

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 13

Vol. 2011, No. 13

Senate Legislative Day 13

Wednesday, February 16, 2011

Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	7
Action on Bills _____	8
Summaries of Amendments and Committee Substitutes _____	11
Index by Keyword _____	14
Notes _____	15
Next Sessions _____	15

SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 112. [REALIGN WAKE SUPERIOR COURT DISTRICTS](#). Filed 2/16/11. *TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.*

Amends GS 7A-41(a) to create 2 additional superior court districts in Wake County and amends GS 7A-41(b) to realign the precincts within the Wake County superior court districts. Effective January 1, 2013, and applies to the 2012 election.

Intro. by Dollar, Stam, Avila, Murry.

GS 7A

Courts

H 113. [MOTORCYCLE SAFETY ACT](#). Filed 2/16/11. *TO CREATE ADDITIONAL PROTECTIONS FOR MOTORCYCLISTS FROM UNSAFE MOVEMENTS BY OTHER VEHICLES.*

Amends GS 20-154 to make it a Class 2 misdemeanor, requiring a fine of at least \$200, for a violation of subsection (a) of the statute (requiring a driver to make sure that a movement can be made safely before starting, stopping, or turning from a direct line and requiring a signal visible to the driver of the other vehicle alerting them to the intention of the movement whenever the operation of any other vehicle may be affected by such movement)

© 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.

when the violation causes a motorcycle operator to change lanes or leave a portion of any street or highway designated as travel lanes. Provides further that if the violation results in a crash that causes property damage or personal injury to a motorcycle operator or passenger, the violation is a Class 1 misdemeanor requiring payment of at least \$500. Effective for offenses committed on or after December 1, 2011.

Intro. by Killian. GS 20 Transportation; Criminal Law, Procedure, and Sentencing

H 114. ASSISTANCE TO VOTERS IN FAMILY CARE HOMES. Filed 2/16/11. *TO PROVIDE FOR LEGAL GUARDIANS TO GIVE ASSISTANCE TO VOTERS LIVING IN FAMILY CARE HOMES.*

Amends GS 163-166.8 to provide that any registered voter qualified to vote in an election who lives in a family care home as a person with disabilities is entitled to assistance only from the individual's legal guardian. Makes a conforming change to GS 168-22 (family care home; zoning and other purposes) to require family care home personnel to comply with GS 163-166.8.

Intro. by Setzer. GS 163, 168 Elections Law; Health, Social Services, and Aging

H 115. NORTH CAROLINA HEALTH BENEFIT EXCHANGE ACT. Filed 2/16/11. *TO ESTABLISH THE NORTH CAROLINA HEALTH BENEFIT EXCHANGE.*

Enacts new Part 8 in Article 50 of GS Chapter 58, titled the *North Carolina Health Benefit Exchange Act*, to establish the nonprofit entity of the North Carolina Health Benefit Exchange (Exchange) and provide for its membership, authority, and requirements.

Definitions. Provides definitions applicable to new Part 8. Defines *qualified health plan* as a health benefit plan that meets certification criteria described in section 1311(c) of the federal Patient Protection and Affordable Care Act, as amended and criteria in GS 58-50-340 (health benefit plan certification requirements in proposed Part 8). A *qualified employer* is a small employer that elects to make (1) its full-time employees eligible for one or more qualified health plans offered through the SHOP exchange and (2) at the employer's option, some or all of its employees eligible. The *SHOP Exchange* is the Small Business Health Options Program established in Part 8. Defines *qualified individual* as an individual, including a minor, who (1) is seeking to enroll in a qualified health plan offered to individuals through the Exchange; (2) resides in NC; (3) is not incarcerated at the time of enrollment, other than incarceration pending disposition of charges; and (4) is, and is reasonably expected to be, for the entire period for which enrollment is sought, a citizen or national of the U.S. or an alien lawfully present in the U.S.

Exchange. Provides that the Exchange, established under Part 8, is not an instrumentality of North Carolina and will operate under the Exchange Board of Directors. Requires the Exchange to make only qualified health plans available to qualified individuals and qualified employers beginning with effective dates on January 1, 2014. Permits the Exchange to allow a health carrier to offer limited dental benefits, as indicated, if the plan also provides pediatric dental benefits, as specified. Prohibits the Exchange and any health carrier from charging a fee or penalty for termination of coverage in specified circumstances. Creates a Board of Directors (Board) of the Exchange, consisting of the Commissioner of Insurance (Commissioner) and 11 appointed members, as listed. Details appointment, term, and meeting guidelines. Includes an indemnification provision for the Board and employees of the Exchange and classifies members of the Board as public servants under GS Chapter 138A. Enumerates the general powers and authority of the Exchange, including the power to enter into contracts to carry out the provisions of Part 8. Lists the duties and operational requirements of the Exchange, including the directive to establish a SHOP Exchange (1) through which qualified employers may access coverage for their employees and (2) which will enable any qualified employer to specify a level of coverage so any employee may enroll in any qualified health plan offered through the SHOP Exchange at the specified level of coverage.

Sets forth duties, including reporting requirements, for the Executive Director of the Exchange. Requires the Board to submit a Plan of Operation for the Exchange to the Commissioner containing specified information.

Health Benefit Plan Certification. Directs the Exchange to certify a health benefit plan as a qualified health plan if the plan meets all of the detailed requirements. Prohibits the Exchange from excluding a health benefit plan by imposing premium price controls. Further prohibits the Exchange from excluding a plan solely because the plan is a fee-for-service plan or because the plan provides treatments necessary to prevent patients' deaths in circumstances the Exchange deems inappropriate or too costly. Provides additional requirements applicable to the certification of qualified health plans and includes criteria related to qualified dental plans.

Additional Provisions. Reserves GS 58-50-341 through GS 58-50-349 for future codification purposes. Diverts the funding stream currently supporting the North Carolina Health Insurance Risk Pool to support the Exchange, beginning in 2014. Requires the Exchange to publish on the internet the average costs of licensing and regulatory fees, administrative costs, monies lost to fraud and waste, and any other payments. States that

nothing in the act will be construed to conflict with, preempt, or supersede the Commissioner's authority to regulate the business of insurance. Requires all health carriers offering qualified health plans to comply fully with all applicable laws, unless specifically excepted. Includes a severability clause.

