

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 32

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Senate Legislative Day 32

Tuesday, March 22, 2011

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## SUMMARIES OF BILLS FILED

### Public Bills

#### HOUSE BILLS

**H 423. ENACT FIRST EVALUATION PROGRAM.** Filed 3/22/11. *TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM.*

Enacts new GS 122C-263A to allow the Secretary of Health and Human Services (Secretary), when requested by an LME, to waive specified requirements related to initial (first-level) exams by a doctor or eligible psychologist of individuals meeting specified statutory requirements. Requires that the Secretary receive a request from an LME (including specifically described information) to substitute a listed medical professional to conduct the initial exam of individuals meeting the criteria of GS 122C-261(a) (concerning involuntary commitment of mentally ill) or GS 122C-281(a) (concerning involuntary commitment of substance abusers). Requires the Secretary to review the request and allows for the request to be approved if the request meets the statute's requirements, the request furthers the purposes of state policy and mental health, developmental disabilities, and substance abuse services reform, and the request improves the delivery of mental health, developmental

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disabilities, and substance abuse services in the counties affected by the waiver and protects the health, safety, and welfare of individuals receiving those services. A waiver remains in effect for three years. Requires the LME to assure that a doctor is available at all times to provide backup support if necessary. Requires the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to expand its standardized certification training program to include refresher training for all certified providers performing first examinations.

Effective October 1, 2011.

**Intro. by Hurley.** GS 122C Health, Social Services, and Aging

**H 424. ADD'L SECTION 1915 MEDICAID WAIVER SITES (=S 316).** Filed 3/22/11. *TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND THIRD-PARTY BILLING FOR STATE FACILITIES.*

Identical to S 316, filed 3/10/11.

**Intro. by Barnhart.** GS 122C Health, Social Services, and Aging

**H 425. MEDICAID BILLING BY LOCAL HEALTH DEPARTMENTS (=S 245).** Filed 3/22/11. *TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH.*

Identical to S 245, filed 3/7/11.

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

**H 426. CHAMBERLIN'S LAW (=S 2).** Filed 3/22/11. *TO AMEND THE LAWS REGARDING CRUELTY TO ANIMALS.*

Identical to S 2, filed 1/26/11.

**Intro. by Jeffus, Harrison, Adams, McElraft.** GS 14 Animal Law; Criminal Law,  
Procedure, and Sentencing

**H 427. RUN AND YOU'RE DONE.** Filed 3/22/11. *TO PROVIDE FOR THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST.*

Amends GS 20-28.3 to provide that a motor vehicle driven by a person charged with felony speeding to elude arrest under GS 20-141.5(b) is subject to seizure. Clarifies throughout that the Division of Motor Vehicles is the agency designated by the Governor to receive notice from the charging officer that a vehicle is subject to forfeiture and the agency responsible for issuing written notice of an impoundment to the vehicle owner and any lienholder of record. Provides that a defendant charged with felony speeding to elude arrest who is convicted pursuant to a plea agreement or a reduced charge of misdemeanor speeding to elude arrest under GS 20-141.5(a) shall be ordered to pay as restitution to the county board of education, the motor vehicle owner, or the lienholder the costs of towing and storing the vehicle. Amends GS 20-141.5(f) to require law enforcement agency policies to address factors to be considered by an officer when determining when to initiate or terminate a pursuit (was, determining when to break off a chase to stop and apprehend a suspect). Amends GS 20-141.5(g) to provide that the owner of or holder of a security interest in a vehicle driven by a defendant who commits the offense of felony speeding to elude arrest is an innocent party with respect to the vehicle if the defendant drove the vehicle without his or her consent. Makes other conforming changes. Effective October 1, 2011, and applies to offenses committed on or after that date.

**Intro. by Faircloth, Folwell, H. Warren, Shepard.** GS 20 Transportation; Criminal Law,  
Procedure, and Sentencing

**H 428. HIRING OF STATE HIGHWAY PATROL COMMANDER.** Filed 3/22/11. *TO MODIFY THE CONDITIONS UPON WHICH THE COMMANDER OF THE HIGHWAY PATROL IS SELECTED.*

Amends GS 20-196.3 to allow the Commander of the State Highway Patrol to be selected from outside the ranks of the Patrol. Provides that if the Commander comes from outside the ranks of the Patrol, the Commander must be certified as a law enforcement officer within 12 months of the date of employment as Commander.

**Intro. by Faircloth.** GS 20 Transportation; State Government

**H 429. ESTABLISH MUSIC THERAPY PRACTICE ACT.** Filed 3/22/11. *TO ESTABLISH THE MUSIC THERAPY PRACTICE ACT.*

Creates new Article 18E, *North Carolina Music Therapy Practice Act*, in GS Chapter 90. Provides that the purpose of proposed Article 18E is to regulate music therapy services offered to the public. Provides *whereas* clauses to further note the need for regulation of music therapy services.

Provides definitions that apply in proposed Article 18E, including definitions for *music therapy* and *music therapy services*. Defines *music therapy* as the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy, including 3 specified areas. Prohibits any person from practicing or offering to practice music therapy as defined in proposed Article 18E, or otherwise presenting himself or herself to be a licensed music therapist on or after January 1, 2012, unless that person is currently licensed as provided under proposed Article 18E. Identifies criteria for persons to be exempt from the provisions of proposed Article 18E.

Creates the North Carolina Board of Music Therapy (Board). Requires that the Board consist of three members serving staggered terms, two of whom are licensed music therapists and one who represents the public at large. Directs that the General Assembly is to appoint (1) one music therapist to serve for a term of three years, on the recommendation of the Speaker of the House of Representatives, and (2) one music therapist to serve for a term of two years, on the recommendation of the President Pro Tempore of the Senate. Requires the Governor to appoint one public member to serve for a one-year term. Initial Board members are to be appointed on or before October 1, 2011.

