

# Daily Bulletin

## ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 39

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## SUMMARIES OF BILLS FILED

### Public Bills

#### HOUSE BILLS

**H 583. [ALLOW SAVINGS PROMOTION RAFFLES.](#)** Filed 4/1/11. *TO ALLOW CREDIT UNIONS TO CONDUCT SAVINGS PROMOTION RAFFLES.*

Enacts new GS 54-109.64 as the title indicates. Makes a conforming change to GS 14-309. Limits the consideration for a chance at winning to the deposit of a minimum amount of money in the credit union's savings account or program. Effective October 1, 2011.

**Intro. by Sager, Shepard.**

GS 14, 54

Criminal Law, Procedure, and  
Sentencing; Banking and Finance

**H 584. [GOVERNOR'S BUDGET.](#)** Filed 4/1/11. *TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.*

Due to the fact that Governor Perdue's proposed budget was released on February 17, 2011, and has been available to the public well in advance of the filing of H 584, we will not be including a summary of the bill version of her budget. For the content of the bill, please follow the link included in the bill's short title above. Further

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information on the Governor's proposed budget can also be found on the Office of State Budget and Management's website at [http://www.osbm.state.nc.us/ncosbm/osbm\\_library/superpubs/budget1113.shtm](http://www.osbm.state.nc.us/ncosbm/osbm_library/superpubs/budget1113.shtm).

**Intro. by Gillespie, Barnhart, Brubaker, Johnson.** GS 14, 108A, 108C, 113, 120, 122C, 130A, 143, 143C, 105, 115C, 115D, 116, 127C, 150B, APPROP Budget and Appropriations

**H 585. NC ENERGY INDEPENDENCE SEARCH COMMITTEE.** Filed 4/1/11. *TO ESTABLISH THE NORTH CAROLINA ENERGY INDEPENDENCE SEARCH COMMITTEE TO CONTACT AND INVITE MAJOR ENERGY COMPANIES TO EXPLORE IN NORTH CAROLINA FOR NATURAL GAS, OIL, WIND, OR OTHER ENERGY SOURCES CAPABLE OF LARGE SCALE ENERGY PRODUCTION FOR THE PURPOSE OF NORTH CAROLINA BECOMING MORE ENERGY INDEPENDENT.*

Enacts new Part 22, *North Carolina Energy Independence Search Committee*, to Article 10 in GS Chapter 143B. Creates a three- member NC Energy Independence Search Committee (Committee) as title indicates. Charges the Committee with two specified responsibilities. Details the Committee schedule and members' term limits and directs the Committee to report by January 15 each year to the Secretary of Commerce, the General Assembly, and the NC Utilities Commission on findings, recommendations, and progress. Requires the first report be submitted by January 15, 2012. Specifies that the Department of Commerce must use funds available for the 2011-12 and 2012-13 fiscal years to implement the act. Effective July 1, 2011.

**Intro. by Pridgen.** GS 143B Energy and Utilities

**H 586. ENHANCE WATER SUPPLY FUNDING.** Filed 4/4/11. *TO AMEND THE CLEAN WATER MANAGEMENT TRUST FUND TO PROVIDE THAT THE FUND MAY BE USED TO PRESERVE LANDS FOR THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS.*

Amends GS 113A-256, adding that the Clean Water Management Trust Fund (Fund) Board of Trustees must also develop grant criteria considering water supply availability and the public's need for water resources adequate to sustain life and maintain public health, safety, and the economy. Makes conforming changes to GS 113A-253 (detailing Fund allocations), GS 113A-253.1 (annual appropriation to the Fund), and GS 113A-251 (purpose of the Fund) and provides for the preservation of land for water supply reservoirs. Makes clarifying changes.

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

**H 587. NORTH CAROLINA JOBS BILL.** Filed 4/4/11. *TO PROMOTE NORTH CAROLINA JOB GROWTH THROUGH REGULATORY REFORM.*

Amends GS 150B-2 (definitions applicable to the Administrative Procedure Act) to add two definitions. Defines *significant rule change* as a proposed rule that may: (1) have a significant effect on the economy, state, or local funds, (2) create an inconsistency with an action taken or planned by another agency, or (3) raise novel policy issues. Defines *small business* as a business entity, including affiliates, that (1) is independently owned and operated and (2) either has gross annual sales less than \$6 million or employs fewer than 500 full-time employees. Makes a technical change. Enacts new GS 150B-19(8), prohibiting an agency from adopting a rule that exceeds standards or requirements established by federal law or regulation, unless expressly required by an act of the General Assembly. Amends GS 150B-21.2(a)(2), directing an agency to prepare or obtain, when required, a fiscal note, cost-benefit analysis, and small business regulatory flexibility analysis before adopting a permanent rule. Amends GS 150B-21.2(c), requiring a notice of the proposed rule *or textual changes to an existing rule* to include, in addition to requirements under current law, a short summary of the existing regulations and an explanation of how the proposed rule would change those regulations, as specified. Also requires the notice to cite to the law giving the agency authority to adopt the rule and a detailed explanation of the specific citations, as detailed. Requires the notice to include a statement explaining how the fiscal note, cost-benefit analysis, or small business regulatory flexibility analysis was conducted and how to obtain copies, if applicable. Adds that the notice must include the right to judicial review for any person seeking to challenge the rule adoption.

Amends GS 150B-21.4(b1), requiring an agency to obtain a cost-benefit analysis (rather than a fiscal note) for the proposed rule change from the Office of State Budget and Management (OSBM) or prepare a cost-benefit analysis (rather than a fiscal note) for approval before the agency publishes the proposed text of a permanent rule change that would be a significant rule change (currently, would have a substantial economic impact) and that is not identical to a required federal regulation in the North Carolina Register. Further amends the statute, replacing all references to "fiscal note" with "cost-benefit analysis" and all references to "substantial economic impact" with "significant rule change." Clarifies that a significant rule change includes any rule with an aggregate financial

impact on all persons affected of at least \$3 million in a 12 -month period. Makes conforming changes. Amends GS 150B-21.4(b2), adding three items that the cost-benefit analysis must include to the current list. Enacts new subsection (b3) to GS 150B-21.4, directing the OSBM to reject the proposed rule based on the cost-benefit analysis if: (1) the projected costs exceed projected benefits, as detailed; (2) an alternative is less costly and reasonably likely to achieve the same objective; or (3) the proposed rule change would not achieve the stated purpose. Enacts new subsection (b4), directing the OSBM to approve the proposed rule if the rule minimizes the economic impact to the greatest extent possible and the rule responds to at least one of five specified considerations. Enacts new subsection (b5), requiring and detailing each agency's periodic review of rules. Directs agencies to review rules adopted after the act's enactment each year to minimize economic impact, and lists factors for consideration. Details reporting requirements and circumstances under which rules are amended or rescinded. Enacts new subsection (b6), requiring each agency to prepare a small business impact statement, including the listed information, before adopting any proposed regulation that may have an adverse impact on small businesses. Directs an agency to consider and provide to OSBM five enumerated methods to reduce the impact before the agency publishes in the NC Register, and requires that OSBM reject a proposed rule if the agency fails to take reasonable steps to reduce the impact. Makes clarifying changes to GS 150B-21.4(c).

