

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 23

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 239. [GRANDPARENTS' VISITATION RIGHTS](#). Filed 3/4/11. *TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW REGARDING GRANDPARENT VISITATION.*

Amends GS 50-13.2A to direct the court to determine grandparent visitation rights on a case-by-case basis, including the time, place, and circumstances of visitation. Specifies that visitation does not include custody for the purposes of GS 50-13.2A. Clarifies that a court may award visitation rights *only* if visitation is in the best interest of the child. Instructs the court to consider each of seven enumerated criteria when determining the best interest of the child. States that there is a rebuttable presumption that grandparent visitation is not in the best interest of the child, if the child's biological parents agree that the grandparent should not receive visitation rights. Makes technical and clarifying changes. Deletes conditional language placed on a child, in relation to grandparent's visitation rights, and makes a conforming change to the section heading.

Amends GS 50-13.2(b1) and 50-13.5(j) to delete the description of *grandparent*, as used in those subsections.

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Applies to actions for visitation rights commenced on or after the date the act becomes law.

**Intro. by Brisson, Howard,
Hurley.**

GS 50

Family Law

H 240. INTRASTATE COMMERCE ACT. Filed 3/4/11. *PROTECTING INTRASTATE COMMERCE.*

Enacts new Article 45, the *Intrastate Commerce Act*, GS Chapter 66 to provide that all goods grown, manufactured, or made in North Carolina and all services performed in North Carolina, will not be subject to federal authority pursuant to the Commerce Clause when the goods or services are sold, maintained, or retained in North Carolina. Applies to goods and services that are produced and retained in North Carolina on or after December 1, 2011.

Prohibits any federal official, agent, or employee from enforcing or attempting to enforce a federal law or regulation in violation of proposed Article 45 and makes such violation a Class H felony. Makes violations by a state or local government officer or employee in North Carolina a Class 2 misdemeanor. Specifies that the penalties for violations become effective only if Section 5 of Article I of the NC Constitution is amended.

Effective December 1, 2011.

Intro. by Bradley.

GS 66

Business and Commerce;
Constitutional Amendment

H 241. NORTH CAROLINA FIREARMS FREEDOM ACT. Filed 3/4/11. *EXEMPTING FROM FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE UNITED STATES CONSTITUTION A FIREARM, A FIREARM ACCESSORY, OR AMMUNITION MANUFACTURED AND RETAINED IN NORTH CAROLINA.*

Enacts the *North Carolina Firearms Freedom Act*. Provides declarations of authority for this act, specifying the 2nd, 9th, and 10th amendments to the federal Constitution, the Federalist Papers (specifically Madison #46 and Hamilton #29), the natural law of logic, and Section 30 of Article I of the North Carolina Constitution and Declaration of Rights.

Defines the following terms as they apply in this act: (1) *firearms accessories* means items that are used in conjunction with or mounted on a firearm but are not essential to the basic function of a firearm; (2) *generic and insignificant parts* includes but is not limited to springs, screws, nuts, and pins; and (3) *manufactured* means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness.

Provides that federal law and regulation under the authority of Congress to regulate interstate commerce, including federal law regarding registration of firearms, does not apply to (1) personal firearm, (2) a firearm accessory, or (3) ammunition that is manufactured commercially or privately in North Carolina and that remains within the borders of the state. Declares that these items have not traveled in interstate commerce and are under the direct power of the 10th Amendment of the federal Constitution and the power to regulate these items is reserved to the state. Clarifies that the above prohibition from federal regulation applies to items manufactured in North Carolina without inclusion of any significant parts imported from another state. Specifies that generic and significant parts that may be used for other manufacturing or consumer product applications are not firearms, firearm accessories, or ammunition and their importation and use in a firearm, a firearm accessory, or ammunition manufactured in this state does not make these items subject to federal regulation. Provides additional clarification as to the materials and their use in firearms, firearms accessories, and ammunition and the determination of whether the items are subject to federal regulation.

Provides that the prohibitions against regulation under federal law do not apply to (1) a firearm that cannot be carried and used by one person; (2) a firearm with a bore diameter greater than one and one-half inches and that uses smokeless powder, not black powder, as a propellant; (3) ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; and (4) a firearm that discharges two or more projectiles with one activation of the trigger or other firing device.

Requires that a firearm manufactured or sold in this state under this act must have the words "Made in North Carolina" clearly stamped on a central metallic part. Requires that ammunition sold or manufactured in this state under this act must have the words "Made in North Carolina" stamped on the packaging at the time of sale but does not require the stamp to be on the ammunition itself.

Prohibits public employees employed at the federal, state, or local levels from enforcing the provisions of the federal statutes upon firearms and produce in intrastate commerce within North Carolina. Makes a violation of this prohibition a Class 1A misdemeanor. Specifies that public employees include but are not limited to agents of the (1) FBI; (2) Department of Homeland Security; (3) Bureau of Alcohol, Tobacco, Firearms and Explosives; (4) State Bureau of Investigation; (5) Highway Patrol; (6) sheriff's departments; and (7) municipal and county police departments. This prohibition is effective only if Section 5 of Article 1 of the North Carolina Constitution is amended so that it does not conflict with this act.