Intro. by Dockham, Brubaker,
Wray, Murry.

GS 58

Health, Social Services, and Aging;
Business and Commerce

H 116. DELINEATE COASTAL WETLANDS RIPARIAN BUFFERS. Filed 2/16/11. *REGARDING THE DELINEATION OF PROTECTIVE RIPARIAN BUFFERS FOR COASTAL WETLANDS IN THE NEUSE RIVER AND TAR-PAMLICO RIVER BASINS.*

Enacts new GS 143-214.19 providing that if state law requires a protective riparian buffer for coastal wetlands in either the Neuse River Basin or the Tar-Pamlico River Basin, then the coastal wetlands and marshlands are to be included in the measurement of the protective riparian buffer and are not to be treated as part of the surface waters. Provides definitions for *coastal wetlands* and *marshlands* as the terms are used in the proposed statute. Specifies factors to be considered in delineating the protective riparian buffer for any of the coastal wetlands or marshlands in the Neuse River Basin or the Tar-Pamlico River Basin. Effective October 1, 2011.

Intro. by Daughtry.

GS 143

Agriculture, Environment, and
Natural Resources

H 117. ELECTRIC CITIES/USES OF RATE REVENUE. Filed 2/16/11. *PROVIDING THAT A MUNICIPALITY OWNING OR OPERATING A MUNICIPAL ELECTRIC SYSTEM SHALL USE REVENUE DERIVED FROM RATES FOR ELECTRIC SERVICE FOR PAYING THE COSTS OF OPERATING THE ELECTRIC SYSTEM AND MAKING DEBT SERVICE PAYMENTS AND SHALL USE EXCESS REVENUE FOR LOWERING RATES, MAKING ADDITIONAL DEBT SERVICE PAYMENTS, AND REDUCING THE MUNICIPALITY'S COMMITMENT UNDER CONTRACTUAL OBLIGATIONS TO A JOINT MUNICIPAL POWER AGENCY.*

Enacts new GS 160A-323.1 to require any municipality that owns or operates a municipal electric system to use the revenue derived from rates for electric service to pay the costs of operating the electric system and make debt service payments. Requires that remaining revenue be used to lower electric service rates in the areas served by the system, make additional debt service payments, or reduce the municipality's commitment under contractual obligations to a joint municipal power agency. Prohibits a municipality from transferring revenue from an electricity utility fund to any other municipal fund for any purpose unless it is explicitly authorized by law. Effective July 1, 2011.

Intro. by Daughtry, Wainwright.

GS 160A

Energy and Utilities; Local
Government

H 119. AMEND ENVIRONMENTAL LAWS 2011. Filed 2/16/11. *TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) CLARIFY THE PROHIBITION ON DISPOSAL IN LANDFILLS OR BY INCINERATION OF BEVERAGE CONTAINERS THAT ARE REQUIRED TO BE RECYCLED BY CERTAIN ABC PERMITTEES; (2) DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INCORPORATE STORMWATER CAPTURE AND REUSE STANDARDS AND BEST MANAGEMENT PRACTICES INTO STORMWATER RUNOFF RULES AND PROGRAMS; AND (3) AMEND THE WATER USE STANDARD FOR PUBLIC MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS TO REQUIRE THE INSTALLATION OF WEATHER-BASED IRRIGATION CONTROLLERS AND AUDITS OF EXISTING IRRIGATION SYSTEMS BY AN IRRIGATION CONTRACTOR LICENSED UNDER CHAPTER 89G OF THE GENERAL STATUTES.*

Amends GS 130A-309.10 to add a new subsection prohibiting holders of on-premises malt beverage permits, on-premises unfortified wine permits, on-premises fortified wine permits, and mixed beverage permits from knowingly disposing of beverage containers in landfills or by incineration in an incinerator for which a permit is required when the containers are required to be recycled under GS 18B-1006.1 (additional requirement for certain permittees to recycle beverage containers). Makes conforming changes to the statute.

Amends GS 143-214.7 to require the Environmental Management Commission and the Department of Environment and Natural Resources to incorporate stormwater capture and reuse standards and best management practices into the implementation of stormwater runoff rules and programs to the maximum extent practicable.

Amends GS 143-135.37 to divide the standards for indoor and outdoor potable water use into two separate subsections. Adds the requirement to outdoor potable water use that weather-based irrigation controllers be used for irrigation systems for major facility construction projects. Requires that the Department of Administration engage an irrigation contractor licensed under GS Chapter 89G to perform an audit of any irrigation system for

every major facility renovation project of a public agency. Also allows weather-based irrigation controllers that are water-use efficient to be used to reduce the potable outdoor water as required by existing language in the statute. Applies to every major facility construction project, as defined in GS 143-135.36, and every major facility renovation project, as defined in GS 143-135.36, of a public agency, as defined in GS 143-135.36, that has not entered the schematic design phase before the act's effective date. Adds a definition of *weather-based irrigation controller* in GS 143-135.36.

Intro. by Gillespie, McElraft.

GS 130A, 143

Agriculture, Environment, and
Natural Resources

H 120. ESTABLISH FORGIVABLE LOAN FUND. Filed 2/16/11. *TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE FUNDED STUDENT FINANCIAL AID.*

Enacts new GS 116-209.45 to establish the Forgivable Education Loans for Service Program and Fund. The proposed statute is effective July 1, 2011. Provides that the State Education Assistance Authority (Authority) will administer the Forgivable Education Loans for Service Program (Program) and the Forgivable Education Loans for Service Fund (Fund). States that the purpose of the Program is to facilitate and promote the making, insuring, and collection of loans from the Fund. Directs the Program to initially target future teachers, nurses, and allied health professionals to provide loans. The Fund's purpose is to provide financial assistance to qualified students to enable them to obtain requisite education beyond the high school level to work in North Carolina in high-need professions and to respond to critical employment shortages.

