

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 31

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Senate Legislative Day 31

Monday, March 21, 2011

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 411. [IREDELL CORRECTIONAL FACILITY /DOT STORAGE](#). Filed 3/18/11. TO PROVIDE THAT THE IREDELL COUNTY SHERIFF MAY LEASE THE FORMER IREDELL CORRECTIONAL FACILITY FROM THE DEPARTMENT OF TRANSPORTATION FOR ONE DOLLAR UPON THE PAYMENT OF SEVENTY-FIVE THOUSAND DOLLARS BY THE IREDELL COUNTY SHERIFF TO THE DEPARTMENT OF TRANSPORTATION FOR THE RENOVATION OF THE NEWTON STORAGE FACILITY FOR THE DEPARTMENT OF TRANSPORTATION.

Directs the Iredell County Sheriff (Sheriff) to pay \$75,000 to the Department of Transportation (DOT) to be used by the DOT to renovate its facility in Newton. Directs the DOT to lease the buildings at the former Iredell Correctional Facility (Correctional Facility) located on NC Highway 21 to the Sheriff for a yearly fee of one dollar. Directs the Sheriff to use the leased Correctional Facility to house inmates and makes the Sheriff responsible for all upgrades and services at the Correctional Facility necessary to ensure compliance with state and federal laws governing inmate care and custody.

Intro. by Howard.

UNCODIFIED

Transportation; Iredell

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H 412. STUDY USE OF ALTERNATIVE MEDICINE. Filed 3/18/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO STUDY THE BENEFITS AND RISKS ASSOCIATED WITH ALLOWING LICENSED HEALTH CARE PRACTITIONERS TO USE ALTERNATIVE MEDICINE IN TREATING PATIENTS.*

As title indicates. Directs the Department of Health and Human Services to include four enumerated items in the study and to report to the General Assembly by December 31, 2011. Defines *alternative medicine* as a group of diverse medical and health care interventions, practices, products, or disciplines that are not generally considered part of conventional medicine.

Intro. by Farmer-Butterfield. STUDY Health, Social Services, and Aging

H 417. EXTEND TIME FOR SITE OF LOW/MOD. INC. HOUSING. Filed 3/21/11. *TO EXTEND THE TIME PERIOD FOR HOLDING REAL PROPERTY AS A FUTURE SITE FOR HOUSING FOR LOW-OR MODERATE-INCOME INDIVIDUALS AND FAMILIES.*

Amends GS 105-278.6 as the title indicates. Extends the time period to 10 years (was, 5 years). Makes a conforming change. Effective for taxable years beginning on or after July 1, 2011.

Intro. by McGrady. GS 105 Community and Economic Development; Property, Land Use, and Housing; Taxation

H 419. NORTH CAROLINA BENEFIT CORPORATION ACT. Filed 3/21/11. *TO ENACT THE NORTH CAROLINA BENEFIT CORPORATION ACT.*

Note: this act is identical to the 2nd edition of S 26.

Adds new Article 18, *The North Carolina Benefit Corporation Act* (Benefit Corporation Act), to GS Chapter 55. Provides that new Article 18 applies to all benefit corporations and defines *benefit corporations* to mean a domestic corporation that elects to become subject to the Benefit Corporation Act and that has not terminated its status as a benefit corporation under proposed GS 55-18-22 (termination of benefit corporation status). Provides additional details regarding the application and effect of the Benefit Corporation Act.

Provides definitions for the terms used in the Benefit Corporation Act. Defines *general public benefit* to mean the material positive impact on society and environment, as measured from a third-party standard, arising from the business and operations of a benefit corporation. Defines *specific public benefit purpose* to mean a corporate purpose conferring any particular benefit on society or the environment. Requires that the formation of a benefit corporation adhere to the provisions of the other Articles in GS Chapter 55 but that the articles of incorporation for the benefit corporation must state that it is a benefit corporation. Provide that a benefit corporation is not entitled to claim an exemption from any property tax imposed under Subchapter II of GS Chapter 105.

Requires heightened voting requirements for some actions and changes within a benefit corporation that are in addition to provisions of other Articles in GS Chapter 55. Provides process for a domestic corporation to elect to become a benefit corporation under proposed Article 18. Includes process for termination of benefit corporation status. Directs that the purpose of a benefit corporation must be to create general public benefit and that this purpose is in addition to any lawful business purpose.

Includes accountability provisions setting standards of conduct for directors of a benefit corporation. Requires that the board of directors of a benefit corporation designate by resolution one director who is an independent person to be the benefit director. Delineates the powers, duties, rights, and immunities specific to the Benefit Director. Allows for the designation of a benefit officer and provides for the officer's duties. Provides that the benefit director may serve as the benefits officer at the same time as serving as the benefit director.