Amends GS 150B-21.9 (standards and timetables for review by the Rules Review Commission), clarifying that the Rules Review Commission (Commission) must determine whether the rule is within the *clear* authority delegated to the agency by the General Assembly, *and* no reasonable argument can be made that the authority does not exist. The Commission must also determine that the rule is reasonably necessary to implement or interpret a state law (currently, state law or federal law or regulation), *and* that the General Assembly likely intended for the agency to adopt the rule. Adds that the Commission must determine that the OSBM properly approved the cost-benefit analysis and small business regulatory flexibility analysis, as required. Adds that the Commission may ask the OSBM to determine if the rule may have an adverse impact on small businesses and consequently requires a small business regulatory flexibility analysis, and directs the Commission to make the inquiry if an analysis was not prepared and the Commission receives a written request for determination. Deletes GS 150B-21.9(a1), which created a rebuttable presumption that a rule was adopted in accordance with Part 2, upon entry of the rule in the NC Administrative Code after review by the Commission. Makes conforming changes.

Enacts new GS 150B-21.17, directing the OSBM to provide an annual summary to the Commission, explaining why the OSBM directed each agency to rescind or amend a rule, or decided that no action on a rule was necessary. Requires the Commission to direct the OSBM to amend or rescind a rule if the Commission determines the agency could not demonstrate five specified circumstances. Permits a rule to be amended or rescinded only if the rule is not required to respond to at least one of five listed conditions. Amends GS 150B-43, which provides a right to judicial review, adding that any person is entitled to judicial review to determine whether a rule has been properly adopted within one year after the final rule's effective date.

Amends GS 62-3, defining *using and consuming public* as utility consumers solely in their roles as consumers. Amends GS 62-15, directing the Public Staff in the NC Utilities Commission (Utilities Commission) to consider only the interests of the using and consuming public in their interest as consumers. Prohibits the Public Staff from taking any action that would lead to higher prices unless the prices are clearly justified for more reliable or better utility services. Further adds that a member of the using and consuming public may petition the Utilities Commission to review whether the Public Staff acted according to the directive, and requires the Utilities Commission to take specified steps if the Public Staff did not.

Creates a 12 member Legislative Study Commission on Occupational Licensing (Study Commission). Details the Study Commission membership, duties, and administrative considerations. Directs the Study Commission to make a final report to the 2012 Regular Session of the General Assembly upon convening, and to terminate after filing the report. Appropriates \$50,000 from the General Fund to the General Assembly for 2011-12 to fund the Study Commission.

Effective July 1, 2011.

**Intro. by Bradley, H. Warren,  
Torbett, Hastings.**

APPROP, GS 150B, 62

Business and Commerce;  
APA/Rule Making; Budget and  
Appropriations; Energy and Utilities

**H 588. THE FOUNDING PRINCIPLES ACT.** Filed 4/4/11. *TO ENACT THE FOUNDING PRINCIPLES ACT.*

Current law directs local boards of education to require the teaching of the nation's founding and related documents during the high school years and specifies that the instruction is to include the major principles in the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers. Amends GS 115C-81(g) to direct local boards of education to require high schools to teach either a semester course or a full-year course that focuses on the following: (1) the philosophical foundations of

our form of government and (2) the principles underlying the Declaration of Independence, the U.S. Constitution, the Federalist Papers, and the writings of the Founders, which are the principles of government for a free people and are known as the "Founders Principles." Makes a conforming change to require that local boards of education include receiving a passing grade in either the semester course or full-year course on the Founders' Principles as a graduation requirement. Directs the State Board of Education to require any high school level curriculum-based test developed and administered statewide beginning with the 2012-13 academic year include questions related to the Founders' Principles. Requires the State Department of Public Instruction (DPI) and local school boards to provide or cause to be provided curriculum content and teacher training for the semester course or the full-year course on the Founders Principles.

Directs DPI to submit a biennial report to the Joint Legislative Education Oversight Committee and to the chairs of the education committees of the Senate and the House of Representatives that covers the implementation of GS 115C-81(g) and the statewide test results from the curriculum-based tests administered on the Founders' Principles curriculum.

Applies beginning with the 2012-13 school year.

**Intro. by Brubaker.**

GS 115C

Education

**H 589. DIVORCE/DVPO/CHILD SUPPORT CHANGES.** Filed 4/4/11. *TO ELIMINATE THE PROVISION OF LAW THAT STATES ALLEGATIONS IN A DIVORCE COMPLAINT ARE DEEMED DENIED REGARDLESS OF WHETHER THE DEFENDANT FILES A PLEADING DENYING THE ALLEGATIONS, AND TO AMEND THE LAWS RELATING TO DOMESTIC VIOLENCE PROTECTIVE ORDERS, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION; AND TO PROVIDE FOR TERMINATION OF CHILD SUPPORT WHEN A CHILD IS ENROLLED IN AN EARLY COLLEGE PROGRAM.*

Current law provides that the material facts in every complaint asking for a divorce are deemed to be denied by the defendant, even if the defendant does not file a pleading denying the allegations in the complaint. Amends GS 50-10 to delete that provision regarding pleadings in a divorce action.

Amends GS 50B-2(c) to provide that in an ex parte domestic violence protective order a court may not grant possession of the residence to the aggrieved party seeking the order without including a finding in the ex parte order that the other party has (1) attempted to cause or has intentionally caused bodily injury to the aggrieved party or a minor child, (2) has put the aggrieved party or a minor child in fear of imminent serious bodily injury, or (3) has committed any act defined in GS 14-27.2 through GS 14-27.7 against the aggrieved party or a minor child. Provides that once the other party has been served, if the court does not hold the hearing within 10 days from the date the ex parte order was issued or within seven days of the date of service on the other party, whichever comes later, then the ex parte order will expire unless the other party consents to scheduling the hearing at another time.