Provides that the Governor and Attorney General may each enforce the provisions of this act in court by seeking injunctive and other relief.

Provides that this act applies to firearms, firearm accessories, and ammunition manufactured and retained in North Carolina after the date this act becomes law.

Intro. by Bradley.

UNCODIFIED

Business and Commerce;
Constitutional Amendment

H 242. NAT'L GAS EXPLORATION/ BONDS. Filed 3/7/11. *TO INCREASE THE AMOUNT OF THE BOND REQUIRED UPON REGISTRATION IN ORDER TO DRILL FOR OIL OR NATURAL GAS IN THE STATE.*

Amends GS 113-378 as the title indicates. Increases the amount of the bond to \$10,000 (was, \$5,000).

Intro. by Stone, Gillespie.

GS 113

Energy and Utilities

H 243. CERTIFICATES UNDER SEAL IN INDIGENT CASES/FEE. Filed 3/7/11. *TO CLARIFY THAT THE FEE CHARGED BY THE CLERK OF SUPERIOR COURT FOR CERTIFICATES UNDER SEAL IS WAIVED FOR APPOINTED ATTORNEYS REPRESENTING INDIGENT CLIENTS.*

Amends GS 7A-308(b1) (pertaining to fees collected by the clerk of superior court) to provide as title indicates. Applies to fees assessed or collected on or after July 1, 2011.

Intro. by Jackson.

GS 7A

Courts

H 244. STATE HEALTH PLAN/ADD STERLING MONTESSORI. Filed 3/7/11. *TO AUTHORIZE STERLING MONTESSORI ACADEMY AND CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

As title indicates. Allows Sterling Montessori Academy and Charter School to elect to become a participating employing unit in the State Health Plan for Teachers and State Employees pursuant to Article 3A of GS Chapter 135, provided the election occurs within 30 days after this act becomes law.

Intro. by Murry.

UNCODIFIED

Education; Health, Social Services,
and Aging

H 246. MODIFY HOMESTEAD PROPERTY TAX EXCLUSION. Filed 3/7/11. *TO INCREASE THE INCOME ELIGIBILITY LIMIT OF THE HOMESTEAD EXCLUSION.*

Amends GS 105-277.1(a2) (concerning the property tax homestead exclusion for the elderly and disabled) to increase the income eligibility limit for the homestead exclusion from \$25,000 to \$35,000, for the taxable year beginning on July 1, 2011. For taxable years beginning on or after July 1, 2012 (currently, July 1, 2009), the income eligibility limit is the amount for the previous year, adjusted as indicated. Amends the definition of *income* to deduct an applicant's short and long term capital losses, subject to specified limitations, in computing income.

Effective for taxes imposed for taxable years beginning on or after July 1, 2011.

Intro. by Adams, Wainwright.

GS 105

Property, Land Use, and Housing;
Taxation

SENATE BILLS

S 228. HONOR GIRL SCOUTS (=H 230). Filed 3/7/11. *HONORING JULIETTE GORDON LOW, FOUNDER OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA, DURING GIRL SCOUTS WEEK.* Identical to H 230, filed 3/3/11.

Intro. by Preston.

SENATE RES

General Assembly

S 229. TRANSFER DENR SOIL & WATER TO DACS. Filed 3/7/11. *TO TRANSFER THE DIVISION OF SOIL AND WATER CONSERVATION AND THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.*

Transfers the Division of Soil and Water Conservation from the Department of Environment and Natural Resources (DENR) to the Department of Agriculture and Consumer Services (DACs) as the title indicates. Recodifies Part 7 of Article 7 of GS Chapter 143B as Article 71 of GS Chapter 106, and accordingly recodifies GS 143B-294 through GS 143B-297.1 as GS 106-840 through GS 106-844. Makes conforming changes to the following statutes: 143B-279.3(a) and (b), 106-840, 106-841, 139-3(4), 139-4(d) and (e), 139-5(d) and (e), 139-7, 139-8(a)(13), 139-13, 143-215.10A, 143-215.10C(e)(6), 143-215.10D, and 143-215.10M(a).

Recodifies Part 9 of Article 21 of GS Chapter 143 as Article 72 of GS Chapter 106 and accordingly recodifies GS 143-215.74, 143-215.74A, and 143-215.74B as GS 106-850, 106-851, and 106-852. Makes conforming changes as necessary to reflect the recodification.

Recodifies Part 11 of Article 21 of GS Chapter 143 as Article 73 of GS Chapter 106 and accordingly recodifies GS 143-215.74M as GS 106-860. Makes conforming changes as necessary to reflect the recodification.

Additionally, makes conforming changes to GS 106-860(e), 113-291.10(a), and 106-743.4(b).

