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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 247. [ENHANCE CHARTER SCHOOL ACCOUNTABILITY](#). Filed 3/8/11. *TO ELIMINATE THE CAP ON CHARTER SCHOOLS, TO ESTABLISH THE NORTH CAROLINA CHARTER SCHOOL COMMISSION, TO PROVIDE FOR ENHANCED ACCOUNTABILITY FOR CHARTER SCHOOL ACADEMIC PERFORMANCE, AND TO MAKE OTHER CHANGES TO THE CHARTER SCHOOL STATUTES.*

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

Purpose. Amends GS 115C-238.29A to provide that the purpose of Part 6A of GS Chapter 115C is to establish a North Carolina Charter School Commission that will oversee and make recommendations to the State Board of Education (SBE) regarding a system of charter schools (was, stated the purpose as authorizing a system of charter schools). Reorganizes the list of purposes for the system of charter schools to provide that the purpose is to accomplish the following (was, accomplish *all* of the following): (1) improve student learning; (2) increase learning opportunities for all students, with a special emphasis on expanded learning experiences for students identified as at risk of academic failure or academically gifted; and adds as a new purpose, (3) prepare students for career or college. Declares that it is the intent of the General Assembly that in carrying out the stated

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purposes, charter schools may accomplish all of the following (previously included in the list of purposes) through their creation and operation: (1) encourage the use of different and innovative teaching methods; (2) create new professional opportunities for teachers and administrators (was, teachers); and (3) provide expanded choices in educational opportunities to parents and students. Requires that all schools established under Part 6A of GS Chapter 115C be held accountable for meeting measurable student achievement results. Deletes requirement to provide schools established under Part 6A with a method to change from rule based to performance based accountability systems.

Charter School Commission. Establishes the North Carolina Public Charter School Commission (Commission). Provides that the Commission is to exercise its powers and functions independently of the SBE and the Department of Public Instruction (DPI) except as otherwise provided. The duties and powers of the Commission include: (1) providing technical assistance through the Office of Charter Schools and DPI to charter school applicants and to approved charter schools under Part 6A; (2) recommending policies for adoption by the SBE regarding all aspects of charter school operation including criteria for approval of charter applications, monitoring of charter schools, and revocation of charters; (3) overseeing the process for accepting and approving applications for charters and making recommendations to the SBE for final approval of charter applications; (4) monitoring the operation of charter schools with the assistance and counsel of DPI staff; (5) recommending any actions regarding a charter school including renewals, nonrenewals, and revocation of charters to the SBE; and (6) undertaking any duties and responsibilities consistent with the specified powers and duties of the Commission or as directed by the SBE.

Requires that the Commission submit its recommendations to the SBE. Permits the SBE to accept or reject the recommendations. States that the SBE is not to make any substantive changes to initial recommendations from the Commission that the SBE adopts. Requires the SBE to state with specificity its reasons for rejecting a recommendation from the Commission. Allows the Commission to amend the rejected recommendation and resubmit it. Provides the SBE with final authority to adopt, amend, or reject recommendations from the Commission.

Makes the Commission subject to the provisions of GS Chapter 132 (Public records) and Article 33C of GS Chapter 143 (Meetings of Public Bodies).

Commission membership. Provides that the Commission is to have 13 members: four members appointed by the Governor, eight members appointed by the General Assembly, and one member appointed by the Superintendent of Public Instruction (Superintendent). 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 filling vacancies. Provides that each of the entities making appointments to the Commission is to have a goal of achieving a balanced membership reflecting the diversity of the state as a whole, geographically as well as educationally, to the maximum extent possible. Provides that the Superintendent is to designate a chairperson from the Commission membership and the designation is to be approved by a majority of the Commission members.

Requires that appointments be made by October 1, 2011. Amends GS 120-123 to prohibit a member of the General Assembly from serving on the Commission.

Eligibility and applications. Amends GS 115C-238.29B to modify 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 that establishes their qualifications for board membership. Additionally requires that the application include a chart that clearly presents the school's organizational structure, any plans the school may have for removing the need for transportation or food services as a barrier for attending the charter school, 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.

Directs the applicant to submit the application to the Commission (current law requires submitting applications to a chartering entity). Directs the Commission to review and evaluate the application and decide whether to give the application preliminary approval. Specifies that the SBE is to have final approval of the charter school application. 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 90 days of receiving the copy of the application.

Authorizes the Commission to determine the schedule, deadlines for submitting charter school applications, and the completeness of an application. Provides that an entity whose application is disapproved by the commission may appeal the decision to the SBE. Provides standards to be used by the SBE in reviewing the appeal.

Amends GS 115C-238.29D to place final approval of a charter application within the authority of the SBE. Provides that the SBE may (was, shall) grant final approval of a charter application if the SBE determines (was finds) that the application meets the requirements set out in Part 6A or adopted by the SBE and that granting the application would accomplish one or more of the purposes set out in GS 115C-238.29A as amended by this act. Directs the SBE to establish a timeline to take final action on applications declared complete under GS 115C-238.29C, (as amended by this act), and to make the timeline information available to all applicants (was, SBE had to act by March 15 of a calendar year on all applications and appeals received prior to February 15 of that calendar year).

Prohibits the SBE from approving an application for a virtual charter school. Defines a *virtual charter school* as a school with no physical facilities in this state that provides instruction to students via the Internet or other electronic means.

Requires the SBE to provide an applicant with the opportunity to request reconsideration of the SBE's decision disapproving an application. However, provides that the SBE is not required to reconsider an application that does not include any additional information that was not previously presented by the applicant to the SBE. Exempts a decision by the SBE disapproving an application from review under GS Chapter 150B.

Permits the SBE to include in the charter any standards or requirement it deems necessary to fulfill the purposes of Part 6A of GS 115C as well as other objectives set forth by the charter applicant.

Deletes current provisions regarding enrollment and growth and instead provides that projected charter school enrollment is to be annually determined as a part of the development of the Continuation Budget process. Provides that a charter school be allowed to increase enrollment and grades as requested unless the Commission, subject to approval by the SBE, finds that the any of the following is true, the charter school (1) is not meeting academic standards, (2) has not met established fiscal management standards, (3) lacks the capacity or capability to manage the growth, or (4) has not met other standards established and publicized by the Commission and the SBE.

Amends GS 115C-238.29E to make all charter schools approved by the State accountable to the SBE (was, charters receiving preliminary approval from a local board was accountable to local board and charter schools could choose to be accountable to local board where they were located rather than the state).

General Requirements. Amends GS 115C-238.29F to permit the Commission, subject to the SBE, to impose more stringent teacher certification requirements for a charter school that is low-performing under criteria developed by the SBE under GS Chapter 115C. Prohibits charter schools from employing as a teacher anyone whose certification has been revoked by the SBE. Requires the Charter school's board of directors to employ at least one person whose major function includes the direct or indirect supervision of teaching or any other part of the school's instructional program. Requires that the person hold or be qualified to hold a certificate in compliance with GS 115C-284 and the regulations of the SBE.

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. Provides that employees of a charter school are *teachers* for the purposes of membership in the North Carolina Teachers' and State Employees' Retirement system.

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 except as set out in the mission statement as included in the school charter that a charter school may not limit admission to students based on intellectual ability or measures of aptitude or achievement.