Limits enforcement of the duties of directors under the Benefit Corporation Act to only in a benefit enforcement proceeding. Provides guidelines for commencing or maintaining a benefit enforcement proceeding.

Requires that a benefit corporation prepare an annual benefit report to be sent to each shareholder. Additionally requires the benefit corporation to post its annual benefit report on the public portion of its web site for a period of five years; however, permits redaction of information regarding compensation paid to directors and any financial or proprietary information included in the benefit report.

Requires the annual report that must be submitted by a benefit corporation to the Secretary of Revenue, or to the Secretary of State under GS 55-16-22, to include the most recent benefit report delivered to shareholders, but allows omission of the information regarding compensation paid to directors and any financial or proprietary information included in the benefit report.

Makes a conforming change to GS 55-13-02(a), which concerns shareholders' dissenting rights.
Effective December 1, 2011.

Intro. by Harrison.

GS 55

Business and Commerce

H 421. FUEL TAX REFUND FOR MARINAS. Filed 3/21/11. *TO ALLOW A MARINA TO OBTAIN A QUARTERLY REFUND OF THE EXCISE TAX ON GASOLINE SOLD FOR USE IN A BOAT OR OTHER MARINE VESSEL.*

Enacts new GS 105-106A to provide for quarterly refunds to a marina of the excise tax the marina paid during the preceding quarter on gasoline purchased to operate a boat or other marine vessel. Restricts application of the refund to gasoline delivered at the time of purchase into a storage facility that is marked "For Boat Use Only" or another phrase that makes it clear that the fuel is not to be used to operate a highway vehicle. Also authorizes a quarterly refund of the excise tax paid during the preceding quarter by a person who purchases and uses motor fuel to operate special mobile equipment off-highway. Provides criteria for calculating the amount of the refund. Makes conforming changes to GS 105-449.106. Effective July 1, 2011, and applies to motor fuel purchased on or after that date.

Intro. by Iler.

GS 105

Taxation

H 422. NO HIGH-SPEED RAIL MONEY FROM FEDERAL GOV'T. Filed 3/21/11. *TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM ACCEPTING FEDERAL FUNDS FOR A HIGH-SPEED RAIL PROJECT WITHOUT EXPLICIT AUTHORIZATION FROM THE GENERAL ASSEMBLY, AND TO PROVIDE A PENALTY FOR THE DEPARTMENT OF TRANSPORTATION FOR NONCOMPLIANCE.*

Prohibits the Department of Transportation (DOT) from applying for, accepting, or expending any grant funding from the federal government for a high-speed rail project unless the project has been approved by the General Assembly. Provides that if DOT accepts prohibited funds, the funds are to be deposited into the General Fund for appropriation by the General Assembly. Also requires DOT to pay any penalties, interest, or other charges that result from the prohibited acceptance from the Highway Fund. Effective March 1, 2011.

Intro. by Killian, Frye.

UNCODIFIED

Transportation

SENATE BILLS

S 381. NC FAMILY & CONSUMER SERVICES 100TH (=H 317). Filed 3/21/11. *HONORING NORTH CAROLINA FAMILY AND CONSUMER SCIENCES ON THE 100TH ANNIVERSARY OF ITS FOUNDING.* Identical to H 317, filed 3/10/11.

Intro. by Stevens.

SENATE RES

General Assembly

S 382. REQUIRED WITHHOLDING FOR NONRESIDENTS. Filed 3/21/11. *TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS.*

Amends GS 105-163.1 to add a definition for *buyer* to Article 4A (Withholding; Estimated Income Tax for Individuals) of GS Chapter 105 as a person who pays compensation to a nonresident individual or nonresident entity for the purchase of real property and associated personal property in North Carolina. Makes conforming changes.

Enacts new GS 105-163.3A to require that buyers who purchase real estate and associated tangible personal property from a nonresident (1) individual or (2) entity withhold from the compensation paid to the nonresident seller the amount of state income taxes that is payable by the nonresident seller on the compensation received from the sale. Provides formulas for determining the amount of taxes to withhold, including guidelines regarding installment sales. Delineates types of sales and transfers of real property and any associated tangible personal property that are exempt from the withholding requirement.

Requires the buyer to file a return with the Secretary of Revenue and pay the withheld taxes to the Secretary on or before the 15th day of the month following the month in which the sale takes place. Specifies information to be included on the return and requires the buyer to provide the nonresident seller with a written statement of the information contained in the return. Provides that a buyer may refund to the seller amounts that were improperly withheld and specifies criteria to determine when an amount is improperly withheld by the buyer. Provides that a buyer may rely on a seller's affidavit that states that withholding is not required under this statute because the seller is not a nonresident individual or entity. Provides that the affidavit must be made under penalty of perjury.