Provides additional criteria regarding terms, qualifications, filling of vacancies, removal of members, and compensation for members. Additionally, provides criteria for the selection of officers, frequency of meetings, and establishing a quorum. Enumerates the powers and duties of the Board.

Requires an applicant for licensure as a music therapist to make application to the Board, pay the required fees, and meet all of the following requirements: (1) be 18 years of age or older, (2) be of good moral character as determined by the Board, (3) successfully complete an academic program accredited by the American Music Therapy Association, with at minimum a bachelor's degree majoring in music therapy from an accredited college or university, (4) successfully complete the board certification exam offered by the Certification Board for Music Therapists or its successor organization, and (5) successfully complete a minimum of 1,200 hours of clinical training, with at least 180 hours in pre-internship experiences and at least 900 hours in internship experiences.

Provides criteria for reciprocity, allowing the Board to grant licenses to persons licensed to practice music therapy in another state or territory of the United States.

Provides parameters regarding expenses and the establishment of a fee schedule for licensing. Requires that every license issued under this proposed Article be renewed every five years on or before January 1. Provides additional criteria regarding license renewal.

Authorizes the Board to exercise disciplinary authority, allowing the Board to deny, suspend, revoke, refuse to renew a license, or impose probationary conditions on a license if the licensee or applicant has engaged in any of the specified conduct. Provides that a disciplinary action may be ordered by the Board after a hearing is held in accordance with GS Chapter 150B and rules adopted by the Board. Permits an application for reinstatement of a revoked license to be made to the Board if the revocation has been in effect for at least one year. Provides that each violation under this proposed Article constitutes a distinct and separate offense and such a violation is a Class 1 misdemeanor. Provides that the Board may seek injunctive relief for violations of this proposed Article. Authorizes the Board to assess a civil penalty of no more than \$1,000 for a violation of any section of this proposed Article or the violation of any rules adopted by the Board. Directs that the clear proceeds of any civil penalty assessed under this session is to be remitted to the Civil Penalty and Forfeiture Fund in accordance with GS 115C-457.2. Provides factors to be considered by the Board before imposing and assessing a civil penalty.

**Intro. by Insko, Rapp, Keever.**

GS 90

Employment and Retirement

**H 430. REPEAL BILINGUAL BALLOT INSTRUCTION STATUTE.** Filed 3/22/11. *TO REPEAL A STATUTE REQUIRING BALLOT INSTRUCTIONS IN BOTH ENGLISH AND SPANISH IN CERTAIN COUNTIES.*

Repeals GS 163-165.5A, which requires ballot instructions to be printed in English and Spanish in counties or cities where the Hispanic population exceeds 6% in accordance with the most recent decennial federal census.

**Intro. by Cleveland.**

GS 163

Elections Law; Local Government

**H 431. REPEAL SENATE BILL 3 OF THE 2007 SESSION.** Filed 3/22/11. *TO REPEAL SENATE BILL 3 OF THE 2007 REGULAR SESSION OF THE GENERAL ASSEMBLY, SESSION LAW 2007-397, RELATING TO RENEWABLE ENERGY.*

Repeals SL 2007-397, entitled *AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF*

CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, AND (6) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY. Also repeals Section 14(a) of SL 2009-475 (amending GS 62-133.8 concerning the tracking of renewable energy certificates).

**Intro. by Cleveland.**

UNCODIFIED

Agriculture, Environment, and  
Natural Resources; Energy and  
Utilities

**H 432. SWINE IN TRANSPORT/ REGULATE FERAL SWINE.** Filed 3/22/11. TO PROHIBIT THE TRANSPORTATION OF SWINE UNLESS THE SWINE HAS AN OFFICIAL FORM OF IDENTIFICATION APPROVED BY THE STATE VETERINARIAN FOR THIS PURPOSE, TO CLASSIFY ALL FREE-RANGING MAMMALS OF THE SPECIES *SUS SCROFA* AS FERAL SWINE, TO PROVIDE FOR THE TAKING OF FERAL SWINE AS A NONGAME ANIMAL, AND TO PROHIBIT THE REMOVAL OF LIVE FERAL SWINE FROM TRAPS.

Adds new Article 66A, *Transportation of Swine*, to GS Chapter 106. Prohibits transporting swine on a public road within North Carolina unless the swine has an official form of identification approved by the State Veterinarian. Presumes any swine transported on a public road in the state without identification to be a feral swine subject to regulation by the Wildlife Resources Commission (Commission) under GS Chapter 113. Provides that a person transporting a swine without proper identification is subject to a civil penalty under proposed Article 66A. Exempts swine that do not leave the premises of the swine owner from the identification requirement. Authorizes the Board of Agriculture (Board) to adopt rules to charge a fee to a swine owner for the identification required under this proposed Article.

Provides that each swine that has no identification is a separate violation and each violation is subject to a civil penalty of up to \$5,000. Makes a person who misuses the identification required under this proposed Article subject to a civil penalty of \$1,000 for each occurrence. Defines misusing identification required under proposed Article 66A to mean knowingly providing the identification to someone other than the owner of the swine or engaging in other activity that violates proposed Article 66A. Provisions regarding civil penalties are effective October 1, 2012.

Amends GS 113-129 (definitions relating to resources) to remove *wild boar* from the definition for Big Game, and delete the definition for *wild boar*. Adds a definition for *feral swine* meaning free-ranging mammals of the species *Sus scrofa* (was, the definition for wild boar except specified that the term referred to mammals of the species *Sus scrofa* that occur in counties identified in the rules of the Commission). Makes conforming changes to GS 113-270.3(b)(1a).

Current law provides that no wild animals or birds may be taken with the use of artificial light or electronic calls with the exception that crows and coyotes may be taken with the aid of electronic calling devices. Amends GS 113-291.1 to delete provision permitting the taking of crows and coyotes with the aid of electronic calling devices, instead provides that the Commission may adopt rules prescribing seasons and the manner of taking wild animals and wild birds with the use of artificial light and electronic calls. Makes a conforming change. Replaces the precise definition of the type of pistol (a .22 caliber with a barrel not less than five and one-half inches in length) permitted for use during open season for taking the specified species with the generic term *pistol*. Amends GS 113-291.8(a) to exclude the hunting of feral swine from those hunting activities requiring the hunter to wear easily visible orange attire.

