

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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## SUMMARIES OF BILLS FILED

### Public Bills

#### HOUSE BILLS

**H 567. [MOUNTAIN RESOURCES COMM'N/STAGGERED TERMS.](#)** Filed 3/30/11. *TO PROVIDE FOR STAGGERED TERMS FOR THE MOUNTAIN RESOURCES COMMISSION ESTABLISHED BY CHAPTER 153B OF THE GENERAL STATUTES.*

Rewrites GS 153B-3, as title indicates, and to provide that commission members may serve no more than two full terms consecutively.

**Intro. by McGrady, Rapp.**

GS 153B

Agriculture, Environment, and  
Natural Resources

**H 572. [ACCOUNTABILITY FOR PUBLICLY FUNDED NONPROFITS.](#)** Filed 3/30/11. *TO PROVIDE GREATER ACCOUNTABILITY FOR NONPROFIT ENTITIES THAT RECEIVE PUBLIC FUNDING.*

Enacts new GS 55A-16-24 to provide that a nonprofit corporation that receives any public grants or loans from a local government, the state, or the federal government must provide to any member of the public, on written demand, (1) its latest financial statements, which must be substantively similar to reports required by GS

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55A-16-20 and also contain details about the amount of public funds received and how they were used and (2) a copy of its most recent Internal Revenue Service Form 990. A corporation may comply by maintaining these documents on its public Web site. Effective October 1, 2011, and applicable to nonprofit corporations receiving public funding in the form of grants or loans on or after that date.

**Intro. by Justice, Sager, Stevens, West.** GS 55A

Business and Commerce

**H 575. SERVICE AGREEMENTS/ALLOW RESERVE ACCOUNT.** Filed 3/31/11. *TO PROVIDE THAT IN LIEU OF CONTRACTUAL LIABILITY INSURANCE, A SERVICE CONTRACT PROVIDER MAY MAINTAIN A FUNDED RESERVE ACCOUNT FOR ITS OBLIGATIONS UNDER SERVICE CONTRACTS ISSUED AND OUTSTANDING IN THIS STATE.*

Rewrites GS 66-373 (insurance policy requirements for service agreements) to provide that in lieu of complying with current provisions of the section, the company or person may maintain a funded reserve account of not less than 40% of gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The account is subject to examination and review by the Commissioner of Insurance on request. Effective July 1, 2011.

**Intro. by Dockham.**

GS 66

Business and Commerce

**H 576. VACANCY SPECIAL ELECTION.** Filed 3/31/11. *TO ALLOW THE BOARD OF COMMISSIONERS OF A COUNTY TO CALL A SPECIAL ELECTION TO FILL A VACANCY IN ELECTIVE OFFICE.*

Enacts new GS 163-14, to provide that if a vacancy in elective office is to be filled by appointment by the county board of commissioners, the board instead may call a special election to fill the office for the remainder of the term in a manner the board directs, with the election to be conducted by the county board of elections.

**Intro. by Bradley.**

GS 163

Local Government

**H 577. MEDICAL CANNABIS ACT.** Filed 3/31/11. *TO ENACT THE NORTH CAROLINA MEDICAL CANNABIS ACT.*

Adds new Article 43, the North Carolina Medical Cannabis Act, to GS Chapter 90. Provides broad civil and criminal immunity for a "qualified patient" or a "designated caregiver" for purchasing or possessing cannabis for medical use if the quantity does not exceed an "adequate supply" for the patient as determined by his or her physician. Adequate supply is defined by the act to, among other things, (1) apply only to cannabis from an intrastate source, (2) limit permitted supply or garden space to amount needed for 3-month period and not more than 24 ounces, (3) limit use to alleviating symptoms or effects of a debilitating medical condition (also defined in the act). Requires the Department of Health and Human Services (department) to issue "registry identification cards" to persons who qualify as qualified patients or designated caregivers, and provides that a card creates a rebuttable presumption of permissible use if the person does not possess more than an adequate supply. Specifies conditions under which provisions of the act are applicable to minors. Prohibits a school, employer, or landlord from refusing to enroll, employ, or lease to, or to otherwise penalize, a person because of his or her status under the act or the permissible possession or use of cannabis. Also provides immunity and protection from penalties for licensed producers of medical cannabis and physicians for conduct consistent with the act. Provides other protections relating to conduct of law enforcement, child custody or visitation, constructive possession, and the unauthorized substances tax.

The act does not permit a person to control a motor vehicle, aircraft, or motorboat while impaired by cannabis; undertake any task under the influence of cannabis that would constitute negligence or malpractice; or smoke cannabis in a school bus or on public transportation, on school grounds, in a correctional facility, or in any public place in the state. No government-sponsored medical assistance program or private health insurer is required by the act to cover costs of medical use of cannabis, and an employer is not required to accommodate use in the workplace. Makes fraudulent representation to law enforcement of any fact relating to medical use of cannabis to avoid arrest or prosecution a Class 2 misdemeanor punishable by a fine of up to \$500 and any other applicable penalty.

Specifies criteria and procedures for the department's issuance or renewal of registry identification cards and requires that it maintain a confidential list of persons to whom cards are issued. Allows the department to verify for law enforcement whether a card is valid and to report to law enforcement about falsified or fraudulent information submitted to the department. Makes violation of the confidentiality of the information a Class 1 misdemeanor, subject to a fine of up to \$1,000.

Directs the Department of Agriculture and Consumer Services to establish a medical cannabis supply system to provide a safe, regulated supply of quality medical cannabis for use by qualified patients with a valid registry identification card and to generate revenue sufficient to maintain and operate the system. Prohibits use of

appropriations from the General Fund to establish or operate the system, which must be funded by authorized fees. Establishes criteria for licensing of medical cannabis supply centers and producers of medical cannabis, as well as for suspending or revoking licenses. Requires the Department of Agriculture and Consumer Services to maintain a confidential list of licensees and specifies when it may release information to law enforcement.

Requires the North Carolina Medical Care Commission to adopt rules to implement the supply system. Specifies when medical use of cannabis can be asserted as an affirmative defense to a criminal charge. Expresses the General Assembly's intent that the University of North Carolina system undertake scientific research regarding the efficacy and safety of the medical use of cannabis and, subject to approval by the Board of Governors of the University, directs the University to create the North Carolina Cannabis Research Program.

Makes conforming changes.

**Intro. by Alexander.**

GS 90, 106

Health, Social Services, and Aging

**H 578. HEALTH CARE SHARING ORGANIZATIONS.** Filed 3/31/11. *TO EXEMPT HEALTH CARE SHARING ORGANIZATIONS FROM THE HEALTH INSURANCE REGULATORY LAWS.*

Adds new GS 55-49-12 exempting a health care sharing organization from health insurance regulatory laws, as long as the organization (1) maintains nonprofit status under the Internal Revenue Code; (2) limits participants to those sharing similar interests; (3) provides for participants' needs through contributions from one participant to another in accordance with criteria established by the organization; (4) provides amounts that participants may contribute with no assumption of risk or promise to pay among participants or by the organization; (5) publishes monthly statements to participants; and (6) provides a written disclaimer on or with all applications and guideline materials, reading substantially as the notice set forth in the act. Effective October 1, 2011.

**Intro. by Murry, Dockham, and Barnhart.**

GS 55

Health, Social Services, and Aging

**H 579. MODIFY LAW RE: CORPORAL PUNISHMENT (=S 498).** Filed 3/31/11. *TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT.*

Identical to S 498, filed 3/31/11.

**Intro. by M. Alexander, Johnson.**

GS 115C

Education

**H 580. LOCAL HUMAN SERVICES ADMINISTRATION (=S 433).** Filed 3/31/11. *CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.*

Identical to S 433, filed 3/28/11.

**Intro. by Barnhart, Gillespie.**

GS 153A

Local Government; State Government; Health, Social Services, and Aging

**H 582. AMEND FELONY FIREARMS ACT/INCREASE PENALTIES.** Filed 3/31/11. *TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN VIOLATIONS OF THE FELONY FIREARMS ACT.*

Amends GS 14-415.1(a), adding that it is also unlawful for a person convicted of a felony to purchase, own, possess, care, or control any ammunition, or electric weapon or device. Adds that it is unlawful for a person convicted of a felony to carry a concealed weapon, including a tear gas gun or a chemical weapon or device. Enacts new subsections (a1), (a2), (a3), and (a4) to set the following punishments under GS 14-415.1, unless the offense receives greater punishment under another provision of law: makes a person who violates the statute guilty of a Class G felony; makes a person who violates the statute and discharges the weapon guilty of a Class E felony; makes a person who violates the statute and causes serious injury guilty of a Class D felony; and makes a person who violates the statute and causes serious bodily injury guilty of a Class C felony. Current law punishes all violations of the statute as a Class G felony. Applies to offenses committed on or after December 1, 2011.

**Intro. by Daughtry, Jordan.**

GS 14

Criminal Law, Procedure, and Sentencing

## SENATE BILLS

**S 466. MODIFY TEACHER CAREER STATUS LAW.** Filed 3/30/11. *TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC SCHOOL TEACHERS.*

Makes numerous amendments to GS 115C-325, relating to the system of employment for public school teachers and procedures for dismissal or demotion, including: (1) provides that failure to notify a career employee of deficiency in performance is conclusive evidence of satisfactory performance; (2) defines "inadequate performance" by a teacher to include (a) failure to perform at a proficient level on any standard of the evaluation instrument or (b) otherwise performing in a below standard manner, but giving superintendents some flexibility with regard to probationary teachers; (3) changes the designation *case manager* to *hearing officer*, requires that hearing officers be members of the N.C. State Bar, and modifies procedures for maintaining a master list of hearing officers and selection of a hearing officer; (4) increases from 10 days to 90 days the time within which a hearing officer must submit a report following a hearing, requires that any supplemental report be made within 30 days of request, and provides for compensation reduction for failing to meet either deadline without good cause; (5) limits role of hearing officer to making findings of fact and prohibits making recommendations about conclusions of law or disposition of the case; (6) increases from two days to five work days the time after receiving a hearing officer's report within which a superintendent must decide whether to make a written recommendation to the local board for particular action or to drop the charges, and makes comparable time limit changes in relation to action by a local board; and (7) limits hearings to three work days unless extended for extraordinary cause, and limits each party to a maximum of eight hours to present its case in chief. Makes conforming changes replacing occurrences of the term *case manager* with *hearing officer*.