Defines the following terms applicable to the statute: *eligible institution, fund, loan, and program*. Directs the Authority to establish criteria and standards for initial and continuing eligibility in the Program and requires all loan recipients to be residents of NC and to attend an eligible institution. Lists terms and conditions applicable to each loan made by the Program. Instructs the Authority to appoint an advisory group composed of specified representatives to make recommendations on loan apportionment and distribution. Directs all funds appropriated to or otherwise received by the Authority to provide loans through the Program, all funds received as repayment of loans, and all interest earned on the funds, to be placed in the Fund. Allows the Authority to adopt rules necessary to implement, administer, and enforce the statute. Directs the Authority to report before December 1, 2013, and annually thereafter, to the Joint Legislative Education Oversight Committee regarding the Fund and awarded loans.

Repeals the following statutes, which govern several education loan funds: GS 90-171.100, 90-171.101 (Graduate Nurse Scholarship Program for Faculty Production); GS 90-171.60, 90-171.61, 90-171.62 (North Carolina Nursing Scholars Commission and Nursing Scholars Program); GS 90-171.65 (need-based scholarship loan fund for nursing students); GS 116-40.10 (Board of Governors' Dental Scholarship Loan Fund); GS 116-40.9 (Board of Governors' Medical Scholarship Loan Fund); GS 116-209.33, 116-209.34 (Prospective Teachers Scholarship Loan Fund); GS 116-209.35 (Teacher Assistant Scholarship Fund); GS 116-209.30 (Social Workers' Education Loan Fund). Transfers all assets and liabilities from these now-defunct education loan and scholarship funds to the Forgivable Education Loans for Service Fund. Provides that all financial obligations to any student awarded a scholarship by the applicable fund before July 1, 2012, will be fulfilled by the Forgivable Education Loans for Service Fund. Requires the student to remain eligible under the requirements of this now-defunct fund. Also states that all contractual agreements between the Authority and a student awarded a scholarship loan from the former fund before July 1, 2012, remain enforceable and any provisions otherwise applicable under the former fund but for the proposed transfer, remain applicable to any scholarship loan awarded before July 1, 2012.

Also transfers all assets and liabilities from the Student Loan Program for Health, Science and Mathematics Fund, the Future Teachers of North Carolina Fund, the Physical Education Scholarship Loan Fund, and the Optometry Scholarship Loan Fund to the Forgivable Education Loans for Service Fund. The retained financial obligations and contractual agreements also apply to loans awarded from the Student Loan Program for Health, Science and Mathematics Fund before July 1, 2012.

Effective July 1, 2012, unless otherwise indicated.

**Intro. by Rapp, Bell, Blackwell,
Glazier.**

GS 90, 116

Education;
Health, Social Services, and Aging

H 121. REAPPOINT JOS. A. SMITH COMMISSIONER OF BANKS. Filed 2/16/11. *TO CONFIRM THE GOVERNOR'S REAPPOINTMENT OF JOSEPH A. SMITH TO THE OFFICE OF COMMISSIONER OF BANKS.*

As title indicates.

**Intro. by Brubaker, Dockham,
Carney, Glazier.**

JOINT RES

General Assembly

H 122. REV LAWS TECH, CLARIFY, & ADMIN. CHNGS. Filed 2/16/11. *TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.*

Repeals GS 105-120.2(f) (regarding determining total tax payable by any holding company) and GS 105-130.4(t2) (regarding alternative apportionment method for certain corporations meeting investment requirements).

Definitions. Amends GS 105-129.50 to add the definition of *development tier area one* as defined in GS 143B-437.08. Makes technical change to GS 105-164.4C(h)(5), defining *postpaid calling service* to replace the term *prepaid wireline telephone* with *prepaid telephone*. Amends GS 105-164.14B(a) (regarding certain industrial facilities refunds) to add definitions for *paper-from-pulp manufacturing* and *turbine manufacturing*. Defines *owner* to include a lessee in a lease-to-purchase contract. Amends GS 105-228.90(b) to add a definition for *NAICS*: North American Industry Classification System (NAICS), adopted by the U.S. Office of Management and Budget. Makes conforming changes to GS 105-129.81(13) and (18). Amends GS 105-333(14) to clarify that the definition of *public service company* in the property tax statutes does not include mobile telecommunication service.

Retail sales and use tax. Amends GS 105-164.13(12) to clarify that the sales tax exemption applies to prosthetic devices for human use. Amends GS 105-164-13D(a) to remove geothermal heat pumps from the list of items entitled to the Energy Star sales tax exemption.

Economic Incentive Refunds. Rewrites GS 105-164.14A to set the sunset date for sales tax refunds for fuel sold to passenger air carriers and motorsports teams as January 1, 2013 (was, January 1, 2011). Amends GS 105-164.14B(b)(1) to identify facilities primarily engaged in paper-from-pulp manufacturing and turbine manufacturing as industrial facilities that meet the business, minimum investment, and industry-specific requirements of the section and are therefore allowed an annual refund of sales and use tax paid on specified materials.

Refund of Overpayment of Tax. Amends GS 105-228.37 to clarify the refund process for a taxpayer who makes an overpayment under GS Chapter 105, Article 8E, Excise Tax on Conveyances. Eliminates the requirement that a board of county commissioners must conduct the refund request hearing in accordance with the procedures that apply to a hearing held by a board of equalization and review on an appeal regarding the listing or appraisal of property. Establishes the timeline for filing a refund request, setting a hearing date, and providing notice to the taxpayer. Provides process if the refund is granted and if the refund is denied. Provides that when the board of commissioners determines that no refund is due, the board must inform the taxpayer through its written decision of the taxpayer's right to request a Departmental review (was, judicial review) of the denial of the refund in accordance with GS 105-241.11. Amends GS 105-228.30(b) to require each county finance officer to credit one-half of the tax proceeds to the county's general fund and to remit the remaining one-half of the proceeds, *minus the taxes refunded* and the county's allowance for administrative expenses, to the Department of Revenue of a monthly basis.