Enacts new GS 113-291.12 to make it unlawful to remove feral swine from a trap while the swine is still alive or to transport the live swine after it is removed. Amends GS 113-294 to make a violation of proposed GS 113-291.12 a Class 2 misdemeanor. Provides that the acts of (1) removal and (2) transporting after removal are separate offenses.

Except as otherwise indicated, effective October 1, 2011.

**Intro. by LaRoque.**

GS 106, 113

Agriculture, Environment, and  
Natural Resources; Animal Law

## SENATE BILLS

**S 390. UNCG /A & T/ NANOSCIENCE/ NANOENGINEERING FUNDS.** Filed 3/22/11. TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE

*ADDITIONAL RESOURCES FOR THE JOINT SCHOOL OF NANOSCIENCE AND NANOENGINEERING ON THE CAMPUS OF THE GATEWAY UNIVERSITY RESEARCH PARK OF THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AND NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.*

Appropriates \$2 million for 2011-12 and \$2 million for 2012-13 from the General Fund to the UNC Board of Governors as the title indicates. Directs that the funds are to be used (1) to hire additional nanoengineering staff, (2) to provide graduate assistantships for additional nanoscience and nanoengineering students, (3) to expand educational outreach, and (4) to attract corporate partners. Effective July 1, 2011.

**Intro. by Vaughan, Robinson.**                      APPROP                                      Budget and Appropriations;  
Education

**S 391. SPA/REPEAL RIF PRIORITY CONSIDERATION.** Filed 3/22/11. *REPEALING THE PRIORITY CONSIDERATION IN HIRING GIVEN UNDER THE STATE PERSONNEL ACT TO COVERED EMPLOYEES SUBJECT TO REDUCTIONS IN FORCE.*

Repeals provisions of GS 126-7.1 requiring priority consideration in hiring and salary grade and rate protections for certain employees hired to fill state positions after being separated from state employment as the result of a reduction in force. Specifies that the extended period of priority reconsideration afforded to state employees by Section 26.14D of SL 2009-451, as amended, remains unaffected. Makes other clarifying and conforming changes. Effective July 1, 2011, and applies to employees subject to reductions in force on or after that date.

**Intro. by Brunstetter.**                                      GS 126                                      Employment and Retirement

**S 392. SPECIAL PLATES FOR RETIRED LEGISLATORS.** Filed 3/22/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR FORMER LEGISLATORS.*

Enacts new GS 20-79.4(b)(119a) as title indicates; provides for design of the plate and handling when more than one retired member is from the same district. 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 State Capital Foundation, Inc., to provide support for the mission and goals of the foundation. Effective July 1, 2011.

**Intro. by Jenkins.**    GS 20    Transportation

**S 393. FELONY DEATH BY VEHICLE/PENALTY INCREASE.** Filed 3/22/11. *TO APPROPRIATELY INCREASE THE PENALTIES FOR FELONY DEATH BY VEHICLE AND AGGRAVATED FELONY DEATH BY VEHICLE SO THAT THE PUNISHMENT FOR CAUSING A DEATH WHILE DRIVING IMPAIRED IS ONE CLASS HIGHER THAN CAUSING SERIOUS BODILY INJURY WHILE DRIVING IMPAIRED, AND TO MAINTAIN THE PENALTY FOR AGGRAVATED FELONY DEATH BY VEHICLE AT ONE CLASS HIGHER THAN FELONY DEATH BY VEHICLE.*

Makes aggravated felony death by vehicle a Class C felony (was, Class D) and felony death by vehicle a Class D felony (was, Class E). Effective December 1, 2011, and applies to offenses committed on or after that date.

**Intro. by Atwater.**    GS 20    Transportation; Criminal Law,  
Procedure, and Sentencing

**S 394. CLARIFY PROCESS/REPORTABLE OFFENSES IN SCH.** Filed 3/22/11. *TO CLARIFY THE REQUIREMENT THAT SCHOOL PRINCIPALS REPORT CERTAIN ACTS TO LAW ENFORCEMENT.*

Amends GS 115C-288(g) to require school principals to report certain acts to law enforcement when the principal has a reasonable belief that a covered act occurred on school property (was, personal knowledge or actual notice from school personnel that such an act occurred on school property). States that a principal has a reasonable belief if he or she witnesses the act or determines through investigation that evidence exists that the act occurred. Prohibits the State Board of Education from requiring principals to report acts in addition to those required to be reported by GS 115C-288(g). Provides that the law should not be interpreted to interfere with the due process rights of school employees or the privacy rights of students. Deletes the provision making failure to report to law enforcement a Class 3 misdemeanor. Effective when the act becomes law and applies beginning with the 2011-12 school year.

**Intro. by Newton, Tillman,  
Preston.**    GS 115C    Education; Criminal Law,  
Procedure, and Sentencing

**S 395. PROPERTY INSURANCE RATE REVIEW BOARD.** Filed 3/22/11. *TO CREATE A CITIZENS' PROPERTY INSURANCE BOARD TO PROTECT THE INTERESTS OF NORTH CAROLINA CITIZENS IN THE PROPERTY INSURANCE RATESETTING PROCESS.*

Enacts new Article 36A to GS Chapter 58 to create the Citizens' Property Insurance Board (Board) to provide public input and accountability in the setting of property insurance rates in North Carolina. States that the Board consists of 11 members, as indicated, and sets forth provisions concerning member qualifications, terms of office, officers, meetings, expenses, and removal and vacancy procedures. Directs the appointing authorities to make their initial appointments to the Board by October 1, 2011. Details the Board's powers and duties, including the duty to review, investigate, and make recommendations regarding the reasonableness and consistency of rates charged or filed by the NC Rate Bureau (Bureau), and the power to review and investigate complaints from property insurance policyholders.