Directs the Revisor of Statutes (Revisor) to make the necessary conforming statutory changes to reflect the transfers provided in this act. Authorizes the Revisor to correct any references as necessary to the statutes recodified by this act and any other conforming changes necessitated by this act.

Effective July 1, 2011.

Intro. by East, Rouzer, Jackson. GS 106, 113, 139, 143B

Agriculture, Environment, and
Natural Resources

S 230. PEDORTHIST LICENSURE. Filed 3/7/11. *TO ESTABLISH THE PEDORTHIST LICENSURE ACT.*

Enacts new Article 12B, the *Pedorthist Licensure Act*, in GS Chapter 90. Defines the *practice of pedorthics* as the design, manufacture, modification, or fit of custom shoes, orthoses, and pedorthic devices to prevent or alleviate foot problems caused by disease, congenital defect, overuse, or injury. Provides additional definitions for terms used in the proposed Article. Requires that any person practicing or offering to practice pedorthics, on or after January 1, 2012, be licensed under proposed Article 12B.

Creates the seven- member North Carolina Pedorthist Licensure Board (Board). Provides criteria for member terms, the filling of vacancies, removal of members, qualification and compensation of members, the election of officers, and meetings.

Sets forth the powers and duties of the Board. Also provides licensure qualifications for pedorthists. Provides circumstances under which the Board may engage in reciprocity to grant a license to an applicant who holds a valid pedorthist license, certificate, or registration from another state. Sets fees for licensing and license renewal. Provides criteria for license renewal. Authorizes the Board to engage in disciplinary actions, including revoking and suspending an application or license, and details instances that may serve as the basis for disciplinary action. Also provides that the Board has the authority to reinstate a revoked license if it finds that the reason for the revocation no longer exists.

Authorizes the Board to apply to the superior court for injunctive relief against a person who is in violation of or about to violate the proposed Article. Also provides that a violation of the proposed Article is a Class 1 misdemeanor with a civil penalty of not more than \$1,000 for each violation.

Specifies that a person who submits proof to the Board verifying that the person has been actively engaged in business as a pedorthist in NC for at least three consecutive years before the effective date of this act and pays the required licensing fee can be licensed without having to satisfy the requirements of new GS 90-202.26 (qualifications for licensure). States that any person who does not apply to the Board within one year of the effective date of this proposed act is required to meet all of the licensing requirements of the Board and the provisions of new GS 90-202.26.

Specifies that the initial pedorthists appointed to the Board need not meet the licensure requirements in the proposed Article, but must be pedorthists certified by the Board for Certification in Pedorthics and must apply for and obtain a license within 90 days after the Board begins issuing licenses.

Intro. by Hartsell.

GS 90

Employment and Retirement;
Business and Commerce

S 231. INTERCONNECTION OF PUBLIC WATER SYSTEMS. Filed 3/7/11. *REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE WITH DRINKING WATER RULES AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.*

Rewrites GS 130A-317(c) and (d) and GS 143-215.1(b)(4) and (f), as title indicates. Enacts new GS 143-215.1(b)(6) and (7) to provide that no permit for a new or expanded municipal or human waste treatment system may be issued unless the applicant (1) has adopted a plan to implement a program to reduce demand and manage existing capacity by reducing or eliminating stormwater and groundwater infiltration and intrusion into collection lines, (2) submits an analysis of reasonable alternatives to the proposed new or expanded system, and (3) can demonstrate that the proposed new or expanded waste treatment facility will be designed and constructed to accommodate eventual interconnection with adjoining or regional systems. Requires the Commission for

Health Services and the Environmental Management Commission to adopt rules implementing the act by October 1, 2011.

Intro. by Hartsell.

GS 130A, 143

Agriculture, Environment, and Natural Resources; Health, Social Services, and Aging

S 232. DELINEATE COASTAL WETLANDS RIPARIAN BUFFERS (=H 116). Filed 3/7/11. *REGARDING THE DELINEATION OF PROTECTIVE RIPARIAN BUFFERS FOR COASTAL WETLANDS IN THE NEUSE RIVER AND TAR-PAMLICO RIVER BASINS.* Identical to H 116, filed 2/16/11.

Intro. by Rouzer.

GS 143

Agriculture, Environment, and Natural Resources

S 233. EXPAND CHARITABLE PROPERTY TAX EXEMPTION (=H 179). Filed 3/7/11. *TO MODIFY THE EXEMPTION FOR PROPERTY USED FOR CHARITABLE PURPOSES.* Identical to H 179, filed 2/24/11.

Intro. by Rouzer.

GS 105

Taxation; Business and Commerce

S 235. SUSPEND MOTOR FUEL EXCISE TAX WITH AN OFFSET. Filed 3/7/11. *TO SUSPEND THE MOTOR FUEL EXCISE TAX WITH AN OFFSET.*

As the title indicates. Repeals Part 3 (Tax and Liability) of Article 36C (Gasoline, Diesel, and Blends) of GS Chapter 105. Also repeals the following statutes: 105-123, 105-449.38, 105-449.60(32), 105-449.90(b), 105-449.90(d)(6) and (7), 105-449.106, 105-449.107, and 105-449.136.