Effective for taxable years beginning on or after January 1, 2011.

Intro. by Apodaca.

GS 105

Taxation

S 383. TANF BLOCK GRANT FUNDS/BOYS & GIRLS CLUB. Filed 3/21/11. *TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS.*

Appropriates \$2.5 million from federal Temporary Assistance to Needy Families (TANF) Block Grant funds received for the fiscal year ending June 30, 2012, to the Department of Health and Human Services. Directs that the appropriated funds be used to make grants for approved Boys and Girls Clubs programs. Directs DHHS to encourage and facilitate collaboration between the Boys and Girls Clubs and other entities such as Support Our Students and Communities in Schools in submitting joint applications for the grant funds where appropriate. Effective July 1, 2011.

Intro. by Apodaca.

APPROP

Budget and Appropriations; Health, Social Services, and Aging

S 384. CONFORMING CHANGES/PERSONS W/DISABILITIES ACT. Filed 3/21/11. *AMENDING THE NORTH CAROLINA PERSONS WITH DISABILITIES PROTECTION ACT TO CONFORM WITH FEDERAL CHANGES UNDER THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008 (ADAAA).*

Amends GS 168A-3, which lists definitions applicable to the NC Persons with Disabilities Protection Act (NC Act) to add a definition for *covered governmental entity* as any State department, institution, agency, or political subdivision of the State or any person contracting with a State department, institution, agency or political subdivision for the delivery of public services. Clarifies the definition of *physical or mental impairment*, included within *person with a disability*, and adds that a disorder, condition, or disfigurement that is episodic or in remission is a physical or mental impairment if it would substantially limit a major life activity when active. Expands the list of functions included under *major life activities*. Adds that the determination of whether an impairment substantially limits a major life activity is made without considering the beneficial effects of medication, technology, or other mitigating measures, as specified. Clarifies the definition for *reasonable accommodations*.

Amends GS 168A-7, clarifying that it is a discriminatory practice for a covered governmental entity to exclude a qualified person with a disability from services, programs, or activities because of the disability. Makes other clarifying changes. Makes clarifying and conforming changes to GS 168A-4 (concerning reasonable accommodations) and GS 168A-9 (concerning affirmative defenses).

Amends GS 168A-10, which prohibits retaliation, to forbid any entity or person covered under the NC Act from retaliating against or otherwise interfering with a person exercising rights or helping a person exercise rights under the NC Act. Makes other technical changes.

Intro. by Hartsell.

GS 168A

State Government

S 385. SMALL BUSINESS ASSISTANCE RECORDS. Filed 3/21/11. *CONCERNING THE CONFIDENTIALITY OF SMALL BUSINESS COUNSELING INFORMATION.*

Enacts new subsection (g) to GS 132-1.1 which lists information excluded from disclosure under the public records law to add that records maintained by the University of North Carolina's Small Business and Technology Development Centers or the Community College System's Small Business Center Network, which contain personally identifiable information involving an individual seeking business counseling or technical assistance and related materials, are confidential and not subject to disclosure. Makes conforming changes to the section heading and to GS 132.1.2 (listing types of confidential information).

Intro. by Hartsell.

GS 132

Business and Commerce

S 386. REPEAL G.S. 95-98. Filed 3/21/11. *TO REPEAL THE PROHIBITION ON CONTRACTS BETWEEN GOVERNMENTAL ENTITIES AND LABOR ORGANIZATIONS FOR THE PURPOSE OF COLLECTIVE BARGAINING.*

Repeals GS 95-98 (contracts between units of government and labor unions, trade unions, or labor organizations concerning public employees declared to be illegal).

Intro. by Kinnaird.

GS 95

Employment and Retirement; Local Government; State Government

S 387. NC HORSE COUNCIL SPECIAL PLATE. Filed 3/21/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE NORTH CAROLINA HORSE COUNCIL, INC.*

Enacts new GS 20-79.4(b)(98a) as title indicates. Amends GS 20-63(b) to include the plate in 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 \$20 and requires that \$10 of that amount be transferred quarterly to the North

Carolina Horse Council, Inc., to promote and enhance the equine industry in North Carolina. Makes technical changes.

Intro. by Jackson, Blake.

