

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

School of Government

The University of North Carolina at Chapel Hill

Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601

Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

House Legislative Day 10

Vol. 2011, No. 10

Senate Legislative Day 10

Thursday, February 10, 2011

Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	9
Action on Bills _____	9
Summaries of Amendments and Committee Substitutes _____	11
Index by Keyword _____	12
Notes _____	12
Next Sessions _____	12

SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 69. [HONOR IRENE PACE HAIRSTON](#). Filed 2/10/11. *HONORING THE LIFE AND MEMORY OF IRENE PACE HAIRSTON, FORSYTH COUNTY EDUCATOR AND CIVIC LEADER.*

As title indicates.

Intro. by Womble, Parmon.

HOUSE RES

General Assembly

H 70. [COMPENSATE EUGENICS STERILIZATION SURVIVORS](#). Filed 2/10/11. *TO PROVIDE MONETARY COMPENSATION TO PERSONS STERILIZED BY THE EUGENICS STERILIZATION PROGRAM.*

Creates a process to compensate individuals who were sterilized between 1929 and 1975 under the NC eugenics sterilization program. Requires that a verifiable claim for compensation be submitted to the Department of Health and Human Services (DHHS) by June 30, 2014. Requires DHHS to determine eligibility, provide notice by mail to claimants, and adopt procedural rules related to submitted claims. Sets compensation for an eligible claim at \$20,000 to be issued by the State Treasurer upon notification of an eligible claim by DHHS. Establishes the Eugenics Sterilization Compensation Fund, on deposit with the State Treasurer, and prohibits any funds from reverting until all verified claims are paid. Allows the State Treasurer to invest funds in the same manner as other state money, subject to oversight by the State Auditor.

© 2011 School of Government
The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

Appropriates \$18,480,000 for 2011-12 from the General Fund to the State Treasurer to fund the Eugenics Sterilization Compensation Fund. Also appropriates \$165,000 for 2011-12 from the General Fund to DHHS to administer the processing of claims. Includes whereas clauses.

Effective July 1, 2011.

Intro. by Womble, Parmon. APPROP Budget and Appropriations;
Health, Social Services, and Aging;
State Government

H 71. HOUSING FUNDS FOR INDIV. WITH DISABILITIES. Filed 2/10/11. *TO APPROPRIATE FUNDS TO INCREASE THE AVAILABILITY OF HOUSING OPTIONS FOR NORTH CAROLINIANS WITH DISABILITIES, BASED ON RECOMMENDATION 3.2 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES, AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.*

Appropriates \$10 million for 2011-12 and \$10 million for 2012-13 from the General Fund to the North Carolina Housing Finance Agency for the North Carolina Housing Trust Fund. Effective July 1, 2011.

Intro. by Weiss, Farmer-Butterfield, Earle, Pierce. APPROP Budget and Appropriations; Health,
Social Services, and Aging

H 72. COMMUNITY COLLEGE INVESTMENT FLEXIBILITY. Filed 2/10/11. *GRANTING COMMUNITY COLLEGES ADDITIONAL FLEXIBILITY WITH REGARD TO INVESTMENTS.*

Amends GS 115D-58.6 to separate into *Deposits* and *Investments* the provision regulating the investment of idle cash by community colleges. Requires that monies be invested to county governments pursuant to GS 159-30(c) (idle fund investment by local governments), or in any form established or managed by an investment advisor who is a member of the Securities Investor Protection Corporation and is registered and in good standing with either the Securities and Exchange Commission or the North Carolina Secretary of State, Securities Division. Allows the investment securities listed in GS 159-30(c) to be bought, sold, or traded by community colleges. Makes conforming changes. Effective July 1, 2011.

Intro. by Crawford. GS 115D Education; Budget and
Appropriations

H 73. EUGENICS PROGRAM—SUPPORT AND EDUCATION. Filed 2/10/11. *TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO DETERMINE THEIR PARTICIPATION IN THE STATE PROGRAM, TO DIRECT THE STATE BOARD OF EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM IN ITS K-12 HISTORY CURRICULUM, TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO DIRECT APPROPRIATE FACULTY AND STUDENTS TO CONDUCT INTERVIEWS WITH SURVIVORS, TO RECOMMEND CREATION OF AN ETHICS TRAINING MODULE FOR STATE, COUNTY, AND LOCAL GOVERNMENT EMPLOYEES, AND TO DIRECT THE DEPARTMENT OF CULTURAL RESOURCES TO DIGITIZE EXISTING RECORDS FOR PRESERVATION AND STUDY PURPOSES.*

Directs the Department of Health and Human Services (DHHS) to develop a proposal for providing behavioral health counseling services to confirmed survivors of the NC Eugenics Sterilization Program (Program) and report its recommendations and legislative proposals to the Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services when or before the 2012 Regular Session of the 2011 General Assembly convenes.