Amends GS 150B-2 to make a conforming change. Provides whereas clauses.

Effective July 1, 2011.

Intro. by Rouzer.

GS 105, 150B

Taxation; Transportation

S 239. FOOD BANK FUNDS. Filed 3/7/11. *TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS.*

Appropriates \$1 million for 2011-12 and \$1 million for 2012-13 from the General Fund to the Department of Health and Human Services to provide additional funding to state food banks. Requires that the funds be allocated equally among six listed food banks. Effective July 1, 2011.

Intro. by Purcell.

APPROP

Budget and Appropriations

S 240. FUNDS/JUSTUS-WARREN TASK FORCE RECS. Filed 3/7/11. *TO APPROPRIATE FUNDS FOR HEART/STROKE COMMUNITY EDUCATION AND TO APPROPRIATE FUNDS FOR THE STROKE ADVISORY COUNCIL, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.*

Appropriates \$400,000 for 2011-12 and \$400,000 for 2012-13 from the General Fund to the Department of Health and Human Services, Division of Public Health (Division), to be allocated to the Heart Disease and Stroke Prevention Branch for continuation of education campaigns and communication strategies in partnership with the American Heart Association/American Stroke Association on stroke signs and symptoms and the importance of immediate response.

Appropriates \$50,000 for 2011-12 and \$50,000 for 2012-13 from the General Fund to the Division to be allocated for continued operations of the Stroke Advisory Council.

Effective July 1, 2011.

Intro. by Purcell, Bingham, Forrester.

APPROP

Budget and Appropriations; Health, Social Services, and Aging

S 241. INCREASE DWI PENALTY/CHILD IN VEHICLE. Filed 3/7/11. *TO REQUIRE THAT DWI SENTENCING BE AT LEVEL ONE IF THE OFFENSE OCCURS WITH A CHILD LESS THAN SIXTEEN YEARS OF AGE IN THE VEHICLE.*

Amends GS 20-179(c) (determining existence of grossly aggravating factors in impaired driving hearing) as title indicates. Makes a conforming change to remove the factor of driving with a child under 16 years of age in the vehicle from the list of grossly aggravating factors required for consideration. Applies to offenses committed on or after December 1, 2011.

Intro. by Purcell, Allran, Atwater.

GS 20

Criminal Law, Procedure, and Sentencing; Transportation

S 242. LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY (=H 218). Filed 3/7/11. *TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.* Identical to H 218, filed 3/2/11.

Intro. by Purcell, Preston, Tillman. STUDY General Assembly; Health, Social Services, and Aging; Children and Juvenile Law

S 243. PUBLIC-PRIVATE PARTNERSHIP FOR SCHOOLS. Filed 3/7/11. *TO EXTEND THE SUNSET ON THE LAW ALLOWING CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS.*

Amends Section 3 of SL 2006-232, as title indicates, to extend the sunset date to July 1, 2015 (currently, July 1, 2011).

Intro. by Stevens. UNCODIFIED Education

S 244. FIRE AND RESCUE/SURVIVOR'S BENEFIT. Filed 3/7/11. *TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE KILLED IN THE LINE OF DUTY.*

Amends GS 128-27(m), as title indicates, to extend the survivor's alternate benefit to a firefighter or rescue squad worker who obtained 15 years of service and was killed in the line of duty. Amends GS 128-21 to provide definitions for *firefighter* and *rescue squad worker*.

Effective July 1, 2011.

Intro. by Brunstetter. GS 128 Emergency Services; Employment and Retirement

S 245. MEDICAID BILLING BY LOCAL HEALTH DEPARTMENTS. Filed 3/7/11. *TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH.*

Amends GS 130A-45.01 to add definitions for the following terms as used in proposed GS 130A-45.14, *local health department billing of Medicaid*, (1) aggregate data, (2) encounter level data, and (3) public health program services. Defines Health Information System (HIS) to mean the system operated by the North Carolina Division of Public Health and used by local health departments to record information about services the local health departments provide.

Enacts new GS 130A-45.14 to permit local health departments to bill public health program services to Medicaid by submitting claim data (1) to HIS and manage 837/835 billing files within HIS; or (2) to any approved Medicaid clearinghouse and manage 837/835 billing files within that system. Provides additional criteria regarding requirements for local health departments and reimbursement rates. Effective October 1, 2011.

Intro. by Hartsell. GS 130A Health, Social Services, and Aging; Local Government

S 246. EXPAND PHARMACISTS' IMMUNIZING AUTHORITY. Filed 3/7/11. *TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.*

Enacts new GS 90-85.3A in Article 4A of GS Chapter 90 to authorize a pharmacist who meets four specified criteria, to administer any vaccine or immunization recommended or required by the Centers for Disease Control and Prevention, provided the pharmacist follows the listed limitations and requirements.