Enacts new GS 58-36-17, directing the NC Rate Bureau to provide the Board, upon request, information or analysis supporting a property insurance rate filing and any nonprivileged communications as described. States that the Bureau and the Board will be immune from civil liability for erroneous information released by the Bureau, provided both entities acted in good faith and without malicious or willful intent to harm. Amends GS 58-45-65.1 to clarify that the NC Insurance Underwriting Association will be audited on an annual basis by an auditor selected by the Commissioner of Insurance (Commissioner) from a list of three names provided by the Board. Enacts new subsection (f) to GS 58-2-75, stating the Board has an unconditional right of intervention in proceedings involving the court review of a Commissioner order or decision.

Locates the Board in the Department of Insurance for administrative purposes. Directs the Board to prepare, beginning in 2012, an annual report to the Joint Legislative Commission on Governmental Operations before October 15, containing specified information.

Effective July 1, 2011.

**Intro. by Goolsby.**

GS 58

Business and Commerce;  
Property, Land Use, and Housing

**S 396. REPAY CIVIL PENALTY FUNDS TO SCHOOLS.** Filed 3/22/11. *TO REPAY THE FUNDS OWED TO LOCAL SCHOOL ADMINISTRATIVE UNITS IN ACCORDANCE WITH THE REQUIREMENTS OF THE JUDGMENT IN THE CIVIL PENALTIES CASE.*

Beginning with the 2013-14 fiscal year, annually appropriates from the General Fund to the State Public School Fund a sum that is equal to the lesser of (1) 10% of any unreserved fund balance remaining in the General Fund at the end of the prior fiscal year; (2) \$100 million; and (3) the amount owed to local school administrative units, including interest, according to the Memorandum of Decision and Judgment filed August 8, 2008, in *N.C. School Bds. Ass'n v. Moore*. Requires that the funds be allotted to local school administrative units on a per pupil basis and be used for maintaining free public schools. Provides that the funds supplement and do not supplant other funds appropriated for the public schools.

**Intro. by Gunn.**

APPROP

Budget and Appropriations;  
Education

**S 397. EXPUNGE NONVIOLENT OFFENSE BY MINOR.** Filed 3/22/11. *TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES BUT TO ALLOW THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFF'S EDUCATION AND TRAINING STANDARDS COMMISSION ACCESS TO THE RECORDS OF EXPUNCTION.*

Adds new section GS 15A-145.4 providing that a person convicted of a nonviolent felony may petition the court to have the conviction expunged from his or her criminal record, provided that the person was under 18 years old when the offense occurred and he or she has not previously been convicted of any felony or misdemeanor other than a traffic violation. Defines a nonviolent felony as any felony except Class A through Class G felonies; felony assaults; sex crimes; certain drug felonies involving methamphetamines, heroin, or cocaine; certain hate crimes; and contaminating food or drink under GS 14-401.16. Provides that multiple nonviolent felony convictions shall be treated as one nonviolent felony conviction for the purposes of the nonviolent felony expunction law if the convictions were entered in the same session of court and all occurred before the person had been charged and arrested for the commission of a nonviolent felony. States that the petition may be filed four years after the date of conviction or upon completion of any active sentence, period of probation, and post-release supervision, whichever occurs later.

Requires that the petition include affidavits stating that the petitioner has been of good moral character and reputation in the community, that the offender has not been convicted of any subsequent crime other than a traffic violation, that no restitution orders or civil judgments are outstanding against the petitioner, that the petitioner has performed at least 100 hours of community service, and that the petitioner has a high school diploma or its

equivalent. Further requires the petitioner to authorize certain criminal background and record checks, which must be completed by the Department of Justice and the Administrative Office of the Courts and reported to the court. Mandates that the petition and notice of the hearing of the petition be served upon the district attorney, who shall have 30 days to file any objection to it and who shall attempt to notify the victim of the petitioner's crime, if any, of the petition.

Provides that the court may, after ordering an investigation by a probation officer and reviewing the petitioner's juvenile record, record of restitution payment, and any other relevant information, order that the nonviolent felony be expunged from court and law enforcement records if the court makes specified findings related to the petitioner's character, criminal record, pending charges, compliance with restitution orders, age, community service completion, and lack of prior expunctions. Requires other government agencies to expunge record entries made as a result of the expunged conviction and to reverse any administrative actions taken against the petitioner as a result of the charges or convictions expunged.

Directs probation officers or, in cases in which no probation officer is assigned, the court to notify defendants about the availability of an expunction for a nonviolent felony.

Grants access to the confidential file of expunction recipients maintained by the Administrative Office of the Courts to state and local law enforcement agencies, the Criminal Justice Education and Training Standards Commission, and the Sheriffs' Education and Training Standards Commission, for employment or certification purposes only, and allows each commission to deny, suspend, or revoke a person's certification based on the conviction, regardless of the expunction.

Effective December 1, 2011.

**Intro. by D. Berger, McKissick, Daniel.** GS 15A, 17C, 17E

Criminal Law, Procedure, and Sentencing

**S 398. PERPETUITIES & TRUSTS/AMEND CONSTITUTION.** Filed 3/22/11. *TO AMEND THE NORTH CAROLINA CONSTITUTION TO CLARIFY THAT THE PROHIBITION AGAINST PERPETUITIES DOES NOT APPLY TO CHARITIES AND TRUSTS.*

Subject to the approval of a majority of qualified voters at the general election in November 2012, amends Section 34 of Article I of the NC Constitution to provide that the prohibition against perpetuities does not apply to noncharitable trusts or charitable entities. If approved, effective January 1, 2013.

