

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

School of Government

The University of North Carolina at Chapel Hill
Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601
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House Legislative Day 28

Vol. 2011, No. 28

Senate Legislative Day 28

Tuesday, March 15, 2011

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 349. [PROMOTE GREEN ROOFS ON BUILDINGS](#). Filed 3/14/11. *TO PROMOTE GREEN ROOFS IN ORDER TO REDUCE STORMWATER RUNOFF, MITIGATE THE SIGNIFICANT WARMING THAT OCCURS IN METROPOLITAN AREAS RELATIVE TO THE SURROUNDING RURAL AREAS, AND REDUCE ENERGY CONSUMPTION, BY CREATING CERTAIN INCENTIVES TO INSTALL GREEN ROOFS.*

Amends GS 153A-277(a1), GS 160A-314(a1), and GS 162A-9 to authorize cities, counties, and water and sewer authorities to provide customers with credits against stormwater fees if the property has a green roof (as defined in amended GS 143-138). The provisions define how to calculate the credit and place an upper limit on the amount of the credit. Enacts new GS 105-277.18 to the tax code to define the term *green roof* (definitions identical) and provide that qualifying green roof improvements are considered a special class of property under Article V, Sec. 2(2), of the NC Constitution. Owners of property with qualifying green roof improvements are entitled to a partial exclusion of 10% of the improvement's appraised value during the first five taxable years after the completion of the improvement. Amends GS 143-138 to define the term green roof and direct the Building Code Council to include provisions in the Building Code pertaining to green roof technologies. Enacts new GS

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153A-327 directing urban counties (those that rank in the top 10 for population) to adopt guidelines addressing installation of green roofs (as defined in amended GS 143-138). Effective July 1, 2011; tax code changes apply to improvements made on or after that date.

Intro. by K. Alexander. GS 105, 143, 153A, 160A, 162A Taxation; Energy and Utilities;
Agriculture, Environment, and
Natural Resources

H 350. CLARIFY PROPERTY TAX FOR CONSERVATION LAND. Filed 3/14/11. *TO MODIFY THE CLASSES OF PROPERTY EXCLUDED FROM THE TAX BASE.*

GS 105-275 currently designates several classes of property as special classes under Article V, Sec. 2(2), of the NC Constitution and, as such, they are exempt from property taxes. Act amends subsection (12) to include real property owned by a nonprofit corporation or association primarily (was, exclusively) held for (a) educational and scientific purposes as a protected natural area or (b) for one or more of the conservation purposes required for donated property to qualify for a credit pursuant to GS 105-151.12. Also makes technical changes to subsection (12).

Act also adds new subsection (29b) to exempt real property that is (a) owned by a nonprofit land conservation corporation and held exclusively for sale under a conservation agreement or (b) held by a nonprofit land conservation corporation for future sale or transfer to a local, state, or federal government unit for conservation purposes. Property may be classified under these two new exemptions for up to five years and if the property is not sold or transferred as required, the taxes are due and payable in accordance with GS 105-277.1F. Makes conforming changes to GS 105-277.1F(a).

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

Intro. by McGrady, Starnes, Brubaker, Harrison. GS 105 Taxation; Property, Land Use, and
Housing

H 351. RESTORE CONFIDENCE IN GOVERNMENT. Filed 3/14/11. *TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING; (2) REQUIRING CANDIDATES AND TREASURERS TO TAKE IMMEDIATE ACTION TO CORRECT CAMPAIGN FINANCE VIOLATIONS AND REQUIRING LIABILITY OF CANDIDATES FOR CIVIL PENALTIES FOR CAMPAIGN FINANCE VIOLATIONS OF CANDIDATE CAMPAIGN COMMITTEES; (3) LIMITING THE CHAIR OF THE STATE BOARD OF ELECTIONS TO TWO TWO-YEAR TERMS IN THAT OFFICE; (4) PROHIBITING PIECE-WORK PAYMENT FOR VOTER REGISTRATION DRIVES; (5) PREVENTING CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS; AND (6) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.*

Voter Photo Identification. Amends GS 163-166.12 to require every individual seeking to vote in person to present valid photo identification to a local election official before voting at the voting place (deletes provision requiring persons who registered by mail to present identification under certain circumstances). New GS 163-166.12(a1) defines valid photo identification as one of the following items, provided it contains a photograph of the registered voter: (1) a NC driver's license issued under GS Chapter 20; (2) a special identification card for nonoperators issued under GS 20-37.7; (3) a valid identification card issued by any state or federal entity authorized to issue personal identification; (4) a valid U.S. passport; (5) a valid employee identification card issued by any state, local government, or federal entity; (6) a valid U.S. military identification card; (7) a valid tribal identification card; or (8) a valid NC voter identification card issued under proposed GS 163-166.13. Makes conforming and clarifying changes.