Deletes the description of *practice of pharmacy* in GS 90-85.3(r), and incorporates those provisions into new GS 90-85.3A. Makes a conforming change.

Makes conforming changes to GS 130A-153 and 130A-154(a) (pertaining to immunizations under the Public Health Law).

Effective October 1, 2011.

Intro. by Hartsell. GS 90, 130A Health, Social Services, and Aging

S 247. ELIMINATE MEANS TEST FROM 529 DEDUCTION. Filed 3/7/11. *TO ELIMINATE THE INCOME THRESHOLD FOR CONTRIBUTIONS TO AN ACCOUNT IN THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY.*

Repeals Section 31.19(d) of SL 2007-323, as title indicates.

Intro. by Hartsell. UNCODIFIED Taxation

S 248. UPDATE ARCHAIC DISABILITY TERMS. Filed 3/7/11. *TO UPDATE CERTAIN TERMINOLOGY IN REFERENCE TO PERSONS WITH DISABILITIES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends GS 1-255, GS 43-12, and Rule 601 of the Rules of Evidence, to replace the terms infant with minor, lunatic with an incompetent person, and insolvent with an insolvent person. Further amends Rule 601 to replace committee with guardian. Amends GS 14-113 to replace the terms dumb with mute and physically defective with physically disabled. Directs the State Banking Commission to revise the definition of fiduciary to no longer include the word lunatics when it next amends 04 NCAC 03D .0301. Makes other technical changes.

Intro. by Hartsell.

GS 1, 8C, 14, 43

Civil Law and Procedure; Courts;
Criminal Law, Procedure, and
Sentencing; Banking and Finance

S 249. RESTORE CIGARETTE TAX STAMPS. Filed 3/7/11. *TO IMPROVE THE ENFORCEMENT OF THE CIGARETTE EXCISE TAX AND TO DETER THE UNLAWFUL SALE OF NON-TAX-PAID CIGARETTES BY REINSTATING THE REQUIREMENT THAT CIGARETTES BEAR A STAMP INDICATING PAYMENT OF THE TAX.*

Enacts new GS 105-113.8A to require that a heat transfer tax stamp be marked on a package of cigarettes subject to tax in North Carolina to indicate if the pack of cigarettes is taxable under state law. Makes it unlawful for a person who is not a licensed distributor (1) to receive or possess a package of unstamped cigarettes or (2) to place a stamp on a pack of cigarettes. Requires a licensed distributor who receives a package of unstamped cigarettes to place a stamp on the package within 48 hours of receipt exclusive of Saturdays, Sundays, and legal holidays. Makes the licensed distributor responsible for placing the stamp on the package in a manner that ensures that the stamp cannot be removed without being mutilated or destroyed. Makes it the responsibility of the Secretary of the Department of Revenue (Secretary) to arrange for the manufacture and sale of the stamps and to keep a record of the stamps transferred to a licensed distributor.

Amends GS 105-113.9 regarding the setting aside of unstamped cigarettes by licensed distributors engaged in interstate business. Amends GS 105-113.10 to specify exceptions when a licensed distributor may ship a package of unstamped cigarettes. Also allows a manufacturer delivering cigarettes to another licensed distributor to be relieved of paying tobacco products tax, with the Secretary's approval, when a manufacturer (1) ships unstamped cigarettes directly to a licensed distributor or (2) delivers unstamped cigarettes to a licensed distributor at the manufacturer's place of business if the manner of delivery or receipt is approved.

Amends GS 105-113.18 to require that a distributor pay the tax levied on the sale or possession of a package of cigarettes via the stamp that the distributor must obtain and place on the cigarettes. Provides that a person who is not a distributor pays the levied tax when that person is required to file a report. Provides guidelines for reports that must be filed with the Secretary. Requires that a person who is not a distributor who acquires a package of unstamped cigarettes for sale use or consumption that are subject to the tax must file a report within 96 hours after receiving the package of cigarettes. Requires a person who is not a licensed distributor who is engaged in transporting cigarettes on the state's public roadways to file a report upon notice from the Secretary.

Amends GS 105-113.21 to make a distributor eligible for a discount of 0.9 cents of the charge for every stamp purchased to cover the distributor's expenses in placing the stamps on the cigarettes and maintaining the required records. Provides that a distributor may apply for a refund for unused or mutilated stamps or for stale product.

Amends GS 105-113.33 to make forging a stamp or knowingly placing a forged stamp on a package of cigarettes a Class H felony.

Makes additional technical corrections and conforming changes.

Requires a distributor who has unstamped cigarettes on hand as of the effective date of the act to stamp the cigarettes as required by the act within 48 hours of the effective date.

Effective July 1, 2011.

Intro. by Hartsell.