Amends GS 50-13.4(c) to provide that child support payments for a child enrolled in a cooperative high school program authorized under Part 9 of Article 16 of GS Chapter 115C are to end upon the completion of the child's fourth year of enrollment or when the child reaches age 18, whichever comes first.

Applies to actions filed on or after the date that this act becomes law.

**Intro. by Stevens.**

GS 50, 50B

Family Law

**H 590. AMEND INTERPRETER LAWS/CUED SPEECH.** Filed 4/4/11. *TO MAKE CLARIFYING CHANGES REGARDING CUED SPEECH UNDER THE LAWS REGULATING THE PRACTICE OF INTERPRETERS AND TRANSLITERATORS.*

Amends GS 90D-5(b)(6), stating that a member of the Hearing Loss Association of North Carolina (currently, a member of Self Help for Hard of Hearing) will sit on the NC Interpreter and Transliterators Licensing Board (Board). Amends GS 90D-7(a)(3), requiring an applicant to the Board to hold a valid Testing, Evaluation and Certification Unit, Inc. national certification in cued language interpretation (rather than holding a certification recognized by the National Cued Speech Association). Enacts new GS 90D-7(a)(3)e., requiring an applicant to hold a current Cued Language Transliterators State Level Assessment (CLTSLA) certification level 3 or above. Amends GS 90D-8(a1)(1), authorizing the Board to issue a provisional license to a deaf interpreter who completes 16 hours of training, as specified (currently, a certified deaf interpreter who completes 30 hours of training, as specified). Amends GS 90D-8(a1)(3), authorizing the Board to issue a provisional license to a cued language transliterator holding a CLTSLA level 2 classification (currently, a person who completes 40 hours of training, as specified).

**Intro. by M. Alexander.**

GS 90D

Employment and Retirement

**H 591. LDP CHANGES/IGNITION INTERLOCK EXEMPTION.** Filed 4/4/11. *TO AUTHORIZE A LIMITED DRIVING PRIVILEGE WITH AN IGNITION INTERLOCK REQUIREMENT FOR FIRST-TIME DWI OFFENDERS*

*WITH A REFUSAL REVOCATION, TO AUTHORIZE A LIMITED DRIVING PRIVILEGE FOR CERTAIN EIGHTEEN-, NINETEEN-, AND TWENTY-YEAR OLDS, AND TO PROVIDE AN EXCLUSION FROM THE IGNITION INTERLOCK REQUIREMENT AFTER TWO YEARS OF NONOPERATION.*

Enacts new subsection (e2) of GS 20-16.2 to provide a limited driving privilege for first offenders in certain instances. Specifies instances when a judge may grant a limited driving privilege to a person whose license was revoked for refusing to consent to a chemical analysis under the statute. Requires that the person have never been convicted of an offense involving impaired driving and that limited driving privilege include (1) a restriction that the applicant may only operate a designated motor vehicle; and (2) the designated vehicle must be equipped with a functioning ignition interlock system of a type approved by the Commissioner of Insurance, and set to prohibit driving with an alcohol concentration greater than 0.00. Provides that specified provisions of GS 20-179.3 (limited driving privilege), except as modified in this proposed subsection, apply to applications for limited driving privileges under this proposed subsection. Provides that if a person's license is revoked for any other reason other than under this section and GS 20-17(a)(2) (specified impaired driving offenses), the limited driving privilege is invalid. Makes a conforming change to GS 20-16.2(e1).

Amends GS 20-179.3(b) to provide that a person who is 18, 19, or 20 years of age is eligible for a limited driving privilege under this statute unless the person has a prior conviction under GS 20-138.1 or is convicted of violating GS 20-138.1 (impaired driving) and GS 20-138.3 (driving by a person less than 21 years old after consuming alcohol or drugs) contemporaneously. Makes a conforming change.

Amends GS 20-179.3(e) to provide that a limited driving privilege issued under this statute authorizes a person to drive only if the person's license is revoked solely under GS 20-17(a)(2) and GS 20-13.2(b), or as a result of a conviction in another jurisdiction substantially similar to impaired driving under GS 20-138.1 (was, license is revoked solely under GS 20-17(a)(2)).

Enacts new GS 20-17.8A to provide that a person who (1) would be subject to the provisions of GS 20-17.8, (2) does not operate a motor vehicle on any public vehicular area for a period of at least two years, and (3) has not applied for the restoration of any driving privileges under any provisions of GS Chapter 20 prior to the expiration of two years from the date of the conviction is eligible for a restoration of the person's driver's license without requiring that as a condition of restoration the use of an ignition interlock system.

Effective December 1, 2011, and applies to limited driving privileges and licenses restored on or after that date.

**Intro. by Ingle, Faircloth, Stevens.** GS 20 Transportation

**H 592. STUDY COUNTY PUBLIC-PRIVATE PARTNERSHIPS.** Filed 4/4/11. *TO STUDY WHETHER TO AUTHORIZE COUNTIES TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS AND TO PROVIDE COMMUNICATIONS SERVICES THROUGH PUBLIC-PRIVATE PARTNERSHIPS.*

As the title indicates. Requires the Legislative Research Commission to report to the 2011 Regular Session of the General Assembly before it reconvenes in 2012.

**Intro. by Collins, Howard, Tolson, Carney.** STUDY General Assembly; Local Government

**H 593. ALLOW COUNTY PUBLIC-PRIVATE PARTNERSHIPS.** Filed 4/4/11. *TO AUTHORIZE COUNTIES TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS AND TO ALLOW COUNTIES TO PROVIDE COMMUNICATIONS SERVICES THROUGH PUBLIC-PRIVATE PARTNERSHIPS.*

Amends GS 153A-11 to allow counties to enter into public-private partnerships. Enacts new GS 153A-456, permitting a county to provide a wired or wireless network for communications services through a public-private partnership. Amends GS 153A-149(c) to allow counties to levy property taxes to provide the communications network, as specified.

**Intro. by Collins.** GS 153A Local Government

**H 594. FUNCTIONALLY EQUIVALENT WASTEWATER SYSTEMS.** Filed 4/4/11. *TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO DESIGNATE AS AN ACCEPTED ON-SITE SUBSURFACE WASTEWATER SYSTEM ANY WASTEWATER SYSTEM THAT IS SHOWN BY THE CERTIFIED DOCUMENTATION OF AN INDEPENDENT, THIRD-PARTY ENGINEERING OR TESTING LABORATORY TO BE FUNCTIONALLY EQUIVALENT TO AN ACCEPTED ON-SITE SUBSURFACE WASTEWATER SYSTEM.*

Enacts new GS 130A-343(h1) as the title indicates. Provides that the manufacturer of a wastewater system that is functionally equivalent to an accepted wastewater system may petition the Commission for Public Health (Commission) to have the system designated as an accepted wastewater system as provided in this subsection.