Enacts new GS 163-166.13 to require each county board of elections to accept applications for and issue NC voter identification cards to registered NC voters that are valid only for voter identification purposes. Prohibits the board of election from charging or collecting any fee associated with the voter identification card. Clarifies that only persons without a valid unexpired driver's license or special identification card for nonoperators are eligible for a NC voter identification card. Requires the card to be captioned "NORTH CAROLINA VOTER IDENTIFICATION CARD" and to contain a prominent statement that the card is valid only as identification for voting purposes. Requires that the card be laminated, contain a digital color photograph of the applicant, and include the applicant's full legal name, address of residence, birth date, date of card issuance, sex, height, weight, eye color, county where card was issued, and any other information required by the State Board of Elections (SBE). Requires the application for a NC voter identification card to elicit the information for inclusion on the card, and directs the applicant to sign. Directs the county board of election to verify the following before issuing a voter identification card: (1) a photo identity document or a nonphoto identity document if it includes the person's name; (2) evidence that the person is registered to vote in NC; and (3) documentation of the person's name and

residence address. Sets forth additional guidelines for valid voter identification cards, including duties for voters who move. Authorizes the SBE to adopt policies to administer the statute as necessary.

Amends GS 163-82.6A(b) to require a voter present valid photo identification, as defined, in order to register in person and then vote at one-stop voting sites. States that the photo identification requirement is separate from the requirement to provide proof of residence during in-person registration. Specifies that a person may vote a provisional ballot if the person fails to present the required identification. Makes a conforming change.

Makes additional conforming changes to GS 163-166.7(a) (requiring a person to state current name and address and to present valid photo identification upon entering the voting site) and 163-227.2(b) (requiring a person to state current name and address and to present valid photo identification upon entering an early voting site).

Enacts new GS 163-182.1A to allow a voter who cast a provisional ballot as a result of the voter's inability or refusal to provide proof of identification to personally appear at the county board of elections office before the conclusion of the election canvass in that county in order to request the provisional ballot be counted. Specifies that unless the vote is disqualified for some other reason provided by law, the county board of elections will count the provisional ballot if the voter both: (1) provides valid photo identification and (2) executes an affidavit affirming, under penalty of perjury, that the individual personally appeared to vote and cast the provisional ballot on that date. Allows a voter with a sincerely held religious objection to being photographed to submit an affidavit affirming such. Directs the board to note on the provisional ballot envelope that the voter has provided valid photo identification and to determine any other reason for the cast provisional ballot before ruling on the ballot's validity, in a situation where the county board of election determines that a voter cast a provisional ballot for a cause other than the voter's inability or declination to provide photo identification.

Amends GS 163-87 to also allow any registered voter of the precinct to challenge a voter who does not present proof of identification. Adds that an observer appointed under GS 163-45 may also enter challenges against voters in the precinct regardless of the observer's place of residence.

Provides that the above provisions of the act, requiring and relating to the new photo identification requirement, become effective in counties not subject to Section 5 of the Voting Rights Act of 1965 (requiring preclearance of election law changes in some counties) beginning with the 2012 statewide primary, and become effective in any county covered by Section 5 beginning with the later of the 2012 statewide primary or the date the act is precleared or approved.

Amends GS 20-37.7(d) to clarify that the special identification card issued under the statute by the Division of Motor Vehicles does not include a fee if the state resident is eligible to vote in NC but does not have valid photo identification. Makes technical changes. Effective July 1, 2011.

Provides for public education about the photo identification requirement by counties and the SBE, as indicated. Appropriates \$600,000 from the General Fund for 2011-12 to a special reserve to fund the public education campaign and the issuance of NC voter identification cards, allocated as follows: (1) \$100,000 to the SBE; (2) \$100,000 in an equal share to each county board of elections; (3) \$200,000 to county boards of election in proportion to the number of the county's registered voters; and (4) \$200,000 to county boards of election in counties covered by Section 5 of the Voting Rights Act of 1965, in proportion to the number of the county's registered voters. States that funds under Title I and Title II of the Help America Vote Act and unexpended funds in the NC Voter-Owned Elections Fund may fund the public education campaign and the issuance of NC voter identification cards. Also states that funds under the Election Assistance for Individuals with Disabilities provisions of the Help America Vote Act may fund the public education campaign and the issuance of NC voter identification cards to eligible persons. Provides that funds from the surcharge on attorney membership fees may fund the judicial elections component of the public education campaign. Effective July 1, 2011.

Candidate and Treasurer Duty and Liability. Enacts new GS 163-278.11A (duty of candidate) and 163-278.11B (duty of treasurer) to require a candidate or treasurer to take immediate action to correct the violation, upon actual notice of a violation under Article 22A of GS Chapter 163 (regulating political campaign contributions and expenditures) which may result in a criminal or civil penalty to a candidate or candidate campaign committee. Enacts new subsection (d1) to GS 163-278.34 to state that a candidate will be jointly and severally liable for a civil penalty assessed by the SBE against a candidate campaign committee if the candidate had actual notice of the violation at the time the violation occurred and failed to correct the violation. Applies to civil penalties assessed for any violation occurring on or after January 1, 2012.

State Board of Elections Chair Term Limit. Amends GS 163-19 to provide that the term of office for the SBE chair is two years, beginning on May 1 of each odd-numbered year. Requires a new chair to be elected to serve the remainder of an unexpired term, in the case of vacancy. Prohibits any person from being elected as chair for more than two terms. Cumulative service as chair for more than two years prior to May 1, 2009, is considered one term. Directs the SBE to elect a new chair for a two-year term beginning May 1, 2011.

