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ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 462. [STUDY BUSINESS OPPORTUNITY & FRANCHISE SALES](#). Filed 3/24/11. *TO STUDY THE ADEQUACY OF CURRENT CONSUMER PROTECTIONS FOR BUSINESS OPPORTUNITY AND FRANCHISE SALES.*

Authorizes the Legislative Research Commission (Commission) to conduct a study as title indicates. Permits the Commission to consider proposed reforms in House Bill 2036 of the 2010 Session of the General Assembly, titled the NC Franchisee Protection Act.

Intro. by McCormick.

STUDY

Business and Commerce; General Assembly

H 464. [SANITARY DISTRICTS/PUBLIC UTILITY](#). Filed 3/24/11. *PROVIDING THAT A SANITARY DISTRICT IS A PUBLIC UTILITY SUBJECT TO REGULATION BY THE NORTH CAROLINA UTILITIES COMMISSION.*

Enacts new GS 62-3(23)l. to provide as title indicates. Effective October 1, 2011.

Intro. by Dockham.

GS 62

Energy and Utilities

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H 465. REPS CREDITS AT CLEANFIELDS PARKS. Filed 3/24/11. *TO PROVIDE THAT, WHEN THE NORTH CAROLINA UTILITY COMMISSION ASSIGNS TRIPLE CREDIT TO ANY ELECTRIC POWER OR RENEWABLE ENERGY CERTIFICATES GENERATED FROM RENEWABLE ENERGY RESOURCES AT A BIOMASS RENEWABLE ENERGY FACILITY LOCATED IN A CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PARK, THE ADDITIONAL CREDITS ARE ELIGIBLE TO MEET THE REQUIREMENTS FOR PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, AND MUNICIPALITIES UNDER THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARDS (REPS) RATHER THAN REQUIRING THAT THESE ADDITIONAL CREDITS MUST FIRST BE USED TO MEET ALL THE REPS REQUIREMENTS THROUGH THE USE OF POULTRY WASTE RESOURCES.*

Amends Section 4 of SL 2010-195 as the title indicates.

Intro. by Bell, Langdon, Brisson, McCormick. UNCODIFIED

Energy and Utilities

H 466. SPEND 65% OF FUNDS IN THE CLASSROOM. Filed 3/24/11. *TO ENSURE THAT AT LEAST SIXTY-FIVE PERCENT OF SCHOOL FUNDING IS USED FOR CLASSROOM INSTRUCTION.*

Enacts new GS 115C-408.1 to require the State Board of Education to modify its allotment formulas, modify rules on expending state funds, and transfer funds as necessary to ensure that each local administrative unit spends at least 65% of the state funding it receives for operations on classroom instruction. Requires the adoption of rules to implement the statute. Applies to expenditures for school years beginning with the 2012-13 school year.

Intro. by Blust.

GS 115C

Education

H 467. IMPROVE SCHOOL DISCIPLINE. Filed 3/24/11. *TO AMEND THE LAWS RELATED TO SCHOOL DISCIPLINE.*

Amends GS 115C-390 to allow specified educational personnel to maintain order and proper discipline (was, except as restricted or prohibited by rules adopted by local boards of education). Provides that such personnel shall not be held civilly liable unless the trier of fact specifically finds that excessive force was used. Provides that a person wishing to file an action against such personnel regarding alleged use of excessive force must first appeal to the local board of education and that a finding by the board that excessive force was not used creates a rebuttable presumption that reasonable force was used. The amendment to GS 115C-390 is effective December 1, 2011, and applies to actions filed on or after that date. Amends GS 115C-391 to repeal language stating that, except as otherwise provided, physical restraint of students is not considered reasonable force and is prohibited.

Enacts new GS 115C-42.1 as the Teacher Protection Act, providing that an educational entity and its employees are not subject to liability (1) for making a report consistent with federal law to the appropriate law enforcement authorities or school officials if the individual making the report has reasonable grounds to suspect that a student is under the influence of alcoholic beverages or a controlled substance not lawfully prescribed to that student; is in possession of a firearm, alcoholic beverages, or a controlled substance not lawfully prescribed to that student; or is involved in the illegal sale or distribution of firearms, alcoholic beverages, or controlled substances or (2) for taking any action regarding the control, grading, suspension, expulsion, or discipline of students while they are on the property of the educational entity or its employees unless the educational entity or its employee violated an express law, rule, or clearly articulated policy of the state or educational entity. Provides that an adult who with specific intent makes a false accusation of criminal activity against an employee of an educational entity (other than individuals elected or appointed to a school board) to law enforcement authorities, local school administrative unit officials or personnel, or both, may be fined up to \$2,000. Provides that a court may expel, suspend, or impose other sanctions against any public school student between the ages of 7 and 17 who makes such a false report. Also provides that the existence of any insurance policy indemnifying an educational entity against liability is not a waiver of any defense otherwise available to the educational entity or its employees in connection with a claim. The act is supplemental to the State Tort Claims Act.

Intro. by Blust.

GS 115C

Education

H 468. AMEND WEIGHT LIMITS FOR FARM PRODUCTS. Filed 3/24/11. *TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM.*

Amends GS 20-118, as title indicates. Applies to offenses committed on or after December 1, 2011. Provides that prosecutions for offenses committed before December 1, 2011, are not abated or affected by the act and that the statutes that would be applicable but for the act are still applicable to those prosecutions.

Intro. by Horn.

GS 20

Transportation; Agriculture,
Environment, and Natural
Resources

H 470. AMEND ALLOCATION OF TVA PAYMENT. Filed 3/24/11. *TO MODIFY THE APPORTIONMENT IN LIEU OF TAXES BETWEEN LOCAL GOVERNMENTS FOR THE AMOUNT OF TAXES LOST BY VIRTUE OF THE TENNESSEE VALLEY AUTHORITY OPERATION OF PROPERTY.*

Amends GS 105-458 to provide that the payments received by the state and local governments from the Tennessee Valley Authority (Authority) in lieu of taxes will be apportioned between the local governments in which the property is owned or where an operation occurs based on each local government's actual amount of real property, by acreage, submerged under the Authority's reservoirs and upon which the Authority's operations occur, as specified (was, based on each local government's percentage of the total value of Authority property in the state). Makes a conforming change to GS 105-459 to delete the Department of Revenue's annual determination of the allocation of the Authority's valuation among local governments. Effective July 1, 2011.

Intro. by Haire.

GS 105

Taxation; Local Government

H 472. CITY/COUNTY ELECTRONIC NOTICE. Filed 3/24/11. *TO ALLOW ALL CITIES AND COUNTIES TO GIVE ELECTRONIC NOTICE.*

Enacts new GS 160A-81.2 (cities) and new GS 153A-52.2 (counties) to allow cities and counties to adopt ordinances providing that any notice the local government is required by law to publish may be published on the local government's website, as specified. Lists the following mandatory requirements for published notice: (1) the notice is published on the local government's website no later than the required time; (2) the website contains links to all notices or a link to another page with links to all notices on the main page; (3) notices and links must be maintained on the website for at least one year after publication; and (4) the local government must print a copy of the notice and file it in the notice book. Details additional provisions related to publishing notice.

Enacts new GS 160A-78.1 and GS 153A-48.1 to require the local government to file a true copy of each published notice in a notice book separate from the ordinance book or minute book in the designated office.