Specifies information and data that the manufacturer is to provide to the Commission. Includes criteria for the Commission to consider in making its decision. Provides mandatory requirements that the performance characteristics of the wastewater system that is the subject of the petition must satisfy. Makes a conforming change to GS 130A-343(h).

Applies to wastewater systems that are designated by the Commission or after the effective date.

**Intro. by Hilton, Gillespie.** GS 130A Health, Social Services, and Aging

**H 595. REORGANIZATION/LEGISLATIVE OVERSIGHT COMMS.** Filed 4/4/11. *CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES.*

As title indicates. Makes changes to the following legislative committees and commissions: Legislative Services Commission; Joint Legislative Commission on Governmental Operations Joint Regulatory Reform Committee Joint Legislative Oversight Committee on Justice and Public Safety Joint Legislative Education Oversight Committee; Joint Legislative Oversight Committee on Health and Human Services Joint Legislative Transportation Oversight Committee Joint Legislative Oversight Committee on Local Government Joint Legislative Economic Development Oversight Committee and Environmental Review Commission. Makes conforming statutory changes.

**Intro. by Barnhart, Burr.** GS 7A, 15A, 58, 62, 62A, 93B, 95, General Assembly  
108A, 113, 120, 122C, 130A,  
131D, 131E, 143, 143B, 147,  
148, 150B, 159B

House Bills 596 through 616 will be summarized in tomorrow's *Daily Bulletin*.

## SENATE BILLS

**S 500. GOVERNOR'S BUDGET (=H 584).** Filed 4/4/11. *TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.* Identical to H 584, filed 4/4/11.

**Intro. by Brunstetter, Hunt, Stevens.** GS 14, 143, 120, 113, 130A, 122C, Budget and Appropriations  
143C, 108A, 108C, 150B, 105,  
115C, 115D, 116, 127C,  
APPROP

**S 501. SWINE HOUSE RENOVATIONS/SITE LIMITS (=H 529).** Filed 4/4/11. *TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS.* Identical to H 529, filed 3/30/11.

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

**S 502. VOTING MATERIALS IN ENGLISH.** Filed 4/4/11. *TO RESTRICT VOTER REGISTRATION FORMS AND BALLOTS TO THE ENGLISH LANGUAGE EXCEPT AS REQUIRED BY FEDERAL LAW.*

Enacts new GS 163-82.4A and makes a conforming change to GS 163-82.5. Provides that the act does not affect a board of election's acceptance of an otherwise valid voter registration application on a form that is not in English. Effective January 1, 2012.

**Intro. by Brock.** GS 163 Elections Law

**S 503. NO SECOND PRIMARIES.** Filed 4/4/11. *TO ELIMINATE SECOND PRIMARIES.*

Amends GS 163-111 (currently provides for determination of primary results; second primaries), deleting the provisions applicable to second primaries, and makes a conforming change to the statute's catch line. Amends GS 160A-23.1(d) to delete the provisions governing a second primary. Deletes the provisions related to second primaries in various statutes of GS Chapter 163. Repeals GS 163-227.1, 163-227.3(b), and 163-278.13B(d).

**Intro. by Davis.** GS 160A, 163 Elections Law

**S 504. WATER INFRASTRUCTURE AUTHORITY/ WATER GRANTS.** Filed 4/4/11. *TO ESTABLISH THE NORTH CAROLINA WATER AND WASTEWATER INFRASTRUCTURE AUTHORITY TO ADMINISTER THE STATE'S FUNDING FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS, TO TRANSFER THE CONSTRUCTION GRANTS AND LOANS SECTION OF THE DIVISION OF WATER QUALITY AND THE FINANCIAL SERVICES UNIT IN THE PUBLIC WATER SUPPLY SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE AUTHORITY, TO PROVIDE THAT THE CLEAN WATER MANAGEMENT TRUST FUND SHALL NOT FUND WASTEWATER PROJECTS, TO TRANSFER ANNUALLY THE SUM OF TWENTY-FIVE MILLION DOLLARS FROM THE CLEAN WATER MANAGEMENT TRUST FUND TO THE WATER INFRASTRUCTURE FUND TO PROVIDE GRANT AND LOAN FUNDS FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS, TO DIRECT THE AUTHORITY AND THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER TO DEVELOP A TRANSITION PLAN TO MOVE THE WATER AND WASTEWATER PROGRAMS FROM THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER TO THE AUTHORITY, AND TO MAKE CONFORMING STATUTORY CHANGES.*

Enacts new Article 5 of GS Chapter 159G establishing the North Carolina Water and Wastewater Infrastructure Authority (Authority). Locates the Authority in the Department of Environment and Natural Resources (DENR) for administrative purposes. Provides definitions for the following as they apply in the proposed Article: (1) Authority means the NC Water and Wastewater Infrastructure Authority established in new GS 159G-71; (2) Commission means the State Water Infrastructure Commission; and (3) Strategic plan means the statewide strategic plan for the state's water and wastewater infrastructure developed by the Commission.

Provides for 12 members with four members each appointed to the Authority by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. Provides guidelines and criteria for initial appointments, terms, member qualifications, selection of a chair, filling of vacancies, and meeting other organizational needs of the Authority. Declares that the purpose of the Authority is to administer the state's funding for water and wastewater infrastructure projects. Identifies the duties of the Authority including awarding grants and loans for water and wastewater systems and implementing and maintaining the strategic plan for the State's water and wastewater infrastructure developed by the Commission after the plan is approved by the General Assembly. Requires the chair of the Authority to report each year by January 1 to the Joint Legislative Commission on Governmental Operations, the Environmental Review Commission, the Subcommittees on Natural and Economic Resources of the House of Representatives and Senate Appropriations Committees, and the Fiscal Research Division of the General Assembly regarding the implementation of the Authority's duties under proposed GS 159G-72. Includes specifications regarding the content of the report.

Directs the Authority to appoint an Executive Director (ED), provides for hiring of clerical and other assistance as necessary by the ED, and provides criteria regarding compensation for the ED.