Deletes provision that allowed diversity requirements to be satisfied by the charter school having a population within one year after beginning operation that reflected the racial and ethnic composition of the special population that the school seeks to serve within the local school administrative unit (LEA) in which the school is located.

Transportation and Nutrition. Directs the SBE to withhold from the funds provided to charter schools under GS 115C-29H (state and local funds for a charter school) any categorical allotment for transportation unless the charter school provides transportation for its enrolled students who have a family income below 185% of the federal poverty level. Directs the charter school to develop a transportation plan to prohibit lack of transportation

from being a barrier to attendance for students with family income below 185% of the federal poverty level. Deletes provision stating that a charter school is not required to provide transportation to any student who lives within one and one-half miles of the school.

Requires a charter school to provide free and reduced priced meals to students with family income below 185% of the federal poverty level unless waived by the SBE upon a showing of extraordinary financial hardship by the charter school.

Causes for nonrenewal or termination; disputes. Amends GS 115C-238.29G to provide additional grounds for termination or nonrenewal of a charter by the SBE, or a chartering entity subject to the approval of the SBE. Adds as a basis for nonrenewal or termination of a charter, failure to make a good faith effort to achieve academic diversity, geographic distribution, or community needs or to remove economic barriers to attending the charter school. Requires that the SBE terminate or not renew the charter for a school that (1) fails to meet or exceed expected growth, as defined by the SBE under Article 8B of GS Chapter 115C, and (2) has a performance composite below 60% for two years in any three-year period. Provides that the SBE *may* terminate or not renew a charter if the charter school fails to meet or exceed expected growth, as defined by the SBE under the provisions of Article 8B of GS Chapter 115C, if the school has a performance composite below 70% for two years in any three-year period.

Provides that the SBE may issue a request for a proposal to replace the school's current board and administration for any charter school meeting either set of criteria for termination or nonrenewal of its charter if the school meets both of the following criteria: (1) it's operating at its maximum authorized enrollment; and (2) all the schools in the LEA where the charter school is located and serving the same grades as the charter school fail to meet or exceed expected growth and a performance composite below 75% for any two years in the prior three years.

Requires that the SBE include the test scores of any student who transfers from a charter school to a traditional public school in the 45 days prior to the administration of end-of-grade or end-of-course tests in the LEA in the charter school's composite test scores for purposes of calculating expected growth or performance composite data for the charter school.

The above provisions apply to school academic growth and performance composite data based on testing from the 2009-10 school year and any subsequent school year.

State and local funds for a charter school. Amends GS 115C-238.29H to provide that when a child enrolled in a charter school leaves that charter school for any reason and enrolls in a public school during the same school year, the charter school is required to return a pro rata amount of funds allocated for that child to the SBE and the SBE is to reallocate those funds to the LEA in which the public school is located.

Reporting requirement. Directs the Commission, beginning in 2012, to prepare an annual report to the Joint Legislative Education Oversight Commission no later than October 15 of each year. Provides for the minimum content of the report to include (1) the Commission's strategic vision and plan for charter schools, (2) the academic and financial performance of all operating charter schools, (3) the status of the Commission's charter school portfolio, and (4) composite annual data disaggregated by charter school on the gender, race and ethnicity and disability status of students enrolled in charter schools; testing data disaggregated by the purpose of the charter school and by gender, race and ethnicity, and disability; the number of students long-term suspended and expelled; the number of students receiving a free and reduced meal plan through a federal subsidy program or through means other than a federal subsidy program; and the number of students receiving special education services.

Repeals GS 135-5.3, (regarding optional participation for charter schools operated by private nonprofit corporations in the state retirement plan), and GS 135-45.5 (regarding optional participation for charter schools operated by private nonprofit corporations in the state health plan). Makes additional conforming changes.

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

Intro. by Glazier, Cotham, Rapp, Lucas. GS 115C, 120, 135 Education

H 248. ESTABLISH TAX MODERNIZATION COMMISSION. Filed 3/8/11. *TO ESTABLISH THE TAX MODERNIZATION COMMISSION AND TO ENSURE THAT RECOMMENDATIONS ADOPTED BY THE COMMISSION ARE INTRODUCED AND PLACED ON THE CALENDAR TO BE HEARD IN AN EXPEDITIOUS AND TIMELY MANNER.*

Establishes the 30-member Tax Modernization Study Commission (Commission), consisting of Governor appointees, members of the House of Representatives, and members of the Senate. Establishes the Commission's five duties, including examining current income tax rates to determine whether the rate is negatively impacting our competitive position, determining whether the tax bases should be broadened to allow for a revenue-neutral modernization, and evaluating the state's current system of economic incentives to ensure a

good return on investment and recruitment of high value jobs. Provides for compensation of Commission members and Commission administration. Requires the Commission's recommendations to be revenue neutral, taken collectively, when compared to the revenue projections for the taxes used in the budget bill for the 2011-12 fiscal year. Provides five specified legislative procedures that must be followed if recommendations are adopted by the Commission by a vote of at least two-thirds of the members. Requires the Commission to report to the 2012 Regular Session of the General Assembly by May 1, 2012, at which time the Commission will terminate.

Intro. by Rhyne.

STUDY

General Assembly; Taxation

H 249. UPDATE ARCHAIC DISABILITY TERMS (=S 248). Filed 3/8/11. *TO UPDATE CERTAIN TERMINOLOGY IN REFERENCE TO PERSONS WITH DISABILITIES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to S 248, filed 3/7/11.

Intro. by Ross.

GS 1, 8C, 14, 43

Criminal Law, Procedure, and Sentencing; Banking and Finance

H 250. VARIOUS CLARIFYING MILITIA LAW AMENDMENTS. Filed 3/8/11. *TO MAKE REFERENCES IN CHAPTER 127A OF THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends various provisions in GS Chapter 127A as title indicates. Makes language gender neutral, and makes other clarifying, linguistic, and technical changes. Authorizes the Revisor of Statutes to make additional changes as necessary to conform to the act.

Intro. by Ross.

GS 127A

Military and Veterans Affairs

H 251. DEVISEE/DEVISE/STATUTORY CONSTRUCTION. Filed 3/8/11. *TO APPLY THROUGHOUT THE GENERAL STATUTES THE DEFINITION OF "DEVISEE" FOUND IN CHAPTER 28A OF THE GENERAL STATUTES RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES AND TO DEFINE "DEVISE" CONSISTENTLY WITH THAT DEFINITION, TO MAKE THE USAGE OF THESE TERMS MORE UNIFORM THROUGHOUT THE GENERAL STATUTES, AND TO MAKE TECHNICAL CHANGES TO SECTIONS OF THE GENERAL STATUTES OTHERWISE AMENDED BY THIS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends GS 12-3 (rules for statutory construction) to add the definitions for *devisee* and *devise*. Defines *devisee* as any person entitled to take real or personal property under the provisions of a valid, probated will. Defines *devise*, when used as a noun, as a testamentary disposition of real or personal property and, when used as a verb, to mean to dispose of real or personal property by will.

Removes the terms *legatee* and *bequest* and related language from various provisions of the General Statutes and replaces with *devisee* or *devise* where applicable. Authorizes the Revisor of Statutes to make conforming substitutions in the General Statutes as necessary.

