

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 397. [DHHS PENALTIES AND REMEDIES REVISION](#). Filed 3/16/11. *REVISING PENALTIES AND REMEDIES CONCERNING HEALTH FACILITIES.*

Revises penalties and remedies concerning facilities licensed (1) to assist individuals with needs for mental health, developmental disabilities, and substance abuse services [MH/DD/SA] (GS 122C-24.1), (2) as adult care homes (GS 131D-34), and (3) as health care facilities (GS 131E-129).

Identifies four types of violations applicable to facilities for MH/DD/SA services, adult care homes, and health care facilities: (1) A1 Violation, (2) A2 Violation, (3) B Violation, and (4) Past Corrected Type A1 or A2 Violation. Current law authorizes the Department of Health and Human Services (DHHS) to impose an administrative penalty on MH/DD/SA services, adult care homes, and health care facilities. Provides that violations are to be classified and the penalties assessed according to the nature of the violation.

GS 122C-24.1 (MH/DD/SA services). Identifies a Type A1 Violation as a violation of the regulations, standards, and requirements contained in Article 2 or Article 3 of GS Chapter 122C or applicable federal and state laws and regulations governing the licensure or certification of a facility that results in death or serious physical

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harm, abuse, neglect, or exploitation (was, results in death or serious physical harm, or results in substantial risk that death or serious physical harm will occur).

GS 131D-34 (adult care homes). Identifies a Type A1 Violation as a violation of the regulations, standards, and requirements contained in *GS 131D-21* or applicable federal and state laws and regulations governing the licensure or certification of a facility that results in death or serious physical harm, abuse, neglect, or exploitation (was, results in death or serious physical harm, or results in substantial risk that death or serious physical harm will occur).

GS 131E-129 (health care facilities). Identifies a Type A1 Violation as a violation of the regulations, standards, and requirements contained in *GS 131E-117* or applicable federal and state laws and regulations governing the licensure or certification of a facility that results in death or serious physical harm, abuse, neglect, or exploitation (was, results in death or serious physical harm, or results in substantial risk that death or serious physical harm will occur).

A Type A2 Violation under all three statutory provisions is one that results in a *substantial risk* that death or serious physical harm, abuse, neglect, or exploitation will occur. A Past Corrected Type A1 or A2 Violation means a violation that has been corrected, but was not previously identified by DHHS or its authorized representative. A Type B Violation is a violation that is detrimental (was, which presents a direct relationship) to the health, safety, or welfare of any client, patient, or resident, but does not result in substantial risk that death or serious physical harm, abuse, neglect, or exploitation will occur.

Makes the following changes to *GS 122C-24.1*, *131D-34*, and *131E-129*.

Requires that the person making the findings make an immediate oral report of the specific findings to the facility concerning a Type A1 Violation, Type A2 Violation, and a Type B Violation and send a report of the findings to the facility within 15 working days of the investigation. Also directs the person making the findings to require (1) a written protection plan as to how the facility plans to immediately abate the violation in order to protect clients, patients, or residents from further risk or additional harm and (2) the facility to submit a correction plan to DHHS that describes the steps that the facility will take to achieve and maintain compliance. Provides criteria for when a penalty is to be assessed for Type A1, A2, and B Violations and sets parameters for determining the dollar amount of the penalty, including factors to be considered in determining the amount of the initial penalty. Also provides criteria for penalties for repeat violations. Provides that a penalty may not be assessed for a Past Corrected Type A1 or A2 Violation if (1) the violations were abated immediately and (2) the facility implemented corrective measures to achieve and maintain compliance. Authorizes the Secretary to order a facility to provide staff training in lieu of assessing all or some of the administrative penalty.

Amends *GS 131E-129* to provide that a facility wishing to contest a penalty must file its petition for a contested case Under *GS Chapter 150B* within 30 days after DHHS mails a notice of penalty to the licensee. Conforms *GS 131E-129* with identical provisions in *GS 122C-24.1* and *131D-34*.

Amends *GS 131D-34* to provide that the clear proceeds of the civil penalties collected under this statute are to be remitted to the State Treasurer for deposit in accordance with state law. Directs DHHS (was, the Secretary of DHHS) to make a written record of its findings in determining the amount of the penalty and make the written record available to all affected parties including individuals who are lawfully designated by the affected resident to make health care decisions for the resident.

Intro. by Lewis. *GS 122C, 131D, 131E* Health, Social Services, and Aging

H 399. CAP MOTOR FUEL EXCISE TAX RATE. Filed 3/17/11. *TO PROVIDE A STATUTORY CAP FOR THE MOTOR FUEL EXCISE TAX RATE.*

Amends *GS 105-449.80* to set a cap of 15 cents per gallon on the variable wholesale component of the motor fuel excise tax. Effective for taxes imposed on or after July 1, 2011.

Intro. by McElraft, Killian, Hager, Stone. *GS 105* Taxation

H 400. TAXPAYER TRANSPARENCY ACT. Filed 3/17/11. *TO CREATE A SEARCHABLE BUDGET DATABASE FOR STATE SPENDING.*

Enacts new Article 3E, *Taxpayer Transparency Act*, to *GS Chapter 147*. Finds that taxpayers should have access to the details on how the state spends tax dollars and the performance results from those expenditures. Indicates that the purpose is to create a searchable budget database website.

Provides a list of definitions as they apply in the proposed Article 3E. Defines *searchable budget database web site* (searchable database) as a website that allows the public, at no cost, to search and aggregate information for all of the following: (1) the name and principal location or residence of the entity or recipient of funds; (2) amount of funds expended; (3) funding or expending agency; (4) the funding source; (5) the budget program or activity of the expenditure; (6) a descriptive purpose for the funding action or expenditure; (7) the

expected performance outcome for the funding action or expenditure; (8) the past performance outcomes achieved for the funding action or expenditure; (9) any state audit or report relating to the entity or recipient of funds or to the budget program, activity, or agency; and (10) any other relevant information specified by the Office of State Budget and Management. Provides that, where possible, the searchable database should include a hyperlink to the actual grant or contract that is a funding action or expenditure. Defines *funding action or expenditure* as including details on the type of spending that is for \$10,000 or more, as well as tax exemptions or credits.