Prohibit Piece-Work Payment for Voter Registration. Enacts new GS 163-82.25A to prohibit any person who employs or contracts with another to register voters or assist voters with registration forms from paying that person per voter registration application completed. Prohibits a person from accepting such payment. Makes a violation a Class 2 misdemeanor. Makes a conforming change to GS 163-274. Applies to voter registration applications completed on or after January 1, 2012.

No Pay-to-Play. Enacts new GS 163-278.13D, prohibiting any entity affiliated with a vendor that has a contract in excess of \$25,000 with any principal office or department listed under GS 143A-11 and subject to Article 3 of GS Chapter 143 (contract requirements) from making a contribution to a relevant political campaign during the contract's term. Also prohibits any campaign from knowingly accepting a contribution during the contract. Provides that the prohibition does not apply if contributions by all entities affiliated with the vendor to the relevant political campaign during the contract's term do not exceed \$1,000. Defines *contribution*, *entity affiliated with a vendor*, *office with authority to award contract*, and *relevant political campaign* for purposes of the statute. Authorizes the SBE to adopt reporting procedures necessary to enforce the law. Makes a violation a Class 2 misdemeanor. Applies to contributions made on or after January 1, 2012.

Absentee Ballots. Amends GS 163-230.2, stating that a written request for an absentee ballot is valid only if it is signed by the requester and deleting all other conditions placed on an absentee ballot request. Effective with respect to primaries and elections conducted on or after January 1, 2012.

Intro. by Lewis, T. Moore, Killian. GS 20, 163

Elections Law; Transportation;
Budget and Appropriations

H 353. DESIGNATION OF COASTAL GAME FISH. Filed 3/15/11. *TO DESIGNATE RED DRUM, SPOTTED SEA TROUT, AND STRIPED BASS AS COASTAL GAME FISH; TO PROHIBIT THE TAKING OF COASTAL GAME FISH OTHER THAN BY HOOK-AND-LINE; TO PROHIBIT THE SALE OF COASTAL GAME FISH; AND TO COMPENSATE COMMERCIAL FISHERMEN FOR CERTAIN LOSSES DUE TO THE DESIGNATION AND PROHIBITION.*

Enacts new GS 113-192 designating three species of fish as "coastal game fish" and imposing specific requirements on the taking of such fish and transactions related to such fish. Directs the Marine Fisheries Commission (Commission) to make mitigation payments to commercial fishermen demonstrating actual financial losses due to this designation. Defines the basis for calculating the amount of the payments (with an upper limit of one million dollars) and allows such payments for three years (2012-14). Authorizes the Commission to adopt rules. Effective July 1, 2011.

Intro. by McCormick, Glazier, Ingle, Samuelson. GS 113

Agriculture, Environment, and
Natural Resources

H 354. NO SUNSET FOR SWCD ANIMAL WASTE INSPECTIONS. Filed 3/15/11. *TO CONTINUE THE PILOT PROGRAM REGARDING INSPECTIONS OF ANIMAL OPERATIONS THAT ARE SUBJECT TO A GENERAL PERMIT FOR AN ANIMAL WASTE MANAGEMENT SYSTEM AS A PERMANENT PROGRAM BY REMOVING THE SUNSET FOR THE PILOT PROGRAM AND TO CODIFY THE PERMANENT PROGRAM.*

Transitions a four-county animal waste inspection program from a pilot program to a permanent program. Under the program, inspections in the four participating counties are conducted by the Division of Soil and Water Conservation rather than the Division of Water Quality and the local soil and water conservation districts are relied upon for quick response to complaints and reported problems. Provides that the four counties currently participating in the program remain in the program until the Department of Environment and Natural Resources determines otherwise. Amends the session law that created the pilot program to remove the September 1, 2011, sunset and amends GS 143-215.10F to codify the permanent program.

Intro. by Hill, Iler, Justice. GS 143

Agriculture, Environment, and
Natural Resources

H 355. SIMPLIFY TAXATION OF CERTAIN HOA PROPERTY. Filed 3/15/11. *TO SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS' ASSOCIATIONS.*

GS 105-277.8 currently allows the value of real and personal property owned by a nonprofit homeowners' association to be included in the assessments of the property owners and not the association if certain criteria are satisfied. Act amends the list of criteria to add a requirement that all of the property owned by the association be contained entirely within the same taxing jurisdiction as the member-owned property. Effective for taxable years beginning on or after July 1, 2011.

Intro. by Justice, Jordan. GS 105

Taxation; Property, Land Use, and
Housing

H 356. PSYCHOLOGICAL COUNSELING FOR JURORS. Filed 3/15/11. *TO PROVIDE FOR PSYCHOLOGICAL COUNSELING FOR JURORS WHO ARE EXPOSED TO GRAPHIC EVIDENCE OR TESTIMONY.*

Enacts GS 9-33 authorizing judges to offer up to 10 hours of counseling, without charge, to any person who served as a juror or alternate juror during a trial involving graphic evidence or testimony. The counseling may be coordinated by the Administrative Office of the Courts through the Employee Assistance Program or through other arrangements made with county-operated area mental health providers. Amends GS 7A-312(b) to allow jurors who waive their juror fees to designate the use of their fees for such counseling services. Authorizes the Judicial Department to use up to \$10,000 for such counseling during each year of the 2011-13 biennium. Effective for persons serving as jurors on or after July 1, 2011.