Requires any state agency or other entity receiving state or federal funds to fund state water or wastewater infrastructure to cooperate with the Authority in using and disbursing those funds pursuant to the strategic plan. Directs the Department of Commerce to notify the Authority of grants and loan guarantees that it awards under GS 143B-431(d) for waste and wastewater infrastructure under the Community Development Block Grant program and of funds provided for water and wastewater infrastructure projects from the Industrial Development Fund established in GS 143B-437.01.

Under current law, GS 113A-253.1(a), the General Assembly appropriates \$100 million from the General Fund to the Clean Water Management Trust Fund each calendar year. Amends GS 113A-253.1(a) to provide that \$25 million of the funds appropriated under this section are to be transferred annually to the Water Infrastructure Fund established in GS 159G-22 to be used in accordance with GS Chapter 159G.

Transfers the Construction Grants and Loans Section of the Division of Water Quality and the Financial Services Unit in the Public Water Supply Section of the Division of Environmental Health from DENR to the Authority. Requires the Authority and the Rural Economic Development Center to develop a transition plan for the transfer of the Clean Water Partners Program and the water and wastewater portion of the Economic Infrastructure Program currently operated by the Rural Economic Development Center and program funds to the Authority by July 1, 2012.

Amends GS 113A-253 and GS 113A-254 to provide that the Clean Water Management Trust Fund will not fund wastewater projects. Repeals Article 4 of GS Chapter 159G (established the State Water Infrastructure Commission). Amends GS 159G-30 to move the responsibility for administering loans and grants made from the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, the Wastewater Reserve, and the Drinking Water Reserve from DENR to the Authority. Amends GS 159G-32 to authorize the Authority (was, DENR) to make loans and grants from the Wastewater Reserve for certain specified projects and to make loans and grants from the Drinking Water Reserve for public water system projects.

Makes additional conforming changes to GS Chapter 159G-20, through 159G-26, 159G-30, 159G-32 through 159G-35, and 159G-37 through 159G-44.

Effective July 1, 2012.

**Intro. by Hartsell.**

GS 159G, 113A

Agriculture, Environment, and  
Natural Resources; Community  
and Economic Development

**S 505. EQUAL TREATMENT UNDER SMFP.** Filed 4/4/11. *TO ENSURE EQUAL TREATMENT OF HEALTH SERVICE APPLICANTS UNDER THE STATE MEDICAL FACILITIES PLAN.*

Amends GS 131E-183 as the title indicates.

**Intro. by Hartsell.**

GS 131E

Health, Social Services, and Aging

**S 506. JUVENILE AGE TO 18.** Filed 4/4/11. *TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS ALLEGED DELINQUENT FOR A CLASS A-E FELONY SHALL BE TRANSFERRED TO ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by Hartsell, Bingham,  
McKissick.**

GS 5A, 7B, 14, 143B

Children and Juvenile Law;  
Criminal Law, Procedure, and  
Sentencing

**S 507. CLARIFY EXCEPTION/ REAL ESTATE BROKER LAWS.** Filed 4/4/11. *TO ALLOW AN EMPLOYEE OF A PERSON OR BUSINESS ENTITY WHO PERFORMS REAL ESTATE BROKER ACTS AS RELATED TO PROPERTY OWNED OR LEASED BY THE PERSON OR BUSINESS ENTITY TO BE EXEMPT FROM THE REQUIREMENTS OF LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS.*

Amends GS 93A-2(c)(1) to provide the exemption from the licensure requirements regulating real estate brokers and salespersons as the title indicates.

**Intro. by Hunt.**

GS 93A

Property, Land Use, and Housing

**S 508. CLARIFY VACCINE EXEMPTIONS/EMERG. MGMT ACT.** Filed 4/4/11. *TO CLARIFY THE APPLICABILITY OF MEDICAL AND RELIGIOUS VACCINE EXEMPTIONS TO THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT.*

Amends GS 130A-156 to require the Commission for Public Health to adopt by rule medical contraindications to immunizations required by GS Chapter 130A (Public Health) or GS Chapter 166A (North Carolina Emergency Management Act) (was, required by GS 130A-152). Amends GS 130A-157 to provide that an adult or child is exempt from immunization requirements in GS Chapter 130A or GS Chapter 166A (was, GS Chapter 130A) if the religious beliefs of an adult or the parent, guardian, or person in loco parentis of a child are contrary to immunization requirements.

**Intro. by Kinnaid.**

GS 130A

Emergency Services; Health,  
Social Services, and Aging

**S 509. "BAN THE BOX"/PUBLIC EMPLOYMENT.** Filed 4/4/11. *TO PROHIBIT A PUBLIC EMPLOYER FROM INQUIRING INTO OR CONSIDERING THE CRIMINAL RECORD OF A JOB APPLICANT UNTIL THE APPLICANT HAS BEEN SELECTED FOR AN INTERVIEW BY THE EMPLOYER.*

Enacts new GS 15A-153 as the title indicates. Exempts the Department of Corrections or public employers who have a statutory duty to collect a criminal history check or otherwise consider an employee's criminal history in the hiring process. Provides that the statute does not prohibit a public employer from notifying applicants that law or the employer's policy will disqualify an individual with a particular criminal history record from employment in particular positions. Applies to applications submitted on or after July 1, 2011.

**Intro. by D. Berger, McKissick.**

GS 15A

Employment and Retirement



**S 510. HONOR B HOLT (=H 608).** Filed 4/4/11. *HONORING THE LIFE AND MEMORY OF BERTHA "B" MERRILL HOLT.* Identical to H 608, filed 4/4/11.

