 of the General Statutes is amended by adding a
30 new Article to read:

"Article 9.

"Secretary of Human Rights.

33 **"§ 147-95. Secretary of Human Rights; appointment; salary.**

34 A Secretary of Human Rights shall be appointed by the Governor on January 1, 2015, and
35 quadrennially thereafter. The term of office of the Secretary shall be four years and until a
36 successor is appointed and qualified. The salary of the Secretary shall be fixed by the General
37 Assembly in the Current Operations Appropriations Act."

38 **SECTION 37A.7.(c)** There is appropriated from the General Fund to the
39 Department of Human Rights the sum of four million seven hundred eight thousand four
40 hundred sixty-two dollars (\$4,708,462) for the 2014-2015 fiscal year to fund the operations of
41 the Department. It is anticipated that the annual cost to operate the Department in subsequent
42 fiscal years will be four million eight hundred sixty-five thousand thirty-two dollars
43 (\$4,865,032).

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1 **SECTION 37A.7.(d)** Subsection (c) of this section becomes effective July 1, 2014.
2 The remainder of this section becomes effective December 1, 2014.

3
4 **DOUBLE MINORITY ECONOMIC DEVELOPMENT FUNDING**

5 **SECTION 37A.8.(a)** There is appropriated from the General Fund to the
6 Department of Commerce, Commerce State-Aid, the sum of thirty-one million nine hundred
7 sixteen thousand three hundred six dollars (\$31,916,306) for the 2014-2015 fiscal year in
8 recurring funds to be allocated to the following organizations for economic development:

- | | | | |
|----|----|---|--------------|
| 9 | 1. | Community Development Initiative | \$14,012,178 |
| 10 | 2. | Institute of Minority Economic Development | 5,695,204 |
| 11 | 3. | Land Loss prevention Project | 1,600,560 |
| 12 | 4. | NC Association of Community Development
Corporations | 2,218,720 |
| 13 | | | |
| 14 | 5. | NC Indian Economic Development Initiative | 193,000 |
| 15 | 6. | The Support Center | 8,196,644.. |

16 **SECTION 37A.8.(b)** The organizations listed in subsection (a) of this section shall
17 do the following:

- 18 (1) By September 1 of each year, and more frequently as requested, report to the
19 Joint Legislative Commission on Governmental Operations and the Fiscal
20 Research Division on prior State fiscal year program activities, objectives,
21 and accomplishments and prior State fiscal year itemized expenditures and
22 fund sources.
- 23 (2) Provide to the Fiscal Research Division a copy of the organization's annual
24 audited financial statement within 30 days of issuance of the statement.

25 **SECTION 37A.8.(c)** Remaining allotments after September 1 shall not be released
26 to any organization listed in subsection (a) of this section that does not satisfy the reporting
27 requirements provided in subsection (b) of this section.

28 **SECTION 37A.8.(d)** No more than one hundred twenty thousand dollars
29 (\$120,000) in State funds shall be used for the annual salary of any one employee of an
30 organization named in subsection (a) of this section. For the purposes of this section, the term
31 "State funds" means funds as defined in G.S. 143C-1-1(d)(25), and any interest earnings that
32 accrue from those funds.

33 **SECTION 37A.8.(e)** This section becomes effective July 1, 2014.

34
35 **INCREASE NORTH CAROLINA'S WORKFORCE DEVELOPMENT FUNDING BY**
36 **50%**

37 **SECTION 37A.9.(a)** There is appropriated from the General Fund to the
38 Department of Commerce the sum of six hundred forty thousand seventy-seven dollars
39 (\$640,077) dollars for the 2014-2015 fiscal year to increase by fifty percent (50%) the funds
40 available for workforce development programs.

41 **SECTION 37A.9.(b)** There is appropriated from the General Fund to the
42 Department of Health and Human Services the sum of twenty two million two hundred fifty
43 seven thousand six hundred forty-one dollars (\$22,257,641) for the 2014-2015 fiscal year to
44 increase by fifty percent (50%) the funds available for workforce development programs.

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1 **SECTION 37A.9.(c)** There is appropriated from the General Fund to the
2 Department of Public Instruction the sum two hundred seven million five thousand nine
3 hundred seventy-two dollars (\$207,005,972) for the 2014-2015 fiscal year to increase by fifty
4 percent (50%) the funds available for workforce development programs.

5 **SECTION 37A.9.(d)** There is appropriated from the General Fund to the State
6 Board of Community Colleges the sum one hundred thirty million eight hundred eighty nine
7 thousand nine hundred forty-eight dollars (\$130,889,948) for the 2014-2015 fiscal year to
8 increase by fifty percent (50%) the funds available for workforce development programs.

9 **SECTION 37A.9.(e)** This section becomes effective July 1, 2014.

10
11 **DOUBLE AFFORDABLE HOUSING PROGRAM FUNDING**

12 **SECTION 37A.10.(a)** There is appropriated from the General Fund to the North
13 Carolina Housing Trust Fund the sum of fourteen million dollars (\$14,000,000) for the 2014-
14 2015 fiscal year in recurring funds to be used by the North Carolina Housing Finance Agency
15 to increase the supply of decent, affordable, and energy-efficient housing for low, very low,
16 and moderate income residents of the State.

17 **SECTION 37A.10.(b)** This section becomes effective July 1, 2014.

18
19 **EXTEND LOW-INCOME HOUSING TAX CREDIT**

20 **SECTION 37A.11.(a)** G.S. 105-129.45 reads as rewritten:

21 **"§ 105-129.45. Sunset.**

22 This Article is repealed effective January 1, ~~2015-2020~~. The repeal applies to developments
23 to which federal credits are allocated on or after January 1, ~~2015-2020~~."