Makes additional conforming and technical changes and makes language gender neutral.

Intro. by Ross.

GS 1, 1A, 1C, 7A, 11, 12, 14, 15A, 18B, 20, 28A, 29, 30, 31, 31B, 32A, 35A, 36C, 36D, 37A, 41, 50, 52, 55A, 58, 59B, 64, 78A, 88A, 90, 90A, 90C, 98, 105, 106, 113, 113A, 115C, 115D, 116, 121, 125, 130A, 131E, 139, 143, 143B, 147, 153A, 157, 160A, 162A, 165

Trusts, Estates, and Wills

H 252. AMEND UNC ENROLLMENT FUNDING FORMULA. Filed 3/8/11. *TO MODIFY THE UNIVERSITY OF NORTH CAROLINA ENROLLMENT CHANGE FUNDING FORMULA AND TO MAKE ENROLLMENT CHANGE FUNDING FOR EACH CONSTITUENT INSTITUTION CONTINGENT ON THE INSTITUTION'S PERFORMANCE IN ACHIEVING TARGETS ESTABLISHED BY THE BOARD OF GOVERNORS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Directs the UNC Board of Governors (Board), with assistance from General Administration, to study and examine the enrollment change funding formula currently used to predict the university system's enrollment growth and future funding needs. Explains that the study should evaluate possible formula modifications to

simplify and standardize the projections and funding requests. Enumerates five issues to be included in the study. Directs the Board to develop a revised enrollment change funding model, present the model to the General Assembly by June 30, 2011, and implement the approved model beginning in the 2012-13 fiscal year.

Requires the Board to create policies and procedures for developing campus enrollment projections, calculating tuition offset, and calculating funding formula elements and cost factors. Also requires the Board to develop written criteria for granting "hold harmless" status. Directs the Board to consider recommendations found in a final report to the Joint Legislative Program Evaluation Oversight Committee (Committee), as specified. Instructs the Board to compile these created policies and procedures into a manual and present the manual to the Committee by January 1, 2012.

Directs the Board to develop a system to track and analyze enrollment and funding data from each campus in the university system and to produce an annual report on campus data including nine listed items. Directs the Board to report annually to specified committees. Codifies the previous directives in new GS 116-11(9a). Makes the first report due by January 1, 2012.

Amends GS 116-11(9)a1. to provide that enrollment change funding will be based on the performance of each constituent institution and will be contingent on the attainment of that institution's target, as determined by the Board. States that an institution will not receive enrollment change funding if it fails to achieve the target. Requires the Board to provide full documentation and justification of an enrollment change funding request, including hold harmless status requests, and other detailed information related to hold harmless status.

Directs the University of North Carolina General Administration to develop policies and procedures to guide performance-based funding by January 1, 2012. Provides additional details related to the directive and requires that the Board implement the funding approach by January 1, 2013.

Intro. by Crawford.

GS 116

Education

H 253. HOME SCHOOLERS PARTICIPATE IN SCHOOL SPORTS. Filed 3/8/11. *TO PERMIT HOME SCHOOLED STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ATHLETICS.*

Amends GS 115C-12(23) (Powers and duties of the State Board of Education generally) and GS 115C-47(4) (Powers and duties generally of local boards of education) as the title indicates. Enacts new GS 115C-565.1 to provide guidelines governing the eligibility and participation of home-schooled students in interscholastic athletics. Requires a home-schooled student to register the student's intent to participate in interscholastic athletics at the selected school before the beginning date of the season for the activity in which the student wishes to participate. Applies beginning with the 2011-12 school year.

Intro. by Dixon, Cleveland.

GS 115C

Education

H 254. AFRICAN-AMERICAN HERITAGE COMN FUNDS. Filed 3/8/11. *TO PROVIDE FUNDING FOR THE AFRICAN-AMERICAN HERITAGE COMMISSION.*

Appropriates \$100,000 for 2011-12 and \$100,000 for 2012-13 from the General Fund to the Department of Cultural Resources to support the state's African-American Heritage Commission. Effective July 1, 2011.

Intro. by Womble, Adams, Parmon.

APPROP

Budget and Appropriations

H 255. DV FUNDING. Filed 3/8/11. *TO APPROPRIATE FUNDS FOR VARIOUS PURPOSES PURSUANT TO RECOMMENDATIONS FROM THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.*

Appropriates \$6,436,683 for 2011-12 from the General Fund to the Department of Administration to be allocated to the Domestic Violence Center Fund.

Requires \$1 million of the funds appropriated in the TANF Block Grant to the Department of Health and Human Services (DHHS), Division of Social Services, for 2011-12 to be used for Domestic Violence Prevention and Awareness and for grants to support prevention initiatives by local domestic violence programs. Provides guidelines for awarding the grants. Requires that DHHS report on the use of the funds by May 1, 2012, to specified legislative entities.

Requires that \$2.2 million of TANF funds appropriated to DHHS, Division of Social Services (Division), for 2011-12 be used to provide domestic violence services to Work First recipients to provide counseling, support, and direct services to clients. Prohibits the funds from being used for a new shelter or for lobbying. Allows the Division to use up to \$75,000 in TANF funds to support one administrative position to implement the requirements. Requires each county department of social services and the local domestic violence shelter program serving the county to develop a joint plan for using the funds and provides requirements for the plan. Requires the Division to allocate the funds to the county departments of social services as follows: (1) base allocation of \$5,000 to each county and (2) an allocation of the remaining funds to each county based on the county's proportion of the statewide total of the Work First caseloads as of July 1, 2011, and the county's

proportion of the statewide total of the individuals receiving domestic violence services from programs funded by the Council of Women as of July 1, 2011. Unspent funds may be reallocated to counties that submit a written request.

Effective July 1, 2011.

Intro. by McLawhorn.

APPROP

Budget and Appropriations; Health,
Social Services, and Aging; Local
Government

H 257. UNCG/A&T/NANOSCIENCE/NANOENGINEERING FUNDS. Filed 3/8/11. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE ADDITIONAL RESOURCES FOR THE JOINT SCHOOL OF NANOSCIENCE AND NANOENGINEERING ON THE CAMPUS OF THE GATEWAY UNIVERSITY RESEARCH PARK OF THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AND NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.*

Appropriates \$2 million for 2011-12 and \$2 million for 2012-13 from the General Fund to the UNC Board of Governors to be used as the title indicates. Also requires that the funds be used to hire additional nanoengineering staff, to provide graduate assistantships, and to expand educational outreach and attract corporate partners. Effective July 1, 2011.

**Intro. by Jeffus, Faircloth,
Adams, Blust.**

APPROP

Budget and Appropriations

H 258. HONOR DEPUTY CHARLIE BROWN. Filed 3/8/11. *HONORING THE LIFE AND MEMORY OF CHARLES DOUGLAS "CHARLIE" BROWN, JR., FALLEN MARTIN COUNTY SHERIFF'S DEPUTY.*

As title indicates.

Intro. by E. Warren.