Instructs DHHS to create a verification database of individuals ordered to be sterilized under the Program, which will be developed in four phases in conjunction with the Department of Cultural Resources (DCR). States that database records are confidential and not subject to disclosure under GS 132-6(a). Appropriates \$38,648 for 2011-12 from the General Fund to DHHS to administer the creation of the database and the counseling services proposal. Makes the appropriation effective July 1, 2011.

Requires DHHS to compare the names and identifying information collected by the Office of Minority Health with those entered into the database and to notify verified program participants of their status as soon as possible. Directs DHHS to report on the progress of the database to the Joint Legislative Commission on Governmental Operations (Commission) by the time the 2012 regular session convenes.

Requires DHHS to use available funds to conduct an outreach campaign to identify survivors through means including news releases, public announcements, and joint efforts with relevant interest groups and

agencies. Directs DHHS to report on its progress to the Commission by the time the 2012 regular session convenes.

Directs the State Board of Education to include information about the Program in its existing K-12 history curriculum. Requires the Board of Education to report on its progress to the Joint Legislative Education Oversight Committee (Committee) by the time the 2012 regular session convenes.

Requires the UNC Board of Governors to direct its students and faculty with appropriate expertise to interview and document experiences of Program survivors to share with future generations. Requires the Board of Governors to report on its progress to the Committee by the time the 2012 regular session convenes.

Requires the Office of State Personnel to create an ethics training module to educate state, county, and local government employees on issues relating to ethics and human rights.

Directs DCR to create digitized copies of all records currently in the State Archives related to the Program, and to make those copies available for research, while maintaining participants' confidentiality. Makes the directive subject to the availability of funds, and requires DCR make every effort to secure philanthropic grant funding for the preservation project.

Includes whereas clauses.

Intro. by Womble, Parmon.

APPROP

Budget and Appropriations;
Education; Health, Social Services,
and Aging; State Government

H 74. CASTLE DOCTRINE. Filed 2/10/11. *TO PROVIDE WHEN THE USE OF FORCE OR THE USE OF DEADLY FORCE IS JUSTIFIABLE IN DEFENSE OF SELF, OTHERS, OR ONE'S HOME OR VEHICLE, OR IN PREVENTING THE COMMISSION OF A FORCIBLE FELONY, AND TO PROVIDE IMMUNITY FROM CRIMINAL PROSECUTION AND CIVIL ACTION IN THOSE CIRCUMSTANCES.*

Repeals GS 14-51.1 (use of deadly force against an intruder) and enacts new Article 62, *Justifiable Use of Force*, to GS Chapter 14 providing that a person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to self or another when using defensive force that is intended or likely to cause death or great bodily harm to another if both of the following apply: (1) the person against whom the force was used was in the process of unlawfully and forcefully entering, or had so entered, a dwelling, residence, or occupied vehicle, or had removed or attempted to remove another against that person's will and (2) the person using the deadly force knew or had reason to believe that such unlawful and forcible entry or removal had occurred.

The presumption does not apply if (1) the person against whom the force was used had a right to be in the dwelling, residence, or vehicle and there is not a protective or no contact order against that person; (2) the person removed or sought to be removed is a child or grandchild or is otherwise under lawful custody or guardianship of the person against whom the defensive force is used; (3) the person using the force is engaged in a forcible felony (as defined in the proposed Article 62) or using the dwelling, residence, or occupied vehicle to further a forcible felony; or (4) the person against whom the force is used is a law enforcement officer acting in the lawful performance of the officer's official duties and who has made known his or her status as a law enforcement officer or the person using force should have known the individual was an officer.

Provides that a person who is attacked while in any other place that the person has a right to be and who is not engaged in an unlawful activity (1) does not have a duty to retreat and (2) has the right to stand his or her ground and meet force with force, including deadly force if the person reasonably believes that it is necessary to do so to prevent death or great bodily harm to that person or another person.