Penalties. Amends GS 105-236(a)(2) to provide that the Secretary of Revenue (Secretary) may assess a penalty of \$1,000 for failure to obtain a license prior to engaging in a business, trade, or profession in which a license is required only if the taxpayer fails to obtain a license after receiving written notification of the need to do so from the Department of Revenue.

Publications and Disclosure. Amends GS 105-256(a)(9) to delete the requirement that the Secretary redact identifying information for a taxpayer in a contested tax case from the final decision prior to publication of that decision. Reconciles GS 105-259(a)(9) with the publication provisions under GS 150B-31.1. Makes a conforming change to GS 105-259, replacing the term *report* with *publication*. Repeals GS 150B-21.17(a)(5) (required the publication of orders of the Tax Review Board in the North Carolina Register).

Sales Tax. Under current law, the sales tax imposed under the First One-Cent (1¢) Local Sales and Use Tax Act (GS Chapter 105, Article 39) limits application of the tax only to state taxable sales under GS 105-164.4 that are specifically included in subsection (a) of GS 105-467. Amends GS 105-467(a) to provide that the subsection applies to all taxable sales and gross receipts subject to the general rate of sales tax imposed by the state under GS 105-164.4.

Time Limit. Amends GS 105-241.9(b) to clarify that a waiver by a taxpayer of a statute of limitations for a proposed assessment must be executed before the statute of limitations expires.

Miscellaneous. Amends Section 24.18(g) of SL 2006-66 regarding various oyster tax shell credits to extend the sunset date on those provisions to January 1, 2013 (was, January 1, 2011).

Amends Section 31.7(e) of SL 2010-31 to change the effective date for GS 105-37.1(a)(1) as amended (provides for the exclusion of amenities from general admission receipts for determination of the privilege tax) to February 1, 2009 (was, August 1, 2010).

Amends Section 8 of SL 2006-209 to remove the sunset date (was, July 1, 2011) from the provision that authorizes the Codifier of Statutes to renumber the subdivisions in GS 20-79.4(b) (the special license plates statute) in sequential and alphabetical order and to eliminate mixed number-letter subdivision designations.

Provides that a facilitator (entities that enter into a contract with providers of accommodations to market and collect payment for accommodation rentals) is not liable for an over-collection or under-collection of sales tax or local occupancy tax during the period from January 1, 2011, through April 1, 2011, as the result of the change under Section 31.6 of SL 2010-31 regarding a facilitator's collection and remittance obligations under GS 105-164.4(a)(3), 153A-155(c), and 160A-215(c).

Amends GS 105-164.16(d) to clarify the items on which the use tax is payable.

Intro. by Howard, Luebke, Gibson. GS 105, 150B Business and Commerce; Taxation

H 123. BUSINESS ENTITY CHANGES. Filed 2/16/11. *TO REVISE THE BUSINESS ENTITY OWNERSHIP REQUIREMENTS OF LAND AT PRESENT-USE VALUE.*

Amends *Entity Ownership Requirements*, GS 105-277.3(b1), to provide that the business entity ownership requirements for qualification of land at its present use value for tax purposes are met when the current owner of the land shares members in common with the previous owner of the land for the four years immediately preceding January 1 of the year for which the benefit is claimed.

Effective for taxable years beginning on or after July 1, 2011. Provides that applications for property tax relief may be filed and must be accepted at any time up to and through September 1 for the July 1, 2011, tax year.

Intro. by Howard, Brubaker, Luebke, Hill. GS 105 Property, Land Use, and Housing; Taxation

H 124. IRC UPDATE. Filed 2/16/11. *TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE.*

Background: North Carolina's tax law maintains conformity with many provisions of the federal tax law by reference to the federal Internal Revenue Code (IRC). Each year, the General Assembly decides whether to update North Carolina's reference to the IRC. Under current state law, the reference date to the IRC is May 1, 2010; however, the U.S. Congress has enacted two acts that make substantial changes to the federal tax code: (1) the Small Business Jobs Act of 2010 [2010 Jobs Act] and (2) the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act [2010 Tax Relief Act]. Both Acts contain provisions that became effective retroactively on January 1, 2010.

Changes: Amends GS 105-228.90(b)(1b) to define the term *Code* to reference the Internal Revenue Code as enacted January 1, 2011 (was, as enacted May 1, 2010). This proposed change would conform North Carolina tax law to many of the changes made by the federal 2010 Jobs Act and the 2010 Tax Relief Act, including part of the estate tax changes, some of the enhanced section 179 expense deduction changes under the Code, and all of the business and individual income tax extenders from the federal tax legislation of 2001.

Amends GS 105-130.5(a), GS 105-130.5(b), GS 105-134.6(c), and GS 105-134.6(b) to decouple the state tax code from the extension of the bonus depreciation provision (applies only to new equipment) of the federal 2010 Jobs Act and the 2010 Tax Relief Act. The proposed legislation decouples the state tax code from the bonus depreciation provisions for 2010, 2011, and 2012, and instead requires that under state tax law, a taxpayer must add back 85% of the accelerated depreciation amount in the year that the asset is claimed for federal purposes and in subsequent tax years deduct from federal taxable income the total amount of the add-back, divided into five equal annual installments of the normal depreciation amount plus 20% of the accelerated depreciation amount the taxpayer had to add back.

Section 179 of the IRC permits the expensing of the purchase price of some business assets in the year in which they are purchased rather than taking depreciation throughout the life of the asset (applies to new and used equipment). Section 179 expense deduction provisions for 2010 and 2011 are enhanced by the federal 2010 Jobs Act. Proposed legislation enacts new subdivisions to GS 105-130.5 subsections (a) and (b) and adds new subdivisions to GS 105-134.6 subsections (b) and (c) to decouple the state tax code from the enhanced deduction limits for taxable years 2010 and 2011. Provides that the basis for the affected assets is the same for federal and state tax purposes.

Enacts new GS 105-32.2A to allow the estate of a decedent dying in 2010 that pays the federal estate tax and receives the federal stepped-up basis of the property to elect to receive the stepped-up basis for North Carolina purposes by paying the state estate tax for 2010. Details filing requirements.