HOUSE RES

General Assembly

H 259. EXPAND JURISDICTION OF COMPANY POLICE. Filed 3/8/11. *TO EXPAND THE TERRITORIAL JURISDICTION OF COMPANY POLICE AGENCIES TO ALLOW THE AGENCIES TO ENFORCE MOTOR VEHICLE AND CRIMINAL LAWS ON PUBLIC STREETS AND HIGHWAYS THAT PASS THROUGH OR ARE ADJACENT TO THE PRIVATE PROPERTY UNDER CONTRACT WITH THE COMPANY POLICE AGENCY.*

Amends GS 74E-6 to expand jurisdiction to give company police (which includes campus police officers) the same powers as municipal and county police officers to make arrest for felonies and misdemeanors and charge for infractions on the portion of a street or highway that passes through or immediately adjoins property owned or under the control of the employer or person who has contracted with the employer to provide on-site company police security personnel services for the property. Makes a conforming change.

Intro. by Hilton.

GS 74E

Emergency Services

H 260. COMPANY POLICE AUTHORITY AT CRASH SCENES. Filed 3/8/11. *TO ALLOW COMPANY POLICE OFFICERS WHO ARE OFF PRIVATE PROPERTY CONTRACTED BY THE COMPANY POLICE AGENCY AND IN TRANSIT TO ANOTHER PROPERTY UNDER CONTRACT WITH THE COMPANY POLICE AGENCY TO OPERATE EMERGENCY EQUIPMENT AT CRASH SCENES AND PUBLIC SAFETY EMERGENCIES THAT PRESENT A PUBLIC DANGER.*

Amends GS 74E-6(c) to provide as title indicates. Clarifies that emergency assistance, as allowed in the section, includes activation of any emergency equipment and lights on a company police vehicle, but does not include law enforcement jurisdiction conferred by GS 74E-6.

Intro. by Hilton.

GS 74E

Emergency Services

H 261. INTRASTATE MOTOR CARRIER MARKINGS. Filed 3/8/11. *TO REQUIRE INTRASTATE MOTOR CARRIERS TO BE MARKED.*

Amends GS 20-101 (certain business vehicles to be marked) to require an intrastate motor carrier motor vehicle used in intrastate commerce to have the carrier's identification number, preceded by "USDOT" and followed by "NC," printed on each side of the vehicle, at least three inches tall. Makes conforming changes. Effective for offenses committed on or after December 1, 2011.

Intro. by McComas.

GS 20

Transportation

H 262. REFERENCES TO MILITARY ORGS./MAKE UNIFORM (=S 253). Filed 3/8/11. *TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY*

SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Identical to S 253, filed 3/8/11.

Intro. by Ross. GS 1, 7B, 10B, 14, 15A, 18B, 20, Military and Veterans Affairs
28B, 28C, 31, 35A, 42, 47, 50,
50B, 53, 58, 65, 86A, 89C, 90,
93B, 96, 105, 108A, 110, 113,
115C, 115D, 116, 120, 126,
127B, 128, 135, 143, 143B, 145,
147, 157, 161, 163, 165

H 263. RETIREMENT ALLOWANCE/REARRIAGE OPTION. Filed 3/8/11. TO ALLOW CERTAIN RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WHO REMARRIED PRIOR TO THE EFFECTIVE DATE OF A TECHNICAL CORRECTION TO THE RETIREMENT LAWS TO NOMINATE THEIR NEW SPOUSES TO RECEIVE THE SURVIVOR BENEFITS IN ACCORDANCE WITH THAT TECHNICAL CORRECTION.

As title indicates. Allows a retired member of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System (1) who designated a spouse as survivor as indicated, (2) whose designated spouse predeceased him or her, and (3) who remarried before the enactment of SL 2010-72, to nominate the new spouse to receive the survivor retirement benefits, provided the nomination is made within 90 days after the act becomes law.

Intro. by Cook. UNCODIFIED Employment and Retirement

H 264. NC SCHOOL OF BIOTECHNOLOGY AND AGRISCIENCE (=S 125). Filed 3/8/11. TO CREATE THE NORTH CAROLINA SCHOOL OF AGRISCIENCE AND BIOTECHNOLOGY, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION UPON THE RECOMMENDATIONS OF THE AGRISCIENCE AND BIOTECHNOLOGY REGIONAL SCHOOL PLANNING COMMISSION.

Identical to S 125, filed 2/24/11.

Intro. by Glazier. GS 114, 115B, 115C, 126 Education

SENATE BILLS

S 251. VARIOUS CLARIFYING MILITIA LAW AMENDMENTS (=H 250). Filed 3/8/11. TO MAKE REFERENCES IN CHAPTER 127A OF THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Identical to H 250, filed 3/8/11.

Intro. by Hartsell. GS 127A Military and Veterans Affairs

S 252. DEVISEE/DEVISE/STATUTORY COMMISSION (=H 251). Filed 3/8/11. TO APPLY THROUGHOUT THE GENERAL STATUTES THE DEFINITION OF "DEVISEE" FOUND IN CHAPTER 28A OF THE GENERAL STATUTES RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES AND TO DEFINE "DEVISE" CONSISTENTLY WITH THAT DEFINITION, TO MAKE THE USAGE OF THESE TERMS MORE UNIFORM

THROUGHOUT THE GENERAL STATUTES, AND TO MAKE TECHNICAL CHANGES TO SECTIONS OF THE GENERAL STATUTES OTHERWISE AMENDED BY THIS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Identical to H 251, filed 3/8/11.

Intro. by Hartsell. GS 1, 1A, 1C, 7A, 11, 12, 14, 15A, 18B, 20, 28A, 29, 30, 31, 31B, 32A, 35A, 36C, 37A, 41, 50, 52, 55A, 58, 59B, 64, 78A, 88A, 90, 90A, 90C, 98, 105, 106, 113, 113A, 115C, 115D, 116, 121, 125, 130A, 131E, 139, 143, 143B, 147, 153A, 157, 160A, 162A, 165 Trusts, Estates, and Wills

S 253. [REFERENCES TO MILITARY ORGS./MAKE UNIFORM.](#) Filed 3/8/11. *TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends various provisions of the General Statutes as title indicates. Makes language gender neutral and makes other technical changes. Authorizes the Revisor of Statutes to make additional changes, as necessary to conform to the act. Unless otherwise indicated in the original provision, makes amendments effective when the act becomes law.

Intro. by Hartsell. GS 1, 7B, 10B, 14, 15A, 18B, 20, 28B, 28C, 31, 35A, 42, 47, 50, 50B, 53, 58, 65, 66, 86A, 89C, 90, 93B, 96, 105, 108A, 110, 113, 115C, 115D, 116, 120, 126, 127B, 128, 135, 143, 143B, 145, 147, 157, 161, 163, 165 Military and Veterans Affairs

S 254. [ALLOW NONATTORNEY OWNERSHIP OF PC LAW FIRMS.](#) Filed 3/8/11. *TO ALLOW NONATTORNEY OWNERSHIP OF PROFESSIONAL CORPORATION LAW FIRMS, SUBJECT TO CERTAIN REQUIREMENTS.*

Enacts new subsection (a2) to GS 55B-6 to allow any person to own up to 49% of the stock of a professional corporation providing legal services under GS Chapter 84 (regulating attorneys), provided five enumerated criteria are met, including the requirement that licensees own and control voting stock representing at least 51% of the votes entitled to be cast in the director election for the professional corporation. Makes other technical and conforming changes. Effective October 1, 2011.