Amends GS 159-1(b)(5) to make a conforming change to the definition for *publish* in the Local Government Finance Act. Repeals SL 2003-81, 2003-161, 2007-86, and 2008-5 (providing for electronic notice in several local governments), but specifies that any ordinance adopted under those acts remains valid until amended or repealed.

Effective October 1, 2011.

**Intro. by McGrady, Stam, Owens,
Jackson.**

GS 153A, 159, 160A

Local Government

H 473. EQUAL TAX TREATMENT OF GOV'T RETIREE BENEFITS. Filed 3/24/11. *TO PROVIDE EQUAL INCOME TAX TREATMENT OF GOVERNMENT RETIREES' BENEFITS.*

Enacts new subsections (6a) and (6b) to GS 105-134.6(b), which lists deductions from taxable income, to add deductions to the list as follows. (1) The amount received during the taxable year under NC state and local government retirement plans and under federal government retirement plans. (2) The greater of: (a) the amount received during the taxable year under a state or local government retirement plan of a state other than NC, to the extent the other state would not subject to individual income tax the equivalent amount received under a NC state or local government retirement plan or (b) up to \$4,000 received during the taxable year under a state or local government retirement plan of a state other than North Carolina; for married couples filing a joint return, the maximum dollar amount applies separately to each spouse's benefits if both spouses received benefits from a retirement plan. Makes conforming changes.

Amends GS 105-134.1(13), clarifying the definition for *retirement plan* (was, retirement benefits) to include an individual retirement plan as defined under the Internal Revenue Code (Code) and any plan treated as an individual retirement plan under the Code (was, includes amounts received from an individual retirement account, as described in the Code, or from an individual retirement annuity as described). Makes other clarifying changes.

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

Intro. by Cleveland, Iler, Boles.

GS 105

Taxation; Employment and
Retirement

H 474. PROTECT ADULT CARE HOME RESIDENTS. Filed 3/24/11. *TO PROTECT ADULT CARE HOME RESIDENTS BY INCREASING MINIMUM CONTINUING EDUCATION, TRAINING, AND COMPETENCY EVALUATION REQUIREMENTS FOR ADULT CARE HOME MEDICATION AIDES, STRENGTHENING ADULT CARE HOME INFECTION CONTROL REQUIREMENTS, AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ANNUALLY INSPECT ADULT CARE HOMES FOR COMPLIANCE WITH SAFE INFECTION CONTROL STANDARDS.*

Enacts GS 131D-4.4A to require adult care homes to engage in specified practices, policies, and procedures to prevent transmission of infections including HIV, hepatitis B, hepatitis C, and other blood borne pathogens, as of December 1, 2011. Requires that an adult care home implement a written infection control policy that is consistent with the federal Centers for Disease Control and Prevention (CDC) guidelines. Also requires each noncontiguous adult care home facility to designate an on-site staff member, who is knowledgeable about the CDC's guidelines on infection control, to direct the facility's infection control activities. Requires, beginning October 1, 2013, that any nonsupervisory staff member designated to direct the facility's infection control activities complete the infection control course developed by the Department of Health and Human Services (DHHS).

Enacts GS 131D-4.5C directing DHHS to develop a mandatory annual infection control course by December 1, 2011, for adult care home supervisors. Provides that each supervisor who successfully completes the mandatory infection control course will receive continuing education credit, in an amount determined by DHHS, toward meeting the requirements for adult care home supervisors as provided under GS 131D-4.5.

Enacts GS 131D-4.5B directing the Division of Health Service Regulation (Division) to develop a mandatory annual course by December 1, 2011, for adult care home medication aides that addresses infection control, safe practices for injections and other procedures during which bleeding typically occurs, and glucose monitoring. Provides that each home medication aide who successfully completes the mandatory infection control course will receive partial continuing education credit, in an amount determined by DHHS, toward meeting the requirements for adult care home medication aides as provided under GS 131D-4.5. Sets hiring requirements for adult care home medication aides to be applied beginning October 1, 2013. Requires the Division to develop and administer an employment exam for individuals seeking employment as a medication aide in an adult care home by October 1, 2012.

Amends GS 131D-2.11(a) to require, beginning July 1, 2012, the Division to include in its inspection of all adult care homes a review of the facility's compliance with proposed GS 131D-4.4A(b) (infection prevention requirements).

Makes conforming changes to GS 131D-4.5(1) and GS 131D-4.5(3).

Intro. by Weiss.

GS 131D

Health, Social Services, and Aging

H 475. ENGLISH THE OFFICIAL LANGUAGE. Filed 3/24/11. *TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE ENGLISH THE OFFICIAL LANGUAGE.*

Subject to approval by the state's qualified voters at the statewide general election in November of 2012, amends Article XIV of the NC Constitution to establish English as the official language of North Carolina.

**Intro. by Hastings, Hilton,
Pridgen.**

CONST

Constitutional Amendment

H 476. PROTECT GALAX & VENUS FLYTRAP/WRC RULE FINES. Filed 3/24/11. *TO PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT, TO REQUIRE ANY PERSON WHO ACTS IN THE CAPACITY OF A DEALER OF EITHER OF THESE PLANTS TO OBTAIN A DEALER PERMIT, AND TO INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION.*

Amends GS 106-202.19(a) to add five instances of unlawful conduct related to galax and venus flytrap under the Plant Protection and Conservation Act. Makes other technical and clarifying changes.

Enacts new GS 106-202.21A (galax dealer permits) and new GS 106-202.21B (venus flytrap dealer permits) to prohibit any person from acting as a dealer of galax or venus flytrap without a valid permit. Sets forth requirements for dealer permits.

Amends GS 113-135.1(a) to increase the fine from \$10 to \$25 for a violation of Wildlife Resources Commission rules.

Applies to violations and offenses committed on or after October 1, 2011. Clarifies that prosecutions for offenses committed before October 1, 2011 are not abated or affected, and statutes that would be applicable but for this act remain applicable.

Intro. by Gillespie.

GS 106, 113

Agriculture, Environment, and
Natural Resources

SENATE BILLS**S 417. FUNDS FOR PREVENT BLINDNESS NC.** Filed 3/24/11. *TO APPROPRIATE FUNDS FOR PREVENT BLINDNESS NORTH CAROLINA.*

Appropriates \$150,000 for 2011-12 and \$150,000 for 2012-13 from the General Fund to the Department of Health and Human Services (DHHS), Division of Public Health, to continue vision screening for children in early childhood and Pre-K programs. Provides that Prevent Blindness North Carolina will provide DHHS with a report on statewide vision screening efforts, average costs, matching funds, equipment donations, and in kind contributions. Effective July 1, 2011.

Intro. by Purcell.

APPROP

Budget and Appropriations

S 418. NORTH CAROLINA HEALTH BENEFIT EXCHANGE ACT. Filed 3/24/11. *TO PRESERVE STATE-BASED AUTHORITY TO REGULATE THE NORTH CAROLINA HEALTH INSURANCE MARKET AND TO PREVENT FEDERAL ENCROACHMENT ON STATE AUTHORITY BY ESTABLISHING THE NORTH CAROLINA HEALTH BENEFIT EXCHANGE.*

Enacts new Part 8 in Article 50 of GS Chapter 58, titled the *North Carolina Health Benefit Exchange Act*, to establish the nonprofit entity of the North Carolina Health Benefit Exchange (Exchange) and provide for its membership, authority, and requirements.