Effective date: Provides that any amendments to the Internal Revenue Code enacted after May 1, 2010, that increase North Carolina taxable income for the 2010 taxable year become effective for taxable years beginning on or after January 1, 2011.

Intro. by Howard, Brubaker, Starnes, Setzer. GS 105 Taxation; Trusts, Estates and Wills; Business and Commerce

SENATE BILLS

S 77. MDPV/SCHEDULE I CONTROLLED SUBSTANCE. Filed 2/16/11. *TO ADD MDPV TO THE LIST OF CONTROLLED SUBSTANCES UNDER SCHEDULE I WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF MDPV CRIMINAL OFFENSES AND TO CREATE THE OFFENSE OF TRAFFICKING IN MDPV.*

Amends GS 90-89(5) to add MDPV to the list of Schedule I controlled substances, as title indicates. Amends GS 90-95(d)(1) (penalty for possessing Schedule I controlled substance as Class I felon) to add that if the controlled substance in possession is MDPV and the quantity of MDPV is 1 gram or less, then the violation is punishable as a Class 1 misdemeanor. Enacts new GS 90-95(h)(3d) to provide that any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of MDPV or any mixture containing such substance will be guilty of the felony known as *trafficking in MDPV* and will be punished and penalized, according to quantity involved, as specified. Effective December 1, 2011, and applies to offenses committed on or after that date.

Intro. by Bingham.

GS 90

Criminal Law, Procedure, and Sentencing

S 78. SPECIAL PLATE FOR GIRL SCOUTS. Filed 2/16/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE GIRL SCOUTS OF THE U.S.A.*

Enacts new GS 20-79.4(b)(55a) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to the Girl Scouts-North Carolina Coastal Pines, to be divided on a pro-rata basis based on the percentage of the total number of girl scouts in the state assigned to each council, among the officially chartered Girl Scout Councils serving the state. The funds are to be used for educational and preservation programs, capital improvements, and related administrative and operating expenses. Effective July 1, 2011.

Intro. by Stevens.

GS 20

Transportation

S 79. NORTH CAROLINA MASTER GARDENER SPECIAL PLATE. Filed 2/16/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A NORTH CAROLINA MASTER GARDENER SPECIAL PLATE.*

Enacts new GS 20-79.4(b)(102a) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$20 and requires that \$10 of that amount be transferred quarterly to the Master Gardener's Endowment fund maintained by the Agricultural Foundation of North Carolina State University, to be used for education programs by trained volunteers who work in partnership with their county cooperative extension offices to extend information in consumer horticulture. Makes technical changes. Effective July 1, 2011.

Intro. by Stevens.

GS 20

Transportation

S 80. LEWISVILLE ANNEXATIONS. Filed 2/16/11. *TO RESTATE THAT THE TOWN OF LEWISVILLE HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN.*

As title indicates.

Intro. by Brunstetter.

FORSYTH

Forsyth

*Local Bills***HOUSE BILLS**

H 118. WINSTON-SALEM/DAILY CURRENCY/COINS DEPOSITS. Filed 2/16/11. *RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND RECEIPTS BY THE CITY OF WINSTON-SALEM.*

Amends Section 1 of SL 1995-79, as amended, to provide that when a Winston-Salem officer or employee deposits currency or coins into a cash vault that physically secures the cash and electronically records the deposit daily in an official depository bank, the deposit qualifies as a daily deposit even if the cash is not physically deposited until later.

Intro. by Womble, Parmon.

FORSYTH

Forsyth

ACTION ON BILLS

February 16, 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

<p>H0002 Protect Health Care Freedom.</p> <p>01-31-11, 02-02-11, 02-14-11, 02-16-11</p> <p>H0019 Permanent House Rules.</p> <p>02-16-11</p> <p>H0040 Honor John Weatherly.</p> <p>H0048 No Standardized Testing Unless Req'd by Feds.</p> <p>02-16-11</p> <p>H0063 Firearm in Locked Motor Vehicle/Parking Lot.</p> <p>H0088 Honor Clay County's 150th Anniversary.</p> <p>H0092 Repeal Land Transfer Tax.</p> <p>H0093 Modify Refundability of EITC.</p> <p>H0094 Local Flexibility Re: School Calendar.</p> <p>H0095 Railroad Corridor Protection.</p> <p>H0098 Breweries to Sell Malt Beverages on Premises.</p> <p>H0099 Judicial Terms.</p> <p>H0100 Nonprofits/Criteria to Receive State Funds.</p> <p>H0101 Broadband Parity for Counties & Cities.</p>	<p>SA Amend Adopted 1</p> <p>S Passed 2nd & 3rd Reading</p> <p>S Engrossed</p> <p>HA Reptd Fav Com Substitute</p> <p>H Cal Pursuant Rule 36(b)</p> <p>H Reptd Fav</p> <p>H Cal Pursuant Rule 36(b)</p> <p>HA Amend Adopted 1</p> <p>HA Amend Adopted 2</p> <p>H Amend Failed 3</p> <p>H Passed 2nd Reading</p> <p>H Withdrawn From Com</p> <p>H Re-ref Com On Judiciary Subcommittee B</p> <p>H Reptd Fav</p> <p>H Cal Pursuant Rule 36(b)</p> <p>H Placed On Cal For 2/17/2011</p> <p>H Passed 1st Reading</p> <p>H Ref To Com On Finance</p> <p>H Passed 1st Reading</p> <p>H Ref To Com On Finance</p> <p>H Passed 1st Reading</p> <p>H Ref to the Com on Commerce and Job Development, if favorable, Education</p> <p>H Passed 1st Reading</p> <p>H Ref To Com On Transportation</p> <p>H Passed 1st Reading</p> <p>H Ref To Com On Commerce and Job Development</p> <p>H Passed 1st Reading</p> <p>H Ref To Com On Judiciary</p> <p>H Passed 1st Reading</p> <p>H Ref To Com On Appropriations</p> <p>H Passed 1st Reading</p> <p>H Ref to the Com on Commerce</p>
--	---