**Intro. by Kinnaid, Blue.**

HOUSE RES

General Assembly

**S 511. CITIES/COMMUNICATIONS SERVICE.** Filed 4/4/11. *TO PROMOTE ECONOMIC DEVELOPMENT BY PROVIDING NEW AND ENHANCED COMMUNICATIONS SERVICES TO THE PUBLIC AND ENCOURAGING THE USE OF PUBLIC-PRIVATE PARTNERSHIPS IN PROVIDING COMMUNICATIONS SERVICES.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by Hartsell, Newton,  
Meredith.**

GS 160A

Community and Economic  
Development; Local Government

### Local Bills

None

## ACTION ON BILLS

April 4, 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 Amend Failed 1 S Amend Failed 2 S Amend Failed 3 S Amend Failed 4 S Passed 2nd & 3rd Reading
02-22-11		
H0021	County Administration of Municipal Elections.	S Passed 2nd & 3rd Reading
03-10-11		
H0033	Consular Documents Not Acceptable as ID	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
02-28-11, 03-24-11		
H0059	Sex Offenders Can't Be EMS Personnel.	S Reptd Fav Com Substitute SA Com Substitute Adopted
02-17-11, 04-04-11		
H0087	Sunshine Amendment.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/5/2011
03-16-11, 03-17-11, 04-04-11		
H0111	Handgun Permit Valid in Parks & Restaurants.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate

03-23-11, 03-29-11			
H0153 No Public Retirement for Convicted Felons.	H	Postponed To 4/5/2011	
03-31-11			
H0159 Military Service Notation on Licenses.	S	Passed 3rd Reading	
03-08-11, 03-09-11			
H0199 Req. DV Victim/List Prior Action Against Def.	H	Placed On Cal For 4/5/2011	
03-31-11			
H0218 Legislative Task Force on Childhood Obesity.	S	Rec From House	
	S	Passed 1st Reading	
	S	Ref To Com On Rules and Operations of the Senate	
H0234 Juror Qualifications/Disabilities.	S	Withdrawn From Cal	
	S	Placed On Cal For 4/5/2011	
03-16-11, 03-22-11			
H0261 Intrastate Motor Carrier Markings.	S	Passed 1st Reading	
	S	Ref To Com On Transportation	
03-29-11			
H0263 Retirement Allowance/Remarriage Option.	S	Rec From House	
	S	Passed 1st Reading	
	S	Ref To Com On Pensions & Retirement and Aging	
H0268 Implenmentation of Reclaimed Water Rules.	H	Placed On Cal For 4/5/2011	
03-31-11			
H0280 County Law Enforcement Service District.	H	Passed 2nd Reading	
03-31-11			
H0316 Modify NCGA Police Powers.	S	Withdrawn From Com	
	S	Re-ref Com On Rules and Operations of the Senate	
03-16-11, 03-17-11			
H0335 Maintenance of Prisons.	H	Postponed To 4/11/2011	
H0336 Amend Weight Requirements-Certain Vehicles.	S	Passed 1st Reading	
	S	Ref To Com On Transportation	
03-29-11			
H0382 Juvenile Code Revisions.-AB	H	Placed On Cal For 4/5/2011	
03-31-11			
H0574 Distribution Mod To Excise Tax On Conveyances.	H	Passed 1st Reading	
	H	Ref To Com On Appropriations	
H0575 Service Agreements/Allow Reserve Account.	H	Passed 1st Reading	
	H	Ref To Com On Insurance	
H0576 Vacancy Special Election.	H	Passed 1st Reading	
	H	Ref To Com On Elections	
H0577 Medical Cannabis Act.	H	Passed 1st Reading	
	H	Ref To Com On Rules, Calendar, and Operations of the House	
H0578 Health Care Sharing Organizations.	H	Passed 1st Reading	
	H	Ref To Com On Insurance	
H0579 Modify Law Re: Corporal Punishment.	H	Passed 1st Reading	
	H	Ref To Com On Rules, Calendar, and Operations of the House	

H0580	Local Human Services Administration.	H	Passed 1st Reading
		H	Ref To Com On Health and Human Services
H0582	Amend Felony Firearms Act/ Increase Penalties.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0586	Enhance Water Supply Funding.	H	Filed
H0587	North Carolina Jobs Bill.	H	Filed
H0588	The Founding Principles Act.	H	Filed
H0589	Divorce/DVPO/Child Support Changes.	H	Filed
H0590	Amend Interpreter Laws/Cued Speech.	H	Filed
H0591	LDP Changes/Ignition Interlock Exemption.	H	Filed
H0592	Study County Public-Private Partnerships.	H	Filed
H0593	Allow County Public-Private Partnerships.	H	Filed
H0594	Functionally Equivalent Wastewater Systems.	H	Filed
H0595	Reorganization/Legislative Oversight Comms.	H	Filed
H0596	Transfer Surplus Prop. to Retirement System.	H	Filed
H0597	UI/Fix Aggrieved Party Definition.	H	Filed
H0598	NC Highway 54 Corridor Study.	H	Filed
H0599	Patient's Right/Notice of Prof. Liab. Ins.	H	Filed
H0600	Allow/Controlled Substance Felony/Wk 1st/SNAP.	H	Filed
H0601	Reduce Bloodborne Disease Infection.	H	Filed
H0602	Law Enforcement Officer Fairness Act.	H	Filed
H0603	Paying of Overweight Fines by Private Parties.	H	Filed
H0604	Exempt Military Retirement From Income Tax.	H	Filed
H0605	Expand Setoff Debt Collection Act.	H	Filed
H0606	Sheriff/Inspect Prescription Drug Records.	H	Filed
H0607	Habitual DWI Restoration Clarification.	H	Filed
H0608	Honor B Holt.	H	Filed
H0609	Promote Water Supply Development.	H	Filed
H0610	Hog Lagoon Phase Out/ Livestock Treatment.	H	Filed
H0611	Political Robo Calls/Do Not Call Registry.	H	Filed
H0612	Incapacity To Proceed/LRC Study.	H	Filed
H0613	NC-THINKS Program Amendments.	H	Filed

H0614 DMA Post Public Notices of Change on Website.	H	Filed
H0615 No Discriminatory Purpose in Death Penalty.	H	Filed
H0616 Amend Engineers and Surveyors Laws.	H	Filed
S0002 Chamberlin's Law.	S	Withdrawn From Com
	S	Re-ref Com On Rules and Operations of the Senate
S0005 Honor John McNeill Smith, Jr.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
S0018 Clarify Definition/Jud. District/State Bar.	S	Ratified
03-07-11		
S0031 Clarify Penalty Unauth. Practice of Medicine.	H	Postponed To 4/5/2011
03-03-11		
S0049 Increase Fine for Speeding/School Zones.	S	Rec To Concur H Com Sub
	S	Placed On Cal For 4/5/2011
02-28-11, 03-01-11, 03-23-11		
S0051 Charitable Solicitations/Clarify Exemption.	S	Pres. To Gov. 4/1/2011
S0107 Tax of Improved Prop. in Roadway Corridors.	H	Passed 2nd & 3rd Reading
03-22-11		
S0130 Wine Distribution Territories.	H	Passed 1st Reading
	H	Ref To Com On Commerce and Job Development
03-29-11		
S0241 Increase DWI Penalty/Child in Vehicle.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
04-04-11		
S0244 Fire and Rescue/Survivor's Benefit.	S	Passed 2nd & 3rd Reading
03-31-11		
S0248 Update Archaic Disability Terms.	S	Ratified
03-17-11		
S0265 State Health Plan/Appropriations and Transfer.	S	Rec To Concur H Com Sub
	S	Placed On Cal For 4/4/2011
	S	Concurred In H/com Sub
03-22-11, 03-23-11, 03-30-11, 03-31-11		
S0339 Modify Driver Education Program.	SA	Amend Adopted 1
	S	Passed 2nd Reading
03-31-11, 04-04-11		
S0340 State Historic Sites Special Fund.	H	Passed 1st Reading
	H	Ref To Com On Finance
03-29-11		
S0368 Modify Public Swimming Pool Requirements.	S	Rec To Concur H Com Sub
	S	Placed On Cal For 4/5/2011
03-22-11, 03-31-11		
S0369 Confirm Joseph A. Smith Commissioner of Banks.	H	Passed 2nd & 3rd Reading
S0375 Facilitate Statewide Health	S	Passed 2nd & 3rd Reading