24 **SECTION 37A.11.(b)** This section is effective when it becomes law.

25
26 **XII. PROVIDE IN-STATE TUITION FOR ALL UNDOCUMENTED ALIENS AT UNC**
27 **AND COMMUNITY COLLEGES**

28 **SECTION 37A.12.(a)** G.S. 116-143.1 is amended by adding a new section to read:

29 "(n) Notwithstanding any other provision of this section, a person who meets all of the
30 following qualifications, including a person not lawfully present in the United States, shall be
31 accorded status as a resident for tuition purposes:

32 (1) The person received a high school diploma from a secondary school or high
33 school located in North Carolina or received a high school equivalency
34 certificate within North Carolina.

35 (2) The person attended a North Carolina secondary school or high school for a
36 minimum of three consecutive years immediately prior to receiving a high
37 school diploma or a high school equivalency certificate.

38 (3) The person does not have lawful immigration status, but only if the person
39 files an affidavit with the institution of higher education to which the person
40 is enrolled stating that the person has filed an application to legalize his or
41 her immigration status or will file an application as soon as he or she is
42 eligible to do so.

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1 (4) The person satisfies the admission standards for the institution of higher
2 education to which the person applied and has secured admission and
3 enrolled as a student at the institution within 24 months of receiving a high
4 school diploma or high school equivalency certificate within North Carolina.

5 (o) Any information obtained as part of the process of applying for in-State tuition
6 pursuant to subsection (n) of this section shall be confidential and is not a public record."

7 **SECTION 37A.12.(b)** G.S. 115D-39(b) reads as rewritten:

8 "(b) ~~In~~Notwithstanding G.S. 116-143.1(n), in addition, any person lawfully admitted to
9 the United States who satisfied the qualifications for assignment to a public school set out
10 under G.S. 115C-366 and graduated from the public school to which the student was assigned
11 shall also be eligible for the State resident community college tuition rate. This subsection does
12 not make a person a resident of North Carolina for any other purpose."

13 **SECTION 37A.12.(c)** This section becomes effective July 1, 2014, and applies
14 beginning with the fall semester of the 2014-2015 school year.

15
16 **EQUITY FOR HBCU'S FUNDING – EQUALIZE PER STUDENT FUNDING FOR**
17 **HBCU'S WITH AVERAGE PER STUDENT FUNDING AT ALL OTHER UNC**
18 **INSTITUTIONS**

19 **SECTION 37A.13.(a)** There is appropriated from the General Fund to the Board of
20 Governors of The University of North Carolina the sum of thirty-six million fifty-five thousand
21 nine hundred eighty-six dollars (\$36,055,986) in recurring funds for the 2014-2015 fiscal year
22 to be allocated among each of the special responsibility constituent institutions described in this
23 subsection. The primary goal of the allocations under this subsection is to raise each eligible
24 constituent institution's State appropriation per FTE up to the Systemwide average of The
25 University of North Carolina. The Board of Governors shall determine and implement a
26 methodology for the allocation of funds under this subsection that achieves that primary goal.
27 In computing each constituent institution's State appropriation per FTE and the Systemwide
28 average of The University of North Carolina, General Administration shall exclude State funds
29 appropriated or allocated to General Administration, student financial aid, Area Health
30 Education Centers (AHEC), and agricultural research and extension.

31 Each special responsibility constituent institution that meets all of the following
32 criteria shall receive an allocation pursuant to this subsection:

33 (1) The constituent institution's minority student population, as measured by the
34 Fall 2013 enrollment is greater than fifty percent (50%) of the total student
35 population.

36 (2) The constituent institution's State appropriation per FTE, as determined by
37 General Administration of The University of North Carolina, is less than the
38 Systemwide average of The University of North Carolina.

39 **SECTION 37A.13.(b)** There is appropriated from the General Fund to the Board
40 of Governors of The University of North Carolina the sum of ten million dollars (\$10,000,000)
41 in recurring funds for the 2014-2015 fiscal year to be allocated among each of the special
42 responsibility constituent institutions with a total minority student population, as measured by
43 the 2013 Fall enrollment, that is greater than fifty percent (50%) of the total student population.

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1 Any special responsibility constituent institution that receives an allocation of funds under this
2 subsection shall use those funds to enhance or add student support services targeted to
3 increasing the institution's minority student retention and graduation rates.

4 **SECTION 37A.13.(c)** This section becomes effective July 1, 2014.

5
6 **SUBSIDIZE ALL CHILD CARE FOR FAMILIES ON WAITING LIST BY OPENING**
7 **NECESSARY SLOTS AND FUNDING THEM**

8 **SECTION 37A.14.(a)** There is appropriated from the General Fund to the
9 Department of Health and Human Services, Division of Child Development and Early
10 Education, the sum of two hundred twenty-four million eight hundred thirty thousand one
11 hundred forty-four dollars (\$224,830,144) for the 2014-2015 fiscal year to provide additional
12 funds for the purpose of eliminating the waiting list for families receiving subsidized child care.

13 **SECTION 37A.14.(b)** Section 12B.4(a) of S.L. 2013-360 does not apply to these
14 funds.

15 **SECTION 37A.14.(c)** This section becomes effective July 1, 2014.

16
17 **CREATE ENVIRONMENTAL CORPUS**

18 **SECTION 37A.15.(a)** Preamble and Findings. – The General Assembly finds that
19 a significant need exists to provide practical educational opportunities and quality work
20 experience for North Carolina high school graduates who lack the qualifications or financial
21 resources to enroll in a four year college or university after high school. The General Assembly
22 also finds that the creation of a statewide youth service corps program to provide work
23 opportunities with state agencies and departments while attending community colleges
24 part-time will help address this need.