Rewrites GS 115C-333, relating to evaluation of licensed (formerly, certified) teachers, to require annual evaluation of all licensed employees at all low-performing schools (was, at low performing schools that had not been assigned an assistance team). Requires all teachers *in low-performing schools* who have not attained career status (was, all teachers who have not achieved career status) to be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher, and at least once annually by a principal. Replaces *action plans* with *mandatory improvement plans*, which are defined as instruments to improve the performance of a teacher or any certified/licensed employee in a low-performing school by providing the individual with notice of specific performance areas where there are deficiencies and a set of strategies to address those deficiencies. Provides that if a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient, unsatisfactory, or below standard, the individual or team conducting the evaluation is to recommend to the superintendent (1) that the employee receive a mandatory improvement plan or (2) that the employee be dismissed or demoted. Provides that if the evaluation person or team elects not to make either recommendation then the decision to mandate an improve plan or recommend a dismissal proceeding lies with the superintendent. Provides additional guidelines regarding implementing a mandatory improvement plan. Makes conforming changes by deleting references to *action plans*.

Provides for the reassessment of an employee in a low-performing school after the time period for the completion of the mandatory improvement plan has expired. Directs the superintendent to recommend that the employee be dismissed or demoted under GS 115C-325 if the employee has failed to become proficient in any of the performance standards noted in the mandatory improvement plan.

Requires a local board that dismisses an employee of a low-performing school for any reason except a reduction in force under GS 115C-325(e)(1)1. to notify the State Board of Education (SBE) of the dismissal. Directs the SBE to provide annually the names of those dismissed individuals to all local boards of education. Provides process of evaluation to be followed if a local board hires one of the individuals previously dismissed.

Enacts new GS 115C-333.1 requiring teachers assigned to schools that are not designated as low-performing and who do not have career status to be observed at least three times annually by the principal or the principal's designee, at least once annually by a teacher, and at least once annually by a principal. Requires all teachers with career status and who are assigned to schools that are not designated as low-performing to be evaluated annually unless a local board adopts rules that allow career status teachers to be evaluated more or less frequently. Authorizes local boards to also adopt rules requiring the annual evaluation of nonlicensed employees. Provides guidelines regarding the performance standards and criteria to be used for the evaluation.

Delineates provisions for implementing mandatory improvement plans for teachers assigned to schools that are not designated as low-performing. Provides that any teacher placed on a mandatory improvement plan, other than a teacher assigned to a school designated as low-performing, has a right to be observed by a qualified observer in the area or areas of concern identified in the mandatory improvement plan. Defines the term *qualified observer* as used in this statute and directs local boards of education to create a list of qualified observers who are employed by the local board and available to observe employees on mandatory improvement plans. Provides for the reassessment of a teacher upon completion of a mandatory improvement plan. Provides for review and consideration by the principal of the report from the qualified observer and directs the principal to assess the teacher's performance a second time. Provides that if after the second assessment and consideration of the qualified observer's report, the superintendent or the superintendent's designee determines that the teacher has failed to become proficient in the performance standards identified as deficient, the superintendent may

recommend that the teacher be dismissed or demoted under GS 115C-325. Provides that the results of the second assessment constitute *substantial evidence* of the teacher's inadequate performance.

Provides that the absence of a mandatory improvement plan does not prohibit a superintendent from dismissing a career employee under the provisions of GS 115C-325; however, the superintendent cannot use the *substantial evidence* standard if there was no mandatory improvement plan prior to the dismissal. Requires a local board that dismisses an employee of a low-performing school for any reason except a reduction in force under GS 115C-325(e)(1)1. to notify the State Board of Education (SBE) of the dismissal. Directs the SBE to provide annually the names of those dismissed individuals to all local boards of education. Provides process of evaluation to be followed if a local board hires one of the individuals previously dismissed.

Provides that there is no liability for negligence on the part of the SBE, a local board of education, or their employees arising from any act taken or omission in carrying out the provisions of this statute. Does not extend the immunity conferred by this statute to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. Provides criteria regarding when the immunity established in this statute is deemed to have been waived.

Makes conforming changes to GS 115C-288, 115C-334, and 115C-355.

**Intro. by Hartsell, Tillman.** GS 115C Education

**S 477. REDUCE OVERPOPULATION OF REINSURANCE FACILITY.** Filed 3/30/11. *TO REDUCE THE EXCESSIVE NUMBER OF NORTH CAROLINA DRIVERS INSURED BY THE NORTH CAROLINA REINSURANCE FACILITY BY PROVIDING FOR FILE AND USE RATE DEVIATIONS FOR AUTOMOBILE LIABILITY INSURANCE AND BY PROVIDING A FIVE-YEAR PHASEOUT OF THE "CLEAN RISK" SUBCLASSIFICATION WITHIN THE REINSURANCE FACILITY.*

Amends GS 58-36-30 (deviations) and GS 58-37-35 (the facility; functions; administration) as the title indicates. Adds new subsection (e) to GS 58-36-30 providing that the provisions of the proposed subsection only apply to setting rates for nonfleet private passenger motor vehicle liability insurance. Provides process for an insurer to deviate from the rate set by the North Carolina Rate Bureau. Provides that the Commissioner of Insurance may disapprove a request for a rate deviation only if the commissioner determines that the filing is excessive, inadequate, or unfairly discriminatory. Provides process to be followed if, after a hearing, the commissioner disapproves a deviation filing.

Amends GS 58-37-35 to provide that the phaseout of the "clean risk" subclassification within the reinsurance facility is to take place over a five-year period ending on December 31, 2017. Makes conforming changes to GS 58-37-35 effective January 1, 2018.

Except as otherwise indicated, effective January 1, 2012.

**Intro. by Apodaca.** GS 58 Business and Commerce; Transportation

**S 478. OFFICE OF PROSECUTION SERVICES.** Filed 3/30/11. *TO ESTABLISH AN OFFICE OF PROSECUTION SERVICES TO PROVIDE OVERSIGHT OF VARIOUS DISTRICT ATTORNEY OFFICES.*

Adds a new Article 10 (GS 7A-80 to 7A-86), the Prosecution Services Act, in GS Chapter 7A. Creates an Office of Prosecution Services (Office) and a Commission on Prosecution Services (Commission) in the Judicial Department, to act independently of the director of the Administrative Office of the Courts (AOC), in a structure similar to that of the existing Office of Indigent Defense Services. Requires the AOC director to provide general administrative support and to assist (but not control) in preparation of the Office's budget. Specifies responsibilities of the Office, including (1) management and oversight of budget for district attorneys and disbursement of funds; (2) taking steps to increase efficiencies and effectiveness in prosecution and provide information on the impact of changes in criminal laws; (3) providing local offices with training, technical assistance, related services, and necessary technology and information; and (4) providing special prosecutors in extraordinary circumstances.

Specifies the qualifications and method of appointment of members of the 11-member Commission, to serve four-year staggered terms, and requires that the first meeting be held by September 15, 2011. States that the primary purpose of the Commission is development and improvement of programs by which the Office provides oversight of criminal prosecution and related services. Requires the Commission to appoint a Director of Prosecution Services (director) and to assist elected district attorneys in developing guidelines for various aspects of the provision of prosecution services. Authorizes the Commission to establish policies, procedures, and rules for the Commission and the Office. Specifies responsibilities of the director and provides for him or her to receive longevity pay as specified in lieu of merit and other raises paid to regular state employees.

Repeals Article 32 of GS Chapter 7A, which establishes the Conference of District Attorneys. Makes numerous conforming amendments. Requires the Commission to report by May 1, 2012, to chairs of the Senate

and House Appropriations Committees and Appropriations Subcommittees on Justice and Public Safety regarding a plan for transfer of the budget and related authority from the AOC to the Commission, effective July 1, 2012; rules, standards, and regulations developed by the Commission for delivery of prosecution services; and other matters for implementing the act.

Effective July 1, 2011.