Intro. by Hartsell. GS 55B Business and Commerce

S 255. [AMEND UNC ENROLLMENT FUNDING FORMULA \(=H 252\).](#) Filed 3/8/11. *TO MODIFY THE UNIVERSITY OF NORTH CAROLINA ENROLLMENT CHANGE FUNDING FORMULA AND TO MAKE ENROLLMENT CHANGE FUNDING FOR EACH CONSTITUENT INSTITUTION CONTINGENT ON THE INSTITUTION'S PERFORMANCE IN ACHIEVING TARGETS ESTABLISHED BY THE BOARD OF GOVERNORS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Identical to H 252, filed 3/8/11.

Intro. by Hartsell. GS 116 Education

S 256. [PARDON GOVERNOR HOLDEN.](#) Filed 3/8/11. *TO PARDON WILLIAM W. HOLDEN FROM THE JUDGMENT IMPOSED UPON HIM BY THE SENATE ON MARCH 22, 1871, ON CONVICTION OF ARTICLES OF IMPEACHMENT.*

As title indicates.

Intro. by Hunt. JOINT RES General Assembly

S 257. HONOR DEPUTY CHARLIE BROWN (=H 258). Filed 3/8/11. *HONORING THE LIFE AND MEMORY OF CHARLES DOUGLAS "CHARLIE" BROWN, JR., FALLEN MARTIN COUNTY SHERIFF'S DEPUTY.*

Identical to H 258, filed 3/8/11.

Intro. by Jenkins. SENATE RES General Assembly

S 259. APPROPRIATIONS ACT OF 2011. Filed 3/8/11. *TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.*

Blank bill.

Intro. by Brunstetter. APPROP Budget and Appropriations

S 264. LOBBYISTS SHALL NOT SERVE ON BD OF GOVERNORS. Filed 3/8/11. *TO PROHIBIT LOBBYISTS FROM SERVING ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.*

Amends GS 117-7 as title indicates.

Intro. by Garrou, Clodfelter, Mansfield. GS 117 Education; Ethics and Lobbying

S 265. TRANSFER STATE HEALTH PLAN TO STATE TREASURER. Filed 3/8/11. *TO TRANSFER THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE DEPARTMENT OF STATE TREASURER.*

Transfers the State Health Plan for Teachers and State Employees (Plan) to the Department of State Treasurer. Amends GS 135-43(b) to clarify that the public records provisions in the subdivision concerning contracts between the Plan and its third party administrator or its pharmacy benefit manager do not prevent releasing information that is not made a public record to the Plan's Board of Trustees. Amends GS 135-43.3 to provide that the General Assembly may use Legislative Services Office employees and may employ contractual services to monitor the Executive Administrator and Board of Trustees, the Claims Processor, and the State Health Plan for Teachers and State Employees. Amends GS 135-43.6 to direct the Executive Administrator and Board of Trustees to report to the General Assembly at times and forms designated by the President Pro Tempore of the Senate and the Speaker of the House of Representatives (was, as designated by the Committee on Employee Hospital and Medical Benefits).

Repeals GS 135-43.1 (regarding establishing the Committee on Employee Hospital and Medical Benefits) and 135-43.2 (regarding establishing the State Health Plan Administrative Commission).

Makes conforming changes to GS 135-44.2, 135-44.4(31), 135-44.6(a), 135-44.7(a), 135-44.8, 135-45.7, 135-45.10(d), 135-45.11, and 135-45.13(b) consistent with the transfer of the Plan to the Department of the State Treasurer.

Effective September 1, 2011.

Intro. by Apodaca, Brunstetter, Hartsell. GS 135 Health, Social Services, and Aging; State Government

S 266. FILLING VACANCIES IN LOCAL OFFICE. Filed 3/8/11. *TO STANDARDIZE THE PROCESS FOR FILLING OF VACANCIES IN LOCAL OFFICES.*

Repeals GS 153A-27 regarding vacancies in the office of county commissioner. Amends GS 153A-27.1 by (1) applying the statute's procedures for filling vacancies on boards of commissioners to all counties; (2) requiring that if the person being replaced was the nominee of a political party, the replacement nominee must be eligible to have filed as a candidate of that party for the most recent election for that office; (3) requiring that if the person being replaced was not the nominee of a political party, the replacement nominee must be currently eligible for election to the office; and (4) making conforming changes to the statute.

Repeals Section 12 of SL 1981-763 regarding procedures established for vacancies of an office of a Wake County commissioner.

Amends GS 161-5(a1) regarding vacancies in the office of register of deeds by establishing a procedure by which the county executive committee of the party of the person being replaced may recommend three persons as possible replacements, and one of those three must be selected as the replacement. Adds eligibility requirements depending on whether the person being replaced was nominated by a political party.

Repeals GS 162-5 regarding vacancies for the office of sheriff. Amends GS 162-5.1 by (1) establishing a procedure by which the county executive committee of the party of the sheriff being replaced may recommend three persons as possible replacements, and one of those three must be selected as the replacement and (2) applying the statute's procedures for filling vacancies in the office of sheriff to all counties. Adds eligibility

requirements depending on whether the person being replaced was nominated by a political party. Makes a conforming change to GS 162-3.

Amends GS 115C-37.1 regarding vacancies in the membership of county boards of education by applying the statute's procedures to all counties.

Amends procedures established in GS 160A-63 for vacancies in elective offices of cities conducting elections on a partisan basis by (1) establishing a procedure by which the county executive committee of the party of the person being replaced may recommend three persons as possible replacements, and one of those three must be selected as the replacement and (2) for the office of mayor or an at-large member of a city council, requiring the county executive committee to restrict its voting on the three proposed replacements to only those committee members representing precincts all or part of which were in the territorial area of the city or, if applicable, the district of the council member being replaced. Adds eligibility requirements depending on whether the person being replaced was nominated by a political party.

Amends GS 163-114 to clarify that, for elective county district offices where not all of the county is located in that office's district, voting on a replacement must be restricted to those members of the political party's county executive committee who reside within the district.

Intro. by Clodfelter. GS 115C, 153A, 160A, 161, 162, 163 Local Government; Elections Law

S 267. [REV LAWS TECH, CLARIFY., & ADMIN. CHANGES \(=H 122\)](#). Filed 3/8/11. *TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.*

Identical to H 122, filed 2/16/11.

Intro. by Clodfelter, Hartsell, Tillman. GS 105, 150B Taxation; Business and Commerce

S 268. [ENHANCE PROTECTION OF VICTIMS AND WITNESSES](#). Filed 3/8/11. *TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING WITH A WITNESS.*

Amends Rule 804(b) of the North Carolina Rules of Evidence, codified in GS 8C-1, to provide that a statement is not excluded by the hearsay rule if the statement is offered against a party that engaged or acquiesced in wrongdoing that was intended to and did procure the unavailability of a witness who was the declarant. Requires the court to determine admissibility of the statement by a preponderance of the evidence.

Amends GS 14-226(a) to make it a Class D felony (rather than a Class H felony) to intimidate, deter, or otherwise interfere with any person summoned or acting as a witness in state court. Makes a technical change.

Effective for offenses committed on or after December 1, 2011.