25 **SECTION 37A.15.(b)** Article 9 of Chapter 143B of the General Statutes is
26 amended by adding a new Part to read:

27 **"Part 7A.**

28 **Youth Environmental Service Corps**

29 **""§ 143B-388.1 Definitions.**

30 The following definitions apply in this Part:

- 31 (1) Committee. – The Youth Environmental Service Corps placement
32 committee created by this Part.
33 (2) Corps. – The Youth Environmental Service Corps created by this Part.
34 (3) Office. – The Youth Advocacy and Involvement Office of the Department of
35 Administration.

36 **§ 143B-388.2. Corps created; size, selection, qualifications.**

37 There is established the Youth Environmental Service Corps. The Corps shall be
38 administered by the Office and administratively located in the Department of Administration.
39 The Corps shall consist of no more than 1,000 participants. No more than 334 participants shall
40 be selected in the 2014-2015 fiscal year and every third year thereafter, no more than 333
41 participants shall be selected in the 2015-2016 fiscal year and every third year thereafter, and
42 no more than 333 participants shall be selected in the 2016-2017 fiscal year and every third

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1 year thereafter. Participants must currently reside in the State, and meet the following
2 requirements, as determined by the Office through an application process it may create:

- 3 (1) Be age 21 or younger at the time of selection for the program, or, in the case
4 of a military veteran, age 25 or younger at the time of selection.
5 (2) Be a high school graduate, or have completed a general education
6 development (GED) program.
7 (3) Have the ability to work full time as set forth in G.S. 143B-388.3 and attend
8 at least 8 hours of coursework each semester at a community college in the
9 State, meeting the requirements of G.S. 143B-388.4.
10 (4) Demonstrate an interest in public service.

11 The Office may give priority to students who demonstrate financial need or financial
12 hardship, but shall not make such a demonstration a condition of participation.

13 **"§ 143B-388.3. Youth Environmental Service Corps placement committee; placement**
14 **and work requirements.**

15 (a) There is established the Youth Environmental Service Corps placement committee,
16 which shall consist of the director of the Office, the Secretary of the Department of
17 Environment and Natural Resources or the Secretary's designee, the Commissioner of
18 Agriculture or the Commissioner's designee, the Secretary of the Department of Transportation
19 or the Secretary's designee, the Secretary of the Department of Cultural Resources or the
20 Secretary's designee, the Executive Director of the Wildlife Resources Commission or the
21 Executive Director's designee, and the Director of the State Property Office or the Director's
22 designee. The Committee shall each year place Corps participants into work assignments
23 within the agencies and departments participating in the Committee. Work assignments shall
24 be for 30 hours per week. Participants shall receive a stipend of ten dollars (\$10.00) per hour, to
25 be paid from funds appropriated to the Office. Participants shall be offered coverage under the
26 State Health Plan and participation in the Teachers and State Employees Retirement System on
27 the same basis as other state employees, with employer costs paid from funds appropriated to
28 the Office.

29 (b) The Committee shall give priority to work assignments that involve protection,
30 enhancement, or preservation of the State's environment, natural and cultural heritage, or
31 natural resources or that involves direct public service to the citizens of the State.

32 **"§ 143B-388.4. Youth Environmental Service Corps educational requirement.**

33 As a condition of participation in the Corps, participants shall be continuously enrolled at a
34 community college in the State in either (i) a minimum of 8 semester credit hours per semester
35 in a certificate, diploma, or degree program, or (ii) developmental courses intended to prepare
36 the participant for curriculum coursework. Participants must maintain a grade point average of
37 at least 2.5 each semester and must make satisfactory academic progress towards the certificate,
38 diploma, or degree."

39 **SECTION 37A.15.(c)** There is appropriated from the General Fund to the Youth
40 Advocacy and Involvement Office of the Department of Administration the sum of eight
41 hundred ninety-nine thousand one hundred dollars (\$899,100) and nine million eight hundred
42 seventy-seven thousand three hundred eleven dollars (\$9,877,311) in recurring funds, to
43 support the Youth Environmental Service Corps created by this Act.

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1 (c) The North Carolina Industrial Commission shall determine whether a person
2 identified under subdivision (b)(1) of this subdivision is eligible for compensation under
3 this Part. The Commission shall have all the powers and authority granted under Article 31 of
4 Chapter 143 of the General Statutes with regard to claims filed pursuant to this Part."

5 **SECTION 37A.18.(b)** There is established the 1898 Wilmington Race Riots and
6 1979 Greensboro Massacre Reparations Fund. The Fund shall be designated a special fund and
7 shall be used to pay the compensation authorized under Part 31 of Article 9 of Chapter 143B of
8 the General Statutes. The Fund shall be administered by the 1898 Wilmington Race Riots and
9 1979 Greensboro Massacre Reparations Commission. Monies in the Fund shall not be
10 expended or transferred except in accordance with Part 31 of Article 9 of Chapter 143B of the
11 General Statutes. Monies in the Fund shall remain until all claims timely filed with the
12 Industrial Commission as prescribed in this section have been finally adjudicated and all
13 qualified recipients who timely submit claims are paid. The 1898 Wilmington Race Riots and
14 1979 Greensboro Massacre Reparations Commission and the Fund are subject to the oversight
15 of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

16 **SECTION 37A.18.(c)** There is appropriated from the General Fund to the
17 Department of State Treasurer the sum of twenty million dollars (\$20,000,000) for the 2014-
18 2015 fiscal year to be held in trust and to be used to fund claims against the 1898 Wilmington
19 Race Riots and 1979 Greensboro Massacre Reparations Fund.