Provides that a person who unlawfully and by force enters or attempts to enter another's dwelling, residence, or occupied vehicle is presumed to be doing so with intent to commit an unlawful act involving force or violence.

Permits the use of force in defense of others. Prohibits the use of deadly force in the defense of others unless the person acting in defense of others reasonably believes that deadly force is necessary to prevent the imminent commission of a forcible felony.

Provides immunity from criminal prosecution and civil action for a person using justifiable force as defined in proposed Article 62 of GS Chapter 14. States that a person who is justified in the use of force may not be prosecuted criminally or civilly.

Prohibits the use of the defense of justifiable force if the person seeking to use the defense is (1) attempting to commit, committing, or escaping after the commission of a forcible felony or (2) initially provoked the use of force against him or her. Provides exceptions if the person who initially provoked the use of force reasonably believes that he or she is in imminent danger of death or great bodily harm and has exhausted every reasonable means of escape, or the person withdraws in good faith from physical contact with the assailant and clearly indicates that he or she wishes to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

Provides that the use of justifiable force is a defense to civil actions for damages for personal injury or wrongful death or for injury to property. Provides criteria for establishing this defense. Additionally provides that a losing party in civil actions where a party prevails based on the defense created in proposed Article 62 may lose privileges provided at the correctional facility where the losing party is incarcerated at the discretion of the court. Also provides for awarding attorneys' fees to the prevailing party.

Provides that a law enforcement officer is not liable in any civil or criminal action arising out of the use of any less-lethal munition in good faith during and within the scope of the officer's official duties.

Defines terms as used in the proposed new section.

Effective December 1, 2011, and applies to offenses committed on or after that date. Provides that prosecutions for offenses committed before the effective date are not abated or affected by this act and the statutes that would be applicable to such offenses were it not for this act remain applicable to those prosecutions.

Intro. by Hilton, Randleman,
Cleveland, R. Brown.

GS 14

Criminal Law, Procedure, and
Sentencing; Civil Law and
Procedure

H 75. [REPORT OF TRANSFER OF CAP-MR/DD UR TO LMES.](#) Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE IMPLEMENTATION OF UTILIZATION REVIEW BY DESIGNATED LOCAL MANAGEMENT ENTITIES FOR SERVICES PROVIDED UNDER THE COMMUNITY ALTERNATIVES PROGRAM FOR PERSONS WITH MENTAL RETARDATION OR DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

As titles indicates. Directs the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services to report to specified entities by September 1, 2012, on the implementation of utilization review by designated local management entities (LMEs) for services provided under the CAP-MR/DD Medicaid waiver. Requires the report to include: (1) a comparison of the costs associated with transferring the utilization review function to four designated LMEs against the costs associated with maintaining the current statewide vendor contract for utilization review; (2) information on the number of CAP-MR/DD recipients who received utilization review services from the four designated LMEs between January 1, 2011, and January 1, 2012; and (3) a description of accountability measures used by the four designated LMEs to ensure utilization review decision accuracy.

**Intro. by Earle, Farmer-
Butterfield, M. Alexander,
Brisson.**

UNCODIFIED

Health, Social Services, and Aging

H 76. [REVISE DD WAITING LIST PROCESS.](#) Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY AND REPORT ON A REVISED PROCESS FOR COLLECTING DATA TO DEVELOP A WAITING LIST OF PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

As title indicates. Directs the Department of Health and Human Services (DHHS) to report to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services (Committee) by September 1, 2011. Requires the revised process to ensure the following: (1) a simple, nonduplicated count of children and adults who are waiting for federally and state-funded services; (2) a research-based waiting list that accurately reflects the number of individuals waiting for services currently available in the state; and (3) data showing the number of individuals who are potentially eligible to receive services under the CAP-MR/DD waiver.

Directs DHHS to make annual reports to the Committee, beginning September 30, 2012, on the waiting list data collected from each local management entity, including an analysis of service gaps and plans to address those gaps.