Intro. by McKissick, Stevens. GS 8C, 14 Courts; Criminal Law, Procedure, and Sentencing

S 271. [COMMERCIAL AND OTHER M/V LAW CHANGES-AB](#). Filed 3/8/11. *TO CLARIFY LICENSE PLATE COVER REQUIREMENTS, TO MODIFY WINDOW TINTING RESTRICTIONS FOR MOTOR CARRIERS SUBJECT TO THE PROVISIONS OF TITLE 49 OF THE FEDERAL CODE, TO CLARIFY TEXTING FOR MOTOR CARRIERS SUBJECT TO TITLE 49 OF THE FEDERAL CODE, TO CREATE A VEHICLE SEIZURE PROCESS FOR VEHICLES USED IN FELONY SPEEDING TO ELUDE LAW ENFORCEMENT OFFICER CASES, TO REQUIRE REDACTION OF CERTAIN VEHICLES CRASH REPORT INFORMATION, AND TO PROVIDE FOR CIVILIAN EMPLOYEES TO MANAGE OR OPERATE PERMANENT WEIGH STATIONS FOR THE STATE HIGHWAY PATROL.*

Amends GS 20-28.3 to include felony speeding to elude arrest pursuant to GS 20-141.5(b) among the offenses that make a motor vehicle subject to seizure. Clarifies that motor vehicles are subject to seizure for impaired driving offenses and for felony speeding to elude arrest. Requires the officer making the motor vehicle seizure to notify the Division of Motor Vehicles (was, notify the designated executive agency) no later than 24 hours after the seizure of the motor vehicle. Makes conforming changes vesting responsibility for notice of the seizure in the Division of Motor Vehicles (DMV). Makes additional conforming changes to provide that the underlying offenses leading to the seizure of a motor vehicle include impaired driving offenses and felony speeding to elude arrest and those provisions regarding the payment of fees upon conviction apply to either offense.

Amends GS 20-63(g) to provide that any operator of a motor vehicle who covers any portion of the vehicle's registration letters or numbers, commits an infraction and will be penalized (was, makes a number or letter included in the vehicle's registration illegible).

Amends GS 20-127 to provide that regardless of the provisions in subsection (b) of GS 20-127 regarding tinting of vehicle windows, a window of a vehicle that is operated on a public street or highway and which is subject to the provisions of Part 393 of Title 49 of the Code of Federal Regulations (CFR) must comply with the provisions of Part 393 of the CFR. Removes windows in a for hire passenger vehicle and in a common carrier of passengers from the list of excluded vehicle windows to which certain window tinting restrictions do not apply.

Amends GS 20-137.4a to make it unlawful for a person to use a mobile phone or other electronic device while operating a commercial vehicle subject to Parts 390 or 392 of Title 49 of the CFR on a public street or highway, or a public vehicular area.

Amends GS 20-141.5 to require that policies adopted regarding speeding to elude arrest is to specifically include factors that an officer is to consider in determining whether to initiate or terminate a pursuit. Provides that a owner or holder of a security interest in a vehicle subject to forfeiture in accordance with GS 20-28.2 is considered an innocent party with respect to the vehicle subject to forfeiture if the defendant drove the motor vehicle without the consent of the owner or the holder of the security interest.

The above listed provisions become effective December 1, 2011 and apply to offenses committed on or after that date.

Amends GS 20-166.1(i) to provide that reports made under the statute are public records as defined in GS 132-1. Provides that reports may not be released to a person requesting the report until personal identifying information has been redacted from the report in compliance with the federal Drivers Privacy Protection Act, 18 USC Section 27121(b)(11) and (12), and GS 20-43.1. Amends GS 20-383 to provide that the State Highway patrol and other agents or employees of the Department of Crime Control and Public Safety designated by the Secretary of Crime Control and Public Safety have the authority to enforce the provisions of Article 17 of GS Chapter 20. Except as otherwise indicated, effective when the act becomes law.

Intro. by Brunstetter, Jenkins.

GS 20

Transportation

S 272. VICTIMS' COMPENSATION LAW CHANGES. Filed 3/8/11. *TO CLARIFY THE DEFINITION OF DEPENDENT FOR THE PURPOSES OF CRIME VICTIMS' COMPENSATION, TO CLARIFY CONFIDENTIALITY OF CRIME VICTIMS COMPENSATION COMMISSION RECORDS, TO REQUIRE SUSPENSION OF THE PAYMENT OF BENEFITS UPON REQUEST OF THE ATTORNEY GENERAL, AND TO CLARIFY THE HANDLING OF WRITE-OFFS FOR CLAIMS HANDLED BY THE CRIME VICTIMS COMPENSATION COMMISSION.*

Amends GS 15B-2 to define *dependent* as an individual wholly dependent (rather than wholly or substantially dependent) upon the victim for care and support and includes a child of the victim born after the victim's death. Deletes term and definition for *dependent's economic loss*.

Amends GS 15B-8.1(b) to declare that all records of the Division are open to public inspection. Requires information that is not public record to be kept confidential by the Crime Victims Compensation Commission (Commission) and the Director. Reorganizes and clarifies that disclosure of the following confidential information to victims and claimants is allowed: (1) all medical information relating to the mental, physical, or emotional condition of a victim or claimant; (2) all law enforcement records; (3) all juvenile records; (4) all personal information, as defined, of victims and claimants; and (5) all information concerning the disposition of claims for compensation, except the total amount awarded.

Amends GS 15B-14(b) to mandate (rather than allow) that the proceedings in a claim for compensation be suspended, pending disposition of a criminal prosecution that has been commenced or is imminent, upon the Attorney General's request.

Amends GS 15B-16 to prohibit providers who write off bills to a victim or claimant from later seeking reimbursement from the Commission, Director, victim, or claimant. Makes a conforming change.

Applies to claims submitted on or after July 1, 2011.

Intro. by Brunstetter.

GS 15B

Criminal Law, Procedure, and Sentencing

*Local Bills***HOUSE BILLS**

H 256. [INCORPORATE LAKE JAMES](#). Filed 3/8/11. *TO INCORPORATE THE VILLAGE OF LAKE JAMES.*

Incorporates the Village of Lake James, describing the area to be incorporated by metes and bounds. The village is to be governed by a five-member village council and a mayor. Identifies by name five temporary officers to serve as village council members until the organizational meeting after the first regular municipal election is held on November 8, 2011. Authorizes the temporary village council to elect persons to serve as Interim Mayor and Interim Mayor Pro Tempore. Provides for taxes, budget ordinances, and other ordinances. Includes special provisions regarding extraterritorial jurisdiction, annexation, zoning, public access to Lake James, Federal Energy Regulatory Commission relicensing, greenways and other public areas, alcoholic beverages, and eminent domain.

Intro. by Blackwell.

BURKE

Burke

H 265. [CHOWAN FOX SEASONS](#). Filed 3/8/11. *TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY.*

Amends Section 3 of SL 2009-43, providing as title indicates, to add Chowan to the applicable counties. SL 2009-43 includes no bag limits and no tagging requirements before or after sale.

Repeals SL 1999-301 (certain hunting regulations in Chowan County).

Effective October 1, 2011.

Intro. by Spear.