H0102 Special Plate for Ronald McDonald Houses.	H	and Job Development, if favorable, Public Utilities Passed 1st Reading
	H	Ref to the Com on Transportation, if favorable,
H0103 Rqmts. for Min'l Oil Spills - 2.	H	Finance Passed 1st Reading
H0104 ACH Pilot on Crisis Intervention Training.	H	Ref To Com On Environment Passed 1st Reading
H0105 Motorcycle Awareness Month.	H	Ref To Com On Health and Human Services Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0106 Direct Care Worker Wage and Benefit Study.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0107 GAST Training Pilot.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0108 DHHS Study of IOM Task Force Recom 3.1.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0109 Extend Reporting on Baby Boomer Preparations.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0110 Task Force on Fraud Against Older Adults.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0111 Handgun Permit Valid in Parks & Restaurants.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
H0113 Motorcycle Safety Act.	H	Filed
H0114 Assistance to Voters in Family Care Homes.	H	Filed
H0115 North Carolina Health Benefit Exchange Act.	H	Filed
H0116 Delineate Coastal Wetlands Riparian Buffers.	H	Filed
H0117 Electric Cities/Uses of Rate Revenue.	H	Filed
H0119 Amend Environmental Laws 2011.	H	Filed
H0120 Establish Forgivable Loan Fund.	H	Filed
H0121 Reappoint Jos. A. Smith Commissioner of Banks.	H	Filed
H0122 Rev Laws Tech, Clarify., & Admin. Chngs.	H	Filed
H0123 Business Entity Changes.	H	Filed
H0124 IRC Update.	H	Filed
H0125 Optional Vote Centers for Second Primary.	H	Filed
H0126 North Carolina Health Benefit Exchange Act.	H	Filed
H0127 Allow Expansion of Capitated Waiver.	H	Filed
H0128 Funds/NC Special Olympics.	H	Filed
H0129 Level Playing Field/Local Gov't	H	Filed

Competition.		
H0130	Women at Risk Funds.	H Filed
H0131	Funds/One School Superintendent Per County.	H Filed
H0132	Make Up Snow Days With Distance Learning.	H Filed
H0135	Efficient and Affordable Energy Rates Bill.	H Filed
S0008	No Cap on Number of Charter Schools.	S Reptd Fav Com Substitute SA Com Substitute Adopted
02-16-11		
S0017	Joint Regulatory Reform Committee.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 2/17/2011
02-07-11, 02-08-11		
S0027	Involuntary Annexation Moratorium.	S Withdrawn From Cal S Re-ref Com On Finance
S0052	UNC Board of Governors Election.	S Adopted
02-15-11		
S0067	Sunshine Amendment.	S Passed 1st Reading S Ref To Com On Judiciary I
S0069	Special Plate for Ronald McDonald Houses.	S Passed 1st Reading S Ref To Com On Finance
S0070	Expunge Nonviolent Crimes.	S Passed 1st Reading S Ref to Judiciary I. If fav, re-ref to Finance
S0071	Chocolatiers may use up to 5% Alcohol By Vol.	S Passed 1st Reading S Ref To Com On Commerce
S0072	Social Security Increase/Medicaid Elig.	S Passed 1st Reading S Ref to Health Care. If fav, re-ref to Finance
S0073	"Choose Life" Special Plate.	S Passed 1st Reading S Ref To Com On Finance
S0074	Comm. Colleges/Opt Out of Fed'l Loan Program.	S Passed 1st Reading S Ref To Com On Education/ Higher Education
S0075	Promote Electricity Demand Reduction.	S Passed 1st Reading S Ref To Com On Commerce
S0076	TC: Eligibility: Indus Facil/Fix Uwharrie Com.	S Passed 1st Reading S Ref To Com On Finance
S0077	MDPV/Schedule I Controlled Substance.	S Filed
S0078	Special Plate for Girl Scouts.	S Filed
S0079	North Carolina Master Gardener Special Plate.	S Filed

LOCAL BILLS

H0096	Additional Alleghany Occupancy Tax.	H Passed 1st Reading H Ref to the Com on if favorable, Finance
Government,		
H0097	Union Fire Fee Sunset Repealed.	H Passed 1st Reading H Ref to the Com on if favorable, Finance
Government,		

H0118 Winston-Salem/Daily Currency/Coins Deposits.	H	Filed
H0133 Lewisville Annexations.	H	Filed
H0134 Modify Carteret County Occupancy Tax.	H	Filed
S0029 Tax Certification - Alamance County.	S	Passed 2nd & 3rd Reading
S0039 Parmele Town Board Size. 02-15-11	S	Passed 2nd & 3rd Reading
S0046 Surry Fox and Coyote Trapping Season. 02-16-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted
S0055 Increase Property Tax Appeals Efficiency. 02-16-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted
S0068 Robeson Hunting and Fishing.	S	Passed 1st Reading S Ref To Com On State and Local Government
S0080 Lewisville Annexations.	S	Filed

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 2. [PROTECT HEALTH CARE FREEDOM](#). Filed 1/26/11. Senate amendment makes the following change to 4th edition. Amends GS 58-49A-1(b)(8) to correct the reference to the Rules of Civil Procedure under which a judge orders a physical and mental examination of a party in a civil action to Rule 35 (was, Rule 45).
Health, Social Services, and Aging

H 19. PERMANENT HOUSE RULES. Filed 1/31/11. House committee substitute makes the following changes to 1st edition.

Rule 6: Specifies that the Speaker of the House of Representatives (Speaker) may designate the House Principal Clerk to preside in the Speaker's absence.

Rule 10(d): Provides that time spent answering (was, asking and answering) questions will be deducted from the member's allotted time in computing the time allowed for argument.

Rule 24.1A(b): Requires (was, allowed) a member who asks to be excused from voting to provide the Principal Clerk with a concise written statement of the reason for the request. Deletes the requirement of making an oral statement of the reason for the request when required by the State Government Ethics Act.

Rule 27: Adds *Redistricting* to the list of standing committees.

Rule 28(g): Clarifies that a member is to designate the mailing address where written notices of interim meetings are to be sent.