**Intro. by Earle, Farmer-
Butterfield, M. Alexander,
Brisson.**

STUDY

Health, Social Services, and Aging

H 77. [APPLY FOR TBI MEDICAID WAIVER.](#) Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO APPLY FOR A TRAUMATIC BRAIN INJURY MEDICAID WAIVER, AS RECOMMENDED BY THE LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Requires the Department of Health and Human Services (DHHS), in consultation with the NC Traumatic Brain Injury Council, to apply for a waiver from the Centers for Medicare and Medicaid Services to allow individuals who sustain traumatic brain injuries to access home and community based Medicaid services. Prohibits DHHS from submitting the application unless the General Assembly identifies a sufficient funding source to provide the match for the waiver from state appropriations earmarked for persons with traumatic brain injury.

Intro. by Insko. UNCODIFIED Health, Social Services, and Aging

H 78. EVALUATE EFFICACY OF CABHA MODEL. Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EVALUATE AND REPORT SEMIANNUALLY ON THE EFFICACY OF THE CRITICAL ACCESS BEHAVIORAL HEALTH AGENCY MODEL, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Directs the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services (Division) to report by July 1, 2011, to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services (Committee) on the criteria and processes used by the Division to evaluate the fiscal, organizational, and programmatic efficacy of implementing the Critical Access Behavioral Health Agency (CABHA) provider agency model.

Directs the Division to report to the Committee semiannually, beginning October 1, 2011, on the efficacy evaluations.

Intro. by Insko. STUDY Health, Social Services, and Aging

H 79. REPORT ON MH SERVICES PROVIDED BY HOSP. ERS. Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE UTILIZATION OF HOSPITAL EMERGENCY DEPARTMENTS BY INDIVIDUALS DIAGNOSED WITH MENTAL ILLNESS AND TO DEVELOP A COMPREHENSIVE PLAN FOR REDUCING THE LENGTH OF STAYS FOR INDIVIDUALS WITH MENTAL ILLNESS ADMITTED TO HOSPITAL EMERGENCY DEPARTMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Directs the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services to report, as title indicates, by September 1, 2011. Requires that the report include a comprehensive statewide analysis of the number of times, between January 1, 2011, and June 30, 2011, that individuals diagnosed with a mental illness utilized hospital emergency departments, as detailed, and a plan for reducing the length of stay for those individuals.

Intro. by Insko. STUDY Health, Social Services, and Aging

H 80. EVIDENCE-BASED PRACT. IN PSYCH. HOSPITALS. Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE PROGRESS TOWARD IMPLEMENTING AND UTILIZING UNIFORM EVIDENCE-BASED PRACTICES ACROSS ALL STATE PSYCHIATRIC HOSPITALS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

As title indicates. Requires that the report be submitted by September 1, 2011, and annually thereafter, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.

Intro. by Insko. UNCODIFIED Health, Social Services, and Aging

H 81. DEVELOP PLAN FOR ALLOCATING DD RESOURCES. Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A COMPREHENSIVE STATEWIDE PLAN FOR THE FAIR AND EQUITABLE ALLOCATION OF RESOURCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; TO REPORT ON IMPLEMENTATION OF THE PLAN; AND TO APPLY FOR RENEWEL OF THE CAP-MR/DD WAIVER, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Directs the Department of Health and Human Services (DHHS), Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to report, as title indicates, to specified entities by July 1, 2011. Requires that the comprehensive statewide plan include the following: (1) a resource allocation model based on results of the Supports Intensity Scale (SIS) or another valid assessment tool, provided the assessment tool

satisfies listed criteria and (2) a standardized formula to use the assessment tool data to determine eligibility for type, degree, and array of services, as detailed.

Directs DHHS to begin implementing the statewide plan by January 1, 2012, and to achieve full implementation by July 1, 2013. Requires DHHS to report to listed entities on the plan's status beginning October 1, 2011, and every six months thereafter.

Directs DHHS to renew the CAP-MR/DD waiver with the two tiers currently in operation. Authorizes DHHS to apply for additional tiers, subject to approval by the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.

Intro. by Insko.

STUDY

Health, Social Services and Aging

H 82. FUNDS FOR STEP-DOWN UNIT FOR BART PROGRAM. Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IDENTIFY AND REPORT ON FUNDING AVAILABLE FOR THE ESTABLISHMENT OF A STEP-DOWN UNIT FOR THE BEHAVIORALLY ADVANCED RESIDENTIAL TREATMENT PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Requires the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (Division), in consultation with the Murdoch Developmental Center, to identify funding sources available to establish a unit for step-down services from the Behaviorally Advanced Residential Treatment Program. Requires the Division to report on its progress by October 1, 2011, and quarterly thereafter until the unit is established, to the Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.