**Intro. by Goolsby, Clodfelter, Brunstetter.** CONST

Business and Commerce; Constitutional Amendment

**S 399. MINORITY APPEAL FROM COUNTY BD ELECTIONS.** Filed 3/22/11. *TO PROVIDE A PROCESS FOR AN APPEAL OF A DECISION OF THE COUNTY BOARD OF ELECTIONS TO THE STATE BOARD OF ELECTIONS BY A MEMBER OF THE COUNTY BOARD OF ELECTIONS.*

Amends GS 163-33 to allow a member voting in the minority to appeal a decision made by the county board of elections to the state board if the appeal is submitted in writing within 10 days of the decision. Allows the board member voting in the minority to direct the county board's staff to prepare and submit the report. Applies to decisions of the county board of elections made on or after January 1, 2012.

**Intro. by Clary.** GS 163

Elections Law; Local Government

**S 400. REPORT ON FITNESS TESTING IN SCHOOLS (=H 334).** Filed 3/22/11. *TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON THE RESULTS OF FITNESS TESTING IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT.*

Identical to H 334, filed 3/10/11.

**Intro. by Purcell.** GS 115C

Education

### *Local Bills*

None

## ACTION ON BILLS

**March 22, 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](http://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

H0027 Forensic Sciences Act. 02-09-11, 02-15-11, 03-21-11	S Withdrawn From Cal S Placed On Cal For 3/23/2011
H0029 Retrieval of Big Game. 02-22-11, 02-23-11	S Reptd Fav
H0052 The Castle Doctrine.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee A
H0060 Extend Hearing Loss Task Force.	H Pres. To Gov. 3/22/2011
H0061 Speaker/Pro Tem Term Limits.	H Postponed To 3/29/2011
H0062 Prohibit Boylston Creek Reclassification.	S Reptd Fav
H0072 Community College Investment Flexibility. 03-22-11	HA Reptd Fav Com Substitute H Re-ref Com On Finance
H0074 Castle Doctrine.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee A
H0087 Sunshine Amendment. 03-16-11, 03-17-11	H Postponed To 3/24/2011
H0090 Confectioners may use up to 5% Alcohol By Vol. 03-17-11	H Passed 2nd & 3rd Reading
H0092 Repeal Land Transfer Tax.	H Ratified
H0205 Motorcycle Awareness Month.	H Passed 2nd & 3rd Reading
H0234 Juror Qualifications/ Disabilities. 03-16-11, 03-22-11	HA Amend Adopted 2 H Passed 3rd Reading H Ordered Engrossed
H0258 Honor Deputy Charlie Brown.	H Withdrawn from Cal 36(b) H Placed On Cal For 3/29/2011
H0270 Amend Conditions of Probation. 03-17-11	H Passed 2nd Reading
H0302 Charitable Licensing Exemption Clarification.	H Reptd Fav H Re-ref Com On Finance
H0331 Allow PAs and NPs to Sign Death Cert. 03-22-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 3/23/2011
H0334 Report on Fitness Testing in Schools.	H Reptd Fav H Cal Pursuant Rule 36(b)

H0353	Designation of Coastal Game Fish.	H	Placed On Cal For 3/23/2011
		H	Withdrawn From Com
		H	Re-ref Com On Commerce and Job Development
H0404	Diabetes Alert Day.	H	Adopted
H0407	Modify ATV Helmet Use Requirements.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/23/2011
03-22-11			
H0411	Iredell Correctional Facility/ DOT Storage.	H	Passed 1st Reading
		H	Ref to the Com on Government, if favorable, Finance
H0412	Study Use of Alternative Medicine.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0417	Extend Time For Site Of Low/ Mod. Inc. Housing.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development
H0419	North Carolina Benefit Corporation Act.	H	Passed 1st Reading
		H	Ref to the Com on Commerce and Job Development, if favorable, Judiciary Subcommittee C
H0421	Fuel Tax Refund for Marinas.	H	Passed 1st Reading
		H	Ref to the Com on Commerce and Job Development, if favorable, Finance
H0422	No High-Speed Rail Money from Federal Gov't.	H	Passed 1st Reading
		H	Ref to the Com on Transportation, if favorable, Commerce and Job Development, if favorable, Finance
H0423	Enact First Evaluation Program.	H	Filed
H0424	Add'l Section 1915 Medicaid Waiver Sites.	H	Filed
H0425	Medicaid Billing by Local Health Departments.	H	Filed
H0426	Chamberlin's Law.	H	Filed
H0427	Run and You're Done.	H	Filed
H0428	Hiring of State Highway Patrol Commander.	H	Filed
H0429	Establish Music Therapy Practice Act.	H	Filed
H0430	Repeal Bilingual Ballot Instruction Statute.	H	Filed
H0431	Repeal Senate Bill 3 of the 2007 Session.	H	Filed
H0432	Swine in Transport/Regulate Feral Swine.	H	Filed
H0433	Nuisance Abatement Changes.	H	Filed
H0436	Economic Disclosures for Sanitary Districts.	H	Filed
H0438	Accountable Co. Comms./Expand Loc. Bd. Auth.	H	Filed

S0016 Obtain Blood Sample/Implied-Consent Laws. 03-21-11	S	Passed 2nd & 3rd Reading
S0020 Amend Law Regulating Proprietary Schools. 02-23-11	H	Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/23/2011
S0026 North Carolina Benefit Corporation Act. 03-21-11	S	Passed 2nd & 3rd Reading
S0033 Medical Liability Reforms. 03-01-11, 03-02-11	H	Withdrawn From Com H Re-ref Com On House Select Committee on Tort Reform
S0091 Repeal e-NC Sunset. 03-15-11, 03-22-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted
S0098 911 Call Transcripts.	S	Passed 2nd & 3rd Reading
S0105 Increase Penalty/2nd Degree Murder.	S	Reptd Fav
S0107 Tax of Improved Prop. in Roadway Corridors. 03-22-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted
S0118 Downtown Service District Definition.	H	Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
S0137 Establish Forgivable Loan Fund. 03-22-11	S	Reptd Fav As Amended SA Com Amend Adpt & Engross 1
S0143 Detention Facility Requirements.	S	Withdrawn From Com S Re-ref Com On Judiciary I
S0154 Abolish Higher Education Bond Oversight Comm.	H	Passed 1st Reading H Ref To Com On Education
S0191 Death Certificate Signatures. 03-21-11	S	Passed 2nd & 3rd Reading
S0248 Update Archaic Disability Terms. 03-17-11	H	Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
S0256 Pardon Governor Holden.	S	Withdrawn From Cal S Placed On Cal For 3/23/2011
S0265 Transfer State Health Plan to State Treasurer. 03-22-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted S Re-ref Com On Appropriations/ Base Budget
S0275 Official Herring Festival.	S	Reptd Fav
S0368 Modify Public Swimming Pool Requirements. 03-22-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted
S0369 Confirm Joseph A. Smith Commissioner of Banks.	S	Reptd Fav S Placed On Cal For 3/22/2011 S Passed 2nd & 3rd Reading H Passed 1st Reading H Ref To Com On Banking
S0371 Diabetes Alert Day.	S	Adopted