Definitions. Provides definitions applicable to new Part 8. Defines *qualified health plan* as a health benefit plan that meets certification criteria described in section 1311(c) of the federal Patient Protection and Affordable Care Act, as amended and criteria in GS 58-50-340 (health benefit plan certification requirements in proposed Part 8). A *qualified employer* is a small employer that elects to make (1) its full-time employees eligible for one or more qualified health plans offered through the SHOP exchange and (2) at the employer's option, some, or all of its part-time employees eligible. The *SHOP Exchange* is the Small Business Health Options Program established in Part 8. Defines *qualified individual* as an individual, including a minor, who (1) is seeking to enroll in a qualified health plan offered to individuals through the Exchange; (2) resides in NC; (3) is not incarcerated at the time of enrollment, other than incarceration pending disposition of charges; and (4) is, and is reasonably expected to be, for the entire period for which enrollment is sought, a citizen or national of the U.S. or an alien lawfully present in the U.S.

Exchange. Provides that the Exchange, established under Part 8, is not an instrumentality of North Carolina. Provides that the Exchange will operate under the Exchange Board of Directors until the General Assembly determines that it is no longer in the interest of the people of the state to maintain state-based authority of the Exchange and enacts legislation to allow for federal control of this segment of the state insurance market. Requires the Exchange to make only qualified health plans available to qualified individuals and qualified employers beginning with effective dates on January 1, 2014. Permits the Exchange to allow a health carrier to offer limited dental benefits, as indicated, if the plan also provides pediatric dental benefits, as specified. Prohibits the Exchange and any health carrier from charging a fee or penalty for termination of coverage in specified circumstances.

Creates a Board of Directors (Board) of the Exchange, consisting of the Commissioner of Insurance (Commissioner) and the Director of the Division of Medical Assistance or the Director's designee, as ex-officio nonvoting members of the Board. Provides for seven voting members of the Board with four members appointed by the Commissioner, one appointed by the Governor, one by the General Assembly on the recommendation of the Speaker of the House of Representatives, and one member appointed by the General Assembly on the recommendation of the President Pro Tempore of the Senate. Requires that each of the appointed voting members of the Board have expertise in at least two of eleven specified areas relating to health care coverage, finance, and administration. Directs each of the appointing authorities to consult with all other appointing authorities with the goal of making the Board's composition reflect a diversity of expertise.

Directs the establishment of Five Board Advisory Committees, with a minimum of five members each, to provide technical assistance concerning the operations of the Exchange: (1) Health Carrier Advisory Committee, (2) Employer Advisory Committee, (3) Consumer Advisory Committee, (4) Producer and Navigator Advisory Committee, and (5) Provider Advisory Committee. Provides that the Commissioner select initial members to serve on each of the five Board Advisory Committees based on recommendations from stakeholder groups representing the five subject areas of interest represented by the Board Advisory Committees.

Details term lengths, the filling of vacancies, and meeting guidelines. Includes an indemnification provision for the Board and employees of the Exchange. Classifies members of the Board as public servants under GS Chapter 138A and classifies the Board as a public body under GS 143-318.10(b). Provides ethics guidelines and specifies that each Board member is to comply with all conflict of interest rules and recusal procedures set out in the Board's Plan of Operation. Declares that each Board member has the responsibility and duty to meet the

requirements of (1) proposed Part 8, (2) the Affordable Care Act, and (3) all applicable state and federal laws, rules, and regulations. Enumerates the general powers and authority of the Exchange, including the power to enter into contracts to carry out the provisions of Part 8. Lists the duties and operational requirements of the Exchange, including the directive to establish a SHOP Exchange (1) through which qualified employers may access coverage for their employees and (2) which will enable any qualified employer to specify a level of coverage so any employee may enroll in any qualified health plan offered through the SHOP Exchange at the specified level of coverage. Sets forth duties, including reporting requirements, for the Executive Director of the Exchange. Requires the Board to submit a Plan of Operation for the Exchange to the Commissioner containing specified information.

Health Benefit Plan Certification. Directs the Exchange to certify a health benefit plan as a qualified health plan if the plan meets all of the detailed requirements unless the Board determines that the health benefit plan is not in the public interest. Prohibits the Exchange from excluding a health benefit plan by imposing premium price controls. Further prohibits the Exchange from excluding a plan solely because the plan is a fee-for-service plan or because the plan provides treatments necessary to prevent patients' deaths in circumstances the Exchange deems inappropriate or too costly. Provides additional requirements applicable to the certification of qualified health plans and includes criteria related to qualified dental plans.

Additional Provisions. Requires an annual audit of the exchange under the oversight of the State Auditor, with the audit costs reimbursed to the State Auditor from Exchange funds. Directs the Commissioner and the Board to adopt rules under GS Chapter 150B, including temporary rules, as necessary or proper to implement the provisions of proposed Part 8. Provides that rules adopted by the Board under this section are not to conflict with or prevent the application of rules adopted by the Commissioner under proposed Part 8 or under GS Chapter 58.

Reserves GS 58-50-351 through GS 58-50-349 for future codification purposes. Diverts the funding stream currently supporting the North Carolina Health Insurance Risk Pool to support the Exchange, beginning in 2014. Requires the Exchange to publish on the internet the average costs of licensing and regulatory fees, administrative costs, monies lost to fraud and waste, and any other payments. States that nothing in the act will be construed to conflict with, preempt, or supersede the Commissioner's authority to regulate the business of insurance. Requires all health carriers offering qualified health plans to comply fully with all applicable laws, unless specifically excepted. Includes a severability clause.

Intro. by McKissick, Purcell.

GS 58

Health, Social Services, and Aging

S 419. CAMPAIGN FINANCE AND REGULATORY REFORMS. Filed 3/24/11. *TO REPEAL THE AUTHORITY TO PROVIDE FOR PUBLIC FUNDING OF CAMPAIGNS IN NORTH CAROLINA AND TO MAKE OTHER CAMPAIGN FINANCE REFORMS.*

Repeals the following: (1) Article 22D of GS Chapter 163 (North Carolina Public Campaign Fund); (2) Article 22J of GS Chapter 163 (Voter-Owned Elections Act); and (3) GS 105-159.2 (Designation of Tax to North Carolina Public Campaign Fund). Makes conforming changes to GS 163-278.5 (scope of article; severability) deleting references to repealed Articles 22D and 22J of GS Chapter 163. Also deletes reference to Articles 22E (Electioneering Communications) and 22F (Mass Mailings and Telephone Banks: Electioneering Communications) of GS Chapter 163, which were previously repealed effective September 23, 2010. Directs that the monies in the NC Public Campaign Fund and in the North Carolina Voter-Owned Elections Fund revert to the General Fund.

Also makes conforming changes to GS 163-278.13 (Limitation on contributions) deleting provisions referencing repealed Articles 22D and 22J of GS Chapter 163. Amends GS 163-278.13 to prohibit an individual from making a contribution to any political party in excess of \$250,000 for that election and prohibits any political party from accepting or soliciting any monetary or other contribution valued in excess of \$250,000 from any individual for that election.

Effective July 1, 2011.

Intro. by Davis.