Directs the Director (defined as the Governor or the person designated by the Governor to administer the provisions of proposed Article 3E) to develop and make publicly available by January 1, 2013, a searchable budget database website that includes the required data for the 2011-13 fiscal biennium. Specifies that the website is to be given a unique and simplified web address. Directs each state agency for which there is a generally accessible Internet site to include a front page link to the searchable database.

Also directs that, effective July 1, 2012, the searchable database must be updated for each fiscal year no later than 30 days following the end of the fiscal year. Allows the Director to update the web site as new data becomes available. Directs all state agencies to provide the Director all data required to be in the searchable database no later than 30 days after the data becomes available. Requires the Director to add data for the budget for the 2009-11 fiscal biennium to the searchable database by January 1, 2013. Requires that all data added to the searchable database remain available to the public for a minimum of 10 years.

Provides that the Director is not in compliance with the provisions of proposed Article 3E: (1) if the required data is not available in a searchable and aggregate manner or (2) the public is redirected to other government websites, unless each of those sites has information from all agencies and each category of information can be electronically searched by field in a single search.

Intro. by McElraft, Blackwell.

GS 147

State Government

H 402. ARTS NC SPECIAL PLATE. Filed 3/17/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR ARTS NORTH CAROLINA, INC.*

Enacts new GS 20-79.4(b)(12a) as title indicates. Amends GS 20-63(b) to add the plate to those that are not "First in Flight" plates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to ARTS North Carolina, Inc., to provide funding to promote the arts in North Carolina. Effective July 1, 2011.

Intro. by Carney.

GS 20

Transportation

H 404. DIABETES ALERT DAY. Filed 3/17/11. *RECOGNIZING DIABETES ALERT DAY IN NORTH CAROLINA.*

As title indicates, recognizes March 22, 2011, as Diabetes Alert Day.

Intro. by Dollar, Earle.

HOUSE RES

General Assembly

H 405. MINIMUM CLERK OF COURT STAFF. Filed 3/17/11. *TO ENSURE A MINIMUM NUMBER OF CLERK OF SUPERIOR COURT STAFF POSITIONS IN EACH CLERK'S OFFICE.*

Amends GS 7A-102(a), adding that no clerk of superior court office will have fewer than five total staff positions in addition to the elected clerk of superior court. Effective July 1, 2011.

**Intro. by Spear, West, Mobley,
Stevens.**

GS 7A

Courts

H 406. VOLUNTARY AGRICULTURE DISTRICTS. Filed 3/17/11. *TO PROVIDE THAT LAND THAT IS ENGAGED IN AGRICULTURE MAY QUALIFY FOR ENROLLMENT IN A VOLUNTARY AGRICULTURAL DISTRICT EVEN THOUGH IT DOES NOT QUALIFY FOR TAXATION AT ITS PRESENT-USE VALUE, AND TO PROVIDE THAT RESIDENTIAL LOTS CREATED ON LAND THAT IS THE SUBJECT OF A CONSERVATION AGREEMENT MUST MEET MUNICIPAL ZONING AND SUBDIVISION REGULATIONS, AND TO PROVIDE THAT REVOCABLE VOLUNTARY AGRICULTURAL DISTRICT CONSERVATION AGREEMENTS ARE NOT REQUIRED TO BE RECORDED.*

Amends GS 106-737 to provide that farmland may qualify for inclusion in a voluntary agricultural district or an enhanced voluntary agricultural district if the real property is engaged in agriculture, as defined (deletes requirement that farmland participate in the present use value taxation program), and the creation of no more than three lots on real property subject to a conservation agreement meets county *and municipal* zoning and subdivision regulations. Retains other existing requirements.

Amends GS 121-41 to add that a conservation agreement entered into to enroll real property in a voluntary agricultural district need not be recorded unless the conservation agreement is irrevocable, as specified. Makes a conforming change.

Intro. by Jordan, Hill, Randleman, Mobley.

GS 106, 121

Agriculture, Environment, and Natural Resources;
Property, Land Use, and Housing

H 407. MODIFY ATV HELMET USE REQUIREMENTS. Filed 3/17/11. *TO MODIFY THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING AN ALL-TERRAIN VEHICLE.*

Amends GS 20-171.19, adding that no person under 18 years of age will operate an all-terrain vehicle (ATV) off a public street or highway or public vehicular area unless the person wears eye protection and a safety helmet. Clarifies that no person will operate an ATV *on a public street or highway or public vehicular area* without eye protection and a safety helmet. Also clarifies that a person *under 18 years of age* may operate an ATV while inspecting power lines and wearing head and eye protection, as specified. Makes conforming changes. Applies to offenses committed on or after October 1, 2011.

Intro. by T. Moore, LaRoque.

GS 20

Transportation

H 408. AMEND CRIMINAL DISCOVERY LAWS. Filed 3/17/11. *TO AMEND THE LAW REGARDING DISCOVERY IN CRIMINAL CASES.*

Amends GS 15A-903 regarding disclosure of evidence by the state to provide that upon a motion by the defendant, the court is required to order the state to make available to the defendant the prosecutor's complete file involving the investigation of the crimes committed or the state's prosecution of the defendant (was, required the State to make available the complete files of all law enforcement and prosecutorial agencies involved in the investigation). Makes a conforming change. Also provides that oral statements by a witness to a prosecutor outside the presence of a law enforcement officer or investigative assistant are not required to be written or recorded unless the witness's oral statement contains *material* and significantly new or different information from a prior statement (was, not required to be written unless there is significantly new or different information). Requires that any representative of the State who is requesting investigative assistant or expert witness services must file a motion and notice of hearing on the defendant in court in the presence of opposing counsel. Directs a law enforcement agency to make a complete copy of the files related to the investigation of the crimes committed or the prosecution of the defendant upon request by the State.