GS 20

Transportation

S 388. TRANSFER FORESTRY & FORESTRY COUNCIL TO DACS. Filed 3/21/11. *TO TRANSFER THE DIVISION OF FOREST RESOURCES AND THE FORESTRY COUNCIL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.*

Enacts new GS 143A-65.1, transferring the Division of Forest Resources from the Department of Environment and Natural Resources (DENR) to the Department of Agriculture and Consumer Services (DACs) as a Type I transfer. Directs the Revisor of Statutes to make conforming statutory changes, as necessary. Transfers the functions, powers, and duties of the Forestry Council from DENR to DACs as a Type II transfer. Makes conforming changes to GS 143B-279.3. Recodifies Part 12 of Article 7 of GS Chapter 143B (Forestry Council) in Article 7 of GS Chapter 143A. Makes conforming changes to GS 143A-66.1 and GS 143A-66.2. Amends GS 106-22, adding that the Commissioner of Agriculture has charge of all state forests, forest maintenance, forest fire prevention and protection, reforestation, and the protection of forests. Effective July 1, 2011.

Intro. by East, Rouzer, Jackson.

GS 106, 143A, 143B

Agriculture, Environment, and
Natural Resources

S 389. TRANSFER CHILD NUTRITION PROGRAM TO DACS. Filed 3/21/11. *TO TRANSFER THE CHILD NUTRITION PROGRAM AND CHILD NUTRITION SERVICES OF THE DIVISION OF SCHOOL SUPPORT OF THE DEPARTMENT OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.*

Enacts new GS 143A-65.2, transferring the Child Nutrition Program and Child Nutrition Services of the Division of School Support from the Department of Public Instruction (DPI) to the Department of Agriculture and Consumer Services (DACs) as a Type I transfer. Directs the Revisor of Statutes to make conforming statutory changes, as necessary. Makes conforming changes to GS 115C-263 and GS 115C-264. Enacts new GS 106-26.3 requiring school food services to be provided in accordance with standards and regulations recommended by the Commissioner of Agriculture and approved by the Board of Agriculture. Requires the Board of Agriculture to establish statewide nutrition standards for school meals and items served in the after-school snack program. Requires the standards to be implemented initially in elementary schools, with middle schools achieving a basic level by the end of the 2011-12 school year, followed by high schools. Makes a conforming repeal of GS 115C-264.3. Places the National School Lunch Program under DACs jurisdiction. Amends GS 106-22, adding that the Commissioner of Agriculture has jurisdiction over the National School Lunch Program and the Child Nutrition Program established by the federal government. Requires DPI and DACs to fully cooperate with the transfer of the Child Nutrition Program and Child Nutrition Services and lists specific areas where cooperation and assistance is needed to insure that there is no interruption in services. Effective July 1, 2011.

Intro. by East, Rouzer, Apodaca.

GS 106, 115C, 143A

Education; Agriculture,
Environment, and Natural
Resources

Local Bills

HOUSE BILLS

H 413. WINSTON-SALEM/FORSYTH SCHOOL BOARD. Filed 3/18/11. *TO PROVIDE THAT THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION IS ELECTED ON A NONPARTISAN PLURALITY BASIS AND TO CHANGE THE PROCEDURE FOR FILLING VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.*

Amends Section 2(a)(5)(iii) of SL 1961-112, as amended, to provide as title indicates. Details filing period for candidates. Provides procedure for filling vacancies on the Winston-Salem/Forsyth County Board of Education.

Intro. by Parmon, Womble.

FORSYTH

Forsyth

H 414. AMEND RUTHERFORD COUNTY OCCUPANCY TAX. Filed 3/18/11. *TO MODIFY THE RUTHERFORD COUNTY OCCUPANCY TAX.*

Authorizes the Rutherford County Board of Commissioners (County Commissioners) to levy a room occupancy tax of up to 6%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Directs Rutherford County to remit

quarterly to the Rutherford County Tourism Development Authority (TDA) the net proceeds of the occupancy tax or in the alternative, provides that the county may, at the request of the TDA, set up a separate fund to account for the management of all receipts and disbursements of the TDA. Requires the TDA to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for tourism-related expenditures. Mandates that at least one-third of the members of the TDA be affiliated with businesses that collect the tax in the town, and at least one-half of the members be currently active in the town's travel and tourism promotion. Directs the TDA to make reports quarterly and at the end of the fiscal year to the county commissioners on its receipts and expenditures in such detail as required by the county. Makes conforming change to GS 153A-155(g).

Intro. by Hager. RUTHERFORD Rutherford

H 415. TOPSAIL BEACH/LITTORAL RIGHTS. Filed 3/21/11. *PRESERVING LITTORAL RIGHTS IN THE TOWN OF TOPSAIL BEACH AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS.*

As title indicates. Provides that nothing in the act affects or restricts title to or public trust rights in lands raised by the beach nourishment projects. Includes whereas clauses.