**Intro. by Bingham.**

GS 7A, 7B, 14, 15A, 120, 143,  
153A, 160A, 164

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

**S 479. TESTING IN THE PUBLIC SCHOOLS.** Filed 3/31/11. *TO PROVIDE FOR THE ASSESSMENT OF CAREER AND COLLEGE READINESS WITH NATIONALLY AND INTERNATIONALLY BENCHMARKED TESTS; THE CONTINUATION OF NORTH CAROLINA'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF TESTS RELATED TO COMMON CORE STATE STANDARDS ADOPTED BY A MAJORITY OF STATES; A PILOT STUDY OF A NEW ASSESSMENT OF U.S. HISTORY BASED ON THE REVISED CURRICULUM AND THAT ASSESSES CRITICAL THINKING AND WRITING SKILLS; AND DIAGNOSTIC TOOLS TO ASSIST IN TEACHING AND STUDENT LEARNING.*

Amends GS 115C-174.11 to require the State Board of Education to (1) continue participation in development of the Common Core State Standards; (2) review all national assessments developed by both multistate consortia; (3) implement assessments the Board deems most appropriate to assess student achievement on the Common Core State Standards; and (4) to the extent funds are made available, plan for and require administration of the ACT test for all students in the 11th grade unless the student has taken a comparable test and scored at or above a level set by the board. Adds new GS 115C-174.20 and GS 115C-174.25 requiring the Board, to the extent funds are made available, to plan for and require (1) administration in the 8th and 10th grades of diagnostic tests that align to the ACT test and (2) local school administrative units to make available the appropriate WorkKeys tests for students who complete the second level of vocational/career courses. Requires the board, during the 2011-12 school year, to pilot a united states history assessment that incorporates writing, use of primary documents, and critical thinking skills, and to report to the Joint Legislative Education Oversight Committee by November 15, 2012, with results and recommendations. Effective July 1, 2011, and applies beginning with the 2011-12 school year.

**Intro. by Tillman, Preston,  
Soucek.**

GS 115C

Education

**S 480. LET THOSE WHO RIDE DECIDE.** Filed 3/31/11. *TO REQUIRE ONLY THOSE WHO ARE LESS THAN EIGHTEEN YEARS OLD TO WEAR A HELMET WHILE OPERATING A MOTORCYCLE.*

Amends GS 20-140.4, as title indicates, with respect to the operation of a motorcycle or moped on a highway or public vehicular area.

**Intro. by Harrington.**

GS 20

Transportation

**S 481. MENTAL HEALTH WORKERS' BILL OF RIGHTS (=H 287).** Filed 3/31/11. *TO ENACT THE MENTAL HEALTH WORKERS' BILL OF RIGHTS.*

Identical to H 287, filed 3/9/11.

**Intro. by Jones.**

GS 122C

Health, Social Services, and Aging

**S 482. ALJ FINAL DECISION AUTHORITY.** Filed 3/31/11. *TO AUTHORIZE ADMINISTRATIVE LAW JUDGES TO MAKE FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES COMMENCED UNDER ARTICLE 3 OF THE ADMINISTRATIVE PROCEDURE ACT.*

Amends GS 150B-23(a) to delete the restriction on when the State Personnel Commission may make final decisions in cases involving local government employees, applicants, or former employees subject to the State Personnel Act. Amends GS 150B-34 to provide that in each contested case the administrative law judge must make a final decision or order containing findings of fact and conclusions of law, and to delete provisions for agencies to make final decisions. Adds new GS 150B-34(e), authorizing an administrative law judge to grant judgment on the pleadings or a motion for summary judgment that disposes of all issues in the contested case, and providing that such an order must contain findings of fact and conclusions of law only to the extent the administrative law judge determines is required or allowed by Rule 12(c) or Rule 56 of the Rules of Civil Procedure. Amends GS 150B-51(c) to provide that a court, in reviewing a final decision in a contested case, must determine whether the decision is supported by substantial admissible evidence in view of the entire record. If the court determines that the decision is not supported by substantial evidence in the record, the court may reverse the decision or remand the case to the administrative law judge if the case was heard under Article 3 of Chapter

150B or to the agency if the case was heard under Article 3A, for entry of a decision in accordance with the evidence in the official records. Makes numerous conforming amendments repeals GS 150B-36 (concerning agency final decisions). Effective January 1, 2012, and applies to contested cases commenced on or after that date.

**Intro. by Hartsell.**

GS 150B

APA/Rule Making

**S 483. CREATE INDEPENDENT STATE FORENSICS LABORATORY.** Filed 3/31/11. *TO CREATE AN INDEPENDENT STATE FORENSICS LABORATORY TO PROVIDE FORENSIC SERVICES TO PROSECUTORS AND THE COURTS BY ANALYZING SUBMITTED EVIDENCE AND PROVIDING INDEPENDENT AND IMPARTIAL REPORTS BASED ON GENERALLY ACCEPTED SCIENTIFIC PRINCIPLES AND TO MAKE CORRESPONDING CHANGES TO GENERAL STATUTES AFFECTED BY THE CREATION OF AN INDEPENDENT STATE FORENSICS LABORATORY.*

Transfers all functions, powers, and duties of the State Bureau of Investigation's Crime Laboratory to the Office of the Attorney General (except that the Bureau shall retain any sworn law enforcement agents and certain equipment), and requires that the transfer be completed by June 30, 2011. Adds new GS 143B-216.80 to 143B-216.84, to (1) establish the North Carolina State Forensics Laboratory (State Crime Lab) in the Office of the Attorney General; (2) require the Attorney General to appoint a director of the State Crime Lab, who must be familiar with standards of accepted scientific methods and principles for examination of evidence in criminal cases, to serve at the will of the Attorney General; (3) require that laboratory and clinical facilities of state institutions be made available to the State Crime Lab; (4) provide that scientists and doctors working for the state may be called on to aid the State Crime Lab in evaluating, preparing, and preserving evidence, with a reasonable fee allowed by the Attorney General; (5) prohibit any employee of the State Crime Lab from being certified as a law enforcement officer by the Department of Justice, from holding any law enforcement certification or being sworn with any law enforcement agency in or outside the state, or having any law enforcement jurisdiction while performing duties of employment (making violation of the prohibition a Class 3 misdemeanor); and (6) require the State Crime Lab to make quarterly reports containing specified types of information.

Amends GS 8-58.20 to provide that in order to be admissible under the section, a forensic analysis must be performed by a laboratory accredited by an accrediting body that requires conformance to forensic specific requirements and that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing, and requires that DNA analyses and testing be performed by the same type of laboratory.

Makes numerous conforming amendments and directs the Revisor of Statutes to make any other required corresponding statutory changes. States that the act in no way affects any pending litigation and is only an administrative act designed to ensure continued integrity of the State Crime Lab.

**Intro. by McKissick, Kinnaird.**

GS 7A, 8, 15A, 20, 90, 114, 143B,

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

**S 484. REPS CREDITS AT CLEANFIELDS PARKS (=H 465).** Filed 3/31/11. *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.*

Identical to H 465, filed 3/24/11.

**Intro. by Jackson.**

UNCODIFIED

Energy and Utilities

**S 485. FARMLAND PRESERVATION SPECIAL PLATE.** Filed 3/31/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR FARMLAND PRESERVATION.*

Enacts new GS 20-79.4(b)(50a) as title indicates. Amends GS 20-63(b) to list the plate among those that are not required to be "First in Flight" plates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to the North Carolina Agricultural Development and Farmland Preservation Trust Fund. Effective July 1, 2011.

**Intro. by Jackson.**

GS 20

Transportation

**S 486. RELEASE SUBDIVIDED LOTS FROM TAX LIENS.** Filed 3/31/11. *TO REQUIRE THE RELEASE OF A SUBDIVIDED TRACT OF LAND FROM A TAX LIEN UPON PAYMENT OF TAXES DUE ON THAT TRACT.*

Amends GS 105-362(b)(2) to provide as title indicates. Effective for taxes imposed for taxable years beginning on or after July 1, 2011.

**Intro. by Stein, Vaughan,  
Newton.**

GS 105

Taxation; Property, Land Use, and  
Housing

**S 487. DISPUTED EARNEST MONEY/ATTORNEYS DEPOSIT.** Filed 3/31/11. *AUTHORIZING ATTORNEYS LICENSED IN THIS STATE TO DEPOSIT DISPUTED EARNEST MONEY WITH THE CLERK OF SUPERIOR COURT.*

Amends GS 93A-12, as the title indicates.

**Intro. by Stein, Vaughan,  
Newton.**

GS 93A

Courts

**S 488. LANDLORD/STATE BAR NOTICE OF LEASE DEFAULT.** Filed 3/31/11. *REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.*

Enacts new GS 42-14.4 requiring a landlord with knowledge that a tenant is or may have been an attorney to notify the NC State Bar (State Bar) at least 30 days before the destruction or sale of any potentially confidential materials remaining in the premises after the landlord obtains possession. Defines *potentially confidential materials* as client files, trust or operating account records, or other materials relating to client matters. Directs the landlord to provide the State Bar with the attorney's name, the location of the relevant materials, and the landlord's contact information. Requires the landlord to exercise reasonable care in removing, storing, and maintaining the materials. Permits the State Bar to take possession of the materials within the 30-day period without a court order. Details circumstances allowing the tenant to take possession, and exempts the landlord from liability for cooperation with the State Bar. Allows the landlord, after the 30-day period, to destroy or discard the materials in a manner to protect confidential information.

Enacts new subsection (h) to GS 44A-2 (concerning liens on personal property), requiring any landlord of residential or nonresidential property containing potentially confidential materials to notify the State Bar as required. Specifies that the materials are not the subject of a lien and must be destroyed or safely discarded if the State Bar does not take possession.

**Intro. by Stein, Vaughan,  
Newton.**

GS 42, 44A

Property, Land Use, and Housing

**S 489. COMMERCE TRACKS JOB CREATION/PUBLIC DATABASE.** Filed 3/31/11. *TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN AN ONLINE PUBLIC DATABASE AND TO POST INFORMATION ON THE INTERNET MEASURING JOB CREATION, RETENTION, AND WAGE ATTAINMENT IN NORTH CAROLINA RESULTING FROM STATE AND LOCAL GOVERNMENT ECONOMIC DEVELOPMENT INCENTIVES.*

Enacts new GS 143B-433.1 to 143B-433.3, to (1) require the Department of Commerce to create and maintain a publicly accessible online database containing data on each business or joint private venture the state has granted any discretionary economic development incentive (including incentives provided through the Job Development Investment Grant or the One North Carolina Fund) since January 1, 2005, but not including any project while under development or during competition with another state or nation; (2) require that the database be updated quarterly, and that it allow users to prepare custom reports through an interactive menu and full text search engine; (3) specify 17 types of data the database must contain at a minimum; (4) require the department, in addition to the database, to post on its Website a summary of all discretionary incentive grants depicted in graphical dashboard format, as specified in the act, and (5) specify reporting requirements relating to implementation of the act; any trends in the achievement of job creation, retention, and wage goals; and any action taken on grantees where clawbacks are in force and actions planned.