Info. Exchange.  
03-31-11

S0399	Minority Appeal From County Bd Elections.	H	Passed 1st Reading
		H	Ref To Com On Elections
S0406	Repeal Crossbow Purchase Permit Requirement.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C
S0479	Testing in the Public Schools.	S	Passed 1st Reading
		S	Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget
S0480	Let Those Who Ride Decide.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0481	Mental Health Workers' Bill of Rights.	S	Passed 1st Reading
		S	Ref To Com On Mental Health & Youth Services
S0482	ALJ Final Decison Authority.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0483	Create Independent State Forensics Laboratory.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0484	REPS Credits at Cleanfields Parks.	S	Passed 1st Reading
		S	Ref To Com On Commerce
S0485	Farmland Preservation Special Plate.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0486	Release Subdivided Lots From Tax Liens.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0487	Disputed Earnest Money/Attorneys Deposit.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0488	Landlord/State Bar Notice of Lease Default.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0489	Commerce Tracks Job Creation/Public Database.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0490	Automobile Insurance Regulatory Modernization.	S	Passed 1st Reading
		S	Ref To Com On Insurance
S0491	Sedimentation Pollution Control Act Exemption.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0492	Protect Landowner Water Rights.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0493	Codify NC Century Farms Program in DACS.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0494	Gas Tax Refund for Emergency Communicators.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0495	District Court Dist. 25 Residency.	S	Passed 1st Reading
		S	Ref To Com On Judiciary II
S0496	PPACA/Required Fraud and Abuse Provisions.	S	Passed 1st Reading
		S	Ref To Com On Health Care
S0497	ECU/Bd of Governors Dental Scholarship-Loan.	S	Passed 1st Reading
		S	Ref To Com On Education/Higher Education
S0498	Modify Law Re: Corporal Punishment.	S	Passed 1st Reading
		S	Ref To Com On Education/

		Higher Education
S0499 Clarify Ag Development/ Preservation in DACS.	S	Passed 1st Reading S Ref To Com On Agriculture/ Environment/Natural Resources
S0500 Governor's Budget.	S	Filed
S0501 Swine House Renovations/Site Limits.	S	Filed
S0502 Voting Materials in English.	S	Filed
S0503 No Second Primaries.	S	Filed
S0504 Water Infrastructure Authority/Water Grants.	S	Filed
S0505 Equal Treatment Under SMFP.	S	Filed
S0506 Juvenile Age to 18.	S	Filed
S0507 Clarify Exception/Real Estate Broker Laws.	S	Filed
S0508 Clarify Vaccine Exemptions/ Emerg. Mgmt Act.	S	Filed
S0509 "Ban the Box"/Public Employment.	S	Filed
S0510 Honor B Holt.	S	Filed
S0511 Cities/Communications Service.	S	Filed

### LOCAL BILLS

H0056 Rocky Mount Annexations Repealed.	H	Passed 3rd Reading
H0156 Lenoir Fox Trapping.	S	Rec From House S Passed 1st Reading S Ref To Com On State and Local Government
03-30-11		
H0180 Wilmington Annexation Suspension.	H	Passed 3rd Reading
H0201 Bladen Fox Hunting and Trapping.	S	Passed 1st Reading S Ref To Com On State and Local Government
H0236 Biltmore Lake Annexation Repealed.	H	Passed 3rd Reading
H0265 Chowan Fox Seasons.	S	Passed 1st Reading S Ref To Com On State and Local Government
H0278 Update Savings Bond Payroll Savings Program.	HA	Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/5/2011
04-04-11		
H0310 Kinston Mayoral Veto.	H	Passed 2nd & 3rd Reading
03-31-11		
H0322 Haywood School Board Filing Period.	H	Passed 2nd & 3rd Reading
H0328 Wayne Sheriff Vacancies.	H	Passed 2nd & 3rd Reading
H0338 Burke School Board Recall.	H	Passed 2nd & 3rd Reading
H0358 Apex/Cary Annexation Into Chatham Restricted.	H	Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/5/2011

03-24-11			
H0360	Columbia Municipal Early Voting.	H	Passed 2nd & 3rd Reading
03-31-11			
H0365	Pink Hill Elections.	H	Passed 2nd & 3rd Reading
03-31-11			
H0581	Amend Lumberton Firemen's Pension Fund.	H	Passed 1st Reading
		H	Ref to the Com on Government, if favorable, Finance
S0046	Surry Fox and Coyote Taking Season.	S	Rec To Concur In H Amend
		S	Re-ref Com On State and Local Government
02-16-11, 03-30-11			

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 59. SEX OFFENDERS CAN'T BE EMS PERSONNEL.** Filed 2/8/11. Senate committee substitute makes the following change to 2nd edition.

Amends proposed GS 131E-159(h), clarifying that a person required to register as a sex offender, *or a person convicted of an offense which would have required registration if committed when the law required registration*, will not receive EMS credentials.

Criminal Law, Procedure, and  
Sentencing; Emergency Services

**H 87. SUNSHINE ACT (NEW).** Filed 2/10/11. House committee substitute makes the following changes to 3rd edition.

Deletes all provisions of previous edition and instead enacts new GS 132-11, prohibiting the General Assembly from enacting a law exempting a document from the public records law without a three-fifths vote of the members present and voting of each house. Enacts new GS 143-318.19, prohibiting the General Assembly from enacting a law exempting a public body from the laws governing meetings of public bodies without a three-fifths vote of the members present and voting of each house. Makes a conforming change to the bill title. Applies to legislation enacted on or after October 1, 2011.