Intro. by M. Alexander.

GS 7A, 9

Courts

H 357. ECU/BD OF GOVERNORS DENTAL SCHOLARSHIP-LOAN. Filed 3/15/11. *TO PROVIDE THAT STUDENTS ACCEPTED FOR ADMISSION IN THE SCHOOL OF DENTISTRY AT EAST CAROLINA UNIVERSITY ARE ELIGIBLE FOR THE BOARD OF GOVERNORS DENTAL SCHOLARSHIP PROGRAM.*

Amends GS 116-40.10 to provide as title indicates. Directs the Board of Governors (Board) to forgive the loan awarded to a graduate of the School of Dentistry at East Carolina University if, within seven years of graduation, the recipient practices dentistry in a rural or underserved area of NC for four years or works as a full-time faculty member at one of the two schools of dentistry in NC for four years. Also directs the Board to forgive the loan if the Board finds that the recipient cannot practice dentistry for four years, within seven years of graduation, due to the recipient's permanent disability or death. Makes conforming and technical changes.

Intro. by Cook, McLawhorn, E. Warren.

GS 116

Education

H 359. CITY/COUNTY BEER AND WINE LICENSE TAXES (=S 299). Filed 3/15/11. *TO INCREASE THE CITY AND COUNTY RETAIL BEER AND WINE LICENSE TAXES FOR THE CITY AND COUNTY OF DURHAM TO TWO HUNDRED FIFTY DOLLARS AND TO INCREASE THE CITY WHOLESALER LICENSE FEE TO TWO HUNDRED FIFTY DOLLARS.*

Identical to S 299, filed 3/9/11.

Intro. by Michaux, Wilkins, Hall, Luebke.

GS 105

Taxation; Local Government;
Alcoholic Beverage Control

H 363. NO FILING FOR PARTY AND UNAFFILIATED. Filed 3/15/11. *TO LIMIT A PARTY NOMINEE FROM FILING AS AN UNAFFILIATED CANDIDATE FOR ANOTHER OFFICE EXCEPT IN CERTAIN CIRCUMSTANCES.*

Enacts new subsection (a1) to GS 163-122, which covers procedures for nominating unaffiliated candidates by petition, to prohibit the nominee of a party for one office from filing a petition as an unaffiliated candidate for another office in the same general election. Lists the following exceptions to the prohibition: (1) when the other office is for the remainder of an unexpired term, and the party nomination is made by the appropriate executive committee or (2) when the petition is filed more than 120 days before the general election and the person submitting the petition resigns as party nominee prior to the 120th day before the general election. Effective with respect to elections occurring on or after January 1, 2012.

Intro. by Adams.

GS 163

Elections Law

H 364. FUNDS/PROJECT C.A.R.E. Filed 3/15/11. *TO APPROPRIATE FUNDS TO THE DIVISION OF AGING AND ADULT SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE PROJECT CAREGIVER ALTERNATIVES TO RUNNING ON EMPTY PROGRAM.*

Appropriates \$500,000 for 2011-12 and \$500,000 for 2012-13 in nonrecurring funds from the General Fund to the Department of Health and Human Services, Division of Aging and Adult Services, to fund Project C.A.R.E., as the title indicates. Effective July 1, 2011.

Intro. by Adams.

APPROP

Budget and Appropriations

H 366. SPECIAL ELECTION DATES. Filed 3/15/11. *TO PROVIDE THAT EXCEPT IN THE CASE OF AN EMERGENCY COUNTY SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION AND MUNICIPAL SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION OR THE DATE OF THE MUNICIPAL GENERAL ELECTION.*

Amends GS 163-287 to provide (a) a special election for a city may only be held at the same time as the municipal or state general elections and (b) a special election for a county or special district may only be held at the same time as the state general election. Includes an exception for a special election related to a bond

referendum if the Local Government Commission finds that an emergency to the public health or safety requires an earlier date. Makes conforming changes to impose the same restrictions on special elections related to alcoholic beverages (GS 18B-601(f)), sales and use tax (GS 105-465, 105-473(a)), referendums on municipal charter amendments by ordinance (GS 160A-103), referendums on municipal charter amendments by initiative petition (GS 160A-104), and referendums on adoption of alterations to county boards of commissioners (GS 153A-60). Amends GS 159-61(b), which governs scheduling bond referenda, to require that referenda be scheduled consistent with the restrictions in GS 163-287 except when the Local Government Commission finds that an emergency to the public health or safety necessitates an earlier date. In such emergencies, the law would remain unchanged. Effective with respect to elections held on or after January 1, 2012.

Intro. by H. Warren, Cleveland, Brawley, Bradley. GS 159, 18B, 105, 163, 160A, 153A Elections Law; Local Government

H 368. STATE HISTORIC SITES SPECIAL FUND (=S 340). Filed 3/15/11. *ESTABLISHING THE STATE HISTORIC SITES FUND IN THE DIVISION OF STATE HISTORIC SITES.*

Identical to S 340, filed 3/14/11.