**Intro. by Rucho.**

GS 143B

Community and Economic  
Development; State Government;  
Employment and Retirement

**S 490. AUTOMOBILE INSURANCE REGULATORY MODERNIZATION.** Filed 3/31/11. *TO MODERNIZE THE NONFLEET PRIVATE PASSENGER AUTOMOBILE AND MOTORCYCLE INSURANCE REGULATORY ENVIRONMENT.*

Current law provides that the North Carolina Rate Bureau (Rate Bureau) was created under GS 58-36-1 to assume the functions formerly performed by the North Carolina Fire Insurance Rating Bureau, the North Carolina Automobile Rate Administrative Office, and the Compensation Rating and Inspection Bureau of North Carolina. Amends GS 58-36-1 to remove the functions of the North Carolina Automobile Rate Administrative Office from among those assumed by the Rate Bureau. Deletes GS 58-36-3(a)(6) which took away the Bureau's authority over insurance against theft or physical damage to motorcycles. Makes conforming changes to provisions in GS Chapter 58 dealing with the administration by the Rate Bureau of insurance coverage for nonfleet private passenger motor vehicles and motorcycles. Repeals GS 58-36-41, GS 58-36-65 through 58-36-85, and GS 58-36-95.

Enacts new GS 58-40-17 to provide that despite the definition of *nonfleet* in GS 58-40-10(2), an insurer may adopt rules, subject to the approval of the Commissioner of Insurance, that specify the circumstances under which more than four private passenger motor vehicles may be covered under a nonfleet private passenger motor vehicle policy that is subject to Article 40, *Regulation of Insurance Rates*, of GS Chapter 58.

Enacts new GS 58-40-145 to prohibit insurers from using credit scoring as the sole basis for (1) terminating an existing policy, (2) terminating coverage in an existing policy, or (3) subjecting a policy to a "consent rate" as specified in GS 58-40-30(c) without consideration of any other risk factors; however, does permit insurers to use credit scoring as the sole basis for discounting rates. Provides that for the purposes of subsection (b) of proposed GS 58-40-145 only, the term *existing policy* means a policy in effect for more than 60 days. Requires that an insurer provide the applicant or policyholder with written notice if a credit report was used in conjunction with other criteria to take an adverse action. Provides criteria regarding the content of the notice. Provides for re-underwriting or re-rating the insured as a result of disputed credit report information and a determination that the credit information was incorrect or incomplete under the dispute resolution process set forth in 611(a) of the federal Fair Credit Reporting Act, USC Section 1681i(a). Also provides criteria for refunds to the insured if premiums have been overpaid. Provides criteria for indemnification responsibilities of the insurer and filing requirements for the insurer. Enacts new GS 58-40-150 setting forth disclosure requirements regarding the use of non-original crash repair parts. Amends GS 58-40-155 providing remedies for an insurer when the applicant for the issuance or renewal of a nonfleet private passenger motor vehicle insurance policy knowingly makes a material misrepresentation on the application for a motor vehicle insurance policy.

Amends GS 58-40-10 deleting a motorized scooter or other similar motorized vehicle not used for commercial purposes from the definition for a *private passenger motor vehicle*. Adds proposed Articles 37A and 41 of GS Chapter 58 to those Articles to which the definitions in this statute apply.

Enacts new Article 37A, *Motor Vehicle Insurance Flex-Rating*, in GS Chapter 58 with provisions that apply only to nonfleet private passenger motor vehicle insurance written in North Carolina by any insurer licensed by the Commissioner of Insurance to write nonfleet private passenger motor vehicle insurance. Defines terms as they apply in this Article. Provides criteria for flex-rating, allowing an overall statewide increase or decrease of no more than 15% in a nonfleet private passenger motor vehicle insurance rate to take effect on or after the date it is filed. Provides restrictions on the frequency and timing of a rate filing and additional criteria regarding rate filings that provide for an increase greater than 15% when aggregated for all policy holders. Also specifies role of Commissioner in evaluating rate filings.

Makes conforming changes to GS 58-37-35 regarding rates for *clean risks* reinsured in the NC Reinsurance Facility (Facility) effective October 1, 2012. Amends GS 58-37-40(f) to provide that the charges set out in the plan of operation and determined on the basis of the surcharge are to be set out as a separate charge on any statement of applicable premium charges provided to the policyholder (was, combined and displayed as a part of the applicable premium charge).

Enacts new GS 58-37-80 directing the Facility to file, subject to review, modification, and promulgation by the Commissioner, rate classifications, schedules, or rules as deemed desirable and equitable by the Commissioner to classify drivers of nonfleet private passenger motor vehicles for purposes of reinsurance under Article 37 of GS Chapter 58. Requires the Facility to file a Safe Driver Incentive Plan (Plan) that distinguishes among various classes of drivers assigned to the Facility and provides premium differentials among those classes of drivers creating subclassification of drivers. Provides that the classifications and Plan filed by the Facility is subject to the filing, hearing, modification, approval, disapproval, review, and appeal procedures provided by law. Provides additional details regarding responsibilities and authority of the Facility in developing the Plan.

Enacts new GS 58-37-85 to provide that the subclassification presented under proposed GS 58-37-80 may provide for separate surcharges for major, intermediate, and minor accidents. Defines what constitutes a major, intermediate, and minor accident. Provides criteria regarding point value and surcharges assigned to at-fault accidents and certain moving violations and specifications based on the subclassification plan. Also provides exceptions to the Safe Driver Incentive Plan surcharges.

Requires the Executive Director and the Chair of the Board of Governors of the Facility to report to the Joint Legislative Commission on Government Operations on or before October 1, 2016, and again on or before October 1, 2018, on the size and market share of the Facility, and the analysis of the effective of the flex-rating authorized by Article 37A of GS Chapter 58 in reducing the size of the Facility. Effective October 1, 2012.

Except as otherwise indicated, effective October 1, 2014.

**Intro. by Rucho.** GS 58 Transportation

**S 491. SEDIMENTATION POLLUTION CONTROL ACT EXEMPTION.** Filed 3/31/11. *TO SPECIFY THAT THE AGRICULTURAL USE EXEMPTION FROM SEDIMENTATION POLLUTION CONTROL ACT PERMITTING REQUIREMENTS CONTINUES TO APPLY WHEN THE LAND IS TRANSFERRED INTO A WETLANDS RESTORATION PROGRAM OR OTHER WATER QUALITY, WATER RESOURCES, OR WILDLIFE HABITAT ENHANCEMENT PROGRAM.*

Amends GS 113A-52.01 to exempt from the Sedimentation Pollution Control Act activities on agricultural or forest land in cooperation with the Natural Resource Conservation Services or under the authority of the NC Soil and Water Conservation Commission that involved the installation of conservation practices in order to restore or enhance wetlands, or protect or improve water quality, water resources, or wildlife habitat.

**Intro. by Rouzer.** GS 113A Agriculture, Environment, and Natural Resources

**S 492. PROTECT LANDOWNER WATER RIGHTS.** Filed 3/31/11. *TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS, AND TO EXEMPT AGRICULTURAL PONDS FROM THE DAM SAFETY ACT.*

Enacts new GS 143-350.1, setting out seven principles that constitute the state's water resources policy, which shall govern administrative and judicial determinations regarding water use in the state and any political subdivision. These relate to the protection of water resources; the use of both regulatory and voluntary programs; the encouragement of conservation and efficiency, increased storage capacity, and reuse; recognition of the roles of landowners; and preservation of landowner water rights. Amends GS 143-215.22 to prohibit the state or a political subdivision from limiting a landowner's withdrawal and use of water, except as provided in Articles 21 and 38 of GS Chapter 143, when the water is from (1) a natural body of water on or abutting the landowner's property; (2) an impoundment constructed by or owned by the landowner; (3) wells constructed on the landowner's property; or (4) other natural sources of water on the landowner's property, such as captured stormwater, springs, and artesian wells. Amends GS 143-355.3, which deals with water shortage emergency powers, to provide that nothing in the section shall limit a landowner from withdrawing water from the sources listed above for use in agricultural activities (as defined in GS 106-581.1). Amends GS 143-215.25A, to exempt from the Dam Safety Law any dam constructed to provide water for agricultural use, when a person who is licensed as a professional engineer under GS Chapter 89C designed or approved plans for the dam and supervised its construction.

**Intro. by Rouzer, Jackson, East.** GS 143 Agriculture, Environment, and Natural Resources; Property, Land Use, and Housing

**S 493. CODIFY NC CENTURY FARMS PROGRAMS IN DACS.** Filed 3/31/11. *TO CODIFY THE NORTH CAROLINA CENTURY FARMS PROGRAM OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.*

Amends GS 106-22 to require the Commissioner of Agriculture, with the Board of Agriculture's consent, to administer the North Carolina Century Farms program. Effective July 1, 2011.