GS 163

Elections Law

S 420. MUNICIPAL SUNSHINE ACT. Filed 3/24/11. *REQUIRING CITIES AND COUNTIES TO GIVE INTERNET NOTICE OF MEETINGS AND POST THEIR MINUTES ON THE INTERNET.*

Enacts new GS 143-318.12A, directing every city council and county board of commissioners (council or board) to designate by resolution a website to make information about meetings available to the public. Specifies the website designation is required only if the council or board can confirm that the website publisher meets two listed criteria. Directs the council or board to promptly provide notice of the designated website and publisher by providing a certified copy of the resolution to the Secretary of State and by prominently posting notice informing the public of the website. Sets out guidelines to follow (1) if no website publisher meets the required criteria or (2) if a qualified publisher subsequently becomes available. Permits the council or board to designate the entity's own

website to provide the required notice. Lists the required information for inclusion on the designated website: (1) the annual schedule of regular meetings and notice of meetings, (2) meeting agendas, and (3) meeting minutes.

Enacts new GS 143-318.12B to require, at least quarterly, a council or board that held a closed session during the previous three years with undisclosed minutes, to review the relevant minutes and make available to the public any portion of the previously withheld minutes now disclosable. Sets forth additional requirements and procedures for closed sessions and minutes review.

Defines *city council and county board of commissioners*, applicable to both proposed statutes, to include any committee or subcommittee of the council or board, but does not include any separate board or commissions of the city or county.

Intro. by Vaughan.

GS 143

Local Government

S 421. GAST TRAINING PILOT (=H 107). Filed 3/24/11. *TO REQUIRE THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO ESTABLISH A PILOT TRAINING PROGRAM USING GERIATRIC/ADULT MENTAL HEALTH SPECIALTY TEAMS TO CONDUCT TRAINING IN ADULT CARE HOMES ON PREVENTING THE ESCALATION OF BEHAVIORS LEADING TO CRISIS, BASED ON RECOMMENDATION 5.1 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.*

Identical to H 107, filed 2/15/11.

Intro. by Bingham.

STUDY

Health, Social Services, and Aging

S 422. DHHS STUDY OF IOM TASK FORCE RECOM 3.1 (=H 108). Filed 3/24/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RECOMMENDATION 3.1 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES TO ASSESS THE FEASIBILITY AND IMPLEMENTATION TIME LINE OF A PILOT PROGRAM AIMED AT TRANSITIONING ADULT CARE HOME RESIDENTS TO INDEPENDENT COMMUNITY-BASED HOUSING, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.*

Identical to H 108, filed 2/15/11.

Intro. by Bingham.

STUDY

Health, Social Services, and Aging

S 423. EDUC. OVERSIGHT COMM. STUDY OF TEACHER TENURE. Filed 3/24/11. *DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE TEACHER TENURE LAW.*

As title indicates. Allows an interim report to the 2012 Regular Session of the General Assembly and requires a final report to the 2013 Regular Session of the General Assembly.

Intro. by Tillman, Hartsell, Hise.

STUDY

Education; General Assembly

S 424. INCREASE SMALL BREWERY LIMITS. Filed 3/24/11. *TO INCREASE THE SMALL BREWERY BREWING LIMIT FROM TWENTY-FIVE THOUSAND BARRELS TO ONE HUNDRED THOUSAND BARRELS BEFORE THE BREWERY MUST USE A WHOLESALER DISTRIBUTOR TO DISTRIBUTE ITS PRODUCTS.*

Amends GS 18B-1104, as title indicates.

Intro. by Robinson.

GS 18B

Alcoholic Beverage Control

S 425. ECOSYSTEM ENHANCEMENT PROGRAM CHANGES. Filed 3/24/11. *TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REORGANIZE THE ECOSYSTEM ENHANCEMENT PROGRAM TO IMPROVE OPERATIONAL EFFICIENCY, AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION AND THE CLEAN WATER MANAGEMENT TRUST FUND.*

Amends GS 143-214.11(a), which lists definitions applicable to the Ecosystem Enhancement Program, to add definitions for *mitigation banking instrument*, *private compensatory mitigation bank*, and *private compensatory mitigation bank site*. Clarifies that *government entity* does not include a unit of local government. Makes other clarifying and technical changes. Amends GS 143-214.11(b) to add that the Department of Environment and Natural Resources (DENR) will bid and award contracts for compensatory mitigation contracts following proposed GS 143-129.2A. Enacts new GS 143-214.11(d2), requiring DENR to purchase mitigation credits from private compensatory mitigation banks if in the state's best interests.

Enacts new GS 143-129.2A to allow DENR to enter into a contract with any person, as specified, for compensatory wetlands mitigation design and construction. Details information to be included in all proposals for

DENR. Describes factors to be used when evaluating proposals and awarding contracts. Specifies that DENR's determination is conclusive even if the contract is not awarded to the proposer with the lowest bid.

Directs the Program Evaluation Division to review the efficiency of the Ecosystem Enhancement Program (Program) in meeting the state's mitigation needs, and to evaluate two listed items. Directs DENR to consolidate the positions of program director and deputy director of the Program into one executive director position with all decision-making authority. Directs DENR to hold the mitigation provider harmless for any shortfall of mitigation units under a contract between the Program and the provider, as specified.

Enacts new GS 113A-254(a)(4) to add corporations or other privately owned businesses with expertise in the conservation, preservation, and restoration of the state's environmental and natural resources to the list of parties eligible to apply for a Clean Water Management Trust Fund (Fund) grant.

Amends GS 113A-256(b)(6), directing the Fund Board of Trustees to consider the preservation *or restoration* of water resources with significant *ecological*, recreational, or economic value and uses as one of the conditions for awarding grants. Enacts new subsection (k) to GS 113A-256, directing the Board of Trustees to, as nearly as possible, award equal dollar amounts in each grant cycle for land preservation and land restoration, as defined.

Intro. by Hunt.

GS 113A, 143

Agriculture, Environment, and
Natural Resources; General
Assembly

S 426. MODIFY/CLARIFY PUBLIC FINANCE STATUTES. Filed 3/24/11. *TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES.*

Amends GS 159-28(a) to exempt obligations and related documents approved by the Local Government Commission (Commission) from the requirement that an obligation evidenced by a contract or agreement requiring a monetary payment, or a purchase order for goods must include on its face a certificate stating that the contract, agreement, or purchase order has been pre-audited to ensure compliance with this subsection.

Amends GS 159-54 to provide that a bond order is to be introduced before the governing board of the issuing unit after or at the same time the publication of the notice of intent to make application to the Commission is approved by the governing board of the issuing unit (was, after or at the same time the application is filed and accepted for submission to the Commission).

Amends GS 159-56 to modify the statement appended to the bond order as introduced, deleting the requirement that the statement showing the appraised value and the net debt of the issuing unit include the proposed bonds. Provides that the statement include the net debt after the issuance of the proposed bonds on the statement if the bond order is adopted.

Enacts new GS 159-42 regarding the timely payment of bonds. Provides that this section applies to bonds issued by a local unit of government where in the bond order, bond resolution, or trust agreement authorizing or securing the bonds and at the time the bonds were issued, the governing board of the unit has expressly and irrevocably elected to have the provisions of this section apply and the debt service schedule for the bonds has been received by the State Treasurer. Provides that this section doesn't apply to any other obligations of a unit of local government. Provides additional guidelines and criteria regarding the timely payment of bonds and the business efforts.