Intro. by Justice. PENDER Pender

H 416. EXPAND JOYCE CREEK DISTRICT BOARD. Filed 3/21/11. *TO ALLOW CAMDEN COUNTY TO EXPAND WATERSHED IMPROVEMENT COMMISSIONS FROM THREE TO FIVE MEMBERS.* Amends GS 139-41(b), as title indicates. Provides that if the board of county commissioners expands an existing district from three to five members, then it must provide for initial terms of the two new members not to exceed six years, with successors serving six -year terms.

Intro. by Owens. CAMDEN Camden

H 418. WINSTON-SALEM DEANNEXATION. Filed 3/21/11. *TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM.* As title indicates.

Intro. by L. Brown. FORSYTH Forsyth

H 420. OAK ISLAND/WHEEL LOCKS. Filed 3/21/11. *TO ALLOW THE TOWN OF OAK ISLAND TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS.* Amends Section 3 of SL 2003-240, as amended, as title indicates.

Intro. by Iler. BRUNSWICK Brunswick

ACTION ON BILLS

March 21, 2011

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

PUBLIC BILLS

H0003 Exclusionary Rule/Good Faith Exception. 02-09-11, 02-10-11	H Signed By Gov. 3/18/2011 HR Ch. SL 2011-6
H0006 House Pensions Committee Duties.	H Pres. To Gov. 3/17/2011
H0027 Forensic Sciences Act. 02-09-11, 02-15-11, 03-21-11	S Reptd Fav Com Substitute SA Com Substitute Adopted
#H0048 No Standardized Testing Unless Req'd by Feds.	H Became Law w/o Signature HR Ch. SL 2011-8

02-16-11
H0060 Extend Hearing Loss Task Force. H Ratified

H0090 Confectioners may use up to 5% Alcohol By Vol. H Placed On Cal For 3/22/2011

03-17-11
H0092 Repeal Land Transfer Tax. S Passed 2nd & 3rd Reading
#H0124 IRC Update. H Signed By Gov. 3/17/2011
HR Ch. SL 2011-5

02-24-11
H0168 Zoning/Agricultural Annexation Exemption. HA Reptd Fav Com Substitute
H Re-ref Com On Finance

03-21-11
H0171 Municipal Self-Annexations. S Rec From House
S Passed 1st Reading
S Ref To Com On State and Local Government

03-16-11
H0173 State Shrimp Festival-Sneads Ferry. S Rec From House
S Passed 1st Reading
S Ref To Com On Rules and Operations of the Senate

H0181 Add Supt. to NC Econ. Dev. Bd. S Rec From House
S Passed 1st Reading
S Ref To Com On Commerce

H0187 Require Labels for Ethanol-Blended Gasoline. S Rec From House
S Passed 1st Reading
S Ref To Com On Commerce

H0205 Motorcycle Awareness Month. H Placed On Cal For 3/22/2011
H0270 Amend Conditions of Probation. H Placed On Cal For 3/22/2011

03-17-11
H0316 Modify NCGA Police Powers. S Rec From House
S Passed 1st Reading
S Ref To Com On Judiciary II

03-16-11, 03-17-11
H0399 Cap Motor Fuel Excise Tax Rate. H Passed 1st Reading
H Ref To Com On Finance

H0400 Taxpayer Transparency Act. H Passed 1st Reading
H Ref To Com On Finance

H0402 ARTS NC Special Plate. H Passed 1st Reading
H Ref to the Com on Transportation, if favorable, Finance

H0404 Diabetes Alert Day. H Passed 1st Reading
H Cal Pursuant 32(a)
H Placed On Cal For 3/22/2011

H0405 Minimum Clerk of Court Staff. H Passed 1st Reading
H Ref To Com On Appropriations

H0406 Voluntary Agriculture Districts. H Passed 1st Reading
H Ref To Com On Finance

H0407 Modify ATV Helmet Use Requirements. H Passed 1st Reading
H Ref To Com On Transportation

H0408 Amend Criminal Discovery Laws. H Passed 1st Reading
H Ref To Com On Judiciary Subcommittee C