Amends GS 15A-904 to provide that unless ordered to do so by the court, the state is not required to disclose the identity of any individual providing information about a crime or criminal conduct to a Crime Stoppers organization under promise of anonymity. Defines Crime Stoppers organization. Also provides that the State is not required to disclose the Victim Impact Statement or its content unless otherwise required by law. Defines what constitutes a Victim Impact Statement. Provides that the district attorney or other prosecuting attorney and legal staff are presumed to be acting in good faith if the state has undertaken compliance with Article 48 of GS Chapter 15A by making disclosure.

Amends GS 15A-905(c)(2) to provide that the court must order, upon motion by the state, the defendant requesting investigative assistance or expert witness services to file a motion and notice of hearing on the State, in court and in the presence of opposing counsel.

Adds new subsection (c) to GS 15A-910 (regulation of discovery; failure to comply) to provide that if the court imposes any sanctions, it must make specific findings to support imposing the sanction.

Effective December 1, 2011, and applies to cases pending on or after that date.

Intro. by T. Moore, Spear, Shepard.

GS 15A

Criminal Law, Procedure, and Sentencing

SENATE BILLS

S 367. EFFICIENT AND AFFORDABLE ENERGY RATES BILL (=H 135). Filed 3/17/11. *(1) TO REQUIRE THE NORTH CAROLINA UTILITIES COMMISSION TO ESTABLISH TIERED ELECTRICITY RATES FOR RESIDENTIAL, COMMERCIAL, PUBLIC, AND INDUSTRIAL CUSTOMERS TO ENCOURAGE ENERGY CONSERVATION AND ENERGY EFFICIENCY; (2) TO CREATE THE ENERGY EFFICIENCY PUBLIC BENEFIT LOAN FUND TO BE USED FOR LOANS TO CUSTOMERS FOR THE COSTS OF CERTAIN ENERGY*

EFFICIENCY OR RENEWABLE ENERGY PROJECTS; AND (3) TO CREATE AN INCENTIVE FOR CONSUMERS TO PURCHASE ENERGY STAR QUALIFIED HOUSEHOLD PRODUCTS.

Identical to H 135, filed 2/17/11.

Intro. by Kinnaird.

GS 62, 105

Energy and Utilities; Taxation;
Agriculture, Environment, and
Natural Resources

S 368. MODIFY PUBLIC SWIMMING POOL REQUIREMENTS. Filed 3/17/11. *TO MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS FOR PUBLIC SWIMMING POOLS.*

Enacts new subsection (b) to GS 130A-281, which requires a swimming pool permit, to prohibit the Department of Environment and Natural Resources (DENR) from denying an operation permit to an owner or operator of a public swimming pool that received a permit before April 1, 2010, solely due to owner or operator's failure to comply with specified fencing requirements. However, allows DENR to deny a permit for failure to comply when (1) at least 50% of the fence has been damaged or destroyed or (2) the owner or operator elects to replace the fence. Makes a conforming change.

Adds two exceptions in GS 130A-282(b), which excepts certain public swimming pools from listed rules, as follows: (1) the owner/operator of a public swimming pool with a fence constructed before April 1, 2010, must comply with the specified fencing requirements only when 50% of the fence is damaged or destroyed, or the owner replaces the fence and (2) the owner or operator of a fountain located on public grounds or in a public park that is not associated with a pool and incorporates devices with sprayed water is not required to provide dressing and sanitation facilities. Requires the excepted owner or operator to comply with all other applicable rules. Makes a conforming change and makes other clarifying changes.

Directs the Commission for Public Health (Commission) to review the safety benefits of 15A NCAC 18A .2531(a)(7), which requires a wading pool to be separated from a swimming pool by a fence or other structure, and to specifically consider whether allowing a parent with a child in each pool to quickly move between the two pools would be more or less beneficial. Directs the Commission to report to the Joint Regulatory Committee by March 1, 2012.

Prohibits the Department from requiring owners and operators of public swimming pools to comply with 15A NCAC 18A .2531(a)(7) from the date the act becomes law through July 1, 2012.

Intro. by Tucker, Rouzer.

GS 130A

Health, Social Services, and Aging

S 369. REAPPOINT JOS. A. SMITH COMMISSIONER OF BANKS (=H 121). Filed 3/17/11. *TO CONFIRM THE GOVERNOR'S REAPPOINTMENT OF JOSEPH A. SMITH TO THE OFFICE OF COMMISSIONER OF BANKS.*

Identical to H 121, filed 2/16/11.

Intro. by Brown.

JOINT RES

General Assembly

S 370. INCREASE DISABLED VET PROPERTY TAX EXCLUSION. Filed 3/17/11. *TO INCREASE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.*

As title indicates, amends GS 105-277.1C to increase the exclusion from the first \$45,000 to the first \$65,000 of the appraised value of the residence. Effective for taxable years beginning on or after July 1, 2011.

Intro. by Tillman, Soucek.

GS 105

Taxation; Military and Veterans
Affairs

S 371. DIABETES ALERT DAY (=H 404). Filed 3/17/11. *RECOGNIZING DIABETES ALERT DAY IN NORTH CAROLINA.*

Identical to H 404, filed 3/17/11.

Intro. by Apodaca.

SENATE RES

General Assembly

S 372. SPECIAL PLATE FOR THE GREEN INDUSTRY COUNCIL. Filed 3/17/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE GREEN INDUSTRY COUNCIL.*

Enacts new GS 20-79.4(b)(58a) as title indicates. Amends GS 20-63(b) to add the plate to those that are not "First in Flight" plates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to the Green Industry Council to provide an umbrella of advocacy for green industry issues, the promotion of green industry, and educational activities.

Intro. by Apodaca.

GS 20

Transportation

S 373. COMMUNITY ASSOCIATION MANAGERS LICENSING ACT. Filed 3/17/11. *ESTABLISHING THE COMMUNITY ASSOCIATION MANAGERS LICENSURE ACT.*

Adds new Article 6, *Community Association Managers Licensure Act*, to GS Chapter 93A to require mandatory licensing of persons who serve as community association managers and receive compensation for that service.