Amends the definition in GS 159I-30(g)(3) for the term *project*, defining it to refer to any capital cost described in GS 159-48(b), (c), or (d) other than the capital cost described in GS 159-48(d)(21). Deletes from the definition of *project* terms dealing with water supply systems and varied water projects as defined in SL 1998-132, and deletes, with respect to a city, any service or facility authorized by GS 160A-536 and provided in a municipal service district.

Includes a severability clause.

Intro. by Clodfelter.

GS 159, 159I

Local Government

S 427. NC WATER SECURITY ACT. Filed 3/24/11. *TO IMPROVE THE SECURITY OF NORTH CAROLINA'S WATER RESOURCES.*

Enacts new GS 143-350.1 to declare it is the state's intent to use and manage water resources efficiently and productively. Amends GS 143-355(l), which concerns local water supply plans, to add that a local government unit or large community water system must also include a local water efficiency plan in the revised plan. Enacts GS 143-355(l1) to detail the items contained in a *local water efficiency plan*. Enacts subdivision (8) to GS 143-355.4(b), requiring a local government unit or a large community system to implement a water fixture and appliance retrofit and incentive program to be eligible for state water infrastructure funds. Enacts subdivision (13)

to GS 159-52(a), allowing the Local Government Commission to consider whether a local government unit has prepared and complied with a local water efficiency plan when determining whether a proposed bond issue is approved. Enacts new subsection (d) to GS 159G-36, which describes limits on water infrastructure loans and grants, to specify that not less than 20% of the Drinking Water Reserve will be used for loans or grants for projects that meet the water use reduction goals for local government units included in local water efficiency plans.

Directs the Department of Environment and Natural Resources to provide statewide outreach and technical assistance related to water efficiency, including best management practices addressing at least eight enumerated practices. Directs the State Water Infrastructure Commission (Commission), in consultation with specified entities, to examine the impacts and benefits of water conservation and efficiency on utilities and users and develop recommendations for mitigating financial impacts and for assuring sustainable revenues. Directs the Commission and the NC Utilities Commission to develop recommendations for electric utility and water utility coordination, and to report to the Environmental Review Commission annually, with the first report due before November 1, 2012. Directs the Building Code Council to develop, by June 30, 2012, adopt, and publish a rule functionally equivalent to the Water Efficiency Provisions of the International Green Construction Code, applicable to both residential and commercial structures, effective January 1, 2013. Requires any newly constructed multiunit residential, commercial, or retail building that is the subject of a building permit issued on or after January 1, 2013, to be constructed to enable a government unit or public water system to measure the water use of each building unit.

Effective October 1, 2011.

Intro. by Clodfelter.

GS 143, 159, 159G

Agriculture, Environment, and
Natural Resources; Local
Government

S 428. STUDY CONSOLIDATED ENVIRONMENTAL COMMISSION. Filed 3/24/11. *TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE DESIRABILITY AND THE FEASIBILITY OF CONSOLIDATING THE STATE'S ENVIRONMENTAL POLICY-MAKING, RULE-MAKING, AND QUASI-JUDICIAL FUNCTIONS INTO ONE COMPREHENSIVE FULL-TIME ENVIRONMENTAL COMMISSION.*

As title indicates. Requires the Environmental Review Commission (ERC) to evaluate all issues pertaining to the consolidation of the roles and duties of current multiple environmental boards, commissions, and councils. Establishes seven other issues that the ERC may consider. Requires the ERC to report its findings and recommendations by the convening of the 2012 Regular Session of the General Assembly. Requires the study to be funded from funds available to the General Assembly for the 2011-12 fiscal year. Effective July 1, 2011.

Intro. by Clodfelter.

STUDY

Agriculture, Environment, and
Natural Resources

S 429. HUNTING PROTECTION ACT. Filed 3/24/11. *TO REGULATE TRESPASSING TO HUNT IN ORDER TO PROTECT RESPONSIBLE HUNTERS.*

Amends GS 14-159.6, adding that it is not a violation for a hunter lawfully hunting on land adjacent to posted land, as indicated, to enter the posted land if the land is not fenced, provided the hunter's sole purpose is to retrieve hunting dogs that strayed onto the posted land and the hunter does not carry a firearm or bow and arrow, or operate a motorized vehicle on the property. Requires an offender to forfeit the firearm, bow and arrow, or motor vehicle upon order of the court.

Enacts new GS 14-159.6A to make any person who willfully goes upon another's land to hunt, or willfully releases hunting dogs on another's land, without possessing written permission from the owner or lessee, guilty of a Class 2 misdemeanor, punishable with up to 30 days imprisonment and a fine of up to \$500 for the first offense and up to 45 days imprisonment and a fine of up to \$1,000 for a second or subsequent offense, or for an offense involving the use of a motor vehicle. Details requirements for satisfactory written consent. Makes conforming changes. Applies to acts committed on or after October 1, 2011.

Intro. by Jackson.

GS 14

Criminal Law, Procedure, and
Sentencing

S 430. LRC/STUDY URANIUM MINING NEAR ROANOKE RIVER. Filed 3/24/11. *TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEAR- AND LONG-TERM IMPACTS ON NORTH CAROLINA'S ECONOMY, ENVIRONMENT, AND AGRICULTURAL ACTIVITIES AND ON THE HEALTH AND WELL-BEING OF ITS CITIZENS, ESPECIALLY THE IMPACTS ON THAT PORTION OF NORTH CAROLINA THAT IS LOCATED IN OR NEAR THE LOWER ROANOKE RIVER BASIN, WHICH SPANS THE VIRGINIA/NORTH CAROLINA BORDER AND EXTENDS TO THE ALBEMARLE SOUND, WERE THE*

PROPOSAL TO PROCEED FOR A CANADIAN COMPANY OR ANY OTHER COMPANY TO CONDUCT URANIUM MINING IN VIRGINIA IN THE CENTER OF THE ROANOKE RIVER BASIN.

As the title indicates. Requires the Legislative Research Commission (LRC) to specifically consider the impacts on the part of the state that would be most directly affected. Requires the LRC to consider the potential impacts of a uranium mining operation in Virginia on (1) the state's economy; (2) the state's environment; (3) the state's agriculture activities; and (4) the health, safety, and well-being of the state's citizens. Allows the LRC to make an interim report to the General Assembly when it reconvenes in 2012 and requires a final report to the 2013 General Assembly.

Intro. by D. Berger, Jones.

JOINT RES

Agriculture, Environment, and
Natural Resources; General
Assembly

Local Bills

HOUSE BILLS

H 461. CORNELIUS ROW ORDINANCE. Filed 3/24/11. *TO CLARIFY THE APPLICABILITY OF UTILITY RIGHT-OF-WAY ORDINANCES OF THE TOWN OF CORNELIUS.*

As the title indicates. Applies to a utility right-of-way ordinance adopted under GS 160A-296(a)(6) and concerns regulation of utility boxes.

Intro. by T. Moore.

MECKLENBURG

Mecklenburg

H 463. ROCKINGHAM/TAKING OF FOXES. Filed 3/24/11. *TO AMEND THE LAW PROVIDING FOR THE TAKING OF FOXES WITH WEAPONS AND BY TRAPPING IN ROCKINGHAM COUNTY.*

Amends SL 1985-179 to designate an open season in Rockingham County for taking foxes with firearms, bow and arrow, or crossbow during any open small game season each year, and an open season for taking foxes by trapping from November 1 through February 28 of each year (changes current season dates). Sets no bag limit and no tagging requirements. Makes other clarifying and conforming changes.