Rule 29(a): Clarifies that notice of regularly scheduled committee and subcommittee meetings may be made by announcement during session and/or sent by mail or email to those who have requested notice. Also clarifies that notice is to be sent to the Legislative Services Office, and directs that office to post the notice on the General Assembly Web site. Provides that notice of all other meetings is to be given in the House except if the meeting is scheduled to occur after adjournment, notice is also to be given by email and posting on the General Assembly Web site.

Rule 29.2: Permits committee minutes to be filed up to 10 days after the adjournment of each session of the General Assembly (was, five days).

Rule 36.1: Removes references to *fiscal memoranda/ memorandum*. Makes conforming changes to Rule 39.

Rule 43(b)(3): Prohibits amendments to (1) the Current Operations Appropriations Bill, (2) the Capital Improvement Appropriations Bill, and (3) any bill generally revising appropriations for the second fiscal year of a biennium, that increase total spending, *from any source*, beyond the total amount shown in the committee report.

Rule 59(a): Permits a member to be added as an additional primary sponsor after a bill is filed only if the primary sponsor consents. Provides that members have until 5:00 p.m. of the day following the adjournment of the session in which a bill or resolution was first read and referred to add themselves as cosponsors to the bill or resolution.

General Assembly

H 48. NO STANDARDIZED TESTING UNLESS REQ'D BY FEDS. Filed 2/7/11. House amendments make the following changes to 1st edition. Amendment #1 provides that the act applies beginning with the 2011-12 school year. Amendment #2 requires the State Board of Education, in conjunction with the Department of Public Instruction (DPI), to consider alternative assessment strategies for measuring student academic performance and evaluating teachers. Requires DPI to report its proposals to the House Education Committee and the Senate Education/Higher Education Committee by June 1, 2011. Makes conforming technical changes.

Education

SENATE BILLS

S 8. NO CAP ON NUMBER OF CHARTER SCHOOLS. Filed 1/27/11. Senate committee substitute makes the following changes to 1st edition. Changes the title to: *AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS; AND BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO APPROVE AND MONITOR CHARTER SCHOOLS; AND BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL; AND BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION; AND BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS; AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE STATUTES GOVERNING CHARTER SCHOOLS.*

Makes the following changes to Part 6A (Charter Schools) of GS Chapter 115C, Article 16.

Expands the purposes for establishing charter schools to include encouraging the replication of successful charter schools. Also amends a current purpose to include creating new professional opportunities for administrators.

Charter Schools Commission. Establishes the North Carolina Public Charter School Commission (Commission) to authorize and oversee the public charter schools in North Carolina. The duties and powers of the Commission include: (1) to oversee the application process for charter schools and to make final approval of charter applications (under current law, final approval of charter applications is decided by the State Board of Education); (2) to take any action regarding a charter school, including renewal, nonrenewal, or revocation of charters; (3) to monitor the operation of charter schools with assistance from the Department of Public Instruction (DPI); (4) to adopt policies regarding all aspects of the operation of charter schools; and (5) to provide technical assistance to charter schools approved under Part 6A. Also authorizes the Commission to undertake any duties and responsibilities consistent with the specified powers and duties. Provides that the State Board of Education, by a three-fourths vote, may veto any decision of the Commission.

Provides that the Commission is to have 11 members including the Superintendent of Public Instruction or the Superintendent's designee, two members appointed by the Governor, and eight members appointed by the General Assembly. Provides additional guidelines as to the representational criteria for the appointed members. Also includes prerequisites regarding qualifications of members. Sets terms of office for appointed members and the process for selection of officers. Requires that appointments be made by October 1, 2011.

Eligibility and applications. Exempts local school boards from the requirement under current law that a public school seeking to convert to a charter school must include with its charter application (1) a statement signed by a majority of teachers and instructional support personnel employed at the public school indicating their support for the conversion to a charter school and (2) evidence that parents of enrolled children support the conversion.

Modifies the content of the charter application to require that it include a proposed budget for, at minimum, five years of operation, information as to targeted populations and community, instructional design of the proposed charter school, plans for identifying and successfully serving the needs of a diverse student population, and evidence of community support for the charter. Requires that information on the governance structure of the school include proposed governing bylaws and biographical information on the proposed members of the board of directors. Additionally requires that the application include a chart that clearly presents the school's organizational structure, any plans the school may have for providing transportation or food services, explanations of

partnerships or contractual relationships central to the school's operation or mission and a detailed school start-up plan.

Provides that a local board of education wishing to convert a public school to a charter school is not required to form a nonprofit, tax-exempt corporation in order to do so if the local board of education serves as the board of directors at the proposed charter school.

Removes requirements that specify a minimum number of teachers to be employed and students to be served. Requires that the application indicate the number of students to be served and the minimum number of teachers to be employed.

Directs the applicant to submit the application to the Commission (current law requires submitting applications to a chartering entity). Additionally requires the applicant to submit a copy of the application to the local board of education of the school system where the charter school will be located within seven days of submission of the application to the Commission. Allows the local board of education to submit any information or comment on the application to the Commission within a time frame set by the Commission.

Requires the Commission to determine the schedule and deadlines for the submission of charter school applications. Requires the Commission to establish a uniform process for application review. Requires that a rejected applicant be provided with an opportunity to request reconsideration of the Commission's decision; however, provides that the Commission is not required to reconsider an application that does not include any additional information that was not previously presented by the applicant to the Commission. Exempts a decision by the Commission to not approve an application from review under GS Chapter 150B. Provides that only the Commission may make material revisions to the provisions of a charter application. Prohibits the Commission from restricting the number of students that a charter school may enroll. Directs the board of directors to annually determine the capacity of the charter school in conjunction with the Commission.

General requirements. Requires the Commission to adopt rules to establish types of liability insurance it requires that the board of directors maintain. Adds the Commission to the entities to whom no civil liability attaches, individually or collectively, for any acts or omissions of charter schools. Requires a charter school to conduct the student assessments required for charter schools by the Commission (current law requires charter schools to conduct student assessments as required by the State Board of Education).

Provides criteria to clarify the status of employees of charter schools for purposes of the salary schedule, longevity pay, and rate of earned leave. Also addresses the status of employees who leave employment at a charter school to return to a local school administrative unit. Makes an exception to classify employees of charter schools created by a local board that serves as board of directors for that charter school, as employees of the local school administrative unit where the charter school is located.