Intro. by Johnson, Daughtry. GS 121 State Government

H 370. ECU DENTAL SCHOOL FUNDS. Filed 3/15/11. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE SCHOOL OF DENTAL MEDICINE AT EAST CAROLINA UNIVERSITY.*

Appropriates \$3.5 million for 2011-12 and an additional \$1.5 million for 2012-13 in recurring funds from the General Fund to the UNC Board of Governors to support the School of Dental Medicine at East Carolina University. Effective July 1, 2011.

Intro. by E. Warren, McLawhorn, Cook, Tolson. APPROP Budget and Appropriations

SENATE BILLS

S 346. EXEMPT COOKING SCHOOLS FROM FOOD REGULATIONS. Filed 3/15/11. *TO EXEMPT BONA FIDE COOKING SCHOOLS FROM REGULATIONS GOVERNING THE SANITATION OF ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC.*

GS 130A-250 currently exempts certain types of establishments that prepare and serve food and drink from the requirements related to sanitation. Exempted establishments are not required to be inspected by local public health officials. Act amends GS 130A-250 to add an exemption for *bona fide cooking schools*. Defines the term *bona fide cooking school*.

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

S 347. REPORT HEALTH CARE-ASSOCIATED INFECTIONS. Filed 3/15/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A STATEWIDE SURVEILLANCE AND REPORTING SYSTEM FOR HEALTH CARE-ASSOCIATED INFECTIONS AND TO SUBJECT HOSPITALS TO THE REQUIREMENTS OF THE STATEWIDE SURVEILLANCE AND REPORTING SYSTEM.*

Enacts new GS 130A-150, directing the Department of Health and Human Services (Department) to establish a statewide surveillance system for health care-associated infections by December 31, 2011. Directs the Commission for Public Health to adopt rules necessary to implement such a system, which must include uniform standards for surveillance and reporting. Provides that hospitals, as defined in GS 131E-76(3), are subject to the system. Authorizes the Department to release to the public aggregated, de-identified data about infections only if release is in the public interest.

Intro. by Purcell, Bingham, Mansfield. GS 130A Health, Social Services, and Aging

S 348. TUITION FOR DEPENDENTS OF DEPLOYED MILITARY. Filed 3/15/11. *TO PROVIDE IN-STATE TUITION AT COMMUNITY COLLEGES FOR ONE YEAR TO DEPENDENTS OF MEMBERS OF THE ARMED SERVICES DEPLOYED OVERSEAS.*

Amends GS 115D-39 to allow a dependent relative of a member of the armed services to qualify for state resident community college tuition rates for one year if the following four conditions are satisfied: (a) the member of the armed services was stationed in North Carolina within the preceding 10 years, (b) the member is or will be deployed within the next six months overseas for more than one year, (c) the dependent resides in North Carolina

as a result of the member's deployment, and (d) the dependent is sponsored by a North Carolina resident. Sponsorship consists of signing an affidavit accepting financial responsibility for the dependent's tuition and other educational expenses. Effective July 1, 2011, and applies beginning with the 2011-12 school year.

Intro. by Atwater, Brown.

GS 115D

Education; Military and Veterans
Affairs

S 349. CONFIDENTIALITY/INVESTIGATIVE INFO/OPTOMETRY. Filed 3/15/11. *ALLOWING THE NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY TO CONSIDER CERTAIN INVESTIGATIVE INFORMATION AS CONFIDENTIAL.*

Enacts new GS 90-121.5 to authorize the North Carolina State Board of Examiners in Optometry (Board) to receive, in a closed session, information or evidence on the treatment of a patient who has not expressly or impliedly consented to public disclosure of the treatment, when the confidentiality is necessary to protect the rights of the patient or the accused licensee and to allow full presentation of relevant evidence.

Specifies that all information obtained as the result of any type of investigation will not be considered public records under GS Chapter 132 (public records law), and are considered privileged, confidential, and not subject to disclosure, as indicated. Provides, however, that any notice or statement related to charges against a licensee or applicant or to a hearing will be a public record. Allows any identifying information concerning the treatment of or delivery of services to a patient or client to be deleted if the patient or client did not consent to disclosure. Defines *investigative information* for purposes of the proposed subsection.

Authorizes the Board and related parties to release confidential or nonpublic information concerning disciplinary actions, as listed, to any health care licensure board in NC or another state or to authorized Department of Health and Human Services personnel. Requires the Board to provide written notification to the licensee within 60 days of the information transmission. Allows the licensee to request a copy of the transmitted information within 30 days of the notification, but prohibits notice or disclosure if the information relates to an ongoing criminal investigation.

Intro. by Purcell, Pate.

GS 90

Employment and Retirement;
Health, Social Services, and Aging

S 350. FIRE AND RESCUE SEPARATION ALLOWANCES. Filed 3/15/11. *TO ESTABLISH A SPECIAL SEPARATION ALLOWANCE FOR CAREER FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS.*

Enacts new Article 12G to GS Chapter 143 for the purpose as the title indicates. Defines the following terms as they are used in the Article: (1) beneficiary, (2) career firefighter, (3) career rescue squad worker, and (4) employer. Provides criteria to be met to qualify for the special separation allowance. Defines *creditable service* as it is used in determining the requirements to be met in order to qualify for the allowance. Specifies when the payment of the special separation allowance will cease. Provides that the benefits under these proposed provisions do not affect the benefits to which an individual may be entitled from state, federal, or private retirement systems. Also provides that the benefits payable under these proposed provisions are not subject to any increases in salary or retirement allowances that may be granted to local employees by an employer. Designates the governing body for each local government unit as responsible for determining the eligibility of its employees for these benefits and for making payments to those eligible employees.