**Intro. by Daniel, Jackson.** GS 106 Agriculture, Environment, and Natural Resources

**S 494. GAS TAX REFUND FOR EMERGENCY COMMUNICATORS.** Filed 3/31/11. *TO PROVIDE FOR A REFUND FROM THE MOTOR FUEL EXCISE TAX FOR VOLUNTEER ORGANIZATIONS THAT PROVIDE COMMUNICATIONS SUPPORT DURING EMERGENCIES.*

Amends GS 105-449.106 to allow a refund of the motor fuel excise tax for a private nonprofit providing volunteer radio communications, traffic control, or logistical support during emergencies in cooperation with authorities and other volunteer organizations, if the organization owns the vehicles using the fuel and the organization is under contract with a city or county to provide its services.

**Intro. by Daniel.** GS 105 Emergency Services; Taxation

**S 495. DISTRICT COURT DIST. 25 RESIDENCY.** Filed 3/31/11. *TO PROVIDE BALANCE IN THE RESIDENCY OF THE DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 25.*

Amends GS 7A-133(b5), effective July 1, 2011, to provide that in District Court District 25, (1) only persons who reside in Catawba County may be candidates for six of the nine judgeships; (2) only persons who reside in Burke County may be candidates for two of the judgeships; (3) only persons who reside in Caldwell County may be candidates for one of the judgeships; and (4) qualified voters of the district shall elect all nine judges. Effective January 1, 2015, rewrites the subsection again to change the number of judgeships filled by candidates who reside in Catawba County to five and the number filled by candidates who reside in Caldwell County to two. Sets out election and term length provisions to implement the changes.

**Intro. by Daniel.**

GS 7A

Courts

**S 496. PPACA/REQUIRED FRAUD AND ABUSE PROVISIONS.** Filed 3/31/11. *TO PROVIDE FRAUD AND ABUSE PROVISIONS REQUIRED BY THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.*

Adds a new GS Chapter 108C, Medicaid and Health Choice Provider Requirements. Requires the Department of Health and Human Services (department) to conduct screening of Medicaid and Health Choice providers and applicants in accordance with the federal Affordable Care Act, related regulations, and the act. Designates types of providers as being in Limited, Moderate, or High Risk Provider Categories, and sets out screening requirements for Limited, Moderate, and High Screening Levels. If a provider could fit in more than one category, the highest must be used. If the provider is also enrolled in Medicare, the department may rely on screening performed by Medicare contractors, and for out-of-state providers, may rely on screening performed by comparable agencies of other states. Enrollment must be revalidated at least every five years. Enrolled providers must permit unannounced on-site inspections of all provider locations. Sets out criminal history record check requirements for certain providers. Authorizes the Division of Medical Assistance, in consultation with stakeholder groups and the state Department of Justice, to study the status of criminal history record and employment background checks among all providers and health care licensing boards and make recommendations to the General Assembly when it reconvenes in 2012 concerning the use of background checks in connection with participation in the Medicaid and Health Choice programs.

**Intro. by Pate.**

GS 108C

Health, Social Services, and Aging

**S 497. ECU/BD OF GOVERNORS DENTAL SCHOLARSHIP-LOAN (=H 357).** Filed 3/31/11. *TO PROVIDE THAT STUDENTS ACCEPTED FOR ADMISSION IN THE SCHOOL OF DENTISTRY AT EAST CAROLINA UNIVERSITY ARE ELIGIBLE FOR THE BOARD OF GOVERNORS' DENTAL SCHOLARSHIP PROGRAM.*

Identical to H 357, filed 3/15/11.

**Intro. by Pate, Jenkins, Vaughan.**

GS 116

Education

**S 498. MODIFY LAW RE: CORPORAL PUNISHMENT.** Filed 3/31/11. *TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT.*

Completely rewrites GS 115C-391(a)(5) to permit corporal punishment to be administered only on a student whose parent or guardian has stated in writing that corporal punishment may be administered on the student, and to require that parents and guardians be given a form to make an election about corporal punishment at the beginning of the school year or when the student first enters school during the school year. Applies beginning with the 2011-12 school year.

**Intro. by Pate, Purcell.**

GS 115C

Education

**S 499. CLARIFY AG DEVELOPMENT/PRESERVATION IN DACS.** Filed 3/31/11. *TO CLARIFY THAT IT IS THE DUTY OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ADMINISTER AND SUPERVISE THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT.*

As title indicates.

**Intro. by Rabon, Rouzer.**

GS 106

Agriculture, Environment, and  
Natural Resources

## Local Bills

**HOUSE BILLS**

**H 562. ASHEVILLE/WOODFIN BOUNDARY ADJUSTMENTS.** Filed 3/30/11. (1) TO ANNEX TO THE CITY OF ASHEVILLE CERTAIN DESCRIBED STATE-OWNED PROPERTY, (2) TO REMOVE FROM THE CORPORATE LIMITS OF THE TOWN OF WOODFIN AND ANNEX TO THE CITY OF ASHEVILLE OTHER CERTAIN STATE-OWNED PROPERTY, (3) TO ANNEX TO THE TOWN OF WOODFIN CERTAIN DESCRIBED STATE-OWNED PROPERTY, AND (4) TO ALLOW THE CITY OF ASHEVILLE, WITH THE APPROVAL OF THE PROPERTY OWNER AND THE TOWN OF WOODFIN, TO ANNEX ANY PART OF THE TOWN OF WOODFIN THAT IS TOTALLY SURROUNDED BY THE CITY OF ASHEVILLE.

As title indicates. Specifies that all deed book and plat book references in the act refer to documents recorded in the Buncombe County Register of Deeds. Effective June 30, 2011.

**Intro. by Fisher.** BUNCOMBE Buncombe

**H 565. MOREHEAD CITY/BEAUFORT BOUNDARY.** Filed 3/30/11. TO ESTABLISH A BOUNDARY LINE AGREEMENT AND LIMIT THE EXTRATERRITORIAL JURISDICTION AND ANNEXATION AUTHORITY WHICH MAY BE EXERCISED BY THE TOWNS OF MOREHEAD CITY AND BEAUFORT.

Addresses possible overlapping extraterritorial planning jurisdictions of the towns of Morehead City and Beaufort under Article 19 of GS Chapter 160A, as title indicates.

**Intro. by McElraft.** CARTERET Carteret

**H 581. AMEND LUMBERTON FIREMEN'S PENSION FUND.** Filed 3/31/11. TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND.

Amends Section 4 of SL 1991-792, as amended, paying any retired full time paid member of the fire department, as specified, a monthly amount from the Supplementary Pension Fund to be set by the Board of Trustees between \$2 and \$3.25 for each full year of service (current law pays \$3.25). Clarifies that any eligible member of the fire department who becomes permanently disabled *while in the furtherance of the member's duties as a fireman* and retires, as specified, receives the benefit amount equivalent to the benefit received by a retiree with 30 years of service.

**Intro. by Pierce, Pridgen, Graham.** ROBESON Robeson

**ACTION ON BILLS****March 31, 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**

H0007	Comm. Colleges/Opt Out of Fed'l Loan Program.	S	Reptd Fav
	02-22-11		
H0021	County Administration of Municipal Elections.	S	Reptd Fav
	03-10-11		
H0030	Allow Wage Garnishment to Satisfy Judgments.	H	Withdrawn From Com
		H	Re-ref Com On Judiciary Subcommittee C

H0090 Confectioners may use up to 5% Alcohol By Vol. 03-17-11	H Ratified
H0153 No State Retirement for Convicted Felons.  03-31-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/4/2011
H0159 Military Service Notation on Licenses. 03-08-11, 03-09-11	S Passed 2nd Reading
H0187 Require Labels for Ethanol-Blended Gasoline.	H Ratified
H0199 Req. DV Victim/List Prior Action Against Def. 03-31-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
H0218 Legislative Task Force on Childhood Obesity.	H Passed 2nd & 3rd Reading
H0234 Juror Qualifications/Disabilities. 03-16-11, 03-22-11	S Reptd Fav
H0263 Retirement Allowance/Remarriage Option.	H Passed 2nd & 3rd Reading
H0268 Disapprove Certain Reclaimed Water Rules. 03-31-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
H0280 County Law Enforcement Service District.  03-31-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/4/2011
H0335 Maintenance of Prisons.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/4/2011
H0382 Juvenile Code Revisions.-AB  03-31-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
H0383 Communications Regulatory Reform. 03-30-11	H Passed 2nd Reading H Placed On Cal For 4/5/2011
H0525 Hoke County's 100th Anniversary.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0526 Honor Wagram's 100th Anniversary.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0529 Swine House Renovations/Site Limits.	H Passed 1st Reading H Ref To Com On Agriculture
H0530 Conforming Changes/Persons W/ Disabilities Act.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0531 Involuntary Annexation Reform.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0535 Juror Privacy.	H Passed 1st Reading