Intro. by Insko.

UNCODIFIED

Budget and Appropriations; Health, Social Services, and Aging

H 83. MODIFY MHDDSAS REPORTING REQUIREMENTS. Filed 2/10/11. *TO MODIFY DEPARTMENT OF HEALTH AND HUMAN SERVICES REPORTING REQUIREMENTS PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Requires the Department of Health and Human Services (DHHS) to submit the following reports to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services (Committee): (1) by September 1, 2011, a report that summarizes data for the one-year period preceding the date of the report regarding the deaths of clients of a state facility that primarily provides services for the care, treatment, habilitation, or rehabilitation of persons with a mental illness, developmental disability, or substance abuse disorder and if known, the deaths of former clients of a state facility who died within 14 days of discharge from the facility and (2) annually, beginning January 1, 2011, a report on a strategic plan for organizing state and local resources to fund services to persons with a mental illness, developmental disability, or substance abuse disorder.

Amends Section 10.19A(c) of SL 2009-451 to require DHHS to submit the results of the quarterly reports from Local Management Entities to the Committee, the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division annually beginning on or before May 1, 2011 (was, report due only on May 1, 2010).

Amends GS 143C-9-2(d) to require that beginning October 1, 2011, the Secretary of the Department of Health and Human Services (Secretary) is to include information on the balance of the Trust Fund in the annual report (was, report required to include only the expenditures made during the preceding fiscal year from the Trust Fund) and adds the Committee to the report's recipients.

Amends GS 122C-102(c) to add three additional state performance measures and to require the Secretary to report on the progress in all of the performance areas to the General Assembly and the Committee every six months, beginning January 1, 2012.

Intro. by Insko.

GS 122C, 143C

Health, Social Services, and Aging

H 84. EXPAND INPATIENT PSYCHIATRIC BEDS/FUNDS. Filed 2/10/11. *TO APPROPRIATE ADDITIONAL FUNDS FOR THE EXPANSION OF LOCAL INPATIENT PSYCHIATRIC BEDS OR BED DAYS, AS RECOMMENDED BY THE LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Appropriates \$39,121,644 from the General Fund to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (Division) for the 2011-12 fiscal year

to purchase 50 additional local inpatient psychiatric beds or bed days. Provides criteria for the distribution and management of the beds or bed days.

Directs that the funds be held in a statewide reserve at the Division and requires Local Management Entities (LME) to remit claims for payment to the Division. Provides criteria governing the responsibilities of the LMEs and the evaluation of an LME's management of the beds or bed days for which it is responsible. Prohibits the use of the appropriated funds to supplant other funds that are available or otherwise appropriated for the purchase of psychiatric inpatient services under contract with community hospitals, including beds or bed days being purchased through Hospital Utilization Pilot funds appropriated in SL 2007-323. Requires the Department to submit a report no later than March 1, 2011, to specified legislative committees and subcommittees regarding a uniform system for the beds or bed days purchased (1) with local funds, (2) from existing state appropriations, (3) under the Hospital Utilization Pilot, and (4) purchased using funds appropriated under this act.

Effective July 1, 2011.

Intro. by Insko.

APPROP

Budget and Appropriations; Health,
Social Services, and Aging

H 85. EVALUATE DD RESIDENTIAL OPTIONS FOR CHILDREN. Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EVALUATE AND REPORT ON RESIDENTIAL PLACEMENT OPTIONS FOR YOUNG CHILDREN WITH DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Directs the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (Division) to review the current congregate residential placements for children from birth to six years old who have a developmental delay, intellectual disability, or developmental disability, including beds transferred from state developmental centers to private intermediate care facilities for individuals with mental retardation. Requires the Division to report to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services by September 1, 2011, and to include an overview of all services available for the relevant population of children through age six and after age six.

Intro. by Insko.

STUDY

Health, Social Services, and Aging;
Children and Juvenile Law

H 86. REPORT ON NC CLUBHOUSE PROGRAMS. Filed 2/10/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE SERVICES PROVIDED BY THE CLUBHOUSE PROGRAMS IN THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

As title indicates. Requires the report to be submitted by September 1, 2011, and enumerates four issues to be included in the report.