Admission requirements. Permits a charter school that cannot enroll sufficient students who live in North Carolina to enroll students who are not domiciled in this state and charge those students tuition equal to the amount of the per pupil allocation of the county where the charter school is located and the amount of the state per pupil appropriation for that school year. Limits the number of students who are not domiciled in the state to no more than 10% of the total number of students enrolled in the charter school.

Provides that a public school that converts to a charter school is to adopt a policy that gives enrollment preference to students who live within the former attendance area of the public school for at least the first two years that the charter school operates.

Clarifies that none of the statutory admission requirements prohibit the formation of a charter school to serve special populations. Also clarifies that charter schools are not required to provide transportation for students.

State and local funds for a charter school. Permits the use of state funds to acquire equipment, real property, buildings, and mobile classrooms for school facilities and to enter into operational and financing leases for equipment. Provides that a per-pupil local current expense appropriation that consists of revenue derived from supplemental taxes would be transferred to a charter school for students residing within the tax district for which the taxes are levied. Requires local school administrative units (LEAs) to provide an accounting of the local current expense fund to be transferred to charter schools within 15 days of the appropriation. Assesses a penalty on LEAs for failing to comply with the deadlines. Provides that counties may appropriate funds to charter schools for specified purposes that include acquisition of real property, facilities, and furnishings for school purposes.

Requires the State Board of Education to direct DPI to provide guidance and technical assistance on request to *existing charter schools* as well as applicants or potential applicants for charters.

Repeals GS 115C-238.29I (notice of the charter school process; review of charter schools; Charter School Advisory Committee) to make conforming changes. Makes additional conforming changes and technical corrections to Part 6A of GS Chapter 115C, Article 16.

Uniform budget format. Current law requires LEAs to have the State Public School Fund, the local current expense fund, and the capital outlay fund. Also authorizes LEAs to have other funds to be used for such purposes as reimbursements, tuition, and sales tax refunds. Amends GS 115C-426 to prohibit the use of other funds except

if such use is necessary to comply with donor requirements and restricted federal grants and would remove special programs as a use of other funds. Effective when the act becomes law.

Lottery funds. Amends GS 115C-546.2 to permit counties to allocate a portion of the lottery funds for school construction to charter schools. Permits charter schools to use the funds to pay for school construction projects or retire debt incurred after July 1, 2011.

Amends GS 105-278.4 to provide tax exemptions for certain real property used wholly and exclusively by a charter school, whether or not the charter school is the owner.

Amends GS 114-19.2 to authorize the Department of Justice to conduct criminal history checks of charter school employees or persons who have applied for employment at a charter school, providing that the employee or applicant consents to the record check. Provides that any information collected in the criminal background check is to be kept confidential by the Commission.

Enacts GS 153A-457 to authorize counties to appropriate funds for capital needs for charter schools and to lease real property to charter schools. Amends GS 153A-149(c) to authorize counties to levy property taxes for the capital funding authorized in GS 153A-457 as amended.

Under current law, Section 7.17(b) of SL 2010-31 (the Appropriations Act of 2010) provided that LEAs that had not fully complied with local requirements for funding charter schools and who are subject to a judgment, court order or settlement agreement were permitted to make payments over three years. Repeals Section 7.17(b) of SL 2010-31 and Section 3.2 of SL 2010-123 (Budget Technical Corrections), which referenced Section 7.17(b) and instead requires that LEAs amend their 2010-11 budget resolutions to comply with GS 115C-426 (uniform budget format) as amended in this act. Provides that if an LEA does not amend its budget resolution for the 2010-11 fiscal year or in future years, it will be deemed to have made the amendments for purposes of compliance with GS 115C-238.29H(b) as amended by this act. Effective when the act becomes law.

Requires the State Board of Education to repeal all adopted policies that are inconsistent with this act. Requires the Commission to report annually to the Joint Legislative Education Oversight Committee on its strategic vision and the status of the charter school by October 15, beginning in 2012.

Unless otherwise indicated, this act becomes effective July 1, 2011.

Previously: Education
Now: Education; Budget and
Appropriations; Local Government

S 46. SURRY FOX AND COYOTE TAKING SEASON. Filed 2/8/11. Senate committee substitute makes the following changes to 1st edition. Provides for open season for taking foxes and coyotes in Surry County with lawful weapons or traps (was, taking by trapping). Makes a conforming change to the title.

Surry

S 55. INCREASE PROPERTY TAX APPEALS EFFICIENCY. Filed 2/9/11. Senate committee substitute makes the following changes to 1st edition.

Deletes the provisions of the 1st edition and instead amends GS 105-322 to incorporate the provisions of the 1st edition into the statute. Retains provision repealing SL 1981-509 and clarifies that the repeal becomes effective only upon adoption of a board resolution, as allowed in amended GS 105-322.

Mecklenburg

Index by Keyword

Agriculture, Environment, and Natural Resources

H 116, 3

H 119, 4

Budget and Appropriations

S 8, 14

Business and Commerce

H 115, 3

H 124, 6

H 122, 6

Courts

H 112, 1

Criminal Law, Procedure, and Sentencing

H 113, 2

S 77, 7

Education

H 120, 4

H 48, 12

S 8, 14

Elections Law

H 114, 2

Energy and Utilities

H 117, 3

Forsyth	Mecklenburg
H 118, 7	S 55, 14
S 80, 7	Property, Land Use and Housing
General Assembly	H 123, 6
H 121, 4	Taxation
H 19, 12	H 124, 6
Health, Social Services, and Aging	H 123, 6
H 114, 2	H 122, 6
H 115, 3	Transportation
H 120, 4	H 113, 2
H 2, 11	S 78, 7
Local Government	S 79, 7
H 117, 3	Trusts, Estates and Wills
S 8, 14	H 124, 6

Notes

None

NEXT SESSIONS

February 17, 2011

HOUSE convenes at 11:00 a.m.

SENATE convenes at 11:00 a.m.