H0417 Extend Time For Site Of Low/ H Filed

Mod. Inc. Housing.		
H0419 North Carolina Benefit Corporation Act.	H	Filed
H0421 Fuel Tax Refund for Marinas.	H	Filed
H0422 No High-Speed Rail Money from Federal Gov't.	H	Filed
S0016 Require Blood Test for All Deaths by Vehicle.	S	Reptd Fav Com Substitute SA Com Substitute Adopted
03-21-11		
S0026 North Carolina Benefit Corporation Act.	S	Reptd Fav Com Substitute SA Com Substitute Adopted
03-21-11		
S0032 Hospital Medicaid Assessment/ Payment Program.	S	Pres. To Gov. 3/18/2011
02-22-11		
S0058 Modify FMAP Cuts.	S	Ratified
03-10-11		
S0075 Promote Electricity Demand Reduction.	H	Passed 1st Reading H Ref To Com On Finance
03-15-11		
S0098 911 Call Transcripts.	S	Reptd Fav
S0133 Juror Privacy.	H	Passed 1st Reading H Ref To Com On Judiciary Subcommittee C
S0146 State Shrimp Festival-Sneads Ferry.	H	Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
S0149 No Plastic Knuckles.	S	Withdrawn From Com S Re-ref Com On Judiciary II
#S0165 NC Turnpike Authority Corridor Selection.	S	Signed By Gov. 3/18/2011 SR Ch. SL 2011-7
S0191 Allow Nurse Practitioners to Sign Death Cert.	S	Reptd Fav Com Substitute SA Com Substitute Adopted
03-21-11		
S0194 Electric Vehicle Incentives.	H	Passed 1st Reading H Ref To Com On Commerce and Job Development
03-15-11		
S0212 Cemeteries/Survey Stamp.	H	Passed 1st Reading H Ref To Com On Government
S0245 Medicaid Billing by Local Health Departments.	S	Passed 2nd & 3rd Reading
03-17-11		
S0254 Allow Nonattorney Ownership of PC Law Firms.	S	Withdrawn From Com S Re-ref Com On Rules and Operations of the Senate
S0256 Pardon Governor Holden.	S	Withdrawn From Com S Placed On Cal For 3/22/2011
S0283 School Calendar Flexibility/ Inclement Weather.	S	Withdrawn From Com S Re-ref Com On Rules and Operations of the Senate
S0308 State Regulation of Greenhouse Gas Emissions.	H	Passed 1st Reading H Ref To Com On Environment
03-15-11		
S0361 Interscholastic Sports Open	S	Withdrawn From Com

	to All Students.	S	Re-ref Com On Rules and Operations of the Senate
S0367	Efficient and Affordable Energy Rates Bill.	S	Passed 1st Reading
S0368	Modify Public Swimming Pool Requirements.	S	Ref To Com On Commerce
		S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0369	Confirm Joseph A. Smith Commissioner of Banks.	S	Passed 1st Reading
		S	Ref To Com On Commerce
S0370	Increase Disabled Vet Property Tax Exclusion.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0371	Diabetes Alert Day.	S	Passed 1st Reading
		S	Placed On Cal For 3/22/2011
S0372	Special Plate for the Green Industry Council.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0373	Community Association Managers Licensing Act.	S	Passed 1st Reading
		S	Ref To Com On Commerce
S0374	Landowner Protection Act.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0375	Facilitate Statewide Health Info. Exchange.	S	Passed 1st Reading
		S	Ref To Com On Health Care
S0376	Equal Tax on Cigars That Look Like Cigarettes.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0377	Breweries to Sell Malt Beverages on Premises.	S	Passed 1st Reading
		S	Ref To Com On Commerce
S0378	Energy Crops for Biofuels Feedstocks.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0379	Revise Restitution Damage Awards.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0380	ETJ/Clarify Definition of Bona Fide Farm.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0381	NC Family & Consumer Sciences 100th.	S	Filed
S0382	Required Withholding For Nonresidents.	S	Filed
S0383	TANF Block Grant Funds/Boys & Girls Club.	S	Filed
S0384	Conforming Changes/Persons W/ Disabilities Act.	S	Filed
S0385	Small Business Assistance Records.	S	Filed
S0386	Repeal G.S. 95-98.	S	Filed
S0387	NC Horse Council Special Plate.	S	Filed
S0388	Transfer Forestry & Forestry Council to DACS.	S	Filed
S0389	Transfer Child Nutrition Program to DACS.	S	Filed