CHOWAN

Chowan

H 266. [WAKE MUNICIPALITIES ENERGY EFFICIENCY](#). Filed 3/8/11. *TO ALLOW THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE MUNICIPALITIES UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.*

Amends Section 3 of SL 2009-149, as amended, and Section 1 of SL 2007-333, as amended, to provide as title indicates. Exempts the municipalities from competitive bidding requirements, as detailed in Section 1 of SL 2007-333, until June 30, 2015. Makes technical changes.

Intro. by Weiss, Dollar, Jackson, Martin.

WAKE

Wake

SENATE BILLS

S 250. [2ND SENATORIAL DISTRICT LOCAL ACT](#). Filed 3/8/11. *RELATING TO THE 2ND SENATORIAL DISTRICT.*

Blank bill.

Intro. by Preston.

CARTERET, CRAVEN, PAMLICO

Carteret; Craven; Pamlico

S 258. [3RD SENATORIAL DISTRICT LOCAL ACT](#). Filed 3/8/11. *RELATING TO THE 3RD SENATORIAL DISTRICT.*

Blank bill.

Intro. by Jenkins.

EDGECOMBE, MARTIN, PITT

Edgecombe; Martin; Pitt

S 260. [5TH SENATORIAL DISTRICT LOCAL ACT](#). Filed 3/8/11. *RELATING TO THE 5TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Pate.

GREENE, PITT, WAYNE

Greene; Pitt; Wayne

S 261. CHOWAN FOX SEASONS (=H 265). Filed 3/8/11. *TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY.*

Identical to H 265, filed 3/8/11.

Intro. by Jones. CHOWAN Chowan

S 262. CHARLOTTE LOCAL ACT. Filed 3/8/11. *RELATING TO THE CITY OF CHARLOTTE.*

Blank bill.

Intro. by Clodfelter. MECKLENBURG Mecklenburg

S 263. ETJ/WAKE MUNICIPAL FARM EXEMPTION. Filed 3/8/11. *TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION.*

Amends GS 160A-360, as title indicates. Applies only to Raleigh, Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon.

Intro. by Blue, Hunt. WAKE Wake

S 269. HILLSBOROUGH OCCUPANCY TAX. Filed 3/8/11. *TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO LEVY A ROOM OCCUPANCY TAX.*

Authorizes the Town Board of the Town of Hillsborough to levy a room occupancy tax of up to 3%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires the Hillsborough Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for tourism-related expenditures. Mandates that at least one-third of the members of the TDA be affiliated with businesses that collect the tax in the town, and at least one-half of the members be currently active in the town's travel and tourism promotion. Makes conforming change to GS 160A-215(g).

Intro. by Kinnaird. ORANGE Orange

S 270. HUNTERSVILLE E-MAIL LISTS/ELECTRONIC ACCESS. Filed 3/8/11. *TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF HUNTERSVILLE ARE OPEN TO PUBLIC INSPECTION BUT ARE NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.*

Amends Section 3 of SL 2010-83 as the title indicates.

Intro. by Graham. MECKLENBURG Mecklenburg

ACTION ON BILLS

March 8, 2011

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

PUBLIC BILLS

H0003	Exclusionary Rule/Good Faith Exception.	H	Ratified
	02-09-11, 02-10-11		
H0007	Comm. Colleges/Opt Out of Fed'l Loan Program.	H	Amend Failed 5
	02-22-11	H	Passed 3rd Reading
H0022	Vance-Granville Comm. Coll. Bond Funds.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)

H0045 Accelerate Cleanup of Industrial Properties. 03-03-11	H Placed On Cal For 3/9/2011 H Withdrawn From Cal H Re-ref Com On Finance
H0048 No Standardized Testing Unless Req'd by Feds. 02-16-11	H Pres. To Gov. 3/8/2011
H0069 Honor Irene Pace Hairston.	H Placed On Cal For 3/9/2011
H0092 Repeal Land Transfer Tax.	H Passed 3rd Reading
H0123 Business Entity Changes.	S Reptd Fav
H0124 IRC Update. 02-24-11	S Reptd Fav
H0138 Amend Health Insurance Risk Pool Statutes. 03-02-11	S Rec From House S Passed 1st Reading S Ref To Com On Insurance
H0146 Designate Kidney Month. 03-02-11	H Placed On Cal For 3/9/2011
H0159 Military Service Notation on Licenses. 03-08-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 3/9/2011
H0162 Exempt Small Ag Processing from Permit Req.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/9/2011
H0230 Honor Girl Scouts.	H Adopted
H0239 Grandparents' Visitation Rights.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee C
H0240 Intrastate Commerce Act.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0241 North Carolina Firearms Freedom Act.	H Passed 1st Reading H Ref To Com On Judiciary
H0242 Nat'l Gas Exploration/Bonds.	H Passed 1st Reading H Ref To Com On Environment
H0243 Certificates Under Seal in Indigent Cases/Fee.	H Passed 1st Reading H Ref to the Com on Judiciary Subcommittee B, if favorable, Finance
H0244 State Health Plan/Add Sterling Montessori.	H Passed 1st Reading H Ref To Com On Insurance
H0246 Modify Homestead Property Tax Exclusion.	H Passed 1st Reading H Ref To Com On Finance
H0247 Enhance Charter School Accountability.	H Filed
H0248 Establish Tax Modernization Commission.	H Filed
H0249 Update Archaic Disability Terms.	H Filed
H0250 Various Clarifying Militia Law Amendments.	H Filed
H0251 Devisee/Devise/Statutory Construction.	H Filed
H0252 Amend UNC Enrollment Funding Formula.	H Filed

H0253	Home Schoolers Participate in School Sports.	H	Filed
H0254	African-American Heritage Comn Funds.	H	Filed
H0255	DV Funding.	H	Filed
H0257	UNCG/A & T/Nanoscience/Nanoengineering Funds.	H	Filed
H0258	Honor Deputy Charlie Brown.	H	Filed
H0259	Expand Jurisdiction of Company Police.	H	Filed
H0260	Company Police Authority at Crash Scenes.	H	Filed
H0261	Intrastate Motor Carrier Markings.	H	Filed
H0262	References to Military Orgs./ Make Uniform.	H	Filed
H0263	Retirement Allowance/ Remarriage Option.	H	Filed
H0264	NC School of Biotechnology and Agriscience.	H	Filed
H0267	Mental Health Workers' Bill of Rights.	H	Filed
H0268	Disapprove Certain Reclaimed Water Rules.	H	Filed
H0269	Reappoint Ex-Offender Reintegration Study.	H	Filed
H0270	Amend Conditions of Probation.	H	Filed
H0271	Probation Officer/No Concealed Carry Required.	H	Filed
H0272	AOC/Study Court Records.	H	Filed
H0273	Study Expunction of Dismissals/NG Verdicts.	H	Filed
H0274	Ex-Offender Study Recommendations.	H	Filed
H0275	OSP/Hiring of Ex-Offenders.	H	Filed
H0276	Promote Funding Availability.	H	Filed
H0277	General Statutes Comm/ Collateral Consequences.	H	Filed
H0278	Update Savings Bond Payroll Savings Program.	H	Filed
H0280	County Law Enforcement Service District.	H	Filed
H0281	ETJ Restrictions.	H	Filed
H0282	HOAs/no prohibit water or energy savings.	H	Filed
S0018	Clarify Definition/Jud. District/State Bar.	S	Passed 2nd & 3rd Reading
	03-07-11		
S0022	APA Rules: Limit Additional Costs.	H	Placed On Cal For 3/9/2011
	02-08-11, 02-09-11, 03-07-11		
S0074	Comm. Colleges/Opt Out of Fed'l Loan Program.	S	Reptd Fav As Amended SA Com Amend Adpt & Engross 1
	02-23-11, 03-01-11, 03-08-11		
S0076	TC: Eligibility: Indus Facil/ Fix Uwharrie Com.	S	Ratified