Intro. by Insko.

UNCODIFIED

Health, Social Services, and Aging

H 87. SUNSHINE AMENDMENT. Filed 2/10/11. *TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.*

Subject to approval by the voters at the statewide election on November 6, 2012, adds new Section 6 to Article XIV of the North Carolina Constitution to provide that every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, unless exempted pursuant to the proposed section. Provides that the constitutional amendment specifically includes the legislative, executive, and judicial branches of the government, and each agency or department created under those branches; local governments, their units and special districts; and every office, board, commission, or entity created pursuant to law or the NC Constitution.

Provides that all meetings of any collegial public body of the executive branch of state government or of local government or special district at which official acts are to be taken or at which public business is to be transacted or discussed, must be open and noticed to the public, unless exempted pursuant to the proposed section. Also provides that meetings of either chamber of the General Assembly must be open and noticed to the public, unless exempted.

States that the section is self-executing; however, the General Assembly may provide by general law for the exemption of records from the requirements. Directs the General Assembly to enact laws governing enforcement of the proposed section. Allows each chamber to adopt rules governing the enforcement in relation to records of that particular chamber and provides further guidelines for exemptions.

States that all laws in effect on January 1, 2013, that limit public access to records or meetings, will remain in force until amended or repealed. Also states that rules of court in effect on January 1, 2013 that limit access to records, will remain in effect until repealed.

Intro. by LaRoque. CONST Courts; Constitutional Amendment; General Assembly; Local Government; State Government

SENATE BILLS

S 59. HONOR CLAY COUNTY 150TH ANNIVERSARY. Filed 2/10/11. *HONORING CLAY COUNTY ON ITS ONE HUNDRED FIFTIETH ANNIVERSARY.*

As title indicates.

Intro. by Davis. SENATE RES General Assembly

S 60. LUPUS AWARENESS MONTH. Filed 2/10/11. *DESIGNATING THE MONTH OF MAY OF EACH YEAR AS LUPUS AWARENESS MONTH.*

Enacts new GS 103-12 as the title indicates.

Intro. by Robinson. GS 103 State Government

S 61. REWARD AMT/ARREST OF FUGITIVE FROM JUSTICE. Filed 2/10/11. *TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE.*

Amends GS 15-53 (Governor may employ agents and offer rewards) and GS 15-53.1 (Governor may offer rewards for information leading to arrest and conviction), as the title indicates, to increase the amounts that may be awarded to an amount not to exceed \$100,000 (was, not to exceed \$10,000). Further amends the statutes to make the language gender neutral.

Intro. by East. GS 15 State Government; Criminal Law, Procedure, and Sentencing

S 62. MAKE UP SNOW DAYS WITH DISTANCE LEARNING. Filed 2/10/11. *TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE UP SNOW DAYS BY REQUIRING STUDENTS TO COMPLETE LESSONS POSTED ONLINE.*

Adds a new subsection (a1) to GS 115C-84.2 to authorize local boards of education to allow students to make up instructional days lost because of inclement weather to make up a maximum of five missed days via distance learning in accordance with a plan approved by the State Board of Education. Provides additional details regarding the operation of the distance learning plan. Makes a conforming change to GS 115C-84.2(a)(1) regarding the school calendar.

Applies beginning with the 2011-12 school year.

Intro. by Mansfield. GS 115C Education

S 63. CLARIFY DEFINITION OF COLLECTION AGENCY. Filed 2/10/11. *TO SPECIFY THAT CERTAIN PERSONS ARE NOT SUBJECT TO THE STATUTES GOVERNING COLLECTION AGENCIES.*

Amends GS 58-70-15 to expand the list of persons or entities not subject to the collection agency statutes to include a person, firm, corporation, or association attempting to collect or collecting a debt owed or asserted to be owed or due to another if the collection activity meets one or more of the following criteria: (1) is incidental to a bona fide escrow arrangement, (2) concerns a debt that was originated by such person, (3) concerns a debt that was not in default at the time it was obtained by such person, or (4) concerns a debt obtained by such person as a secured party in a commercial credit transaction.

Effective July 1, 2011.

Intro. by Jenkins. GS 58 Business and Commerce

S 64. PROHIBIT BOYLSTON CREEK RECLASSIFICATION (=H 62). Filed 2/10/11. *TO PROHIBIT THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK FROM BECOMING EFFECTIVE.*

Identical to H 62, filed 2/9/11.