20 **SECTION 37A.18.(d)** There is appropriated from the General Fund to the
21 Department of Administration the sum of two hundred sixty thousand dollars (\$260,000) for
22 the 2014-2015 fiscal year to assist claimants seeking compensation from the 1898 Wilmington
23 Race Riots and 1979 Greensboro Massacre Reparations Fund.

24 **SECTION 37A.18.(e)** This section becomes effective July 1, 2014.

25
26 **INCREASE THE MINIMUM WAGE TO \$10.10**

27 **SECTION 37A.19.(a)** G.S. 95-25.3(a) reads as rewritten:

28 '(a) Every employer shall pay to each employee who in any workweek performs any
29 work, wages of at least ~~six dollars and fifteen cents (\$6.15) per hour~~ ten dollars and ten cents
30 (\$10.10) per hour on January 1, 2015, or the minimum wage set forth in paragraph 1 of section
31 6(a) of the Fair Labor Standards Act, 29 U.S.C. 206(a)(1), as that wage may change from time
32 to time, whichever is higher, except as otherwise provided in this section.'

33 **SECTION 37A.19.(b)** This section is effective when it becomes law.

34
35 **ABOLISH DEATH PENALTY**

36 **SECTION 37A.20.(a)** G.S. 7A-450(b1) is repealed.

37 **SECTION 37A.20.(b)** G.S. 7A-498.8(b)(5) reads as rewritten:

38 "(b) The appellate defender shall perform such duties as may be directed by the Office of
39 Indigent Defense Services, including:

40 ...

41 (5) Recruiting qualified members of the private bar who are willing to provide
42 representation in ~~State and~~ federal death penalty postconviction
43 proceedings."

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1 **SECTION 37A.20.(c)** G.S. 14-7.2 reads as rewritten:

2 "**§ 14-7.2. Punishment.**

3 When any person is charged by indictment with the commission of a felony under the laws
4 of the State of North Carolina and is also charged with being an habitual felon as defined in
5 G.S. 14-7.1, he must, upon conviction, be sentenced and punished as an habitual felon, as in
6 this Chapter provided, except in those cases where ~~the death penalty or a life sentence is~~
7 imposed."

8 **SECTION 37A.20.(d)** G.S. 14-7.8 reads as rewritten:

9 "**§ 14-7.8. Punishment.**

10 When a person is charged by indictment with the commission of a violent felony and is also
11 charged with being a violent habitual felon as defined in G.S. 14-7.7, the person must, upon
12 conviction, be sentenced in accordance with this ~~Article, except in those cases where the death~~
13 ~~penalty is imposed.~~Article."

14 **SECTION 37A.20.(e)** G.S. 14-7.12 reads as rewritten:

15 "**§ 14-7.12. Sentencing of violent habitual felons.**

16 A person who is convicted of a violent felony and of being a violent habitual felon must,
17 upon ~~conviction (except where the death penalty is imposed), conviction,~~ conviction, be sentenced to life
18 imprisonment without parole. Life imprisonment without parole means that the person will
19 spend the remainder of the person's natural life in prison. The sentencing judge may not
20 suspend the sentence and may not place the person sentenced on probation. Sentences for
21 violent habitual felons imposed under this Article shall run consecutively with and shall
22 commence at the expiration of any other sentence being served by the person."

23 **SECTION 37A.20.(f)** G.S. 14-17(a) reads as rewritten:

24 "(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical
25 weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment,
26 starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which
27 shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex
28 offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of
29 a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any
30 person who commits such murder shall be punished with ~~death or~~ imprisonment in the State's
31 prison for life without parole as the court shall determine pursuant to ~~G.S. 15A-2000, except~~
32 ~~that any such person who was under 18 years of age at the time of the murder shall be punished~~
33 ~~in accordance with~~ Part 2A of Article 81B of Chapter 15A of the General Statutes."

34 **SECTION 37A.20.(g)** G.S. 15-176.1 is repealed.

35 **SECTION 37A.20.(h)** Article 17A and Article 19 of Chapter 15 of the General
36 Statutes are repealed.

37 **SECTION 37A.20.(i)** G.S. 15A-268(a6) reads as rewritten:

38 "(a6) The evidence described by subsection (a1) of this section shall be preserved for the
39 following period:

40 ~~(1) For conviction resulting in a sentence of death, until execution.~~

41 (2) For conviction resulting in a sentence of life without parole, until the death
42 of the convicted person.

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- 1 (3) For conviction of any homicide, sex offense, assault, kidnapping, burglary,
2 robbery, arson or burning, for which a Class B1-E felony punishment is
3 imposed, the evidence shall be preserved during the period of incarceration
4 and mandatory supervised release, including sex offender registration
5 pursuant to Article 27A of Chapter 14 of the General Statutes, except in
6 cases where the person convicted entered and was convicted on a plea of
7 guilty, in which case the evidence shall be preserved for the earlier of three
8 years from the date of conviction or until released.
- 9 (4) Biological evidence collected as part of a criminal investigation of any
10 homicide or rape, in which no charges are filed, shall be preserved for the
11 period of time that the crime remains unsolved.
- 12 (5) A custodial agency in custody of biological evidence unrelated to a criminal
13 investigation or prosecution referenced by subdivision ~~(1)~~, (2), (3), or (4) of
14 this subsection may dispose of the evidence in accordance with the rules of
15 the agency."