GS 105

Taxation

Local Bills

HOUSE BILLS

H 245. RICHMOND/DEER HUNTING WITH DOGS. Filed 3/7/11. *TO REGULATE DEER HUNTING WITH DOGS IN RICHMOND COUNTY.*

Sets forth criteria applicable to hunters using the Dog Deer Hunting Area and to dogs used in the hunt. Defines *Dog Deer Hunting Area* (DDHA), and other terms used in the act. Lists eight acts prohibited in relation to hunting and to hunting in a DDHA. Delineates penalties for violations, and provides for enforcement by law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and peace officers.

Applies only in the area of Richmond County in which deer hunting with dogs is allowed under SL 1985-869, as amended.

Applies to acts committed on or after September 1, 2011.

Intro. by Goodman.

RICHMOND

Richmond

SENATE BILLS

S 234. 12TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/7/11. *RELATING TO THE 12TH SENATORIAL DISTRICT.* Blank bill.

Intro. by Rouzer.

JOHNSTON, WAYNE

Johnston; Wayne

S 236. 9TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/7/11. *RELATING TO THE 9TH SENATORIAL DISTRICT.* Blank bill.

Intro. by Goolsby.

NEW HANOVER

New Hanover

S 237. INCORPORATE CASTLE HAYNE. Filed 3/7/11. *TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO A REFERENDUM.*

Subject to approval by voters on November 8, 2011, incorporates the Town of Castle Hayne, describing the area to be incorporated by metes and bounds. The town is to be governed by a six-member town council and a mayor. Requires the election of the initial town council to take place at the same time as the election on whether to incorporate the town. Provides for the election and compensation of town council members, mayor, and mayor pro tempore. Provides for town administration. Provides for taxes, budget ordinances, and other ordinances. Includes special provisions regarding fire protection, law enforcement, and zoning, planning and inspection.

Intro. by Goolsby.

New Hanover

New Hanover

S 238. RICHMOND/DEER HUNTING WITH DOGS (=H 245). Filed 3/7/11. *TO REGULATE DEER HUNTING WITH DOGS IN RICHMOND COUNTY.* Identical to H 245, filed 3/7/11.

Intro. by Purcell.

RICHMOND

Richmond

ACTION ON BILLS

March 7, 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

H0002 **Protect Health Care Freedom.** H Vetoed 3/5/2011
 H Placed On Cal For 3/9/2011
 01-31-11, 02-02-11, 02-14-11, 02-16-11
 H0003 **Exclusionary Rule/Good Faith Exception.** S Passed 2nd & 3rd Reading
 02-09-11, 02-10-11
 H0007 **Comm. Colleges/Opt Out of Fed'l Loan Program.** H Amend Failed 1
 H Amend Failed 2

	H Amend Failed 3
	H Amend Failed 4
	H Passed 2nd Reading
	H Postponed To 3/8/2011
02-22-11	
#H0018 Restore Firearms Rights/Tech Corrections.	HR Ch. SL 2
02-09-11	
H0025 Lymphedema Awareness Day.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Rules and Operations of the Senate
H0048 No Standardized Testing Unless Req'd by Feds.	H Ratified
02-16-11	
H0090 Confectioners may use up to 5% Alcohol By Vol.	H Assigned To Commerce and Job Development Subcommittee on Alcoholic Beverage Control
H0092 Repeal Land Transfer Tax.	H Passed 2nd Reading
H0098 Breweries to Sell Malt Beverages on Premises.	H Assigned To Commerce and Job Development Subcommittee on Alcoholic Beverage Control
H0113 Motorcycle Safety Act.	S Rec From House
	S Passed 1st Reading
	S Ref to Transportation. If fav, re-ref to Finance
H0138 Amend Health Insurance Risk Pool Statutes.	H Passed 2nd & 3rd Reading
03-02-11	
H0152 Modify NCCGIA & GICC Enabling Law.	HA Reptd Fav Com Substitute
	H Re-ref Com On Appropriations
03-07-11	
H0167 Extend Assessment Refund Period.	HA Reptd Fav Com Substitute
	H Re-ref Com On Finance
03-07-11	
H0189 Require ABC Permittees to Be Tax Compliant.	H Assigned To Commerce and Job Development Subcommittee on Alcoholic Beverage Control
H0230 Honor Girl Scouts.	H Passed 1st Reading
	H Cal Pursuant 32(a)
	H Placed On Cal For 3/8/2011
H0232 Safe Driver Incentive Plan Changes.	H Passed 1st Reading
	H Ref To Com On Insurance
H0233 Department of Correction/Ex- Offenders.	H Passed 1st Reading
	H Ref To Com On Government
H0234 Juror Qualifications/ Disabilities.	H Passed 1st Reading
	H Ref To Com On Judiciary Subcommittee A
H0235 Bonnie's Law.	H Passed 1st Reading
	H Ref To Com On Rules, Calendar, and Operations of the House
H0237 Economic Impact/Regulatory Legislation.	H Passed 1st Reading
	H Ref To Com On Commerce and Job Development
H0238 State Health Plan/Repeal	H Passed 1st Reading