Intro. by Davis. UNCODIFIED APA/Rule Making; Agriculture, Environment, and Natural Resources

Local Bills

None

ACTION ON BILLS**February 10, 2011**

- NOTES**
1. Digests appearing under "Summaries of Bills Filed" are for bills stamped with today's filing date.
 2. Amendments and committee substitutes adopted today are summarized following the chamber action.
 3. Subscribers can find the digest of every version of each bill online at www.dailybulletin.unc.edu.
 4. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
 5. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
 6. Enacted bills are indicated by #, failed bills by *. Actions that change a bill are indicated by HA or SA.

PUBLIC BILLS

H0003 Exclusionary Rule/Good Faith Exception.	HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
02-09-11, 02-10-11	
H0016 Children's Advocacy Centers Funds.	H Withdrawn From Com H Re-ref Com On Appropriations
H0018 Restore Firearms Rights/Tech Corrections.	H Passed 2nd & 3rd Reading
02-09-11	
H0020 Texfi Cleanup Funds.	H Withdrawn From Com H Re-ref Com On Appropriations
H0027 Forensic Sciences Act.	H Withdrawn From Cal H Placed On Cal For 2/15/2011
02-09-11	
H0046 Defense & Security Techn. Accelerator Funds.	H Withdrawn From Com H Re-ref Com On Appropriations
#H0050 State of the State speech.	H Ratified HR Ch. Res 2011-1
H0051 PTA Parental Involvement/Dropout Prev. Funds.	H Withdrawn From Com H Re-ref Com On Appropriations
H0057 Payments for LIEAP/CIP/Utility Payments Only.	H Withdrawn From Com H Re-ref Com On Appropriations
H0061 Speaker/Pro Tem Term Limits.	H Passed 1st Reading H Ref To Com On Judiciary
H0062 Prohibit Boylston Creek Reclassification.	H Passed 1st Reading H Ref To Com On Environment
H0063 Firearm in Locked Motor Vehicle/Parking Lot.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0064 Restore Partisan Judicial Elections.	H Passed 1st Reading H Ref To Com On Elections
H0065 North Carolina Farmers Freedom Protection Act.	H Passed 1st Reading H Ref To Com On Agriculture
H0069 Honor Irene Pace Hairston.	H Filed
H0070 Compensate Eugenics Sterilization Survivors.	H Filed

H0071	Housing Funds for Individ. With Disabilities.	H	Filed
H0072	Community College Investment Flexibility.	H	Filed
H0073	Eugenics Program - Support and Education.	H	Filed
H0074	Castle Doctrine.	H	Filed
H0075	Report on Transfer of CAP-MR/DD UR to LMEs.	H	Filed
H0076	Revise DD Waiting List Process.	H	Filed
H0077	Apply for TBI Medicaid Waiver.	H	Filed
H0078	Evaluate Efficacy of CABHA Model.	H	Filed
H0079	Report on MH Services Provided by Hosp. ERs.	H	Filed
H0080	Evidence-Based Pract. in Psych. Hospitals.	H	Filed
H0081	Develop Plan for Allocating DD Resources.	H	Filed
H0082	Funds for Step-Down Unit for BART Program.	H	Filed
H0083	Modify MHDDSAS Reporting Requirements.	H	Filed
H0084	Expand Inpatient Psychiatric Beds/Funds.	H	Filed
H0085	Evaluate DD Residential Options for Children.	H	Filed
H0086	Report on NC Clubhouse Programs.	H	Filed
H0087	Sunshine Amendment.	H	Filed
H0088	Honor Clay County's 150th Anniversary.	H	Filed
S0007	Ban Mephedrone.	S	Passed 2nd & 3rd Reading
S0009	Make Synthetic Cannabinoids Illegal. 02-07-11	S	Passed 2nd & 3rd Reading
S0013	Balanced Budget Act of 2011. 02-02-11, 02-07-11	H	Passed 3rd Reading
S0017	Joint Regulatory Reform Committee. 02-07-11, 02-08-11	H	Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
S0051	Charitable Solicitations/Clarify Exemption.	S	Passed 1st Reading S Ref To Com On Finance
S0052	UNC Board of Governors Election.	S	Passed 1st Reading S Ref To Com On Select Committee on UNC Board of Governors
S0053	Disapprove Closure of Dorothea Dix Hospital.	S	Passed 1st Reading S Ref To Com On Mental Health & Youth Services
S0054	Kappa Alpha Order Special Plate.	S	Passed 1st Reading S Ref To Com On Finance
S0057	Habitual Misdemeanor Larceny.	S	Passed 1st Reading S Ref To Com On Judiciary II
S0058	Modify FMAP Cuts/Auth. Use of Credit Balance. Appropriations/	S	Passed 1st Reading S Ref To Com On Base Budget
S0059	Honor Clay County's 150th Anniversary.	S	Filed
S0060	Lupus Awareness Month.	S	Filed