S0381	NC Family & Consumer Sciences 100th.	S	Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0382	Required Withholding For Nonresidents.	S	Passed 1st Reading S Ref To Com On Finance
S0383	TANF Block Grant Funds/Boys & Girls Club.	S	Passed 1st Reading S Ref To Com On Appropriations/ Base Budget
S0384	Conforming Changes/Persons W/ Disabilities Act.	S	Passed 1st Reading S Ref To Com On Health Care
S0385	Small Business Assistance Records.	S	Passed 1st Reading S Ref To Com On Commerce
S0386	Repeal G.S. 95-98.	S	Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0387	NC Horse Council Special Plate.	S	Passed 1st Reading S Ref To Com On Finance
S0388	Transfer Forestry & Forestry Council to DACS.	S	Passed 1st Reading S Ref To Com On Agriculture/ Environment/Natural Resources
S0389	Transfer Child Nutrition Program to DACS.	S	Passed 1st Reading S Ref To Com On Agriculture/ Environment/Natural Resources
S0390	UNCG/A & T/Nanoscience/ Nanoengineering Funds.	S	Filed
S0391	SPA/Repeal RIF Priority Consideration.	S	Filed
S0392	Special Plates for Retired Legislators.	S	Filed
S0393	Felony Death by Vehicle/ Penalty Increase.	S	Filed
S0394	Clarify Process/Reportable Offenses in Sch.	S	Filed
S0395	Property Insurance Rate Review Board.	S	Filed
S0396	Repay Civil Penalty Funds to Schools.	S	Filed
S0397	Expunge Nonviolent Offense by Minor.	S	Filed
S0398	Perpetuities & Trusts/Amend Constitution.	S	Filed
S0399	Minority Appeal From County Bd Elections.	S	Filed
S0400	Report on Fitness Testing in Schools.	S	Filed

### LOCAL BILLS

H0026	Henderson County Fire Districts.	H	Passed 3rd Reading
H0192	Greensboro Rental Property Utility Liens.	H	Passed 2nd & 3rd Reading
H0413	Winston-Salem/Forsyth School Board.	H	Passed 1st Reading H Ref To Com On Government
H0414	Amend Rutherford County Occupancy Tax.	H	Passed 1st Reading H Ref to the Com on Government,

		if favorable, Finance
H0415	Topsail Beach/Littoral Rights.	H Passed 1st Reading
		H Ref To Com On Government
H0416	Expand Joyce Creek District Board.	H Passed 1st Reading
		H Ref To Com On Government
H0418	Winston-Salem Deannexation.	H Passed 1st Reading
		H Ref to the Com on Government, if favorable, Finance
H0420	Oak Island/Wheel Locks.	H Passed 1st Reading
		H Ref To Com On Government
H0434	Durham/Small Business Enterprise.	H Filed
H0435	Mecklenburg Energy Efficiency/Renewable.	H Filed
H0437	NH County Commissioners Accountability Act.	H Filed
S0120	New Bern Charter Amendments.	S Reptd Fav Com Substitute SA Com Substitute Adopted
03-22-11		
S0145	Southern Shores Canal Dredging/Maintenance.	S Reptd Fav
S0177	Greensboro Rental Property Utility Liens.	S Reptd Fav
S0227	Haywood Community College Leases.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
03-16-11		
S0269	Hillsborough Occupancy Tax.	H Passed 1st Reading H Ref To Com On Finance
S0288	Atlantic Beach/Beaufort/Parking.	S Reptd Fav

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 72. [COMMUNITY COLLEGE INVESTMENT FLEXIBILITY](#).** Filed 2/10/11. House committee substitute makes the following changes to 1st edition.

Amends GS 115D-58.6 to require a community college's Board of Trustees (Board) to appoint an *Investment Committee* (Committee) made up of at least three people who have (1) financial backgrounds, (2) experience with institutional or retail investment management, and (3) knowledge of fixed income and public equities. Provides that the Committee is to make recommendations to the Board on its investment options and monitor the performance of investments made by the Board. Specifies a local board's duties related to the management and investment of institutional funds.

Amends GS 147-69.2 by adding "institutional funds of the colleges of the North Carolina Community College System" to the list of special funds held by the State Treasurer for investment.

Makes technical changes.

Education; Budget and  
Appropriations

**H 234. [JUROR QUALIFICATIONS/DISABILITIES](#).** Filed 3/3/11. House amendment makes the following changes to 2nd edition. Amends GS 9-6.1 to remove proposed change lowering the age at which a person who has been summoned as a juror may request to be excused, deferred, or exempted by filing a signed statement instead of

appearing in person. The amendment returns the age to current statutory language of 72 years (2nd edition proposed 66 years) or older.

Courts

**H 331. ALLOW PAS AND NPS TO SIGN DEATH CERT.** Filed 3/10/11. House committee substitute makes the following changes to 1st edition. Makes a technical change by renumbering proposed GS 90-18.1(f) as GS 90-18.1(e1) and makes a conforming change. Clarifies that the act applies to certifications signed on or after the act's effective date of October 1, 2011.