Intro. by Jones.

ROCKINGHAM

Rockingham

H 469. ADDITIONAL LUMBERTON OCCUPANCY TAX. Filed 3/24/11. *TO INCREASE THE AUTHORIZATION TO LEVY AN OCCUPANCY TAX IN THE CITY OF LUMBERTON.*

Amends Section 2 of Part IX of SL 1983-908, as amended, to authorize the Lumberton City Council to levy an additional room occupancy tax of up to 3%, as specified.

Intro. by Graham.

ROBESON

Robeson

H 471. BUNCOMBE COUNTY COMMISSION DISTRICTS. Filed 3/24/11. *TO EXPAND THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE FOR THE ELECTION OF ALL BUT THE CHAIR BY DISTRICTS.*

Amends Section 1 of SL 1963-936, as the title indicates. Provides for redistricting the three county commissioner districts if after the 2020 or subsequent censuses Buncombe County is not entitled to exactly three House of Representative districts. Effective on the first Monday in December of 2012.

Intro. by Moffitt.

BUNCOMBE

Buncombe

SENATE BILLS

S 431. FONTANA DAM INCORPORATED (=H 447). Filed 3/24/11. *TO INCORPORATE THE TOWN OF FONTANA DAM.*

Identical to H 447, filed 3/23/11.

Intro. by Davis.

GRAHAM

Graham

ACTION ON BILLS**March 24, 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

H0029 Retrieval of Big Game. 02-22-11, 02-23-11	H Ratified
H0033 State Law to Provide for Acceptable ID's. 02-28-11, 03-24-11	HA Reptd Fav Com Sub 2 H Cal Pursuant Rule 36(b)
H0062 Prohibit Boylston Creek Reclassification.	H Ratified
H0129 Level Playing Field/Local Gov't Competition. 03-23-11, 03-24-11	HA Amend Adopted 1 H Amend Failed 2 H Amend Failed 3 H Passed 2nd Reading
H0215 Unborn Victims of Violence Act/Ethen's Law. 03-23-11, 03-24-11	HA Amend Adopted 1 H Amend Failed 2 H Amend Failed 3 H Passed 2nd Reading H Amend Failed 4 H Passed 3rd Reading H Ordered Engrossed
H0250 Various Clarifying Militia Law Amendments. 03-24-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
H0262 References to Military Orgs./ Make Uniform.	H Passed 2nd & 3rd Reading
H0270 Amend Conditions of Probation. 03-17-11, 03-23-11	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
H0297 Hold on to Your Drivers License.	H Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0312 Register of Deeds. 03-24-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
H0329 Bldg. Codes/Expand Equine Exemption. 03-24-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
H0331 Allow PAs and NPs to Sign Death Cert. 03-22-11	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary I

H0334 Report on Fitness Testing in Schools.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
03-23-11		
H0340 Utilities Commission/Criminal Records Check.	HA	Reptd Fav Com Substitute
	H	Re-ref Com On Judiciary
03-24-11		
H0386 Real Estate License Law Amendments.-AB	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0407 Modify ATV Helmet Use Requirements.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
03-22-11		
H0433 Nuisance Abatement Changes.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
H0436 Economic Disclosures for Sanitary Districts.	H	Passed 1st Reading
	H	Ref To Com On Government
H0438 Accountable Co. Comms./Expand Loc. Bd. Auth.	H	Passed 1st Reading
	H	Ref To Com On Government
H0443 Funds/Justus-Warren Task Force Recs.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0444 Expand Pharmacists' Immunizing Authority.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0445 Prevent REAL ID Implementation.	H	Passed 1st Reading
	H	Ref To Com On Judiciary
H0446 Labeling Requirements/GMFs & rBGH in Food.	H	Passed 1st Reading
	H	Ref To Com On Agriculture
H0448 Constitutional Tender Act.	H	Passed 1st Reading
	H	Ref to the Com on Commerce and Job Development, if favorable, Judiciary
H0449 Increase In Rem Foreclosure Fee.	H	Passed 1st Reading
	H	Ref To Com On Finance
H0450 No Automatic Renewal of Credit Card Contracts.	H	Passed 1st Reading
	H	Ref to the Com on Commerce and Job Development, if favorable, Banking
H0451 DWLR Penalties Increased/Vehicle Seizures.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
H0452 Eliminate "Instant Runoff"/Public Financing.	H	Passed 1st Reading
	H	Ref To Com On Elections
H0453 Allow Salary Protection Insurance.	H	Passed 1st Reading
	H	Ref To Com On Insurance
H0454 ERC to Study Construction on Slopes.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0455 Outdoor Light Fixtures Using State Funds.	H	Passed 1st Reading
	H	Ref to the Com on Environment, if favorable, Appropriations

H0457	Municipal Electric Utilities/ UC Oversight.	H	Passed 1st Reading
		H	Ref To Com On Public Utilities
H0458	Community College Administration Study.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0464	Sanitary Districts/Public Utility.	H	Filed
H0465	REPS Credits at Cleanfields Parks.	H	Filed
H0466	Spend 65% of Funds in the Classroom.	H	Filed
H0467	Improve School Discipline.	H	Filed
H0468	Amend Weight Limits for Farm Products.	H	Filed
H0470	Amend Allocation of TVA Payment.	H	Filed
H0472	City/County Electronic Notice.	H	Filed
H0473	Equal Tax Treatment of Gov't Retiree Benefits.	H	Filed
H0474	Protect Adult Care Home Residents.	H	Filed
H0475	English the Official Language.	H	Filed
H0476	Protect Galax & Venus Flytrap/ WRC Rule Fines.	H	Filed
H0477	Consolidate County DSS Admin. Functions.	H	Filed
H0478	Nondiscrimination in State/ Employment.	H	Filed
H0479	Small Business New Job Creation Incentive.	H	Filed
H0482	Norwood Water Lines.	H	Filed
H0483	DNA Samples/Additional Felonies.	H	Filed
S0016	Obtain Blood Sample/Implied- Consent Laws.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
	03-21-11		
S0018	Clarify Definition/Jud. District/State Bar.	H	Withdrawn From Com
		H	Re-ref Com On Judiciary Subcommittee A
	03-07-11		
S0020	Amend Law Regulating Proprietary Schools.	S	Ratified
	02-23-11		
S0026	North Carolina Benefit Corporation Act.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C
	03-21-11		
S0051	Charitable Solicitations/ Clarify Exemption.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
S0098	911 Call Transcripts.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee A
S0191	Death Certificate Signatures.	H	Passed 1st Reading