S0061	Reward Amt/Arrest of Fugitive From Justice.	S	Filed
S0062	Make up Snow Days with Distance Learning.	S	Filed
S0063	Clarify Definition of Collection Agency.	S	Filed
S0064	Prohibit Boylston Creek Reclassification.	S	Filed

LOCAL BILLS

H0005	Kinston Annexation Repealed.	HA	Reptd Fav Com Substitute
		H	Pursuant Rule 38 (b)
		H	Re-ref Com On Finance
	02-10-11		
H0037	Lexington Annexations Repealed.	HA	Reptd Fav Com Substitute
		H	Re-ref Com On Finance
	02-10-11		
H0066	Greene County Commissioners.	H	Passed 1st Reading
		H	Ref To Com On Government
H0067	Wilson School Board.	H	Passed 1st Reading
		H	Ref To Com On Government
H0068	Tax Certification - Add Brunswick County.	H	Passed 1st Reading
		H	Ref To Com On Government
S0055	Increase Property Tax Appeals Efficiency.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0056	Charlotte Charter/Design-Build Construction.	S	Passed 1st Reading
		S	Ref To Com On Finance

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 3. [EXCLUSIONARY RULE/GOOD FAITH EXCEPTION](#). Filed 1/26/11. House amendment makes the following changes to 2nd edition. Provides that the act applies to all hearings or trials commencing on or after July 1, 2011 (was, commencing on or after the act's effective date). Retains the provision that the act is effective when it becomes law.

Criminal Law, Procedure, and
Sentencing

H 5. [KINSTON ANNEXATION REPEALED](#). Filed 1/26/11. House committee substitute makes the following changes to 1st edition. Amends the act's title to correct the reference to the section of the NC Constitution that gives the General Assembly the power to fix boundaries of cities, to Section 1 of Article VII.

Lenoir

H 37. [LEXINGTON ANNEXATIONS REPEALED](#). Filed 2/3/11. House committee substitute makes the following changes to 1st edition. Amends the act's title to correct the reference to the section of the NC Constitution that gives the General Assembly the power to fix boundaries of cities, to Section 1 of Article VII. Changes the effective date of the act to from and after July 21, 2008 (was, from and after June 30, 2009).

General Assembly; Davidson

Index by Keyword

Agriculture, Environment, and Natural Resources	General Assembly
S 64, 8	H 37, 11
APA/Rule Making	H 69, 1
S 64, 8	H 87, 8
Budget and Appropriations	S 59, 8
H 70, 2	Health, Social Services, and Aging
H 71, 2	H 70, 2
H 72, 2	H 71, 2
H 73, 3	H 73, 3
H 82, 6	H 75, 4
H 84, 7	H 76, 4
Business and Commerce	H 77, 5
S 63, 8	H 78, 5
Children and Juvenile Law	H 79, 5
H 85, 7	H 80, 5
Civil Law and Procedure	H 81, 6
H 74, 4	H 82, 6
Constitutional Amendment	H 83, 6
H 87, 8	H 84, 7
Courts	H 85, 7
H 87, 8	H 86, 7
Criminal Law, Procedure, and Sentencing	Lenoir
H 3, 11	H 5, 11
H 74, 4	Local Government
S 61, 8	H 87, 8
Davidson	State Government
H 37, 11	H 70, 2
Education	H 73, 3
H 72, 2	H 87, 8
H 73, 3	S 60, 8
S 62, 8	S 61, 8

Notes

None

NEXT SESSIONS

February 14, 2011

HOUSE convenes at 6:30 p.m.

SENATE convenes at 6:45 p.m.