LOCAL BILLS

H0192	Greensboro Rental Property	H	Placed On Cal For 3/22/2011
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	Utility Liens.		
H0401	Haywood Community College Leases.	H	Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0403	Wilmington/Contributing Structures.	H	Passed 1st Reading H Ref To Com On Government
H0409	Guilford Tech. May Lease Property.	H	Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0410	Pinebluff/Preserve Land for Parks.	H	Passed 1st Reading H Ref To Com On Government
H0415	Topsail Beach/Littoral Rights.	H	Filed
H0416	Expand Joyce Creek District Board.	H	Filed
H0418	Winston-Salem Deannexation.	H	Filed
H0420	Oak Island/Wheel Locks.	H	Filed
S0155	Wake Local Stormwater Utility Fees.	H	Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
S0182	Greenville/Email Subscription Lists.	H	Passed 1st Reading H Ref To Com On Government
S0261	Chowan Fox Seasons.	H	Passed 1st Reading H Ref To Com On Government
S0263	ETJ/Wake Municipal Farm Exemption.	H	Passed 1st Reading H Ref To Com On Government
S0270	Huntersville E-mail lists/Electronic Access.	H	Passed 1st Reading H Ref To Com On Government

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 27. [FORENSIC SCIENCES ACT](#). Filed 2/1/11. Senate committee substitute makes the following changes to 3rd edition.

Amends proposed GS 15A-903(d) to make it a Class H felony to willfully omit or misrepresent evidence or information required to be disclosed to the defendant under GS 15A-903(a)(1) or referred to the state under GS 15A-903(c). Makes it a Class 1 misdemeanor to willfully omit or misrepresent evidence or information required to be disclosed under any other provision of GS 15A-903. The previous edition did not designate punishment classes. Makes other clarifying and technical changes.

State Government; Criminal Law,
Procedure, and Sentencing; Courts

H 168. [FARMS EXEMPT FROM CITY ANNEXATION/ETJ/ZONING \(NEW\)](#). Filed 2/23/11. House committee substitute makes the following changes to 1st edition.

Rewrites the title as *AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES," TO PROHIBIT THE INVOLUNTARY MUNICIPAL ANNEXATION OF PROPERTY USED FOR BONA FIDE FARM PURPOSES, TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM THE EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION OF MUNICIPALITIES, AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARMING PURPOSES FROM MUNICIPAL ZONING.*

Amends GS 153A-340(b)(2) defining *bona fide farm purposes* to include all other forms of agriculture as defined in in GS 106-581.1 (was, included all other forms of agricultural products as defined in GS 106-581.1 having a domestic or foreign market).

Amends GS 160A-36 and GS 160A-48 to prohibit the annexation of land, which on the date of the resolution of intent to consider annexation is being used for *bona fide farm purposes*, without the written consent of the

owner or owners of the property. Amends GS 160A-360 to provide that property used for *bona fide farm purposes*, as defined in GS 153A-340, is exempt from a municipality's extraterritorial jurisdiction.

Amends proposed new GS 160A-393.1 to exempt property used for *bona fide farm purposes* as defined in GS 153A-340 from municipal zoning under Part 3 of GS Chapter 160A, Article 19 (was, provided a zoning exemption for any agricultural interest annexed by a municipality and defined "agricultural interest"). Deletes proposed new subsection (a2) to GS Chapter 160A-360.

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

SENATE BILLS

S 16. OBTAIN BLOOD SAMPLE/IMPLIED-CONSENT LAWS. (NEW) Filed 1/31/11. Senate committee substitute makes the following changes to 1st edition.

Deletes provisions of previous edition and instead amends GS 20-139.1(b5), to require a law enforcement officer to request that a person charged with a violation of GS 20-141.4 (felony and misdemeanor death by vehicle; felony serious injury by vehicle; and related offenses) provide a blood sample in addition to or in lieu of a chemical analysis of the breath. Provides that if a breath sample reads .08 or more, the officer is to use discretion in requesting a blood sample. Further adds that if the person so charged willfully refuses to provide the blood sample, then a law enforcement officer with probable cause to believe that the offense involved impaired driving or was alcohol-related must seek a warrant to obtain a blood sample. States that the failure to obtain a blood sample is not grounds for the dismissal of a charge and is not assignable as error on appeal. Amends GS 20-16.2(a1), adding that an *implied-consent offense* also includes a violation of GS 20-141.4(a2) (misdemeanor death by vehicle). Makes conforming changes to the bill title to reflect new content. Applies to offenses committed on or after December 1, 2011.

Criminal Law, Procedure, and
Sentencing; Emergency Services

S 26. NORTH CAROLINA BENEFIT CORPORATION ACT. Filed 2/1/11. Senate committee substitute makes the following changes to 1st edition.