16 **SECTION 37A.20.(j)** G.S. 15A-734 reads as rewritten:

17 **"§ 15A-734. Arrest without a warrant.**

18 The arrest of a person may be lawfully made also by any peace officer or a private person,
19 without a warrant, upon reasonable information that the accused stands charged in the courts of
20 a state with a crime punishable by ~~death or~~ imprisonment for a term exceeding one year, but
21 when so arrested the accused must be taken before a judge or magistrate with all practicable
22 speed, and complaint must be made against him under oath setting forth the ground for the
23 arrest as in G.S. 15A-733; and thereafter his answer shall be heard as if he had been arrested on
24 a warrant."

25 **SECTION 37A.20.(k)** G.S. 15A-736 reads as rewritten:

26 **"§ 15A-736. Bail in certain cases; conditions of bond.**

27 Unless the offense with which the prisoner is charged is shown to be an offense punishable
28 ~~by death or~~ life imprisonment under the laws of the state in which it was committed, a judge or
29 magistrate in this State may admit the person arrested to bail by bond, with sufficient sureties,
30 and in such sum as he deems proper, conditioned for his appearance before him at a time
31 specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor
32 of this State."

33 **SECTION 37A.20.(l)** G.S. 15A-1201(b) reads as rewritten:

34 **"§ 15A-1201. (Effective December 1, 2014, contingent upon approval of constitutional**
35 **amendment) Right to trial by jury; waiver of jury trial.**

36 ...

37 (b) A defendant accused of any criminal offense ~~for which the State is not seeking a~~
38 ~~sentence of death~~ in superior court may, knowingly and voluntarily, in writing or on the record
39 in the court and with the consent of the trial judge, waive the right to trial by jury. When a
40 defendant waives the right to trial by jury under this section, the jury is dispensed with as
41 provided by law, and the whole matter of law and fact shall be heard and judgment given by the
42 court."

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SECTION 37A.20.(m) Part 2 of Article 81B of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1340.13A. Death penalty abolished.

Notwithstanding any other provision of law, no crime shall be punishable by death."

SECTION 37A.20.(n) G.S. 15A-1340.17(c) reads as rewritten:

"(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. – The authorized punishment for each class of offense and prior record level is as specified in the chart below. Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.
- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.
- (4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

	I 0-1 Pt	II 2-5 Pts	III 6-9 Pts	IV 10-13 Pts	V 14-17 Pts	VI 18+ Pts	
A	Life Imprisonment With Parole or Without Parole, or Death , as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	276-345	317-397	365-456	Life Imprisonment Without Parole		Aggravated
B1	192-240	221-276	254-317	292-365	336-420	386-483	PRESUMPTIVE
	144-192	166-221	190-254	219-292	252-336	290-386	Mitigated
	A	A	A	A	A	A	DISPOSITION
	157-196	180-225	207-258	238-297	273-342	314-393	Aggravated
B2	125-157	144-180	165-207	190-238	219-273	251-314	PRESUMPTIVE

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1		94-125	108-144	124-165	143-190	164-219	189-251	Mitigated
2		A	A	A	A	A	A	DISPOSITION
3		73-92	83-104	96-120	110-138	127-159	146-182	Aggravated
4	C	58-73	67-83	77-96	88-110	101-127	117-146	PRESUMPTIVE
5		44-58	50-67	58-77	66-88	76-101	87-117	Mitigated
6		A	A	A	A	A	A	DISPOSITION
7		64-80	73-92	84-105	97-121	111-139	128-160	Aggravated
8	D	51-64	59-73	67-84	78-97	89-111	103-128	PRESUMPTIVE
9		38-51	44-59	51-67	58-78	67-89	77-103	Mitigated
10		I/A	I/A	A	A	A	A	DISPOSITION
11		25-31	29-36	33-41	38-48	44-55	50-63	Aggravated
12	E	20-25	23-29	26-33	30-38	35-44	40-50	PRESUMPTIVE
13		15-20	17-23	20-26	23-30	26-35	30-40	Mitigated
14		I/A	I/A	I/A	A	A	A	DISPOSITION
15		16-20	19-23	21-27	25-31	28-36	33-41	Aggravated
16	F	13-16	15-19	17-21	20-25	23-28	26-33	PRESUMPTIVE
17		10-13	11-15	13-17	15-20	17-23	20-26	Mitigated
18		I/A	I/A	I/A	I/A	A	A	DISPOSITION
19		13-16	14-18	17-21	19-24	22-27	25-31	Aggravated
20	G	10-13	12-14	13-17	15-19	17-22	20-25	PRESUMPTIVE
21		8-10	9-12	10-13	11-15	13-17	15-20	Mitigated
22		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
23		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
24	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
25		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
26		C	C/I	I	I/A	I/A	I/A	DISPOSITION
27		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
28	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
29		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated"

SECTION 37A.20.(o) G.S. 15A-1415 reads as rewritten:

"§ 15A-1415. Grounds for appropriate relief which may be asserted by defendant after verdict; limitation as to time.