H0538 Remove Restriction/LEO Disability Benefits.	H Ref To Com On Government H Passed 1st Reading H Ref to the Com on State Personnel, if favorable, Finance
H0540 Remove Adult Care Homes From CON Review.	H Passed 1st Reading H Ref To Com On Health and Human Services
H0541 CAP-MR/DD Waiver Change/ Residential Supports.	H Passed 1st Reading H Ref To Com On Health and Human Services
H0542 Tort Reform for Citizens and Businesses.	H Passed 1st Reading H Ref To Com On Judiciary H Withdrawn From Com H Re-ref Com On House Select Committee on Tort Reform
H0544 Local Government E-Mail Lists.	H Passed 1st Reading H Ref To Com On Government
H0547 ABC Law/Eastern Band of Cherokee Indians.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0549 Counties May Require Solid Waste Services.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0550 Asheville-Buncombe Regional Park Authority.	H Passed 1st Reading H Ref To Com On Government
H0551 Discovery/Medical Peer Review.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0554 Residential Building Inspections.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0555 2011 Speaker's Appointments Bill.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0556 Volunteer Service in Retirement.	H Passed 1st Reading H Ref to the Com on State Personnel, if favorable, Finance
H0559 Study/Municipal Electric Utilities.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0560 Honor Jeanne Fenner.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0561 Medians on U.S. Highway 70.	H Passed 1st Reading H Ref To Com On Transportation
H0563 Honor Ralph Campbell.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0564 School Capital Fund Formula/ Lottery Proceeds.	H Passed 1st Reading H Ref to the Com on Education,

		if favorable, Finance, if favorable, Appropriations
H0567 Mountain Resources Comm'n/ Staggered Terms.	H	Passed 1st Reading
	H	Ref To Com On Government
H0568 Legislative Mileage.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0569 Hunting Protection Act.	H	Passed 1st Reading
	H	Ref to the Com on Agriculture, if favorable, Judiciary
H0570 TANF Block Grant Funds/Boys & Girls Club.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0571 Prepaid Wireless/Point of Sale Collection.	H	Passed 1st Reading
	H	Ref to the Com on Commerce and Job Development, if favorable, Finance
H0572 Accountability for Publicly Funded Nonprofits.	H	Passed 1st Reading
	H	Ref To Com On Finance
H0575 Service Agreements/Allow Reserve Account.	H	Filed
H0576 Vacancy Special Election.	H	Filed
H0577 Medical Cannabis Act.	H	Filed
H0578 Health Care Sharing Organizations.	H	Filed
H0579 Modify Law Re: Corporal Punishment.	H	Filed
H0580 Local Human Services Administration.	H	Filed
H0582 Amend Felony Firearms Act/ Increase Penalties.	H	Filed
H0583 Allow Savings Promotion Raffles.	H	Filed
S0018 Clarify Definition/Jud. District/State Bar.	H	Passed 2nd & 3rd Reading
03-07-11		
S0031 Clarify Penalty Unauth. Practice of Medicine.	H	Postponed To 4/4/2011
03-03-11		
S0042 Lay Testimony/Child Witness Remote Testimony.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
03-28-11		
S0051 Charitable Solicitations/ Clarify Exemption.	S	Ratified
S0107 Tax of Improved Prop. in Roadway Corridors.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/4/2011
03-22-11		
S0215 State Treasurer's Investments.-AB	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Re-ref Com On Finance
03-31-11		
S0244 Fire and Rescue/Survivor's Benefit.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted

03-31-11			
S0248	Update Archaic Disability Terms.	H	Passed 2nd & 3rd Reading
03-17-11			
S0252	Devisee/Devise/Statutory Construction.	H	Passed 1st Reading
		H	Ref To Com On Judiciary
S0265	State Health Plan/Appropriations and Transfer.	HA	Amend Adopted 2
		H	Passed 3rd Reading
		H	Ordered Engrossed
03-22-11, 03-23-11, 03-30-11, 03-31-11			
S0296	Cooperative Innovative High School Programs.	S	Reptd Fav Com Substitute
		SA	Com Substitute Adopted
		S	Re-ref Com On Appropriations/Base Budget
03-31-11			
S0316	Add'l Section 1915 Medicaid Waiver Sites.	S	Withdrawn From Cal
		S	Placed On Cal For 4/5/2011
03-24-11			
S0323	Insurance Amendments.-AB	H	Passed 1st Reading
		H	Ref To Com On Insurance
03-24-11			
S0339	Modify Driver Education Program.	S	Reptd Fav Com Substitute
		SA	Com Substitute Adopted
03-31-11			
S0346	Exempt Cooking Schools from Food Regulations.	SA	Amend Adopted 1
		S	Passed 2nd & 3rd Reading
		S	Engrossed
03-31-11			
S0347	Report Health Care-Associated Infections.	S	Passed 2nd & 3rd Reading
S0368	Modify Public Swimming Pool Requirements.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/31/2011
		H	Passed 2nd & 3rd Reading
03-22-11, 03-31-11			
S0369	Confirm Joseph A. Smith Commissioner of Banks.	H	Withdrawn From Com
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 4/4/2011
S0375	Facilitate Statewide Health Info. Exchange.	S	Reptd Fav Com Substitute
		SA	Com Substitute Adopted
03-31-11			
S0384	Conforming Changes/Persons W/ Disabilities Act.	S	Passed 2nd & 3rd Reading
S0416	School Buses/State Vehicles/Tires.	SA	Amend Adopted 1
		S	Passed 2nd & 3rd Reading
		S	Engrossed
03-31-11			
S0442	Irish American Heritage Month.	S	Withdrawn From Com
		S	Placed On Cal For 3/31/2011
		S	Adopted
S0461	Amend Weight Limits for Farm Products.	S	Passed 1st Reading
		S	Ref To Com On Transportation
S0462	Distributn of Excise Tax On Title Instruments.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0463	Accountability for Taxpayer Investment Act.	S	Passed 1st Reading
		S	Ref To Com On Program

		Evaluation
S0464 Debt Reduction Act of 2011.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0465 Behavioral Health Management.	S	Passed 1st Reading
	S	Ref To Com On Mental Health & Youth Services
S0466 Modify Teacher Career Status Law.	S	Passed 1st Reading
	S	Ref To Com On Education/ Higher Education
S0467 Naturopathic Licensing Act.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0468 Juror Qualifications/ Disabilities.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0469 Smoking Ban/Exempt Age-Restricted Venues.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0470 Modify Comm. College Construction Process.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0471 Youth Skin Cancer Prevention Act.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0472 Norwood Water Lines.	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
S0473 The Solar Jobs Bill.	S	Passed 1st Reading
	S	Ref To Com On Commerce
S0474 Photo ID for Certain Controlled Substances.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0475 Funding for One LEA per County.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0476 New Home Purchase Stimulus.	S	Passed 1st Reading
	S	Ref to Finance. If fav, re-ref to Appropriations/Base Budget
S0477 Reduce Overpopulation of Reinsurance Facility.	S	Passed 1st Reading
	S	Ref To Com On Insurance
S0478 Office of Prosecution Services.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0479 Testing in the Public Schools.	S	Filed
S0480 Let Those Who Ride Decide.	S	Filed
S0481 Mental Health Workers' Bill of Rights.	S	Filed
S0482 ALJ Final Decison Authority.	S	Filed
S0483 Create Independent State Forensics Laboratory.	S	Filed
S0484 REPS Credits at Cleanfields Parks.	S	Filed
S0485 Farmland Preservation Special Plate.	S	Filed
S0486 Release Subdivided Lots From Tax Liens.	S	Filed
S0487 Disputed Earnest Money/ Attorneys Deposit.	S	Filed
S0488 Landlord/State Bar Notice of Lease Default.	S	Filed
S0489 Commerce Tracks Job Creation/	S	Filed

Public Database.  
 S0490 Automobile Insurance Regulatory Modernization. S Filed  
 S0491 Sedimentation Pollution Control Act Exemption. S Filed  
 S0492 Protect Landowner Water Rights. S Filed  
 S0493 Codify NC Century Farms Program in DACS. S Filed  
 S0494 Gas Tax Refund for Emergency Communicators. S Filed  
 S0495 District Court Dist. 25 Residency. S Filed  
 S0496 PPACA/Required Fraud and Abuse Provisions. S Filed  
 S0497 ECU/Bd of Governors Dental Scholarship-Loan. S Filed  
 S0498 Modify Law Re: Corporal Punishment. S Filed  
 S0499 Clarify Ag Development/ Preservation in DACS. S Filed

### LOCAL BILLS

H0056 Rocky Mount Annexations Repealed. H Passed 2nd Reading  
 H0156 Lenoir Fox Trapping. 03-30-11 H Passed 2nd & 3rd Reading  
 H0180 Wilmington Annexation Suspension. H Passed 2nd Reading  
 H0236 Biltmore Lake Annexation Repealed. H Passed 2nd Reading  
 H0296 Sampson-No Recordation For Delinquent Taxpayr. 03-31-11 HA Reptd Fav Com Substitute  
 H Re-ref Com On Finance  
 H0310 Kinston Mayoral Veto. 03-31-11 HA Reptd Fav Com Substitute  
 H Cal Pursuant Rule 36(b)  
 H Placed On Cal For 4/4/2011  
 H0322 Haywood School Board Filing Period. H Reptd Fav  
 H Cal Pursuant Rule 36(b)  
 H Placed On Cal For 4/4/2011  
 H0328 Wayne Sheriff Vacancies. H Reptd Fav  
 H Cal Pursuant Rule 36(b)  
 H Placed On Cal For 4/4/2011  
 H0338 Burke School Board Recall. H Reptd Fav  
 H Cal Pursuant Rule 36(b)  
 H Placed On Cal For 4/4/2011  
 H0360 Columbia Municipal Early Voting. 03-31-11 HA Reptd Fav Com Substitute  
 H Cal Pursuant Rule 36(b)  
 H Placed On Cal For 4/4/2011  
 H0362 Pasquotank Hunting. 03-31-11 HA Reptd Fav Com Substitute  
 H Re-ref Com On Finance  
 H0365 Pink Hill Elections. HA Reptd Fav Com Substitute