Establishes the North Carolina Licensure Board for Community Association Managers (Board). Provides that the Board is to have seven members as follows: (1) four community association managers, with two appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives (Speaker), and one appointed by the Governor; (2) a home builder appointed by the Governor on the recommendation of the NC Home Builders Association; (3) a licensed real estate broker appointed by the Governor, on the recommendation of the NC Association of Realtors; and (4) a public member who is not a professional in any of the other specified categories and who is appointed by the General Assembly on the recommendation of the Speaker.

Requires that Board members must be United States citizens and residents of North Carolina. Provides guidelines setting term limits, filling vacancies, grounds for removing Board members, compensation, selecting officers, and holding meetings. Designates that initial Board members are to be appointed before October 1, 2011. Enumerates the powers and duties of the Board. Sets out the licensure requirements, which include submitting a completed application to the Board on a form provide by the Board, passing a licensing examination prescribed by the Board or in the alternative presenting evidence of successful completion of specifically designated education programs or the possession of a valid license issued by another state, political territory, or jurisdiction acceptable to the Board. Additionally provides that a person may satisfy the licensing requirements if that person provides proof to the Board of active engagement as a community association manager for compensation in this state for at least three consecutive years before the effective date of this act and pays the required licensing fee. However, provides that persons who fail to make application to the Board for licensing within one year of the effective date of this act will be required to complete all the licensing requirements and comply with all the licensing provisions of this Article. Also requires an applicant to produce evidence of coverage by a fidelity bond in accordance with proposed GS 93A-93, to demonstrate to the Board that the applicant is of good moral character, and pay the applicable fees. Additionally provides criteria to be applied in the denial of licensure.

Makes it unlawful on or after October 1, 2012, for any person in the state to act as a community association manager, to directly or indirectly engage in the business of community management association management, or otherwise hold himself or herself out to be a community association manager without first obtaining a license from the Board.

Exempts an officer or member of a community association who acts as a community association manager for no compensation from the provisions of proposed Article 6. Provides additional exemptions from this proposed Article for specifically identified categories of persons.

Provides definitions for the following terms as used in this proposed Article: (1) Board, (2) compensation, (3) community association, (4) community association manager, (5) license, and (6) licensee.

Requires that every community association manager engaged in community association management must be covered by a fidelity bond or an insurance policy that complies with the enumerated requirements. Lists the fees that the Board may impose. Provides criteria for license renewal, late renewal of a license, requests to be placed on inactive status, and applying for reinstatement of an inactive license. Permits the Board to establish programs of continuing education for licensees under this proposed Article and provides guidelines to apply in determining fees and credit for continuing education courses.

Requires every community association that employs a community association manager and has a membership that includes owners of 20 or more residential condominiums, townhouses, apartments, or lots, or any combination thereof, to register the community association with the Board on or before January 1 of each year. Also permits any other residential community association, which is otherwise not required to register, to choose to register the association with the Board on or before January 1, each year. Prohibits the Board from seeking any legal remedy against an association that is required to register but does not do so until the association has registered with the Board. Directs the Board to publish a directory of registered community associations and registration fees. Restricts the use of fees received by the Board to the administration and enforcement of proposed Article 6.

Provides criteria regarding disciplinary action available to the Board. Provides that a license issued by the Board remains the property of the Board. Requires licensees to maintain full and accurate business records and retain those records for no less than three years. Makes the violation of any provisions of proposed Article 6 a Class 2 misdemeanor. Provides that the Board may apply to any appropriate court for an order enjoining any

violations of this proposed Article. Provides that a court may issue an injunction or restraining order upon the showing by the Board that a person has violated or is about to violate this proposed Article.

Amends GS 93A-6(a)(12) to provide that a real estate broker who is also a licensed community association manager is not subject to disciplinary action by the NC Real Estate Commission for handling and accounting for money belonging to a community association in compliance with proposed Article 6 of GS Chapter 93A.

Intro. by Apodaca.

GS 93A

Property, Land Use, and Housing

S 374. LANDOWNER PROTECTION ACT. Filed 3/17/11. *TO PROTECT LANDOWNER RIGHTS AND INCREASE PUBLIC SAFETY BY REQUIRING WRITTEN PERMISSION TO HUNT ON THE LAND OF ANOTHER STATEWIDE AND BY PROHIBITING HUNTING FROM THE RIGHT-OF-WAY STATEWIDE.*

Enacts new GS 113-291.12 to make it unlawful to take or attempt to take wildlife by discharging a firearm, bow and arrow, or crossbow from, on, across, or over the right-of-way of any state-maintained public road or highway, except as allowed on state game lands. Makes it unlawful to possess a loaded firearm outside a vehicle's passenger compartment on a right-of-way while taking or attempting to take wildlife, unless the individual is the owner or lessee of the land abutting the right-of-way or carries written permission by the owner or lessee, dated within the last 12 months. Makes it unlawful to take or attempt to take wildlife on another's land without carrying written permission, dated within the last 12 months. Specifies that a person has written permission if the landowner or lessee granted permission to a hunting club and the person carries a current hunting club membership card and a valid copy of written permission granted to the club. Makes a violation of the statute a Class 3 misdemeanor; however, makes a second or subsequent violation within three years a Class 2 misdemeanor with a fine of at least \$250 and the loss of hunting privileges for 12 months. Makes law enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by law enforcement officers with general subject matter jurisdiction. Clarifies that, in the case of conflict, the statute prevails. Repeals various local acts or portions of local acts that conflict with the statute. Applies to offenses committed on or after October 1, 2011.

**Intro. by Apodaca, Walters,
Tucker.**

GS 113

Property, Land Use, and Housing;
Animal Law

S 375. FACILITATE STATEWIDE HEALTH INFO. EXCHANGE. Filed 3/17/11. *TO FACILITATE AND REGULATE THE DISCLOSURE OF PROTECTED HEALTH INFORMATION THROUGH A VOLUNTARY, STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK.*

Enacts new Article 29A, the *North Carolina Health Information Exchange Act*, to GS Chapter 90. Indicates the purpose is to improve the quality of health care delivery in NC by facilitating and regulating the use of a voluntary, statewide health information exchange network for the secure electronic transmission of individually identifiable health information, consistent with the Health Insurance Portability and Accountability Act (HIPAA).