Penalties.	H	Ref to the Com on Health and Human Services, if favorable, State Personnel
H0242 Nat'l Gas Exploration/Bonds.	H	Filed
H0243 Certificates Under Seal in Indigent Cases/Fee.	H	Filed
H0244 State Health Plan/Add Sterling Montessori.	H	Filed
H0246 Modify Homestead Property Tax Exclusion.	H	Filed
S0018 Clarify Definition/Jud. District/State Bar.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
03-07-11		
S0022 APA Rules: Increasing Costs Prohibition.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
02-08-11, 02-09-11, 03-07-11		
S0027 Involuntary Annexation Moratorium.	S	Passed 3rd Reading
02-22-11, 03-01-11		
S0031 Clarify Penalty Unauth. Practice of Medicine.	S	Passed 2nd & 3rd Reading
03-03-11		
S0033 Medical Liability Reforms.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
03-01-11, 03-02-11		
S0076 TC: Eligibility: Indus Facil/ Fix Uwharrie Com.	H	Passed 2nd & 3rd Reading
02-23-11		
S0077 MDPV/Schedule I Controlled Substance.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
03-01-11		
S0097 Clarify Refunds of Tax Overpayments.	H	Passed 2nd & 3rd Reading
S0109 Spending Cuts for the Current Fiscal Year.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
03-02-11		
S0198 Local Governments Fund Court Resources.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0199 Change Effective Date S.L. 2010-131.	S	Passed 1st Reading
	S	Ref To Com On Transportation
S0203 Set Aside Child Supp./Limited Circumstances.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0204 Public Entities & Contractors/ Use E-Verify.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0205 No Benefits for Illegal Aliens.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0207 Increase Statutory Homestead Exemption.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0208 Conform State Law to Lawrence v. Texas.	S	Passed 1st Reading
	S	Ref To Com On Rules and

		Operations of the Senate
S0209	Video Lottery Entertainment.	S Passed 1st Reading
		S Ref To Com On Commerce
S0210	Religious Orgs./ Clarify Prop. Tax Exemption.	S Passed 1st Reading
		S Ref To Com On Finance
S0211	Exempt Pallets for Ag Use From Sales Tax.	S Passed 1st Reading
		S Ref to Agriculture/ Environment/Natural Resources. If fav, re-ref to Finance
S0212	Cemeteries/Survey Stamp.	S Passed 1st Reading
		S Ref To Com On State and Local Government
S0213	Waccamaw River/Isolated River Basin.	S Passed 1st Reading
		S Ref To Com On Agriculture/ Environment/Natural Resources
S0214	Transportation Map Corridors/ Condemnation.	S Passed 1st Reading
		S Ref To Com On Transportation
S0215	State Treasurer's Investments.-AB	S Passed 1st Reading
		S Ref To Com On Pensions & Retirement and Aging
S0216	Increase Income Limit for Homestead Exclusion.	S Passed 1st Reading
		S Ref To Com On Finance
S0217	Promote Funding Availability.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0218	Study Expunction of Dismissals/NG Verdicts.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0219	OSP/Hiring of Ex-Offenders.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0220	General Statutes Comm/ Collateral Consequences.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0221	Department of Correction/Ex- Offenders.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0222	Ex-Offender Study Recommendations.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0223	AOC/Study Court Records.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0224	Professional Sports Agents/ College Athletes.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0225	Electoral Freedom Act of 2011.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0226	Repeal Land Transfer Tax.	S Passed 1st Reading
		S Ref to Finance. If fav, re- ref to Rules and Operations of the Senate
S0228	Honor Girl Scouts.	S Filed
S0229	Transfer DENR Soil & Water to	S Filed

DACS.

S0230	Pedorthist Licensure.	S	Filed
S0231	Interconnection of Public Water Systems.	S	Filed
S0232	Delineate Coastal Wetlands Riparian Buffers.	S	Filed
S0233	Expand Charitable Property Tax Exemption.	S	Filed
S0235	Suspend Motor Fuel Excise Tax With an Offset.	S	Filed
S0239	Food Bank Funds.	S	Filed
S0240	Funds/Justus-Warren Task Force Recs.	S	Filed
S0241	Increase DWI Penalty/Child in Vehicle.	S	Filed
S0242	Legislative Task Force on Childhood Obesity.	S	Filed
S0243	Public-Private Partnership for Schools.	S	Filed
S0244	Fire and Rescue/Survivor's Benefit.	S	Filed
S0245	Medicaid Billing by Local Health Departments.	S	Filed
S0246	Expand Pharmacists' Immunizing Authority.	S	Filed
S0247	Eliminate Means Test From 529 Deduction.	S	Filed
S0248	Update Archaic Disability Terms.	S	Filed
S0249	Restore Cigarette Tax Stamps.	S	Filed