	H	Ref To Com On Rules, Calendar, and Operations of the House
03-21-11		
S0252 Devisee/Devise/Statutory Construction.	S	Reptd Fav
	S	Placed On Cal For 3/29/2011
S0265 State Health Plan/ Appropriations and Transfer.	S	Passed 2nd Reading
03-22-11, 03-23-11		
S0287 Extend Small Business Center Incubator Period.	S	Passed 2nd & 3rd Reading
S0316 Add'l Section 1915 Medicaid Waiver Sites.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Placed On Cal For 3/29/2011
03-24-11		
S0323 Insurance Amendments.-AB	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Placed On Cal For 3/29/2011
03-24-11		
S0368 Modify Public Swimming Pool Requirements.	H	Passed 1st Reading
	H	Ref To Com On Environment
03-22-11		
S0369 Confirm Joseph A. Smith Commissioner of Banks.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
S0377 Breweries to Sell Malt Beverages on Premises.	S	Withdrawn From Com
	S	Re-ref Com On Rules and Operations of the Senate
S0401 ACH Pilot on Crisis Intervention Training.	S	Passed 1st Reading
	S	Ref To Com On Mental Health & Youth Services
S0402 Extend Hearing Loss Task Force.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0403 ECU Dental School Funds.	S	Passed 1st Reading
	S	Ref To Com On Appropriations/ Base Budget
S0404 Dept. of Admin/Procurement Modernization.-AB	S	Passed 1st Reading
	S	Ref To Com On Program Evaluation
S0405 Amend Irrigation Contractors' Licensing Laws.	S	Passed 1st Reading
	S	Ref to Commerce. If fav, re- ref to Finance
S0406 Repeal Crossbow Purchase Permit Requirement.	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
S0407 Trusts and Estate Planning Changes.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0408 Community College Administration Study.	S	Passed 1st Reading
	S	Ref To Com On Program Evaluation
S0409 Global TransPark PED Study.	S	Passed 1st Reading
	S	Ref To Com On Program Evaluation
S0410 Consolidate County DSS Admin. Functions.	S	Passed 1st Reading
	S	Ref To Com On Program Evaluation
S0411 Vote for the Person, Not the Party Act.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I

S0412	Public Meetings/Records Law Violations.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0413	Ordinance first reading vote.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0414	Allow Attorneys' Fees in Business Contracts.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0415	Eliminate Cost of Reduced Price School Meals.	S	Passed 1st Reading
		S	Ref To Com On Appropriations/ Base Budget
S0416	School Buses/State Vehicles/Tires.	S	Passed 1st Reading
		S	Ref To Com On Transportation
S0417	Funds for Prevent Blindness NC.	S	Filed
S0418	North Carolina Health Benefit Exchange Act.	S	Filed
S0419	Campaign Finance and Regulatory Reforms.	S	Filed
S0420	Municipal Sunshine Act.	S	Filed
S0421	GAST Training Pilot.	S	Filed
S0422	DHHS Study of IOM Task Force Recom 3.1.	S	Filed
S0423	Educ. Oversight Comm. Study of Teacher Tenure.	S	Filed
S0424	Increase Small Brewery Limits.	S	Filed
S0425	Ecosystem Enhancement Program Changes.	S	Filed
S0426	Modify/Clarify Public Finance Statutes.	S	Filed
S0427	NC Water Security Act.	S	Filed
S0428	Study Consolidated Environmental Commission.	S	Filed
S0429	Hunting Protection Act.	S	Filed
S0430	LRC/Study Uranium Mining Near Roanoke River .	S	Filed

LOCAL BILLS

H0056	Rocky Mount Annexations Repealed.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/24/2011
		H	Postponed To 3/28/2011
H0097	Union Fire Fee Sunset Repealed.	H	Reptd Fav
		H	Re-ref Com On Finance
H0180	Wilmington Annexation Suspension.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/24/2011
		H	Postponed To 3/28/2011
H0193	Topsail Beach Recall Elections.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/24/2011
		H	Postponed To 3/28/2011
03-24-11			
H0194	Topsail Beach Charter Amendment.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/24/2011
		H	Postponed To 3/28/2011

H0196 Goldsboro Deannexation.	H Reptd Fav
	H Re-ref Com On Finance
H0202 Parking Fine Increase for the City of Monroe.	H Reptd Fav
	H Re-ref Com On Finance
H0204 Edgecombe Co. Tourism Development Authority.	H Reptd Fav
	H Re-ref Com On Finance
H0212 Town of Cramerton/Regulate Utility Vehicles.	H Reptd Fav
	H Serial Referral to Finance Stricken
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 3/24/2011
	H Postponed To 3/28/2011
H0236 Biltmore Lake Annexation Repealed.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 3/24/2011
	H Postponed To 3/28/2011
H0358 Apex/Cary Annexation Into Chatham Restricted.	HA Reptd Fav Com Substitute
03-24-11	H Re-ref Com On Finance
H0415 Topsail Beach/Littoral Rights.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 3/24/2011
	H Postponed To 3/28/2011
H0434 Durham/Small Business Enterprise.	H Passed 1st Reading
	H Ref to the Com on Government, if favorable, Finance
H0435 Mecklenburg Energy Efficiency/Renewable.	H Passed 1st Reading
	H Ref to the Com on Government, if favorable, Finance
H0437 NH County Commissioners Accountability Act.	H Passed 1st Reading
	H Ref To Com On Government
H0439 Cornelius/Davidson Tree Ordinances.	H Passed 1st Reading
	H Ref To Com On Rules, Calendar, and Operations of the House
H0440 Huntersville E-Mail Lists/Electronic Access.	H Passed 1st Reading
	H Ref To Com On Government
H0441 Cornelius E-Mail Lists/Electronic Access.	H Passed 1st Reading
	H Ref To Com On Government
H0442 Cornelius Design-Build and Investments.	H Passed 1st Reading
	H Ref To Com On Government
H0447 Fontana Dam Incorporated.	H Passed 1st Reading
	H Ref to the Com on Government, if favorable, Finance
H0456 Joint Resolution.	H Passed 1st Reading
	H Ref To Com On Rules, Calendar, and Operations of the House
H0459 Rockingham/Hunting While Impaired.	H Passed 1st Reading
	H Ref To Com On Agriculture
H0460 Rockingham/Trespassing on Private Land.	H Passed 1st Reading
	H Ref To Com On Agriculture
H0469 Additional Lumberton Occupancy Tax.	H Filed
H0471 Buncombe County Commission Districts.	H Filed

H0480	Stanly County School Board Filing Period.	H	Filed
H0481	Stanly County Sheriff Vacancy.	H	Filed
S0029	Tax Certification - Alamance County.	H	Reptd Fav H Re-ref Com On Finance
S0068	Robeson Hunting and Fishing.	H	Reptd Fav H Cal Pursuant Rule 36(b)
S0081	Orange County Local Disclosure Act Repeal.	H	Reptd Fav H Cal Pursuant Rule 36(b)
S0431	Fontana Dam Incorporated.	S	Filed

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 33. [CONSULAR DOCUMENTS NOT ACCEPTABLE AS ID \(NEW\)](#). Filed 2/2/11. House committee substitute makes the following changes to 2nd edition.

Deletes all the provisions of the second edition which enumerated acceptable forms of identification for use in determining a person's identity for governmental and law enforcement purposes and replaces them with *AN ACT TO PROVIDE THAT CERTAIN CONSULATE OR EMBASSY DOCUMENTS MAY NOT BE USED TO DETERMINE A PERSON'S IDENTIFICATION OR RESIDENCE FOR GOVERNMENTAL AND LAW ENFORCEMENT PURPOSES*.

Amends Article 18 (identification documents) of GS Chapter 15A to provide that a law enforcement officer, justice, judge, clerk, magistrate, or other government official cannot use the matricula consular or other similar document issued by a foreign consulate or embassy to determine a person's actual identity or residency. Prohibits a local government from establishing via policy or ordinance the acceptability of the matricula consular or other similar document issued by a foreign consulate or embassy as a form of identification to be used to determine the identity or residence of any person. Provides that any government policy or ordinance that contradicts this section is repealed.