Defines *North Carolina Health Information Exchange* (NC HIE) as the nonprofit corporation selected by the Governor to serve as the subrecipient of grant funds or as the state-designated entity named pursuant to federal law, as indicated. Defines *HIE Network* as the voluntary statewide health information exchange network overseen and administered by the NC HIE. Lists additional definitions applicable to proposed Article 29A. Requires that the NC HIE satisfy seven enumerated requirements, including the directive to develop and enter into written participation agreements with covered entities utilizing the HIE network, and the duty to comply with HIPAA. Clarifies that the NC HIE is not restricted from exercising any corporate powers in a manner not inconsistent with proposed Article 29A.

Requires that each covered entity participating in the HIE Network enter into a business associate contract and a written participation agreement with the NC HIE before disclosing or accessing any protected health information through the HIE Network. Also allows each participating covered entity to authorize its business associates to disclose or access protected health information on the entity's behalf. Authorizes each covered entity participating in the HIE Network to disclose an individual's protected health information (1) to other covered entities for any purpose permitted by HIPAA, unless the individual has opted out and (2) to facilitate emergency medical treatment to the individual, subject to specified limitations. Provides that any health care provider relying in good faith on information obtained through the HIE Network will not be criminally or civilly liable for damages caused by inaccurate or incomplete information.

States that each individual has the continuing right to opt out or rescind a decision to opt out, and directs the NC HIE to enforce the individual's decision prospectively from the date the NC HIE receives notice. Prohibits a covered entity from denying treatment or benefits to an individual who opted out. Provides that the protected health information of an individual who opted out will not be disclosed to covered entities for any purpose, with the following exceptions: (1) the information may be disclosed to facilitate emergency medical treatment to the

individual if specified criteria are met and (2) the information may be disclosed for public health purposes or research purposes if such disclosure is permitted by HIPAA and state law.

Clarifies that proposed Article 29A does not: (1) impair rights conferred under HIPAA, including six enumerated rights; (2) authorize disclosure of protected health information if the disclosure is restricted by federal laws or regulations; (3) restrict authorized disclosures for public health and research purposes; and (4) prohibit the NC HIE or any participating covered entity from storing electronically the protected health information of an individual who opted out, provided the information remains undisclosed and unused as required. Also clarifies that proposed Article 29A applies only to disclosures of protected health information made through the HIE Network.

Details the following possible penalties for a covered entity that discloses protected health information: (1) any civil or criminal penalty, or both, may be imposed pursuant to federal law; (2) any civil remedy under federal law; (3) disciplinary action by the relevant licensing board or regulatory agency; (4) any penalty authorized by the Identity Theft Protection Act; and (5) any other civil or administrative remedy.

Effective October 1, 2011.

Intro. by Stein, Brunstetter. GS 90 Health, Social Services, and Aging

S 376. EQUAL TAX ON CIGARS THAT LOOK LIKE CIGARETTES. Filed 3/17/11. *TO TAX CIGARS THAT ARE DESIGNED TO LOOK LIKE CIGARETTES THE SAME AS CIGARETTES.*

As the title indicates. Amends GS 105-113.4 to expand the definition for cigarette to include a roll of tobacco wrapped in a substance containing tobacco that weighs less than 4.5 pounds per thousand and has an integrated filter. Effective October 1, 2011.

Intro. by Stein. GS 105 Taxation

S 377. BREWERIES TO SELL MALT BEVERAGES ON PREMISES. Filed 3/17/11. *TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY AND TO ALLOW TASTINGS AT BREWERIES.*

Amends GS 18B-1104(7) to allow the holder of a brewery permit to sell the brewery's malt beverages at the brewery upon receiving a sales permit under GS 18B-1001(1) (was, sales on premises limited to areas where the sale was legal). Amends GS 18B-1104(6) to allow the holder of a brewery permit to provide malt beverages on the premises for *tasting purposes only*, which must be held for an entire business day and limit the amount tasted per day to no more than four ounces per patron. Clarifies that a sale or gift under the tasting provision is not a retail or wholesale sale under the ABC laws. Makes conforming changes. Makes conforming change to GS 18B-1001(1).

Intro. by Tucker, Hise. GS 18B Alcoholic Beverage Control

S 378. ENERGY CROPS FOR BIOFUELS FEEDSTOCKS. Filed 3/17/11. *TO REQUIRE THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH AGRONOMIC RATES FOR ENERGY CROPS FOR UTILIZATION BY BIOFUELS FACILITIES.*

Requires the Department of Environment and Natural Resources (DENR), in consultation with the Interagency Committee, to establish agronomic rates to ensure proper application levels of animal waste for crops of miscanthus, switchgrass, fiber sorghum, sweet sorghum, and giant reed. Allows consideration of nutrient data and other appropriate information in developing the rates. Requires that the rates ensure that land application of swine waste at the proposed rate will not cause or contribute to a violation of groundwater standards. Allows DENR to seek outside expertise and assistance. Requires DENR to publish the rates and accompanying guidance by May 6, 2011. Requires DENR to report to specified entities by June 1, 2011.

Intro. by Goolsby, Rouzer, Jackson. UNCODIFIED Agriculture, Environment, and Natural Resources; Energy and Utilities

S 379. REVISE RESTITUTION DAMAGE AWARDS. Filed 3/17/11. *TO REVISE THE MANNER IN WHICH RESTITUTION DAMAGES ARE CALCULATED SO THAT VICTIMS IN PERSONAL INJURY CASES MAY RECEIVE FULL COMPENSATION FOR THEIR DAMAGES.*

Amends GS 15A-1340.34 to provide that for the purposes of Article 81C of GS Chapter 15A the term *victim* means a person directly and proximately harmed by the defendant's commission of the criminal offense and also applies to a third-party payer, including an insurer that has compensated the victim for any costs or losses described in GS 15A-1340.35. Includes a third-party payer, including an insurer that has compensated the victim or the victim's estate for injuries or damages to the victim, as entitled to restitution from the defendant sentenced

for an offense for which the victim is entitled to restitution under Article 46 of GS Chapter 15A (was, required the defendant to make restitution to the victim or the victim's estate only).