Health, Social Services, and Aging

**H 407. MODIFY ATV HELMET USE REQUIREMENTS.** Filed 3/17/11. House committee substitute makes the following changes to 1st edition. Makes technical changes only.

Transportation

## SENATE BILLS

**S 91. EXTEND E-NC SUNSET (NEW).** Filed 2/21/11. Senate committee substitute makes the following changes to 2nd edition. Amends the proposed dates in Section 4 of SL 2003-425, to further extend the sunsets pertaining to the e-NC Authority to December 31 (was, June 30), 2015.

Energy and Utilities; Community and Economic Development

**S 107. TAX OF IMPROVED PROP. IN ROADWAY CORRIDORS.** Filed 2/22/11. Senate committee substitute makes the following changes to 1st edition. Repeals proposed new GS 105-277.9A (taxation of improved property inside certain roadway corridors) for taxable years beginning on or after July 1, 2021.

Taxation; Transportation

**S 120. NEW BERN CHARTER AMENDMENTS.** Filed 2/23/11. Senate committee substitute makes the following changes to 1st edition.

Amends the New Bern City Charter, Section 18, SL 1957-1281 (Charter), as amended, to delete proposed change in the 1st edition that prohibited a person who had served two full terms as an alderman from being eligible to serve a third term in succession. Also amends Section 19 of the Charter to delete proposed change that prohibited a person who had served as mayor for two full terms from being eligible to serve a third term in succession.

Craven

**S 137. ESTABLISH FORGIVABLE LOAN FUND.** Filed 2/24/11. Senate committee amendment makes the following changes to 1st edition. Transfers all assets and liabilities in the Coaching (was, Physical Education) Scholarship Loan Fund to the Forgivable Education Loans for Service Fund.

Education; Health, Social Services, and Aging

**S 265. STATE HEALTH PLAN/APPROPRIATIONS AND TRANSFER. (NEW)** Filed 3/8/11. Senate committee substitute makes the following changes to 1st edition.

Deletes most of the provisions of the previous edition, but retains the provision transferring the State Health Plan for Teachers and State Employees (Plan) to the Department of State Treasurer (State Treasurer). The new edition includes two parts: Part I appropriates funds for the Plan, outlines new contribution schedules, and contains additional provisions related to Plan operation, and Part II transfers the Plan to the State Treasurer. Makes a conforming change to the bill title to reflect new bill content.

*Part I: Appropriations and Contributions.* Appropriates \$8,061,798 for 2011-12 and \$101,782,670 for 2012-13 from the General Fund to the Reserve for the Plan in the Office of State Budget and Management (OSBM) to cover health care and administrative costs in the 2011-13 biennium. Appropriates \$376,217 for 2011-12 and \$4,749,858 for 2012-13 from the Highway Fund to the Reserve for the Plan in OSBM to cover costs in 2011-13. Specifies that all other agency funds required to fund the premium increase are appropriated for 2011-13. Sets out employee and retiree monthly premium rates for partially contributory coverage for 2011-12 and 2012-13. Specifies that premium rates for contributory coverage will increase by 5.2% in 2011-12 and by an additional 5.2% for 2012-13.

Effective July 1, 2011, directs the Executive Administrator to make listed increases to deductibles, coinsurance maximums, and co-payments under the Basic and Standard PPO Plans.

Amends GS 135-45.6(b)(1) to increase the copayment for preferred brand prescriptions without a generic equivalent (from \$35 to \$40) and nonpreferred brand prescriptions (from \$55 to \$64). Amends GS 135-45(g) to prohibit the Executive Administrator and Board of Trustees from changing Plan provisions in effect on July 1, 2011 (currently, July 1, 2009) if the change would increase plan costs or reduce member benefits, without General Assembly action. Repeals the Comprehensive Wellness Initiative (Section 2(b) of SL 2009-16, as amended). Amends GS 135-45(b) to make persons eligible for coverage under the Plan on a partially, one-half, or fully contributory basis, as indicated. Amends GS 135-45.2 to detail provisions, based on each contribution method, and deletes coverage on a noncontributory basis for all employees except retirees and surviving spouses, as specified. Amends the definition for *dependent child* in GS 135-45.1(10) to comply with the federal Patient Protection and Affordable Care Act. Allows coverage for a natural or legally adopted child of an employee in the Plan up to the first month following the child's 26<sup>th</sup> (currently, 19<sup>th</sup>) birthday, and allows coverage for a foster child up to the first month following the child's 19<sup>th</sup> birthday. Makes other conforming and technical changes. Amends GS 135-45.2(d) to allow coverage of a dependent child to be extended beyond the 26<sup>th</sup> (currently, 19<sup>th</sup>) birthday if the dependent is physically or mentally incapacitated, as specified (deletes full-time student condition). Makes conforming changes.

Sets forth employer contribution rates and amounts for 2011-13 with effective dates of July 1, 2011, and July 1, 2012.

Effective when the act becomes law, amends GS 135-43(b) to make the terms of a contract between the Plan and its third party administrator or between the Plan and its pharmacy benefit manager a public record (removes exception for terms in the contract containing trade secrets from the public records law). Clarifies that no provision of law will prevent or restrict the release of any information in a Plan contract to specified entities. Clarifies that contracts with the Plan retain the trade secret protections under GS 132-1.2 (concerning confidential information).

Part I becomes effective July 1, 2011, unless otherwise indicated.

*Part II: Transfer Plan to State Treasurer.* Transfers the Plan to the State Treasurer as a Type II transfer. Adds new Article 3B to GS Chapter 135, titled *State Health Plan for Teachers and State Employees; Long-Term Benefits* and divided into six parts. Makes a conforming change to the title of GS Chapter 135.