Repeals the provisions in GS 20-7(b4) that allowed the use of matricula consular or other similar consulate documents as reliable indicators of residency for a North Carolina driver's license. Repeals the provisions in GS 58-2-164 accepting the matricula consular or other similar documents as reliable evidence of residency for automobile insurance. Repeals the provision in GS 108A-53.3 accepting foreign consulate document as one of two proofs of residency for the receipt of medical assistance benefits. Specifically deletes a matricula consular or substantially similar document issued by the Mexican Consulate for North Carolina and any similar document issued by any other foreign consulate or embassy as an acceptable form of identification.

Local Government; Criminal Law,
Procedure, and Sentencing

H 129. [LEVEL PLAYING FIELD/ LOCAL GOV'T COMPETITION](#). Filed 2/17/11. House amendment makes the following changes to 2nd edition.

Provides that the proposed provisions regarding city-owned communications service provider requirements, notice and public hearing, financing, taxes and payment in lieu of taxes, and public-private partnerships for communications service, also do not apply to a city or joint agency providing communications service as of January 1, 2011, providing the city or joint agency limits the provisions of communications service to (1) persons within the corporate limits of the city providing the communications service, or (2) existing customers of the communications service as of April 1, 2011. Requires that service to customers outside the service area of the city or joint agency comply with the open bidding procedures of Article 8 of GS Chapter 143 when the existing contract service expires or terminates. Makes other technical and conforming changes.

Local Government; Business and
Commerce; Energy and Utilities

H 193. [TOPSAIL BEACH RECALL ELECTIONS](#). Filed 2/28/11. House committee substitute makes the following changes to 1st edition. Amends proposed Section 23.1 of the Topsail Beach Town Charter to require the recall petition to bear the signatures of at least 30% (was, 20%) of the town's registered voters. Requires that the recall election be held at the same time as the next primary, general, or special election scheduled to be held more than

60 days after the petition has been certified (was, held no less than 60 days nor more than 120 days after the petition has been certified). Prohibits a petition to recall an officer from being filed during the first three months of the officer's term.

Pender

H 215. UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW. Filed 3/2/11. House amendment makes the following changes to 2nd edition. Amends proposed GS 14-23.1 to clarify that the definition of *unborn child* applies only to proposed Article 6A (was, the definition is as used in the proposed Article, unless the context requires otherwise).

Criminal Law, Procedure, and Sentencing

H 250. VARIOUS CLARIFYING MILITIA LAW AMENDMENTS. Filed 3/8/11. House committee substitute makes the following changes to 1st edition.

Deletes changes to GS 127-A-49 and reverts to language which provides that with the exception of commissioned officers, the special courts martial has the power and authority to try any person subject to military law (was, any military personnel of the North Carolina National Guard) for any crimes or offenses within the jurisdiction of a general military court. Makes additional technical and clarifying changes.

Military and Veterans Affairs

H 312. REGISTER OF DEEDS. Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Amends GS 45-37.2(a) to restore language (deleted in previous edition) stating no fee will be charged by the register of deeds for recording a satisfaction document, affidavit of satisfaction, or a trustee's satisfaction.

Property, Land Use, and Housing;
Military and Veterans Affairs

H 329. BLDG. CODES/EXPAND EQUINE EXEMPTION. Filed 3/10/11. House committee substitute makes the following changes to 1st edition.

Amends GS 143-138(b4)(1) to provide that a farm building will not be exempt from building rules if it is used for a spectator event and more than 10 members or the public are present for the event, *unless* the spectator event meets the following conditions: (1) the event is temporary, defined as a total duration of no more than 120 hours in any calendar year, and (2) the person or organization responsible for the event establishes a fire watch, as defined, for the duration of the event. The previous edition removed language limiting exemption to farm buildings with certain spectator events.

Agriculture, Environment, and Natural Resources

H 340. UTILITIES COMMISSION/CRIMINAL RECORDS CHECK. Filed 3/11/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 62-273.1(b) to direct the Utilities Commission (Commission) to conduct a criminal history record check of applicants and current holders of certificate to transport household goods. Requires an applicant for or current holder of certificate to furnish the Commission with a complete set of the applicant's fingerprints. Recodifies the provision allowing the Department of Justice to provide the criminal history of any applicant for or current holder of a certificate to transport household goods to the Commission, with fingerprints forwarded to the State Bureau of Investigation and the Federal Bureau of Investigation (part of proposed GS 62-273.1(b) in previous edition) in new GS 114-19.28.

Energy and Utilities

H 358. APEX/CARY ANNEXATION INTO CHATHAM RESTRICTED. Filed 3/15/11. House committee substitute makes the following changes to 1st edition. Clarifies that the act is effective when it becomes law.

Chatham; Wake

SENATE BILLS

S 316. ADD'L SECTION 1915 MEDICAID WAIVER SITES. Filed 3/10/11. Senate committee substitute makes the following changes to 1st edition.

Changes the title to *AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY.*

Amends GS 122C-55 to authorize a state facility (was, facility) operated under the authority of GS 122C-181 (listing state facilities under the North Carolina Secretary of Health and Human Services' jurisdiction) to disclose confidential information for the purpose of collecting payment due to the state facility. Amends GS 122C-115.3(e) to provide for the distribution of any fund balance (was, budgetary surplus) upon the dissolution of an area authority.

Health, Social Services, and Aging

S 323. INSURANCE AMENDMENTS. Filed 3/10/11. Senate committee substitute makes the following changes to 1st edition.

Adds new section enacting GS 58-2-31 to establish the Seniors' Health Insurance Information Program within the Department of Insurance to provide the state's Medicare beneficiaries with counseling in Medicare, Medicare supplement insurance, long-term care insurance, and related health care coverage plans, effective when the act becomes law. Amends proposed GS 58-50-131, which requires Commissioner of Insurance (Commissioner) review of premium rate schedules, to delete the provision granting hearings upon Commissioner disapproval. Makes clarifying changes.

Amends proposed GS 58-33-27(b), clarifying that no adjuster license is required for an individual who, in connection solely with coverage on the repair and replacement of portable consumer electronic devices (was, in connection with insurance on the devices), collects claim information from or furnishes claim information to insured parties (was, insured parties or claimants), conducts data entry as detailed, and does not exercise discretion in the claim disposition, provided the individual is supervised by a licensed adjuster (was, provided the individual was an employee of a licensee) and there are no more than 25 individuals adjusting claims under that adjuster's supervision. Deletes language stating that a producer acting as a supervisor is not required to be licensed as an adjuster. Enacts new GS 58-33-27(c), specifying that if other property losses occur with the loss associated with the portable consumer electronic device, then the individual performing duties listed in GS 58-33-10(2) (defining *adjuster*) on the total loss must hold an adjuster license. Makes conforming changes.

Adds new section, amending GS 97-130 and 97-131, to remove language requiring approval by the Commissioner in those provisions of the NC Self-Insurance Security Association, effective July 1, 2011.

Makes other clarifying and organizational changes. Makes a conforming change to the title to reflect new bill content.

Business and Commerce

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

March 28, 2011

HOUSE convenes at 7:00 p.m.

SENATE convenes at 7:00 p.m.