	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/4/2011
03-31-11		
H0523 CHANGE Winston-Salem/Forsyth Election Method.	H	Passed 1st Reading
	H	Ref To Com On Government
H0524 Durham Co./Pistol Purchase Permit App. Fee.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0527 Greensboro Motor Vehicle Levy.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0528 Duplin Elections.	H	Passed 1st Reading
	H	Ref To Com On Government
H0532 Graham County/Cemetery Tax By General Law.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0533 Cerro Gordo/Fair Bluff/Utility Liens.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0534 Mecklenburg/Juror Privacy.	H	Passed 1st Reading
	H	Ref To Com On Government
H0536 Lincoln School Board Districts.	H	Passed 1st Reading
	H	Ref To Com On Government
H0537 Wilkes Fire Tax Dist. Boundaries.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0539 Building Code/Webb Road Flea Market.	H	Passed 1st Reading
	H	Ref To Com On Government
H0543 Charlotte/Email Subscription List.	H	Passed 1st Reading
	H	Ref To Com On Government
H0545 Amend Moore County Occupancy Tax.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0546 Alternative Salary Plans/Charlotte-Meck. Sch.	H	Passed 1st Reading
	H	Ref To Com On Government
H0548 Swain/Graham County Line.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0552 Greater Asheville Reg. Airport Authority.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0553 School Calendar Pilot Program/Stanly County.	H	Passed 1st Reading
	H	Ref To Com On Education
H0557 Exempt Rowan County/Local Match/HCCBG Funds.	H	Passed 1st Reading
	H	Ref To Com On Government
H0558 Forsyth/Winston-Salem Zoning Amendments.	H	Passed 1st Reading
	H	Ref To Com On Government
H0562 Asheville/Woodfin Boundary Adjustments.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0565 Morehead City/Beaufort Boundary.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance

H0566 Grantsboro Charter Amendment.	H	Passed 1st Reading
	H	Ref To Com On Government
H0573 Raleigh Deannexation.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0581 Amend Lumberton Firemen's Pension Fund.	H	Filed
S0068 Robeson Hunting and Fishing.	S	Ratified
S0081 Orange County Local Disclosure Act Repeal.	S	Ratified
S0155 Wake Local Stormwater Utility Fees.	HA	Reptd Fav Com Substitute
03-31-11	H	Re-ref Com On Finance
S0281 Municipal Service District/ Streets.	S	Passed 3rd Reading
03-29-11		
S0295 Marshville Charter Consolidation.	S	Passed 3rd Reading

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 153. NO PUBLIC RETIREMENT FOR CONVICTED FELONS (NEW).** Filed 2/21/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 135-18.11(a), clarifying that, except as provided, the Board of Trustees of the Teachers' and State Employees' Retirement System will not pay retirement benefits or allowances, except for a return of member contributions plus interest, to any member convicted of a felony under federal or NC law if: (1) the offense is committed while the member is an employee, a teacher, *or an elected or appointed officer of a participating employer*, and (2) the individual's conduct is directly related to the individual's office or employment. Deletes provisions of proposed GS 135-18.11(b) and instead states that a court must find that the individual's conduct was directly related to the individual's office or employment, as specified. Deletes provision remitting all monies to the Civil Penalty and Forfeiture Fund. Makes conforming changes, and makes a conforming change to proposed GS 135-4(ii).

Extends the provisions of the act prohibiting felons from receiving retirement benefits as follows: enacts new GS 128-38.5 and 128-26(x) (Local Governmental Employees' Retirement System), new GS 135-75.2 and 135-56(j) (Consolidated Judicial Retirement Act), and new GS 120-4.34 and 120-4.12(g) (Legislative Retirement System).

Adds a new section amending GS 15A-1340.16(d)(9), clarifying that it is an aggravating factor if the defendant held public elected or appointed office or public employment at the time of the offense and the offense directly related to the conduct of the office or employment. Enacts new GS 15A-134016(f), directing the court to notify the State Treasurer if the court convicts the defendant and finds the aggravating factor under (d)(9). Requires the indictment to include notice of the state's intent to prove the aggravating factor under (d)(9).

Directs the State Treasurer to negotiate with specified U.S. Attorneys to create a memorandum of agreement providing notice of the applicable convictions.

Makes a conforming change to the title to reflect new bill content. Applies to offenses committed on or after December 1, 2011 (was, July 1, 2011).

Criminal Law, Procedure, and  
Sentencing; Employment and  
Retirement

**H 199. REQ. DV VICTIM/LIST PRIOR ACTION AGAINST DEF.** Filed 3/1/11. House committee substitute makes the following changes to 1st edition. Rewrites GS 50B-2(a) to (1) require the Administrative Office of the Courts to develop a form on which a party seeking a protective order must disclose whether the party has previously filed

any action or motion for domestic violence against the defendant and, if so, the disposition of the action; and (2) require the party seeking relief to file and serve the form with the complaint or motion.

Criminal Law, Procedure, and Sentencing; Family Law

**H 268. IMPLEMENTATION OF RECLAIMED WATER RULES (NEW).** Filed 3/9/11. House committee substitute makes the following changes to 1st edition. Rewrites the title of the bill to read, *TO PROVIDE THAT USES OF RECLAIMED WATER THAT ARE DEEMED TO BE PERMITTED BY REGULATION, WITHOUT THE ISSUANCE OF AN INDIVIDUAL PERMIT OR COVERAGE UNDER A GENERAL PERMIT, INCLUDES IRRIGATION OF ORNAMENTAL CROPS BY FIELD NURSERIES AND ABOVEGROUND CONTAINER NURSERIES AND TO PROVIDE THAT CERTAIN SETBACK REQUIREMENTS AND DESIGN CRITERIA FOR WASTEWATER TREATMENT STORAGE FACILITIES DO NOT APPLY TO ARTIFICIAL LAKES OR PONDS THAT ARE USED FOR STORAGE AND IRRIGATION OF RECLAIMED WATER AS PART OF A CONJUNCTIVE USE RECLAIMED WATER SYSTEM*. In uncodified provisions, requires the Environmental Management Commission to issue new rules replacing specified existing rules relating Permitting by Regulation and Reclaimed Water Utilization with provisions set out in the act and makes those provisions effective pending the effective date of the revised permanent rules.

APA/Rule Making; Agriculture, Environment, and Natural Resources

**H 280. COUNTY LAW ENFORCEMENT SERVICE DISTRICT.** Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Amends GS 153A-301 to modify the criteria to establish a law enforcement service district as follows: (1) increases the county population threshold to 900,000 (was 650,000) and (2) requires that less than 10% of the county's population is in an unincorporated area according to the most recent decennial census.

Local Government; Emergency Services

**H 296. SAMPSON-DELINQUENT TAXPAYERS (NEW).** Filed 3/9/11. House committee substitute makes the following changes to 1st edition. Rewrites title to read, *TO AUTHORIZE SAMPSON COUNTY TO PROHIBIT THE ISSUANCE OF A SPECIAL USE OR CONDITIONAL USE PERMIT, OR A BUILDING PERMIT, TO A DELINQUENT TAXPAYER, AND TO AUTHORIZE SAMPSON COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY*. Adds to the bill a new GS 153A-340(c2) and an amendment to GS 153A-357(c), as title indicates.

Sampson

**H 310. KINSTON MAYORAL VETO.** Filed 3/9/11. House committee substitute makes the following changes to 1st edition. Makes the amendment to the town charter providing the mayor with veto over actions adopted by the city council effective only if approved by the qualified voters at the November 8, 2011 election. Provides that if the majority of the votes are in favor of the change to the charter, then the changes become effective 30 days after the certification of the election results. Requires the Kinston city attorney to submit the election date for preclearance under the Voting Rights Act within 30 days of the act becoming law. Changes the effective date of the act to when the act becomes law. Makes conforming changes to the title.

Lenoir

**H 360. COLUMBIA MUNICIPAL EARLY VOTING.** Filed 3/15/11. House committee substitute makes the following changes to 1st edition. Completely rewrites the bill to amend GS 163-227.2(f) by adding a provision that the governing board in a county with a modified full-time board of elections office may provide by resolution that either (1) the board of elections will not be open for one-stop absentee voting beyond regular hours or (2) there will not be one-stop absentee voting for the municipal election. The addition applies only to a municipal election in the town of Columbia conducted on a date when there are no statewide or county issues or candidates on the ballot. Addresses when the resolution must be adopted and how long it remains in effect.

Tyrrell

**H 362. PASQUOTANK HUNTING.** Filed 3/15/11. House committee substitute makes the following changes to 1st edition. Makes it unlawful to hunt with a centerfire rifle except from a platform (was, from a permanent or portable stationary stand) that raises the lower level of the barrel to at least 8 feet above ground level.

Pasquotank

**H 365. PINK HILL ELECTIONS.** Filed 3/15/11. House committee substitute makes the following changes to 1st edition. Makes the amendment to the town charter providing for a four-year term for the mayor and for staggered four-year terms for the town commissions effective only if approved by the qualified voters at the November 8, 2011 election. Provides that if the majority of the votes are in favor of the change to the charter, then the changes apply to those elected in 2011. Makes conforming changes to the title.

Lenoir

**H 382. JUVENILE CODE REVISIONS.** Filed 3/16/11. House committee substitute makes the following changes to 1st edition. Deletes from GS 7B-503(a) the proposed change that would have added serious emotional damage as a ground for nonsecure custody pending adjudication in an abuse, neglect, or dependency case. Makes technical correction.

Children and Juvenile Law

## **SENATE BILLS**

**S 155. LOCAL STORMWATER UTILITY FEES (NEW).** Filed 3/1/11. House committee substitute makes the following changes to 1st edition. Expands the scope of the act to also include Durham and Winston-Salem. Makes a conforming change to the title.

Previously: Wake;  
Now: Wake; Forsyth; Durham

**S 215. STATE TREASURER'S INVESTMENTS.** Filed 3/3/11. Senate committee substitute makes the following changes to 1st edition. Clarifies that the assets authorized under GS 147-69.2(b)(8) can also be invested directly by the state treasurer in any equity securities for the purpose of approximating the movements of a *nationally recognized* and published market benchmark index.