Effective July 1, 2011.

Intro. by Hartsell.

GS 143

Employment and Retirement;
Emergency Services

S 351. ANNUAL TRANSACTION REPORTS REQUIREMENT. Filed 3/15/2011. *TO REQUIRE ANNUAL TRANSACTION REPORTS.*

Enacts GS 105-164.16A to require annual reporting to the Department of Revenue from two categories of taxpayers: (a) an insurer licensed to issue a motor vehicle liability policy if it paid for servicing or repair in the state on behalf of an insured, and (b) a franchisor making a wholesale or retail sale to a franchisee. Defines key terms, including *franchise*, *franchisee*, and *franchisor*. Specifies the elements that must be included in the annual report. Effective January 1, 2011.

Intro. by Hartsell.

GS 105

Taxation

S 352. RESTORE CONFIDENCE IN GOVERNMENT (=H 351). Filed 3/15/11. *TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING; (2) REQUIRING CANDIDATES AND TREASURERS TO TAKE IMMEDIATE ACTION TO CORRECT CAMPAIGN FINANCE VIOLATIONS AND REQUIRING LIABILITY OF CANDIDATES FOR CIVIL PENALTIES FOR CAMPAIGN FINANCE VIOLATIONS OF CANDIDATE CAMPAIGN COMMITTEES; (3) LIMITING THE CHAIR OF*

THE STATE BOARD OF ELECTIONS TO TWO TWO-YEAR TERMS IN THAT OFFICE; (4) PROHIBITING PIECE-WORK PAYMENT FOR VOTER REGISTRATION DRIVES; (5) PREVENTING CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS; AND (6) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

Identical to H 351, filed 3/14/11.

Intro. by Meredith, Hise.

GS 20, 163

Elections Law; Transportation;
Budget and Appropriations

Local Bills

HOUSE BILLS

H 352. DELAY KANNAPOLIS ANNEXATION. Filed 3/14/11. *AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY.*

Amends Section 2 of SL 2009-113, to extend the effective date to September 30, 2013, as the title indicates.

Intro. by Steen.

CABARRUS, ROWAN

Cabarrus; Rowan

H 358. APEX/CARY ANNEXATION INTO CHATHAM RESTRICTED. Filed 3/15/11. *TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY BEFORE THE TOWNS OF APEX OR CARY MAY MAKE AN INVOLUNTARY ANNEXATION INTO CHATHAM COUNTY.*

As title indicates. Effective for annexation ordinances adopted after the act becomes law.

Intro. by Hackney, Stam.

CHATHAM, WAKE

Chatham; Wake

H 360. COLUMBIA MUNICIPAL EARLY VOTING. Filed 3/15/11. *TO ALLOW THE TOWN OF COLUMBIA TO HAVE LIMITED ONE-STOP EARLY VOTING FOR MUNICIPAL ELECTIONS WHEN NO OTHER ELECTIONS ARE ON THE BALLOT.*

Amends GS 163-227.2(f) as title indicates. Effective for elections conducted on or after September 1, 2011.

Intro. by Owens.

TYRRELL

Tyrrell

H 361. CURRITUCK ELECTRONIC NOTICE. Filed 3/15/11. *TO ALLOW CURRITUCK COUNTY TO PROVIDE ELECTRONIC NOTICE OF PUBLIC HEARINGS.*

SL 2003-81 authorized Cabarrus County to adopt ordinances allowing the county to provide electronic notices of public hearings instead of publishing notices in newspapers. Such ordinances may not supersede state law requirements for notice by mail or posting of signs on property. Such ordinances may not alter the publication schedule required by state law. Act extends the scope of the local law to include Currituck County.

Intro. by Owens.

CURRITUCK

Currituck

H 362. PASQUOTANK HUNTING. Filed 3/15/11. *TO REGULATE HUNTING WITH CENTERFIRE RIFLES IN PASQUOTANK COUNTY.*

Makes it unlawful to hunt, as defined, in Pasquotank County with a centerfire rifle except from a stationary stand which raises the lower level of the barrel to a minimum of eight feet above ground level. Exempts landowners and lessees of property using a centerfire rifle for self-protection or to prevent crop destruction from the prohibition. Makes a violation an infraction, with a penalty of \$10 and court costs. Authorizes enforcement by law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction. Applies to acts committed on or after October 1, 2011.

Intro. by Owens.

PASQUOTANK

Pasquotank

H 365. PINK HILL ELECTIONS. Filed 3/15/11. *TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS.*

Adds new Section 3.1 to the Pink Hill Charter, as amended, to provide that the mayor will be elected for a four-year term in 2011 and every four years thereafter. Details the election procedure for staggered commissioner terms.

Intro. by LaRoque. LENOIR Lenoir

H 367. ROANOKE RAPIDS DEANNEXATION (=S 313). Filed 3/15/11. *TO DEANNEX CERTAIN PARCELS PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION.*

Identical to S 313, filed 3/9/11.