(a) At any time after verdict, a noncapital defendant by motion may seek appropriate relief upon any of the grounds enumerated in this section. ~~In a capital case, a postconviction motion for appropriate relief shall be filed within 120 days from the latest of the following:~~

(1) ~~The court's judgment has been filed, but the defendant failed to perfect a timely appeal;~~

(2) ~~The mandate issued by a court of the appellate division on direct appeal pursuant to N.C.R. App. P. 32(b) and the time for filing a petition for writ of certiorari to the United States Supreme Court has expired without a petition being filed;~~

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- 1 ~~(3) The United States Supreme Court denied a timely petition for writ of~~
2 ~~certiorari of the decision on direct appeal by the Supreme Court of North~~
3 ~~Carolina;~~
4 ~~(4) Following the denial of discretionary review by the Supreme Court of North~~
5 ~~Carolina, the United States Supreme Court denied a timely petition for writ~~
6 ~~of certiorari seeking review of the decision on direct appeal by the North~~
7 ~~Carolina Court of Appeals;~~
8 ~~(5) The United States Supreme Court granted the defendant's or the State's~~
9 ~~timely petition for writ of certiorari of the decision on direct appeal by the~~
10 ~~Supreme Court of North Carolina or North Carolina Court of Appeals, but~~
11 ~~subsequently left the defendant's conviction and sentence undisturbed; or~~
12 ~~(6) The appointment of postconviction counsel for an indigent capital defendant.~~
13 (b) The following are the only grounds which the defendant may assert by a motion for
14 appropriate relief made more than 10 days after entry of judgment:
15 (1) The acts charged in the criminal pleading did not at the time they were
16 committed constitute a violation of criminal law.
17 (2) The trial court lacked jurisdiction over the person of the defendant or over
18 the subject matter.
19 (3) The conviction was obtained in violation of the Constitution of the United
20 States or the Constitution of North Carolina.
21 (4) The defendant was convicted or sentenced under a statute that was in
22 violation of the Constitution of the United States or the Constitution of North
23 Carolina.
24 (5) The conduct for which the defendant was prosecuted was protected by the
25 Constitution of the United States or the Constitution of North Carolina.
26 (6) Repealed by Session Laws 1995 (Regular Session, 1996), c. 719, s. 1,
27 effective June 21, 1996.
28 (7) There has been a significant change in law, either substantive or procedural,
29 applied in the proceedings leading to the defendant's conviction or sentence,
30 and retroactive application of the changed legal standard is required.
31 (8) The sentence imposed was unauthorized at the time imposed, contained a
32 type of sentence disposition or a term of imprisonment not authorized for the
33 particular class of offense and prior record or conviction level was illegally
34 imposed, or is otherwise invalid as a matter of law. However, a motion for
35 appropriate relief on the grounds that the sentence imposed on the defendant
36 is not supported by evidence introduced at the trial and sentencing hearing
37 must be made before the sentencing judge.
38 (9) The defendant is in confinement and is entitled to release because his
39 sentence has been fully served.
40 (10) The defendant was convicted of a first offense of prostitution under G.S.
41 14-204, and the court did not discharge the defendant and dismiss the charge
42 pursuant to G.S. 14-204(b); the defendant's participation in the offense was a
43 result of having been a victim of human trafficking under G.S. 14-43.11,

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1 sexual servitude under G.S. 14-43.13, or the federal Trafficking Victims
2 Protection Act (22 U.S.C. § 7102(13)); and the defendant seeks to have the
3 conviction vacated.

4 (c) Notwithstanding the time limitations herein, a defendant at any time after verdict
5 may by a motion for appropriate relief, raise the ground that evidence is available which was
6 unknown or unavailable to the defendant at the time of trial, which could not with due diligence
7 have been discovered or made available at that time, including recanted testimony, and which
8 has a direct and material bearing upon ~~the defendant's eligibility for the death penalty or the~~
9 defendant's guilt or innocence. A motion based upon such newly discovered evidence must be
10 filed within a reasonable time of its discovery.

11 (d) For good cause shown, the defendant may be granted an extension of time to file the
12 motion for appropriate relief. The presumptive length of an extension of time under this
13 subsection is up to 30 days, but can be longer if the court finds extraordinary circumstances.

14 (e) Where a defendant alleges ineffective assistance of prior trial or appellate counsel as
15 a ground for the illegality of his conviction or sentence, he shall be deemed to waive the
16 attorney-client privilege with respect to both oral and written communications between such
17 counsel and the defendant to the extent the defendant's prior counsel reasonably believes such
18 communications are necessary to defend against the allegations of ineffectiveness. This waiver
19 of the attorney-client privilege shall be automatic upon the filing of the motion for appropriate
20 relief alleging ineffective assistance of prior counsel, and the superior court need not enter an
21 order waiving the privilege.

22 (f) In the case of a defendant who is represented by counsel in postconviction
23 proceedings in superior court, the defendant's prior trial or appellate counsel shall make
24 available to the defendant's counsel their complete files relating to the case of the defendant.
25 The State, to the extent allowed by law, shall make available to the defendant's counsel the
26 complete files of all law enforcement and prosecutorial agencies involved in the investigation
27 of the crimes committed or the prosecution of the defendant. If the State has a reasonable belief
28 that allowing inspection of any portion of the files by counsel for the defendant would not be in
29 the interest of justice, the State may submit for inspection by the court those portions of the
30 files so identified. If upon examination of the files, the court finds that the files could not assist
31 the defendant in investigating, preparing, or presenting a motion for appropriate relief, the court
32 in its discretion may allow the State to withhold that portion of the files.

33 (g) The defendant may file amendments to a motion for appropriate relief at least 30
34 days prior to the commencement of a hearing on the merits of the claims asserted in the motion
35 or at any time before the date for the hearing has been set, whichever is later. Where the
36 defendant has filed an amendment to a motion for appropriate relief, the State shall, upon
37 request, be granted a continuance of 30 days before the date of hearing. After such hearing has
38 begun, the defendant may file amendments only to conform the motion to evidence adduced at
39 the hearing, or to raise claims based on such evidence.