Amends proposed Article 18, adding that a benefit corporation is not entitled to claim an exemption from any property tax imposed under Subchapter II of GS Chapter 105. Expands the definition for *third-party standard*, and makes other clarifying and organizational changes to definitions applicable to the proposed Article. Also modifies when a material relationship is presumed to exist, found within the definition of independent person. Clarifies that a domestic corporation, including a converted domestic corporation, may be incorporated as a benefit corporation by stating such in the initial articles of incorporation. Requires the articles of incorporation to also identify any specific public benefit purpose, as specified, and any provision required or permitted by law. Adds a requirement that shareholder meetings must provide notice and discussion of the transition to or resulting existence of a benefit corporation. Includes a requirement that shareholder meetings provide notice and discussion of the anticipated effect on the shareholders of terminating the benefit corporation status. Clarifies the heightened voting requirements applicable to certain actions in proposed Article 18 setting the voting percentages to be net according to the type of entity.

Clarifies that the standard of conduct applies to the directors of a benefit corporation (was, applies to the board of directors, committees of the board, and individual directors). Specifies that a director is not liable for monetary damages arising out of an action for any act or omission to act, other than any act or omission that the director, at the time of such act or omission, knew or believed to be clearly in conflict with the benefit corporation's general public benefit purpose or any stated specific public benefit purpose (expands previously proposed language). Indicates that the board of directors of a benefit corporation must *by resolution* designate a benefit director. Clarifies the duties of the benefit director. Deletes provision specifying the standard of conduct for officers. Clarifies the duties of the benefit officer, and adds that the officer must monitor the benefit corporation's pursuit of general and any specific public benefit purposes.

Clarifies that a benefit enforcement proceeding may be commenced or maintained by a shareholder that owns 5% or more of the benefit corporation's shares, a person or group of persons owning 5% or more (was, 10% or more) of the outstanding equity voting interests in an entity in which the benefit corporation is a subsidiary, or by one of the other preexisting entities. Adds that a benefit enforcement proceeding commenced or maintained derivatively is subject to the requirements applicable to derivative proceedings under Part 4 of Article 7 of GS Chapter 55, except that such requirements must be interpreted as specified. Adds that a benefit corporation's annual benefit report must also include a statement of any relationship between the benefit corporation and the

entity that developed the third-party standard that might affect the credibility of the objective assessment of the third-party standard. Clarifies that the benefit corporation must post each annual benefit report on the public portion of the corporation's website for a period of five years. Adds a section, making a conforming change to GS 55-13-02(a), which concerns shareholders' dissenting rights. Makes additional clarifying and technical changes.
Business and Commerce

S 191. DEATH CERTIFICATE SIGNATURES (NEW). Filed 3/2/11. Senate committee substitute makes the following changes to 1st edition.

Adds new subsection (e1) to GS 90-18.1 providing that a physician assistant who completes a medical certification for a death certificate is deemed to have been authorized to complete the certification by the physician assistant's supervising physician. Directs that the supervising physician is to be responsible for authorizing the completion of the medical certification. Amends GS 130A-115(c) to permit the use of an electronic or facsimile signature of the physician, physician assistant, or nurse practitioner without specific approval by the state registrar. Provides that electronic signature has the same meaning as in GS 66-58.2 or GS 66-312 (was, same meaning as in GS 66-58.2). Makes conforming changes to GS 130A-115(c) and (d) to include physicians assistants. Effective October 1, 2011, and applies to certifications signed on or after that date. Makes conforming changes to the title to better reflect the bill's content as amended.

Health, Social Services, and Aging

Legislation Enacted

SL 2011-6 (H 3). EXCLUSIONARY RULE/GOOD FAITH EXCEPTION. AN ACT TO PROVIDE FOR THE ADOPTION OF THE GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE INTO STATE LAW. Summarized in *Daily Bulletin* 1/26/11, 2/9/11, and 2/10/11. Enacted March 18, 2011. Effective March 18, 2011.

Criminal Law, Procedure, and Sentencing

SL 2011-7 (S 165). NC TURNPIKE AUTHORITY CORRIDOR SELECTION. AN ACT TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR EXCEPT IN THE AREA OF INTERSTATE 40 EAST. Summarized in *Daily Bulletin* 3/1/11. Enacted March 18, 2011. Effective March 18, 2011.

Transportation

SL 2011-8 (H 48). NO STANDARDIZED TESTING UNLESS REQ'D BY FEDS. AN ACT TO REDUCE SPENDING BY ELIMINATING STATEWIDE STANDARDIZED TESTING IN THE PUBLIC SCHOOLS, EXCEPT AS REQUIRED BY FEDERAL LAW OR AS A CONDITION OF A FEDERAL GRANT. Summarized in *Daily Bulletin* 2/7/11 and 2/16/11. Enacted March 19, 2011. Effective July 1, 2011.

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Notes

None

NEXT SESSIONS

March 22, 2011

HOUSE convenes at 2:00 pm

SENATE convenes at 3:00 pm