State Government

**S 244. FIRE AND RESCUE/SURVIVOR'S BENEFIT.** Filed 3/7/11. Senate committee substitute makes the following changes to 1st edition. Clarifies that the act applies to beneficiaries of firefighters and rescue squad workers killed in the line of duty on or after the July 1, 2011, effective date.

Emergency Services; Employment  
and Retirement

**S 265. STATE HEALTH PLAN/APPROPRIATIONS AND TRANSFER.** Filed 3/8/11. House committee substitute makes the following changes to 3rd edition.

Clarifies that the State Health Plan for Teachers and State Employees (Plan) *may charge up to* the specified monthly premium rates for partially contributory coverage; adds rates for Medicare Primary status, distinguished from Non-Medicare Eligible/Medicare Secondary. Changes the monthly premium for Medicare eligible retirees under the Standard plan from \$17.59 to \$17.40. Clarifies that premium rates for contributory coverage *may be increased by up to 5.2%* for 2011-12 and *up to an additional 5.2%* for 2012-13.

Amends GS 135-45.2(d), adding that a dependent child is not eligible for Plan coverage if the dependent child is eligible for employer-based health care outside of the Plan.

Adds a section to amend GS 135-45.3 (enrollment), adding that eligible dependents younger than age 19 may enroll in the Plan at any time and will not be subject to any waiting period for a preexisting condition. Makes conforming changes, and makes conforming changes to GS 135-45.4 (concerning effective dates of coverage).

Adds a new section, effective July 1, 2010, to amend GS 135-44.4(18), permitting the Executive Administrator and Board of Trustees to authorize coverage or payment of claims denied as a result of administrative errors or system issues. Makes clarifying changes to GS 135-45.1(15) (definition for health benefits representative).

Amends the title of newly created Article 3B in GS Chapter 135 to read *State Health Plan for Teachers and State Employees*. Amends GS 135-48.1 (general definitions), defining *subscriber* as a Plan member who is not a dependent (was, a person who qualifies for coverage under the Plan as the primary insured). Deletes the term and definition for surviving spouse. Makes a clarifying change to GS 135-48.10(a) (confidentiality of information and medical records; provider contracts). Amends GS 135-48.27 (reports to the General Assembly; General Assembly access to information) to allow attendance by Legislative Services Commission employees at all Board

of Trustees meetings. Also makes GS 120-32.01(a) (requiring information be supplied to specified General Assembly divisions) applicable to the Claims Processor, the Treasurer, the Board of Trustees, the Executive Administrator, and the Plan. Amends GS 135-48.30, removing the State Treasurer's two powers related to long-term care benefits. Makes a clarifying change to GS 135-48.38 (concerning Medicare eligible members).

Adds new section to make a conforming change to GS 150B-1(d)(7) (exempting Article 3B from rule-making provisions of the Administrative Procedure Act). Effective January 1, 2012 (the date the Plan transfers to the State Treasurer), repeals Sections 1.2 (setting premium rate increases) and 1.3(a) (setting deductible, coinsurance, and co-payment increases) of the act.

Makes other clarifying and conforming changes.

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

**S 265. STATE HEALTH PLAN/APPROPRIATIONS AND TRANSFER**. Filed 3/8/11. House amendment makes the following change to 4th edition.

Amends GS 135-48.27 (reports to the General Assembly; General Assembly access to information), deleting the changes to that statute in the previous version applying GS 120-32.01(a) to specified parties, and instead states that employees of the Legislative Services Commission (1) have access to all records related to the Plan, as specified and (2) are entitled to attend all meetings of the Board of Trustees.

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

**S 296. DROPOUT RECOVERY PROGRAMS (NEW)**. Filed 3/9/11. Senate committee substitute makes the following changes to 1st edition.

Deletes all provisions of 1st edition and replaces with *AN ACT TO PERMIT COURSES FOR STUDENTS ENROLLED IN THE GATEWAY TO COLLEGE PROGRAM TO GENERATE BUDGET FTE AND TO DEVELOP AN APPROVAL PROCESS FOR DROPOUT RECOVERY PROGRAM PARTNERSHIPS BETWEEN LOCAL COMMUNITY COLLEGES AND LOCAL SCHOOL ADMINISTRATIVE UNITS*.

Amends GS 115D-20(4), authorizing local administrative boards and local school boards to establish dropout recovery programs in the boards' respective areas, subject to State Board of Community Colleges (Board) approval.

Amends Section 7.24(h) of SL 2010-13 to add that specified courses provided to students in the Gateway to College programs at the Durham Technical Community College or the College of the Albemarle will generate state funding through budget FTE.

Directs the Board, with the State Board of Education, to develop a process to approve high school dropout recovery program partnerships between local community colleges and local school administrative units, to examine specified programs for best practices, and to report to the Joint Legislative Education Oversight Committee before March 1, 2012, with any recommended legislation.

Effective July 1, 2011.

Education

**S 339. MODIFY DRIVER EDUCATION PROGRAM**. Filed 3/14/11. Senate committee substitute makes the following changes to 1st edition.

Amends GS 115C-215(b) to add the requirement of at least one hour of motorcycle safety awareness training to the driver education curriculum. Makes a technical change. Amends GS 115C-215(c) to add that the strategic plan, established by the State Board of Education (SBE), must also outline specific roles and duties of an advisory committee comprised of individuals from the Division of Motor Vehicles, the Department of Public Instruction, and other stakeholders in driver education. Clarifies that the plan must, at a minimum, include goals and performance indicators, including the number of program participants compared to the number of persons *projected to be* eligible to participate, and the success rate of participants. Makes a clarifying change. Directs the SBE to make all reports to specified committees by June 15, 2012 (was, February 15, 2012).

Education; Transportation

**S 346. EXEMPT COOKING SCHOOLS FROM FOOD REGULATIONS**. Filed 3/15/11. Senate committee substitute makes the following changes to 1st edition. Amends the definition of *bona fide cooking school* to require that the school primarily provide courses or instruction on food preparation techniques that participants can replicate at home (was, provide courses or instruction in the preparation of food).

Health, Social Services, and Aging

**S 368. MODIFY PUBLIC SWIMMING POOL REQUIREMENTS.** Filed 3/17/11. House committee substitute makes the following changes to 2nd edition.

The previous edition codified, in GS 130A-281 and 130A-282, the prohibitions on the Department of Environment and Natural Resources (DENR) against denying an operation permit to owner/operators of public swimming pools for failure to comply with fencing requirements unless certain conditions were met, and for failing to provide dressing/sanitary facilities in certain circumstances. New edition retains the same prohibitions, but removes the directives from codification, and instead directs the Commission for Public Health to adopt rules consistent with the directives to DENR before January 1, 2012. Clarifies that an owner/operator of a public swimming pool that received an operation permit before April 1, 2010 (was, who had a fence constructed before April 1, 2010) is required to comply with fencing rules (1) when at least 50% of the fence is damaged or destroyed or (2) the owner/operator elects to replace the fence.

Health, Social Services, and Aging

**S 375. FACILITATE STATEWIDE HEALTH INFO. EXCHANGE.** Filed 3/17/11. Senate committee substitute makes the following changes to 1st edition.

Expands the definition for *covered entity* to include any other facility or practitioner licensed by the state to provide health care services. Adds a definition for *qualified organization* meaning an entity designated by the NC health information exchange (HIE) to contract with covered entities on behalf of the NC HIE in order to facilitate the participation of those covered entities in the HIE Network.

Modifies the requirement that the NC HIE develop and enter into written participation agreements with covered entities that utilize the HIE Network to provide that instead of entering directly into participation agreements with covered entities, the NC HIE may enter into participation agreements with qualified organizations, which in turn, enter into participation agreements with covered entities. Also modifies the requirement that the NC HIE enter directly into a business associate contract with each of the covered entities participating in the HIE Network, providing instead that the NC HIE may enter into business associates contracts with qualified organizations, which in turn, enter into business associates contracts with covered entities.

Requires each covered entity electing to participate in the HIE Network to enter into a business associate contract and a written participation agreement with the NC HIE or qualified organization before disclosing or accessing any protected health information through the HIE Network.

Makes a conforming change.

Health, Social Services, and Aging

**S 416. SCHOOL BUSES/STATE VEHICLES/TIRES.** Filed 3/23/11. Senate amendment makes the following changes to 1st edition.

Amends proposed GS 143-63.2 and proposed GS 115C-249.1 to exempt from the new requirements tires with altered or covered sidewalls that are currently owned or that will be purchased in the future under a legally binding contract existing before the date the act becomes law.

State Government; Local  
Government; Transportation;  
Education

## Legislation Enacted

**SL 2011-16 (S 68). ROBESON HUNTING AND FISHING.** AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN ROBESON COUNTY. Summarized in *Daily Bulletin* 2/15/11. Enacted March 31, 2011. Effective October 1, 2011.

Robeson

**SL 2011-17 (S 81). ORANGE COUNTY LOCAL DISCLOSURE ACT REPEAL.** AN ACT TO REPEAL A LOCAL ACT CONCERNING FINANCIAL DISCLOSURE BY MEMBERS OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY SINCE A GENERAL LAW NOW PROVIDES FOR AN ETHICS POLICY. Summarized in *Daily Bulletin* 2/17/11. Enacted March 31, 2011. Effective March 31, 2011.

Orange

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## Notes

None

## NEXT SESSIONS

April 4, 2011

**HOUSE convenes at 7:00 p.m.**

**SENATE convenes at 7:00 p.m.**