Amends GS 15A-1340.35 to provide the court is to consider the pain and suffering of the victim as a result of the offense in determining the amount of restitution. Limits the amount awarded for pain and suffering to \$500,000 for each victim for all offenses occurring contemporaneously.

Effective October 1, 2011, and applies to any order of restitution on or after that date.

Intro. by Goolsby.

GS 15A

Courts; Civil Law and Procedure

S 380. ETJ/CLARIFY DEFINITION OF BONA FIDE FARM. Filed 3/17/11. *TO EXEMPT FARMS FROM THE EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES TO CLARIFY THE DEFINITION OF "BONA FIDE FARM," AND TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS.*

Amends GS 160A-360, adding new subsection (k) to provide that a *bona fide farm* as defined in GS 153A-340 is exempt from a municipality's extraterritorial jurisdiction under Article 19 (Planning and Regulation of Development) of GS Chapter 160A. Amends GS 153A-340(b)(2) to clarify that bona fide farm purposes include the production and activities relating to or incidental to the production of specified categories of items all other forms of agriculture as defined in GS 106-581.1 (was, relating to or incidental to all other forms of agricultural products as defined in GS 106-581.1 having a domestic or foreign market). Provides that for the purposes of subdivision (b)(2), the production of a nonfarm product produced on a farm that is subject to a conservation agreement under GS 106-743.2 is a bona fide farm purpose if the Department of Agriculture and Consumer Services recognizes that nonfarm product as a *Goodness Grows in North Carolina* product, a *Got To Be NC* product, or both (was, recognizes only as a *Goodness Grows in North Carolina* product). Enacts new GS 160A-58.29 to prohibit the annexation of land being used for bona fide farm purposes as defined in GS 153A-340 on the date of the resolution of intent to consider annexation, without the written consent of the owner or owners of the property.

Intro. by Jackson.

GS 160A

Agriculture, Environment, and
Natural Resources; Local
Government

Local Bills

HOUSE BILLS

H 401. HAYWOOD COMMUNITY COLLEGE LEASES (= S 227). Filed 3/17/11. *TO AUTHORIZE HAYWOOD COMMUNITY COLLEGE 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.*

Identical to S 277, filed 3/3/11.

Intro. by Rapp.

HAYWOOD

Haywood

H 403. WILMINGTON/CONTRIBUTING STRUCTURES. Filed 3/17/11. *AUTHORIZING THE CITY OF WILMINGTON TO APPLY THE CITY'S DEMOLITION BY NEGLECT ORDINANCES TO CONTRIBUTING STRUCTURES LOCATED IN NATIONAL REGISTER HISTORIC DISTRICTS WITHIN THE CITY'S CENTRAL BUSINESS DISTRICT.*

As title indicates.

Intro. by Hamilton.

NEW HANOVER

New Hanover

H 409. GUILFORD TECH. MAY LEASE PROPERTY. Filed 3/17/11. *TO ALLOW GUILFORD TECHNICAL COMMUNITY COLLEGE TO LEASE A PORTION OF ITS PROPERTY TO THE NORTH CAROLINA CENTER FOR GLOBAL LOGISTICS.*

As title indicates. Allows the lease to include rental at less than fair market value, and excepts the lease from prior approval by the State Board of Community Colleges. Allows the board of trustees of Guilford Technical Community College (GTCC) to use lease proceeds for current operating expenses or for capital outlay purposes. Enacts new subdivision (3f) to GS 66-58(c), allowing GTCC personnel and facilities to be used in support of economic development through the operation of the Donald W. Cameron Campers of GTCC and its companion facilities as an event venue, with generated proceeds paying for operational costs, venue support, or to support the college mission.

Intro. by Jeffus.

GUILFORD

Guilford

H 410. PINEBLUFF/PRESERVE LAND FOR PARKS. Filed 3/17/11. *AUTHORIZING THE TOWN OF PINEBLUFF TO PRESERVE CERTAIN UNDEVELOPED PROPERTY OWNED BY THE TOWN FOR PARK LAND.*

As title indicates. Describes the property to be preserved by Pinebluff as park land. Places restrictions on the ownership and use of the described property, including a prohibition on tree cutting and a ban on property sales, transfers, or conveyances, as indicated. Details additional use allowances for the property, and sets forth a timeline and procedures to remove or enforce the restrictions.

Intro. by Boles.

MOORE

Moore

ACTION ON BILLS

March 17, 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

H0042 Honor John A. Garwood.	H	Adopted
H0060 Extend Hearing Loss Task Force.	S	Passed 2nd & 3rd Reading
H0061 Speaker/Pro Tem Term Limits.	H	Postponed To 3/22/2011
H0087 Sunshine Amendment.	HA	Amend Adopted 1
	H	Amend 2 Offered
	H	Postponed To 3/22/2011
	H	Amend Pending 2
03-16-11, 03-17-11		
H0090 Confectioners may use up to 5% Alcohol By Vol.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
03-17-11		
H0171 Municipal Self-Annexations.	H	Passed 2nd & 3rd Reading
03-16-11		
H0172 Encourage Military Veteran Contractor Use.	H	Reptd Fav
	H	Re-ref Com On Government
H0173 State Shrimp Festival-Sneads Ferry.	H	Passed 2nd & 3rd Reading
H0174 Commercial Real Estate Broker Lien Act.	HA	Reptd Fav Com Substitute
	H	Re-ref Com On Judiciary Subcommittee A
03-17-11		
H0181 Add Supt. to NC Econ. Dev. Bd.	H	Passed 2nd & 3rd Reading
H0187 Require Labels for Ethanol-Blended Gasoline.	H	Passed 2nd & 3rd Reading
H0205 Motorcycle Awareness Month.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
H0234 Juror Qualifications/Disabilities.	H	Amend 1 Offered
	H	Amendment Withdrawn 1
	H	Passed 2nd Reading
	H	Withdrawn From Cal
	H	Placed On Cal For 3/22/2011
03-16-11		