40 **SECTION 37A.20.(p)** G.S. 15A-1419 reads as rewritten:

41 **§ 15A-1419. When motion for appropriate relief denied.**

42 (a) The following are grounds for the denial of a motion for appropriate relief,
43 including motions filed in capital cases:

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- 1 (1) Upon a previous motion made pursuant to this Article, the defendant was in
2 a position to adequately raise the ground or issue underlying the present
3 motion but did not do so. This subdivision does not apply when the previous
4 motion was made within 10 days after entry of judgment or the previous
5 motion was made during the pendency of the direct appeal.
- 6 (2) The ground or issue underlying the motion was previously determined on the
7 merits upon an appeal from the judgment or upon a previous motion or
8 proceeding in the courts of this State or a federal court, unless since the time
9 of such previous determination there has been a retroactively effective
10 change in the law controlling such issue.
- 11 (3) Upon a previous appeal the defendant was in a position to adequately raise
12 the ground or issue underlying the present motion but did not do so.
- 13 (4) The defendant failed to file a timely motion for appropriate relief as required
14 by G.S. 15A-1415(a).
- 15 (b) The court shall deny the motion under any of the circumstances specified in this
16 section, unless the defendant can demonstrate:
- 17 (1) Good cause for excusing the grounds for denial listed in subsection (a) of
18 this section and can demonstrate actual prejudice resulting from the
19 defendant's claim; or
- 20 (2) That failure to consider the defendant's claim will result in a fundamental
21 miscarriage of justice.
- 22 (c) For the purposes of subsection (b) of this section, good cause may only be shown if
23 the defendant establishes by a preponderance of the evidence that his failure to raise the claim
24 or file a timely motion was:
- 25 (1) The result of State action in violation of the United States Constitution or the
26 North Carolina Constitution including ineffective assistance of trial or
27 appellate counsel;
- 28 (2) The result of the recognition of a new federal or State right which is
29 retroactively applicable; or
- 30 (3) Based on a factual predicate that could not have been discovered through the
31 exercise of reasonable diligence in time to present the claim on a previous
32 State or federal postconviction review.
- 33 A trial attorney's ignorance of a claim, inadvertence, or tactical decision to withhold a claim
34 may not constitute good cause, nor may a claim of ineffective assistance of prior postconviction
35 counsel constitute good cause.
- 36 (d) For the purposes of subsection (b) of this section, actual prejudice may only be
37 shown if the defendant establishes by a preponderance of the evidence that an error during the
38 trial or sentencing worked to the defendant's actual and substantial disadvantage, raising a
39 reasonable probability, viewing the record as a whole, that a different result would have
40 occurred but for the error.
- 41 (e) For the purposes of subsection (b) of this section, a fundamental miscarriage of
42 justice only results if:

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1 (1) The defendant establishes that more likely than not, but for the error, no
2 reasonable fact finder would have found the defendant guilty of the
3 underlying offense; or

4 ~~(2) The defendant establishes by clear and convincing evidence that, but for the~~
5 ~~error, no reasonable fact finder would have found the defendant eligible for~~
6 ~~the death penalty offense.~~

7 ~~A defendant raising a claim of newly discovered evidence of factual innocence or ineligibility~~
8 ~~for the death penalty, otherwise barred by the provisions of subsection (a) of this section or~~
9 ~~G.S. 15A-1415(c), may only show a fundamental miscarriage of justice by proving by clear and~~
10 ~~convincing evidence that, in light of the new evidence, if credible, no reasonable juror would~~
11 ~~have found the defendant guilty beyond a reasonable doubt or eligible for the death penalty."~~

12 **SECTION 37A.20.(q)** Subchapter XV of Chapter 15A of the General Statutes is
13 repealed.

14 **SECTION 37A.20.(r)** The Attorney General shall, on behalf of each person
15 convicted of a capital offense and sentenced to death on or before the effective date of this
16 section, petition the court in which the person was convicted to resentence the person pursuant
17 to this section. Upon hearing the petition, the court shall order that the death sentence imposed
18 by the judgment be vacated and the defendant resented to life imprisonment without the
19 possibility of parole.

20 **SECTION 37A.20.(s)** G.S. 90-1.1 reads as rewritten:

21 **"§ 90-1.1. Definitions.**

22 The following definitions apply in this Article:

23 ...
24 (5) The practice of medicine or surgery. – Except as otherwise provided by this
25 subdivision, the practice of medicine or surgery, for purposes of this Article,
26 includes any of the following acts:

- 27 a. Advertising, holding out to the public, or representing in any manner
28 that the individual is authorized to practice medicine in this State.
29 b. Offering or undertaking to prescribe, order, give, or administer any
30 drug or medicine for the use of any other individual.
31 c. Offering or undertaking to prevent or diagnose, correct, prescribe for,
32 administer to, or treat in any manner or by any means, methods, or
33 devices any disease, illness, pain, wound, fracture, infirmity, defect,
34 or abnormal physical or mental condition of any individual, including
35 the management of pregnancy or parturition.
36 d. Offering or undertaking to perform any surgical operation on any
37 individual.
38 e. Using the designation "Doctor," "Doctor of Medicine," "Doctor of
39 Osteopathy," "Doctor of Osteopathic Medicine," "Physician,"
40 "Surgeon," "Physician and Surgeon," "Dr.," "M.D.," "D.O.," or any
41 combination thereof in the conduct of any occupation or profession
42 pertaining to the prevention, diagnosis, or treatment of human
43 disease or condition, unless the designation additionally contains the

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1 description of or reference to another branch of the healing arts for
2 which the individual holds a valid license in this State or the use of
3 the designation "Doctor" or "Physician" is otherwise specifically
4 permitted by law.