Previously: Courts; Constitutional  
Amendment; General Assembly;  
Local Government; State  
Government  
Now: General Assembly; State  
Government; Local Government

**H 278. SCHOOL CALENDAR/ONslow COUNTY (NEW).** Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Deletes all provisions of previous edition and instead amends GS 115C-84.2(a)(1), specifying that a school calendar includes a minimum of *either* 180 days *or* 1,000 hours of instruction covering at least nine calendar months. Allows the local board of education to designate when the 180 days or 1,000 hours will occur. Adds that, if due to inclement weather, a local board of education complies with the school calendar requirements by scheduling 1,000 hours of instruction on less than 180 days, then the local school administrative unit is deemed to have a minimum of 180 instructional days, teachers employed for a 10-month term are deemed to have been employed for 180 instructional days, and all other employees will be compensated as if they worked the regularly scheduled hours for 180 instructional days. Applies only to Dixon Elementary, Middle, and High Schools in Onslow County, and only in the 2010-11 school year for days missed due to a declared state of emergency. Makes a conforming change to the bill title.

Previously: Education; State  
Government  
Now: Onslow

## SENATE BILLS

**S 241. INCREASE DWI PENALTY/CHILD IN VEHICLE.** Filed 3/7/11. Senate committee substitute makes the following changes to 1st edition.

Deletes the amendments in the previous edition and instead amends GS 20-179(c)(4), listing the aggravating factor of driving by the defendant with a child under 18 years old (currently, under 16 years old) in the vehicle at the time of the offense. Amends GS 20-179(c) to direct the judge to impose the Level One punishment if the judge finds that the grossly aggravating factor in GS 20-179(c)(4) applies, or two of the other (currently, two or more) grossly aggravating factors apply. Adds that if the judge does not find that GS 20-179(c)(4) applies, then the judge must impose the Level Two punishment if the judge determines only one of the *other* grossly aggravating factors applies. Makes a conforming change to the bill title.

Criminal Law, Procedure, and  
Sentencing; Transportation

**S 339. MODIFY DRIVER EDUCATION PROGRAM.** Filed 3/14/11. Senate amendments make the following changes to 2nd edition.

Clarifies GS 115C-215(d), directing the State Board of Education to adopt a salary range for driver education instructors who are public school employees and are not licensed teachers (was, public school employees without teacher certificates). Makes a conforming change. Adds a new section to make conforming changes to GS 20-11(b) (pertaining to a limited learner's permit) and GS 20-322(b) (pertaining to the driver training school licensing law).

Education; Transportation

## Legislation Enacted

**SL 2011-18 (H 92). REPEAL LAND TRANSFER TAX.** AN ACT TO REPEAL THE LAND TRANSFER TAX. Summarized in *Daily Bulletin* 2/15/11. Enacted March 31, 2011. Effective March 31, 2011.

Taxation

**SL 2011-19 (H 27). FORENSIC SCIENCES ACT.** AN ACT TO (1) CREATE THE NORTH CAROLINA FORENSIC SCIENCE ADVISORY BOARD, (2) ENCOURAGE EFFORTS TO ELIMINATE SOURCES OF HUMAN ERROR IN FORENSIC EXAMINATIONS, (3) REQUIRE CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS, (4) RENAME THE STATE BUREAU OF INVESTIGATION LABORATORY AS THE NORTH CAROLINA STATE CRIME LABORATORY, (5) CREATE THE POSITION OF OMBUDSMAN TO ENSURE THAT THE BEST FORENSIC PROCESSES AND PROCEDURES ARE UTILIZED IN THE STATE CRIME LABORATORY, (6) CLARIFY STATUTES THAT ALLOW FOR THE ADMISSIBILITY OF FORENSIC ANALYSES INTO EVIDENCE, (7) CLARIFY THE STATE'S OBLIGATION TO DISCLOSE TO THE DEFENDANT ALL INFORMATION RELATING TO THE TESTING OR EXAMINATION OF EVIDENCE AND TO PENALIZE OMISSION OR MISREPRESENTATION RELATING TO DISCLOSURE, AND (8) CLARIFY THAT STATE CRIME LABORATORY PERSONNEL SERVE THE PUBLIC AND THE CRIMINAL JUSTICE SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON THE PRESERVATION OF BIOLOGICAL EVIDENCE, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011." Summarized in *Daily Bulletin* 2/1/11, 2/9/11, 2/15/11, and 3/21/11. Enacted March 31, 2011. Section 6 is effective July 1, 2011. The remainder is effective March 31, 2011.

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



**SL 2011-20 (H 60). [EXTEND HEARING LOSS TASK FORCE](#).** AN ACT TO EXTEND THE TASK FORCE DEVELOPING GUIDELINES FOR CONSUMERS TO USE WHEN PURCHASING A HEARING AID, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. Summarized in *Daily Bulletin* 2/8/11. Enacted March 31, 2011. Effective March 31, 2011.

Health, Social Services, and Aging

**SL 2011-21 (S 20). [AMEND LAW REGULATING PROPRIETARY SCHOOLS](#).** AN ACT TO AMEND THE LAW REGULATING PROPRIETARY SCHOOLS. Summarized in *Daily Bulletin* 2/1/11 and 2/23/11. Enacted March 31, 2011. Section 5 is effective March 31, 2011, and applies beginning with the 2011–12 academic year. The remainder is effective July 1, 2011.

Education

**SL 2011-22 (H 29). [RETRIEVAL OF BIG GAME](#).** AN ACT TO AUTHORIZE THE RETRIEVAL OF KILLED OR WOUNDED BIG GAME USING A SINGLE DOG ON A LEASH. Summarized in *Daily Bulletin* 2/2/11, 2/22/11, and 2/23/11. Enacted March 31, 2011. Effective October 1, 2011.

Agriculture, Environment, and  
Natural Resources; Animal Law

**SL 2011-23 (S 58). [MODIFY FMAP CUTS](#).** AN ACT MODIFYING THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES CUTS IN THE 2010-2011 STATE BUDGET. Summarized in *Daily Bulletin* 2/9/11 and 3/10/11. Enacted March 31, 2011. Effective March 31, 2011.

Employment and Retirement;  
Health, Social Services, and Aging;  
Budget and Appropriations

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**Notes**

None

**NEXT SESSIONS****April 5, 2011****HOUSE convenes at 2:00 pm****SENATE convenes at 3:00 pm**