Effective when the act becomes law, amends GS 135-44.2(b) to provide that the Executive Administrator will be appointed by the State Treasurer (instead of the Plan Administrative Commission), with term of employment and salary set by State Treasurer after consultation with the Board of Trustees. Makes conforming changes to removal and vacancy provisions. Authorizes the State Treasurer to designate an interim Executive Administrator.

Recodifies various provisions of Article 3A (existing Plan Article) under newly created Article 3B, as specified. Recodifies GS 135-47.2 (the child health insurance fund) in GS 108A-70.20A (Health Insurance Program for Children). Repeals Article 3A of GS Chapter 135, repealing any provisions not recodified under Article 3B.

Amends various provisions of Article 3B, as created by this act. The following statutory references reflect the new designation under Article 3B. Amends GS 135-48.1 (general definitions), defining *comprehensive group health benefit plan*, and defining *subscriber* as a person who qualifies for coverage under the Plan as the primary insured. Removes definitions not used in the statutes. Makes other clarifying changes to the definitions. Amends GS 135-48.10 (confidentiality of information and medical records; provider contracts), recodifying the provision stating that the design, adoption and implementation of preferred provider contracts, networks, and optional alternative comprehensive health benefit plans, and programs available under the optional alternative plans, are not subject to Article 3 of GS Chapter 143, in GS 135-48.34. Makes other conforming and technical changes. Amends GS 135-48.20 (Board of Trustees established) to increase the Board of Trustees of the Plan to 10 members (currently, nine) by adding the State Treasurer as an ex officio member. Makes conforming changes. Amends GS 135-48.22 (Executive Administrator) to clarify that the Executive Administrator must make reports and recommendations on the Plan on a *quarterly* basis. Makes other conforming changes. Amends GS 135-48.27 (reports to the General Assembly) to provide that the State Treasurer, the Executive Administrator, and the Board of Trustees must report to the General Assembly as requested by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Makes additional conforming and clarifying changes to the following statutes under Part 1, General Provisions, of new Article 3B: GS 135-48.2 (undertaking), 135-48.5 (health benefit trust funds created), and 135-48.12 (Committee on Actuarial Valuation of Retired Employees' Health Benefits). Makes additional conforming and clarifying changes to the following statutes under Part 2, Administrative Structure, of new Article 3B: GS 135-

48.21 (officers, quorum, meetings), 135-48.24 (administrative review), 135-48.25 (rules), and 135-48.28 (auditing of the Plan).

Enacts new GS 135-48.30, delineating the powers and duties of the State Treasurer. Authorizes the State Treasurer to delegate his or her powers and duties to the Executive Administrator, the Board of Trustees, and employees of the Plan, provided the State Treasurer maintains ultimate responsibility. Amends GS 135-48.38 (persons eligible for Medicare; optional participation in other Medicare products) to authorize the State Treasurer to contract in lieu of or to supplement Medicare benefits and may, after consulting the Board of Trustees, implement an agreement to supersede all other contradicting Plan provisions related to Plan payment of claims for Medicare-eligible members. Makes other conforming changes.

Makes additional conforming and clarifying changes to the following statutes under Part 3, Plan Operation, of new Article 3B: GS 135-48.32 (contracts to provide benefits), 135-48.33 (contracting provisions; large contract review by Attorney General, auditing, no cost plus contracts), and 135-48.37 (liability of third person; right of subrogation; right of first recovery). Makes additional conforming and clarifying changes to the following statutes under Part 4, Eligibility and Enrollment, of new Article 3B: GS 135-48.40 (categories of eligibility), 135-48.41 (additional eligibility provisions), 135-48.42 (enrollment), 135-48.43 (effective dates of coverage), 135-48.44 (cessation of coverage), and 135-48.45 (conversion).

Consolidates and sets forth coverage mandates in new GS 135-48.50 (including immunizations, insulin, mental health parity, permissive coverage extension, and reconstructive surgery), coverage and operational mandates related to GS Chapter 58 in new GS 135-48.51, and general Plan limitations and exclusions in new GS 135-48.52. Makes additional conforming and clarifying changes to the following statutes under Part 5, Coverage Mandates and Exclusions, of new Article 3B: 135-48.54 (optional participation for charter schools operated by private nonprofit corporations) and 135-48.58 (premiums for firefighters, rescue squad workers, and members of the National Guard).

Amends GS 135-48.61 (long-term care benefits) to add definitions for *adult care facility*, *assisted living facility*, *home care agency*, and *nursing home*. Makes other conforming changes. Makes additional conforming and clarifying changes to the following statute under Part 6, Long-term care benefits, of new Article 3B: GS 135-48.60 (undertaking).

Clarifies that when the act repeals a specific, detailed provision of Article 3A in GS Chapter 135 and does not place the provision in new Article 3B, the intent of the General Assembly is not necessarily to prohibit the State Treasurer or the Plan from having that authority. Provides that previously adopted rules and policies will continue in effect unless the rule or policy directly conflicts with a provision in Article 3B or until the State Treasurer acts.

Part II becomes effective January 1, 2012, unless otherwise indicated.

Previously: Health, Social Services, and Aging; State Government

Now: Health, Social Services, and Aging; State Government; Employment and Retirement

**S 368. MODIFY PUBLIC SWIMMING POOL REQUIREMENTS.** Filed 3/17/11. Senate committee substitute makes the following changes to 1st edition.

Clarifies proposed GS 130A-282(b)(3) to except the owner/operator of a fountain from providing dressing and sanitation facilities or fencing in connection with the fountain if the fountain: (1) is located on public grounds or in a public park, (2) is not associated with a swimming pool, (3) incorporates sprayed water that contacts the user, and (4) does not incorporate standing water as part of the user activity area. Requires the owner/operator to comply with all other rules for public swimming pools classified as interactive play attractions.

Health, Social Services, and Aging

## Legislation Enacted

None

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### Notes

None

## NEXT SESSIONS

March 23, 2011

**HOUSE convenes at 2:00 p.m.**

**SENATE convenes at 3:00 p.m.**