5 f. The performance of any act, within or without this State, described in
6 this subdivision by use of any electronic or other means, including
7 the Internet or telephone.

8 ~~The administration of required lethal substances or any assistance~~
9 ~~whatsoever rendered with an execution under Article 19 of Chapter 15 of the~~
10 ~~General Statutes does not constitute the practice of medicine or surgery."~~

11 **SECTION 37A.20.(t)** G.S. 90-85.38(b) reads as rewritten:

12 "(b) The Board, in accordance with Chapter 150B of the General Statutes, may suspend,
13 revoke, or refuse to grant or renew any permit for the same conduct as stated in subsection (a).
14 ~~The administration of required lethal substances or any assistance whatsoever rendered with an~~
15 ~~execution under Article 19 of Chapter 15 of the General Statutes does not constitute the~~
16 ~~practice of pharmacy under this Article, and any assistance rendered with an execution under~~
17 ~~Article 19 of Chapter 15 of the General Statutes shall not be the cause for disciplinary action~~
18 ~~under this Article."~~

19 **SECTION 37A.20.(u)** G.S. 90-171.20(4) reads as rewritten:

20 "(4) "Nursing" is a dynamic discipline which includes the assessing, caring,
21 counseling, teaching, referring and implementing of prescribed treatment in
22 the maintenance of health, prevention and management of illness, injury,
23 disability or the achievement of a dignified death. It is ministering to;
24 assisting; and sustained, vigilant, and continuous care of those acutely or
25 chronically ill; supervising patients during convalescence and rehabilitation;
26 the supportive and restorative care given to maintain the optimum health
27 level of individuals, groups, and communities; the supervision, teaching, and
28 evaluation of those who perform or are preparing to perform these functions;
29 and the administration of nursing programs and nursing services. ~~For~~
30 ~~purposes of this Article, the administration of required lethal substances or~~
31 ~~any assistance whatsoever rendered with an execution under Article 19 of~~
32 ~~Chapter 15 of the General Statutes does not constitute nursing."~~

33 **SECTION 37A.20.(v)** This section is effective when it becomes law applies to any
34 person sentenced to death before, on, or after that date.

35
36 **STUDY REPEAL OF STATE'S MANDATORY SENTENCING LAWS**

37 **SECTION 37A.21.(a)** The North Carolina Sentencing and Policy Advisory
38 Commission, in consultation with the Conference of District Attorneys, the Office of Indigent
39 Defense Services, and the School of Government shall review and evaluate all of the State's
40 mandatory sentencing laws for the purpose of identifying any racial disparities that may exist,
41 determining whether requiring mandatory sentences for certain criminal offense may be too
42 harsh in some circumstances, and whether allowing greater judicial discretion in sentencing

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1 may result in more equitable and fair sentences. The Commission shall report its findings and
2 recommendations to the 2015 General Assembly. The report shall include all of the following:

- 3 (1) A list of all of the State's mandatory sentencing laws.
4 (2) For each mandatory sentencing law the minimum and maximum punishment
5 that may be imposed at the presumptive, aggravated, and mitigated level.
6 (3) The penalties imposed for each offense for the 10 year period of 2005 to
7 2015 and the race of the defendant convicted and sentenced for the offense.
8 (4) The Commission's recommendations regarding which, if any, mandatory
9 sentences should be repealed or amended to reduce and prevent racial
10 disparities in sentencing and the legislative amendments required to
11 implement those recommendations.
12 (5) The Commission's recommendations regarding the option of allowing
13 greater judicial discretion in sentencing.

14 **SECTION 37A.21.(b)** This section is effective when it becomes law.

15
16 **EXPAND COLLECTIVE BARGAINING TO PRIVATE SECTOR**

17 **SECTION 37A.22.(a)** G.S. 95-78 is repealed.

18 **SECTION 37A.22.(b)** G.S. 95-79 is repealed.

19 **SECTION 37A.22.(c)** G.S. 95-80 is repealed.

20 **SECTION 37A.22.(d)** G.S. 95-82 is repealed.

21 **SECTION 37A.22.(e)** G.S. 95-83 reads as rewritten:

22 **"§ 95-83. Recovery of damages by persons denied employment.**

23 Any person who may be denied employment or be deprived of continuation of ~~his~~the
24 ~~person's~~ employment in violation of ~~G.S. 95-80, 95-81 and 95-82~~ or of one or more of such
25 ~~sections.~~G.S. 95-81 shall be entitled to recover from ~~such~~the employer and from any other
26 person, firm, corporation, or association acting in concert with ~~him~~the employer by appropriate
27 action in the courts of this State such damages as ~~he~~the employee may have sustained by
28 reason of such denial or deprivation of employment."

29 **SECTION 37A.22.(f)** This section is effective when it becomes law.

30
31 **INCREASE CORPORATE INCOME TAX RATE**

32 **SECTION 37A.23.(a)** G.S. 105-130.3 reads as rewritten:

33 **"§ 105-130.3. Corporations.**

34 A tax is imposed on the State net income of every C Corporation doing business in this
35 State at the rate of ~~six percent (6%)~~fifty and one-half percent (50.5%). An S Corporation is not
36 subject to the tax levied in this section."

37 **SECTION 37A.23.(b)** Section 2.2.(a) of S.L. 2013-316 is repealed.

38 **SECTION 37A.23.(c)** Section 2.2.(c) of S.L. 2013-316 reads as rewritten:

39 **"SECTION 2.2.(c)** ~~Subsection (a) of this section is effective for taxable years beginning~~
40 ~~on or after January 1, 2015. The remainder of this~~This section is effective when it becomes
41 law."