Intro. by Bryant, Bradley. HALIFAX Halifax

H 369. ROANOKE RAPIDS LOCAL OPTION SALES TAX (=S 312). Filed 3/15/11. *TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO LEVY A ONE CENT LOCAL SALES AND USE TAX TO REPAY TAX INCREMENT FINANCING BONDS.*

Identical to S 312, filed 3/9/11.

Intro. by Bryant. HALIFAX Halifax

ACTION ON BILLS

March 15, 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

H0021 County Administration of Municipal Elections. 03-10-11	H Passed 3rd Reading
H0045 Accelerate Cleanup of Industrial Properties. 03-03-11, 03-10-11	H Passed 2nd & 3rd Reading
H0049 Laura's Law. 02-24-11, 03-09-11	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
H0124 IRC Update. 02-24-11	H Pres. To Gov. 3/15/2011
H0331 Allow PAs and NPs to Sign Death Cert.	H Withdrawn From Com H Re-ref Com On Health and Human Services
H0337 Smart Card Biometrics Against Medicaid Fraud.	H Passed 1st Reading H Ref to the Com on Health and Human Services, if favorable, Appropriations
H0339 Housing Authority/Collect Unpaid Rent.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0340 Utilities Commission/Criminal Records Check.	H Passed 1st Reading H Ref to the Com on Public Utilities, if favorable, Judiciary
H0341 Tobacco Products Tax Increase.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of

		the House
H0342 High School Accreditation.	H	Passed 1st Reading
	H	Ref to the Com on Education, if favorable, Appropriations
H0343 Support Law Enforcement/Safe Neighborhoods.	H	Passed 1st Reading
	H	Ref to the Com on Judiciary Subcommittee A, if favorable, Commerce and Job Development
H0344 Tax Credits for Children with Disabilities.	H	Passed 1st Reading
	H	Ref to the Com on Education, if favorable, Finance
H0345 Modify Move Over Law.	H	Passed 1st Reading
	H	Ref to the Com on Commerce and Job Development, if favorable, Transportation, if favorable, Judiciary Subcommittee B
H0346 Pol. Comm. Treas. Training/ Org. Rpt Req.	H	Passed 1st Reading
	H	Ref To Com On Elections
H0347 Notification to Treat Minors/ 12 or Younger.	H	Passed 1st Reading
	H	Ref to the Com on Health and Human Services, if favorable, Judiciary Subcommittee A
H0348 Offenders/No Access to Personnel Records.-AB	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee C
H0349 Promote Green Roofs on Buildings.	H	Passed 1st Reading
	H	Ref to the Com on Environment, if favorable, Finance
H0350 Clarify Property Tax for Conservation Land.	H	Passed 1st Reading
	H	Ref To Com On Finance
H0351 Restore Confidence in Government.	H	Passed 1st Reading
	H	Ref To Com On Elections
H0353 Designation of Coastal Game Fish.	H	Filed
H0354 No Sunset for SWCD Animal Waste Inspections.	H	Filed
H0355 Simplify Taxation of Certain HOA Property.	H	Filed
H0356 Psychological Counseling for Jurors.	H	Filed
H0357 ECU/Bd of Governors Dental Scholarship-Loan.	H	Filed
H0363 No Filing for Party and Unaffiliated.	H	Filed
H0364 Funds/Project C.A.R.E.	H	Filed
H0366 Special Election Dates.	H	Filed
H0368 State Historic Sites Special Fund.	H	Filed
H0370 ECU Dental School Funds.	H	Filed
S0007 Add Controlled Substances. 02-23-11, 03-09-11	S	Concurred In H/com Sub
S0022 APA Rules: Limit Additional Costs. 02-08-11, 02-09-11, 03-07-11	S	Concurred In H/com Sub

S0032 Hospital Medicaid Assessment/ Payment Program. 02-22-11	H	Passed 2nd Reading
S0051 Charitable Solicitations/ Clarify Exemption.	H	Passed 1st Reading
S0058 Modify FMAP Cuts. 03-10-11	H	Ref To Com On Finance
S0075 Promote Electricity Demand Reduction. 03-15-11	H	Passed 2nd & 3rd Reading
S0091 Repeal e-NC Sunset. 03-15-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted S Re-ref Com On Finance
S0109 Spending Cuts for the Current Fiscal Year. 03-02-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted
S0118 Downtown Service District Definition.	H	Passed 2nd & 3rd Reading
S0133 Juror Privacy.	S	Reptd Fav
S0146 State Shrimp Festival-Sneads Ferry.	S	Reptd Fav
S0194 Electric Vehicle Incentives. 03-15-11	S	Reptd Fav SA Com Substitute Adopted
S0212 Cemeteries/Survey Stamp.	S	Reptd Fav
S0308 State Regulation of Greenhouse Gas Emissions. 03-15-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted
S0338 Tobacco Products Tax Increase.	S	Passed 1st Reading
S0339 Modify Driver Education Program.	S	Ref To Com On Rules and Operations of the Senate
S0340 State Historic Sites Special Fund.	S	Passed 1st Reading
S0341 African-American Heritage Comm Funds.	S	Ref To Com On Finance
S0342 Appropriations Act of 2011.	S	Passed 1st Reading
S0343 Communications Regulatory Reform.	S	Ref To Com On Appropriations/ Base Budget
S0344 Government Transparency Act of 2011.	S	Passed 1st Reading
S0345 Encourage Invest to Retain Art 3A Installment.	S	Ref To Com On Judiciary I
S0346 Exempt Cooking Schools from Food Regulations.	S	Passed 1st Reading
S0347 Report Health Care-Associated Infections.	S	Ref To Com On Finance
S0348 Tuition for Dependents of Deployed Military.	S	Filed
S0349 Confidentiality/Investigative	S	Filed

Info/Optomerty.
 S0350 Fire and Rescue Separation S Filed
 Allowances.
 S0351 Annual Transaction Reports S Filed
 Requirement.
 S0352 Restore Confidence in S Filed
 Government.