H0259 Expand Jurisdiction of Company Police.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee B
H0260 Company Police Authority at Crash Scenes.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee B
H0270 Amend Conditions of Probation. 03-17-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
H0316 Modify NCGA Police Powers. 03-16-11, 03-17-11	HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
H0373 Insurance Changes to Payments & Group Life.	H Passed 1st Reading H Ref To Com On Insurance
H0374 Eugenics Records/Public Records Exemption.	H Passed 1st Reading H Ref To Com On Judiciary
H0375 Checking Stations Unlawful.	H Passed 1st Reading H Ref To Com On Judiciary
H0376 Retirement Technical Corrections.-AB	H Passed 1st Reading H Ref to the Com on State Personnel, if favorable, Finance
H0377 Strengthening Residential Placement.	H Passed 1st Reading H Ref To Com On Health and Human Services
H0379 Uniform Depositions and Discovery Act.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0380 Amend RCP/Electronically Stored Information.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0381 Checking Station Pattern Selection.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0382 Juvenile Code Revisions.-AB	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee C
H0383 Communications Regulatory Reform.	H Passed 1st Reading H Ref To Com On Commerce and Job Development H Withdrawn From Com H Re-ref Com On Public Utilities
H0384 Register of Deeds/Fees.	H Passed 1st Reading H Ref To Com On Finance
H0385 2011 Omnibus Labor Law Changes.-AB	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0386 Real Estate License Law Amendments.-AB	H Passed 1st Reading H Ref to the Com on Commerce and Job Development, if favorable, Finance
H0387 Access Confidential Info/ Child Abuse/Neglect.-AB	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee C

H0390	Repeal Pistol/Crossbow Transfer Permit.	H	Passed 1st Reading
		H	Ref To Com On Judiciary
H0391	Dept. of Admin/Procurement Modernization.-AB	H	Passed 1st Reading
		H	Ref to the Com on Commerce and Job Development, if favorable, Finance
H0392	Modify Motorcycle Helmet Requirements.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0393	Modify Internal Auditing Statutes.	H	Passed 1st Reading
		H	Ref To Com On Government
H0394	Flex. Work Option for All State Employees.-AB	H	Passed 1st Reading
		H	Ref To Com On State Personnel
H0395	Strengthen Prohibition on Cockfighting.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0396	Public Safety Act.	H	Passed 1st Reading
		H	Ref to the Com on Transportation, if favorable, Finance
H0397	DHHS Penalties and Remedies Revision.-AB	H	Passed 1st Reading
		H	Ref to the Com on Judiciary Subcommittee A, if favorable, Finance
H0402	ARTS NC Special Plate.	H	Filed
H0404	Diabetes Alert Day.	H	Filed
H0405	Minimum Clerk of Court Staff.	H	Filed
H0406	Voluntary Agriculture Districts.	H	Filed
H0407	Modify ATV Helmet Use Requirements.	H	Filed
H0408	Amend Criminal Discovery Laws.	H	Filed
H0411	Iredell Correctional Facility/ DOT Storage.	H	Filed
H0412	Study Use of Alternative Medicine.	H	Filed
S0032	Hospital Medicaid Assessment/ Payment Program.	S	Ratified
	02-22-11		
S0058	Modify FMAP Cuts.	S	Concurred In H/com Sub
	03-10-11		
S0065	Honor John A. Garwood.	S	Adopted
S0099	Reform UI Tax Structure/ Expedite Analysis.	S	Ratified
	03-16-11		
S0118	Downtown Service District Definition.	S	Passed 3rd Reading
S0154	Abolish Higher Education Bond Oversight Comm.	S	Passed 2nd & 3rd Reading
S0165	NC Turnpike Authority Corridor Selection.	H	Passed 2nd & 3rd Reading
		S	Ratified
S0245	Medicaid Billing by Local Health Departments.	S	Reptd Fav Com Substitute
		SA	Com Substitute Adopted
	03-17-11		
S0248	Update Archaic Disability Terms.	SA	Amend Adopted 1
		S	Passed 2nd & 3rd Reading
		S	Engrossed

03-17-11		
S0316	Add'l Section 1915 Medicaid Waiver Sites.	S Withdrawn From Com S Re-ref Com On Mental Health & Youth Services
S0353	Unborn Victims of Violence Act.	S Passed 1st Reading S Ref To Com On Judiciary II
S0354	Rental Property/Lithium Battery Smoke Alarms.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0355	Masonic Special Plate/Motorcycles.	S Passed 1st Reading S Ref To Com On Finance
S0356	No Filing for Party and Unaffiliated.	S Passed 1st Reading S Ref To Com On Judiciary I
S0357	DNR Form Signatures.	S Passed 1st Reading S Ref To Com On Judiciary II
S0358	Repeal Crossbow Purchase Permit Requirement.	S Passed 1st Reading S Ref To Com On Judiciary II
S0359	Modify Special Plate Design Requirements.	S Passed 1st Reading S Ref To Com On Finance
S0360	Change Hours of Sale for Alcoholic Beverages.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0361	Interscholastic Sports Open to All Students.	S Passed 1st Reading S Ref To Com On Education/Higher Education
S0362	Reallocate Lottery Funds.	S Passed 1st Reading S Ref to Education/Higher Education. If fav, re-ref to Finance
S0363	Repeal Prison Maintenance Restriction.	S Passed 1st Reading S Ref To Com On Appropriations/Base Budget
S0364	Cancel Aircraft Lien W/ Surety Bond Deposit.	S Passed 1st Reading S Ref To Com On Insurance
S0365	Real Estate License Law Amendments.-AB	S Passed 1st Reading S Ref To Com On Commerce
S0366	Manufactured Home Titling Changes.	S Passed 1st Reading S Ref To Com On Commerce
S0367	Efficient and Affordable Energy Rates Bill.	S Filed
S0368	Modify Public Swimming Pool Requirements.	S Filed
S0369	Confirm Joseph A. Smith Commissioner of Banks.	S Filed
S0370	Increase Disabled Vet Property Tax Exclusion.	S Filed
S0371	Diabetes Alert Day.	S Filed
S0372	Special Plate for the Green Industry Council.	S Filed
S0373	Community Association Managers Licensing Act.	S Filed
S0374	Landowner Protection Act.	S Filed
S0375	Facilitate Statewide Health Info. Exchange.	S Filed
S0376	Equal Tax on Cigars That Look Like Cigarettes.	S Filed