02-23-11
S0097 Clarify Refunds of Tax Overpayments. S Ratified

S0109 Spending Cuts for the Current Fiscal Year. H Reptd Fav
H Cal Pursuant Rule 36(b)

03-02-11
S0118 Downtown Service District Definition. S Reptd Fav
S Re-ref Com On Finance

S0228 Honor Girl Scouts. S Passed 1st Reading
S Pursuant to Rule 40(b)
placed on today's calendar 3/8/2011
S Adopted

S0229 Transfer DENR Soil & Water to DACS. S Passed 1st Reading
S Ref To Com On Agriculture/
Environment/Natural Resources

S0230 Pedorthist Licensure. S Passed 1st Reading
S Ref To Com On Finance

S0231 Interconnection of Public Water Systems. S Passed 1st Reading
S Ref To Com On Agriculture/
Environment/Natural Resources

S0232 Delineate Coastal Wetlands Riparian Buffers. S Passed 1st Reading
S Ref To Com On Agriculture/
Environment/Natural Resources

S0233 Expand Charitable Property Tax Exemption. S Passed 1st Reading
S Ref To Com On Finance

S0235 Suspend Motor Fuel Excise Tax With an Offset. S Passed 1st Reading
S Ref To Com On Finance

S0239 Food Bank Funds. S Passed 1st Reading
S Ref To Com On Appropriations/
Base Budget

S0240 Funds/Justus-Warren Task Force Recs. S Passed 1st Reading
S Ref To Com On Appropriations/
Base Budget

S0241 Increase DWI Penalty/Child in Vehicle. S Passed 1st Reading
S Ref To Com On Judiciary II

S0242 Legislative Task Force on Childhood Obesity. S Passed 1st Reading
S Ref To Com On Rules and
Operations of the Senate

S0243 Public-Private Partnership for Schools. S Passed 1st Reading
S Ref To Com On Education/
Higher Education

S0244 Fire and Rescue/Survivor's Benefit. S Passed 1st Reading
S Ref To Com On Insurance

S0245 Medicaid Billing by Local Health Departments. S Passed 1st Reading
S Ref To Com On Health Care

S0246 Expand Pharmacists' Immunizing Authority. S Passed 1st Reading
S Ref To Com On Health Care

S0247 Eliminate Means Test From 529 Deduction. S Passed 1st Reading
S Ref To Com On Finance

S0248 Update Archaic Disability Terms. S Passed 1st Reading
S Ref To Com On Health Care

S0249 Restore Cigarette Tax Stamps. S Passed 1st Reading
S Ref To Com On Finance

S0251 Various Clarifying Militia Law Amendments. S Filed

S0252	Devisee/Devise/Statutory Construction.	S	Filed
S0253	References to Military Orgs./ Make Uniform.	S	Filed
S0254	Allow Nonattorney Ownership of PC Law Firms.	S	Filed
S0255	Amend UNC Enrollment Funding Formula.	S	Filed
S0256	Pardon Governor Holden.	S	Filed
S0257	Honor Deputy Charlie Brown.	S	Filed
S0259	Appropriations Act of 2011.	S	Filed
S0264	Lobbyists Shall Not Serve on Bd of Governors.	S	Filed
S0265	Transfer State Health Plan to State Treasurer.	S	Filed
S0266	Filling Vacancies in Local Office.	S	Filed
S0267	Rev Laws Tech, Clarify., & Admin. Chngs.	S	Filed
S0268	Enhance Protection of Victims and Witnesses.	S	Filed
S0271	Commercial and Other M/V Law Changes.-AB	S	Filed
S0272	Victims' Compensation Law Changes.-AB	S	Filed

LOCAL BILLS

H0140	Oak Island/Recall Officials. 03-07-11	H	Passed 2nd & 3rd Reading
H0170	Winston-Salem/Council Meetings.	H	Passed 2nd & 3rd Reading
H0245	Richmond/Deer Hunting With Dogs.	H	Passed 1st Reading
		H	Ref to the Com on Agriculture, if favorable, Appropriations
H0256	Incorporate Lake James.	H	Filed
H0265	Chowan Fox Seasons.	H	Filed
H0266	Wake Municipalities Energy Efficiency.	H	Filed
H0279	ETJ/Wake Municipal Farm Exemption.	H	Filed
H0283	Incorporate Castle Hayne.	H	Filed
S0081	Orange County Local Disclosure Act Repeal.	S	Reptd Fav
S0082	Town of Atkinson/Charter Amendment.	S	Reptd Fav
S0083	Wilson School Board.	H	Passed 1st Reading
		H	Ref To Com On Government
S0145	Southern Shores Canal Dredging/Maintenance.	S	Reptd Fav
		S	Re-ref Com On Finance
S0155	Wake Local Stormwater Utility Fees.	S	Reptd Fav
		S	Re-ref Com On Finance
S0234	12th Senatorial District Local Act.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate

S0236	9th Senatorial District Local Act.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0237	Incorporate Castle Hayne.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0238	Richmond/Deer Hunting With Dogs.	S	Passed 1st Reading
		S	Ref To Com On State and Local Government
S0250	2nd Senatorial District Local Act.	S	Filed
S0258	3rd Senatorial District Local Act.	S	Filed
S0260	5th Senatorial District Local Act.	S	Filed
S0261	Chowan Fox Seasons.	S	Filed
S0262	Charlotte Local Act.	S	Filed
S0263	ETJ/Wake Municipal Farm Exemption.	S	Filed
S0269	Hillsborough Occupancy Tax.	S	Filed
S0270	Huntersville E-mail lists/ Electronic Access.	S	Filed

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 159. [MILITARY SERVICE NOTATION ON LICENSES](#). Filed 2/22/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 20-7(q1) to require an individual requesting the military designation to produce a Form DD-214 (was, produce documentation issued by the federal government) showing the applicant has been honorably discharged.

Military and Veterans Affairs;
Transportation

SENATE BILLS

S 74. [COMM. COLLEGES/OPT OUT OF FED'L LOAN PROGRAM](#). Filed 2/15/11. Senate amendment makes the following changes to 3rd edition.

Deletes the provision, added in the previous version, authorizing any community college that participates in the William D. Ford Federal Direct Loan Program to transfer up to 3% of the state funds allocated to the community college for faculty salaries for purposes that directly affect student services. Also deletes the provision, added in the previous version, directing the State Board of Community Colleges to realign its funding formula by increasing the amount allocated for curriculum and continuing education instruction by \$18 million and by reducing the amount for student services by the same amount.

Education

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

March 9, 2011

HOUSE convenes at 3:00 p.m.

SENATE convenes at 3:00 p.m.