LOCAL BILLS

H0338 Burke School Board Recall. H Passed 1st Reading
 H Ref To Com On Government
 H0352 Delay Kannapolis Annexation. H Passed 1st Reading
 H Ref to the Com on Government,
 if favorable, Finance
 H0358 Apex/Cary Annexation Into H Filed
 Chatham Restricted.
 H0359 City/County Beer and Wine H Filed
 License Taxes.
 H0360 Columbia Municipal Early H Filed
 Voting.
 H0361 Currituck Electronic Notice. H Filed
 H0362 Pasquotank Hunting. H Filed
 H0365 Pink Hill Elections. H Filed
 H0367 Roanoke Rapids Deannexation. H Filed
 H0369 Roanoke Rapids Local Option H Filed
 Sales Tax.
 H0371 Winston-Salem/Informal Bids H Filed
 Electronically.
 H0372 Winston-Salem Franchises. H Filed
 S0080 Lewisville Annexations. S Withdrawn From Com
 S Re-ref Com On Rules and
 Operations of the Senate
 S0155 Wake Local Stormwater Utility S Reptd Fav
 Fees.
 S0182 Greenville/Email Subscription S Reptd Fav
 Lists.
 S0261 Chowan Fox Seasons. S Reptd Fav
 S0263 ETJ/Wake Municipal Farm S Reptd Fav
 Exemption.
 S0269 Hillsborough Occupancy Tax. S Reptd Fav
 S0270 Huntersville E-mail lists/ S Reptd Fav
 Electronic Access.

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

SENATE BILLS

S 75. PROMOTE ELECTRICITY DEMAND REDUCTION. Filed 2/15/11. Senate committee substitute makes the following changes to 1st edition.

Amends the definition of *electricity demand reduction* to mean a measurable voluntary reduction in the electricity demand of a retail electric customer under the real-time control of both the electric power supplier (was, electric public utility) and the retail electric customer, measured in real time.

Agriculture, Environment, and
Natural Resources; Energy and
Utilities

S 91. REPEAL E-NC SUNSET. Filed 2/21/11. Senate committee substitute makes the following changes to 1st edition. Changes the title of the act to *AN ACT TO EXTEND THE SUNSET PROVISION PERTAINING TO THE E-NC AUTHORITY*. Deletes the provisions of the 1st edition which repealed the sunset provision for the e-NC Authority and instead extends the sunset as follows. Dissolves the e-NC Authority, repeals the act establishing the e-NC Authority, and repeals Part 2F (e-NC Initiative) of Article 10 of GS Chapter 143B and GS 120-123 (77) effective June 30, 2015 (effective December 31, 2011, under current law).

Energy and Utilities; Community
and Economic Development

S 194. ELECTRIC VEHICLE INCENTIVES. Filed 3/2/11. Senate committee substitute makes the following changes to 1st edition.

Clarifies in proposed GS 20-4.01(28a)b. one of the requirements designating a *plug-in electric vehicle* to require that the four-wheeled motor vehicle must not be modified from original manufacturer specifications *with regard to power train or any manner of powering the vehicle.*

Transportation

S 308. STATE REGULATION OF GREENHOUSE GAS EMISSIONS. Filed 3/9/11. Senate committee substitute makes the following changes to 1st edition.

Codifies the provisions of the 1st edition as new subsection (h) to GS 143-215.107. Provides that no agency, as defined in GS 150B-2, may adopt, implement, or enforce (was, no state agency, regulatory board, or commission shall develop, implement, or enforce) a rule that regulates greenhouse emissions or limits human activity for the purpose of reducing greenhouse gas emissions if (1) federal law or regulation does not require the rule or (2) the rule is more stringent than a corresponding federal law or regulation. Amends the catch line to read: *Air quality standards and classifications; limit on regulation of greenhouse gases.* Expands the bill title to read as follows: *AN ACT TO PROHIBIT STATE AGENCIES FROM ADOPTING, IMPLEMENTING, OR ENFORCING A RULE THAT REGULATES GREENHOUSE GAS EMISSIONS OR LIMITS HUMAN ACTIVITY FOR THE PURPOSE OF REDUCING GREENHOUSE GAS EMISSIONS IF THE RULE IS NOT REQUIRED BY A FEDERAL LAW OR REGULATION OR IS MORE STRINGENT THAN A CORRESPONDING FEDERAL REGULATION OR LAW.*

Agriculture, Environment, and
Natural Resources

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

March 16, 2011

HOUSE convenes at 2:00 p.m.

SENATE convenes at 3:00 p.m.