LOCAL BILLS

H0134	Modify Carteret County Occupancy Tax.	H	Reptd Fav
		H	Re-ref Com On Finance
H0140	Oak Island/Recall Officials.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/8/2011
03-07-11			
H0170	Winston-Salem/Council Meetings.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/8/2011
H0171	Municipal Self-Annexations.	H	Reptd Fav
		H	Re-ref Com On Finance
H0231	Fayetteville's Gates Four Annexation Repeal.	H	Passed 1st Reading
		H	Ref to the Com on Government, if favorable, Finance
H0236	Biltmore Lake Annexation Repealed.	H	Passed 1st Reading
		H	Ref to the Com on Government, if favorable, Finance
H0245	Richmond/Deer Hunting With Dogs.	H	Filed
S0200	Alamance/Orange 9% Boundary.	S	Passed 1st Reading
		S	Ref to State and Local

		Government. If fav, re-ref to Finance
S0201 Alamance/Orange Boundary.	S	Passed 1st Reading
	S	Ref to State and Local Government. If fav, re-ref to Finance
S0202 6th Senatorial District Local Act.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0206 45th Senatorial District Local Act.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0227 Haywood Community College Leases.	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
S0234 12th Senatorial District Local Act.	S	Filed
S0236 9th Senatorial District Local Act.	S	Filed
S0237 Incorporate Castle Hayne.	S	Filed
S0238 Richmond/Deer Hunting With Dogs.	S	Filed

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 140. [OAK ISLAND/RECALL OFFICIALS](#). Filed 2/17/11. House committee substitute makes the following changes to 1st edition.

Clarifies that the recall provisions of this act apply to elected officials by replacing the word *official* wherever it occurs with the term *elected official*. Clarifies that if a recall petition under the provisions of subsection (d) of this act filed against an elected official is unsuccessful, then a subsequent recall petition may not be filed until at least six months after that recall election. Also clarifies that no recall petition may be filed under subsection (d) of this section during the first three months of the term of office of an elected official or during the six months before the expiration of the elected official's term of office. Provides that if a recall of all or a *majority* (was, all) of the members of the Town Council is in a single election the members of the Town Council continue in office only for the purpose of calling a special municipal election of their successors.

Brunswick

H 152. [MODIFY NCCGIA & GICC ENABLING LAW](#). Filed 2/21/11. House committee substitute makes the following changes to 1st edition. Further increases the membership of the NC Geographic Information Coordinating Council to 37 by adding the Executive Director of the State Board of Elections. Makes a technical change.

State Government

H 167. [EXTEND ASSESSMENT REFUND PERIOD](#). Filed 2/23/11. House committee substitute makes the following changes to 1st edition. Amends Section 7 of SL 2010-129 to remove the provision limiting applicability to assessments imposed before 2012.

Local Government

SENATE BILLS

S 18. [CLARIFY DEFINITION/JUD. DISTRICT/STATE BAR](#). Filed 2/1/11. Senate committee substitute makes the following changes to 1st edition.

Adds a new section amending GS 7A-142 (concerning district judge vacancies) to add that all members who reside in the district court district will participate in the selection of nominees when vacancies occur in District Court District 18 (Guilford County).

Employment and Retirement

S 22. APA RULES: LIMIT ADDITIONAL COSTS (NEW). Filed 2/1/11. House committee substitute makes the following changes to 3rd edition.

Amends proposed GS 150B-19(7) to clarify that an agency may not adopt a rule that results in substantial estimated additional costs (was, additional costs) as defined in proposed GS 150B-2(8c) to those subject to the rule, unless adoption of the rule is required to respond to one of the specified exceptions.

Adds new subdivision (8c) to GS 150B-2 defining *substantial estimated additional costs* to mean an aggregate financial impact on all persons subject to a proposed rule of at least \$500,000 in a 12-month period. Specifies factors to be used by an agency in analyzing substantial estimated additional costs. Sets the act to expire July 1, 2012 (was, January 1, 2013).

Makes conforming changes to the title to reflect the additional bill content.

APA/Rule Making; State
Government

Legislation Enacted

SL 2011-2 (H18). RESTORE FIREARMS RIGHTS/TECH CORRECTION. *AN ACT TO CLARIFY THE EFFECTIVE DATE FOR THE LAW REGARDING THE RESTORATION OF FIREARMS RIGHTS AND THE LAW AMENDING THE FELONY FIREARMS ACT TO ALLOW CERTAIN EXCEPTIONS THAT ARE SIMILAR TO THOSE ALLOWED UNDER FEDERAL LAW, AND TO CLARIFY THAT THE INFORMATION OBTAINED PURSUANT TO A CRIMINAL RECORD CHECK OF A PETITIONER FOR THE RESTORATION OF FIREARMS RIGHTS SHALL BE KEPT CONFIDENTIAL BUT IS NOT REQUIRED TO BE KEPT IN A SEPARATE CONFIDENTIAL FILE.* Summarized in *Daily Bulletin* 1/31/11 and 2/9/11. Enacted March 5, 2011. Effective March 5, 2011.

Criminal Law, Procedure, and
Sentencing; Courts

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Notes

None

NEXT SESSIONS

March 8, 2011

HOUSE convenes at 3:00 pm

SENATE convenes at 3:00 pm