S0377	Breweries to Sell Malt Beverages on Premises.	S	Filed
S0378	Energy Crops for Biofuels Feedstocks.	S	Filed
S0379	Revise Restitution Damage Awards.	S	Filed
S0380	ETJ/Clarify Definition of Bona Fide Farm.	S	Filed

LOCAL BILLS

H0026	Henderson County Fire Districts.	H	Passed 2nd Reading
		H	Withdrawn From Cal
		H	Placed On Cal For 3/22/2011
H0056	Rocky Mount Annexations Repealed.	H	Reptd Fav
		H	Re-ref Com On Finance
H0180	Wilmington Annexation Suspension.	H	Reptd Fav
		H	Re-ref Com On Finance
H0192	Greensboro Rental Property Utility Liens.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
H0224	Foxfire Village Assessment Validated.	H	Reptd Fav
		H	Re-ref Com On Finance
H0231	Fayetteville's Gates Four Annexation Repeal.	H	Reptd Fav
		H	Re-ref Com On Finance
H0236	Biltmore Lake Annexation Repealed.	H	Reptd Fav
		H	Re-ref Com On Finance
H0371	Winston-Salem/Informal Bids Electronically.	H	Passed 1st Reading
		H	Ref To Com On Government
H0372	Winston-Salem Franchises.	H	Passed 1st Reading
		H	Ref To Com On Public Utilities
H0378	Exclusion From Post-Construction Practices.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0398	Cleveland County Water Advisory Referendum.	H	Passed 1st Reading
		H	Ref To Com On Government
H0403	Wilmington/Contributing Structures.	H	Filed
H0409	Guilford Tech. May Lease Property.	H	Filed
H0410	Pinebluff/Preserve Land for Parks.	H	Filed
S0227	Haywood Community College Leases.	S	Passed 2nd & 3rd Reading
	03-16-11		
S0269	Hillsborough Occupancy Tax.	S	Passed 3rd Reading

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 87. SUNSHINE AMENDMENT. Filed 2/10/11. House amendment makes the following changes to 2nd edition.

Amends proposed constitutional amendment to state that every *natural person who is a citizen of the state* has the right to inspect or copy any public record, as described. Also adds that a state agency may charge a reasonable fee for compiling and copying public records.

Constitutional Amendment; Courts;
Local Government; General
Assembly; State Government

H 90. CONFECTIONERS MAY USE UP TO 5% ALCOHOL BY VOL. Filed 2/14/11. House committee substitute makes the following changes to 1st edition.

Amends GS 106-129(3)(b.) to provide that a confectionery bearing or containing alcohol in excess of 0.5% alcohol by volume must conspicuously bear a label indicating its alcohol content. Deletes language that deemed a confectionary bearing or containing alcohol not in excess of 0.5% by volume derived solely from flavoring extracts as adulterated under the North Carolina Food, Drug, and Cosmetic Act.

Business and Commerce;
Agriculture, Environment, and
Natural Resources

H 174. COMMERCIAL REAL ESTATE BROKER LIEN ACT. Filed 2/23/11. House committee substitute makes the following changes to 1st edition.

Amends proposed Part 4 to clarify that a lien on commercial real estate is available only to the broker named in the instrument signed by the owner or the owner's duly authorized agent (previous edition allowed signature by the buyer or tenant). Makes other technical and clarifying changes. Applies to written instruments signed by the owner of an interest in commercial real estate or the owner's duly authorized agent on or after October 1, 2011.

Property, Land Use, and Housing

H 270. AMEND CONDITIONS OF PROBATION. Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Amends GS 15A-1343(b1), consolidating the new special conditions of probation related to street gangs, and clarifying that *street gang* is defined in GS 14-50.16(b). Also clarifies that the defendant cannot wear any item *readily identifiable as associated* with a street gang. Makes conforming changes. Amends GS 15A-1343(b)(13), removing the requirement that the probationer pay for drug screening and testing costs, when the warrantless search involves testing for illegal drugs. Makes a technical change.

Criminal Law, Procedure, and
Sentencing

H 316. MODIFY NCGA POLICE POWERS. Filed 3/9/11. House amendment makes the following changes to 2nd edition.

Amends GS 120-32.2 to add that General Assembly Special Police will have the powers of police in cities, throughout the state, while serving a subpoena issued by the General Assembly. Adds a new section to make a conforming change to GS 120-19.2(d).

General Assembly

SENATE BILLS

S 245. MEDICAID BILLING BY LOCAL HEALTH DEPARTMENTS. Filed 3/7/11. Senate committee substitute makes the following changes to 1st edition. Deletes proposed GS 130A-45.14 and instead enacts new GS 130A-34.2, which contains the provisions of proposed GS 130A-45.14 but expands the coverage of the statute to include district health departments and consolidated human services agencies in addition to local health departments. Removes proposed definitions from GS 130A-45.01 and places them under proposed new GS 130A-34.2. Changes the act's effective date from October 1, 2011, to when the act becomes law and provides that the act applies to Medicaid claims arising on or after the act's effective date. Changes the title of the act to *AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS, DISTRICT HEALTH DEPARTMENTS, AND CONSOLIDATED HUMAN SERVICE AGENCIES TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH.*

Health, Social Services, and Aging;
Local Government

S 248. UPDATE ARCHAIC DISABILITY TERMS. Filed 3/7/11. Senate amendment makes the following changes to 1st edition. Amends GS 14-113 to replace the proposed term *mute* with *unable to speak*.

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

Legislation Enacted

SL 2011-5 (H 124). IRC UPDATE. AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE. Summarized in *Daily Bulletin* 2/16/11 and 2/24/11. Enacted March 17, 2011. Effective March 17, 2011.

Taxation; Trusts, Estates, and Wills;
Business and Commerce

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Notes

None

NEXT SESSIONS

March 21, 2011

HOUSE convenes at 7:00 p.m.

SENATE convenes at 7:00 p.m.