

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

House Legislative Day 53

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Senate Legislative Day 53

Tuesday, April 26, 2011

Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	2
Action on Bills _____	2
Summaries of Amendments and Committee Substitutes _____	7
Legislation Enacted _____	16
Index by Keyword _____	16
Notes _____	17
Next Sessions _____	17

SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 870. ENFORCEMENT FUNDS/TEXTING WHILE DRIVING. Filed 4/21/11. TO APPROPRIATE THE SUM OF ONE HUNDRED THOUSAND DOLLARS TO THE STATE HIGHWAY PATROL DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO BE USED FOR THE EDUCATION OF TEENAGERS ABOUT THE RISKS AND PENALTIES OF TEXTING WHILE DRIVING.

Appropriates \$100,000 for 2011-12 from the Highway Fund to the State Highway Patrol Division of the Department of Crime Control and Public Safety to educate students under the age of 19 about the risks and penalties of texting while driving. Specifies that the funds may also be used for enforcement activities at and around public and private schools after a showing that texting or other distractions have been a factor in a crash involving a minor child. Effective July 1, 2011.

Intro. by Pierce.

APPROP

Budget and Appropriations;
Transportation

H 871. ROOT OUT POVERTY/TASK FORCE FUNDS. Filed 4/21/11. CREATING A PERMANENT STATEWIDE POVERTY TASK FORCE; ESTABLISHING TWO NEW PERSONNEL POSITIONS IN THE DEPARTMENT OF

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**HEALTH AND HUMAN SERVICES DEDICATED TO POVERTY REDUCTION AND ECONOMIC RECOVERY;
AND APPROPRIATING FUNDS FOR THOSE PURPOSES.**

Adds new GS 143-750 and 143-751, creating a 30-member Statewide Poverty Task Force (Task Force) in the Department of Health and Human Services (DHHS), with ten members each appointed by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor. Specifies eight additional ex officio members and directs Task Force to (1) identify long- and short-range goals for eliminating poverty in the state; (2) develop a coordinated, integrated, ongoing approach to poverty reduction in the state by establishing poverty reduction targets; and (3) submit an annual report of recommendations by March 1 of each year to the Governor and the General Assembly. Appropriates \$150,000 for 2011-12 and \$150,000 for 2012-13 from the General Fund to the DHHS to fund the work of the Task Force and the same amount each year to fund salaries and costs of two new personnel positions devoted to interdepartmental collaboration among state agencies, departments, and institutions to advance poverty reduction and economic recovery. Effective July 1, 2011.

Intro. by Pierce.

GS 143, APPROP

Budget and Appropriations; Health,
Social Services, and Aging

Local Bills

None

ACTION ON BILLS

April 26, 2011

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

PUBLIC BILLS

H0008 Eminent Domain.	H Passed 2nd Reading
	H Placed On Cal For 4/28/2011
04-06-11	
H0098 Breweries to Sell Malt Beverages on Premises.	H Placed On Cal For 4/28/2011
04-20-11	
H0113 Motorcycle Safety Act.	S Withdrawn From Com
	S Re-ref Com On Judiciary II
H0116 Coastal Wetland Riparian Buffer Grandfather.	H Placed On Cal For 4/28/2011
04-21-11	
H0145 Phoebe's Law.	H Withdrawn From Com
	H Re-ref Com On Judiciary
03-16-11	
H0160 Check-Off Donation: Breast Cancer Screening.	HA Amend Adopted 1
	H Passed 2nd Reading
	H Placed On Cal For 4/28/2011
04-26-11	
H0173 State Shrimp Festival-Sneads Ferry.	S Withdrawn From Com
	S Placed On Cal For 4/28/2011
H0197 School Calendar Flexibility/ Inclement Weather.	H Reptd Fav
	H Cal Pursuant Rule 36(b)

H0200 Appropriations Act of 2011.	H Placed On Cal For 4/28/2011
04-26-11	HA Reptd Fav Com Substitute
H0217 Inspection Requirements Salvaged Vehicles.	H Re-ref Com On Appropriations
04-20-11	
H0219 Sex Offender Registry Amendments.	H Passed 3rd Reading
03-09-11	
H0222 Electric Vehicle Incentives.	H Ratified
04-13-11, 04-14-11	
H0270 Amend Conditions of Probation.	S Withdrawn From Com
03-17-11, 03-23-11, 04-20-11	S Re-ref Com On Commerce
H0297 Hold on to Your Drivers License.	H Rec To Concur S Com Sub
04-06-11, 04-20-11, 04-26-11	H Cal Pursuant Rule 36(b)
H0306 Miscellaneous Service/Process Amendments.	H Placed On Cal For 4/28/2011
H0316 Modify NCGA Police Powers.	HA Amend Adopted 1
03-16-11, 03-17-11, 04-07-11, 04-20-11	H Passed 2nd & 3rd Reading
H0332 Clarify Development Moratoria Authority.	H Ordered Engrossed
H0333 Adopt Official State Sport.	H Placed On Cal For 4/28/2011
H0336 Amend Weight Requirements-Certain Vehicles.	H Rec To Concur S Com Sub
03-29-11, 04-20-11	H Cal Pursuant Rule 36(b)
H0344 Tax Credits for Children with Disabilities.	H Placed On Cal For 4/28/2011
H0385 2011 Omnibus Labor Law Changes.-AB	H Reptd Fav
H0386 Real Estate License Law Amendments.-AB	H Re-ref Com On Finance
04-20-11	S Rec From House
H0422 Federal Rail Money/Report, Consult, Approve.	S Passed 1st Reading
04-20-11, 04-26-11	S Ref To Com On Commerce
H0423 Enact First Evaluation Program.	H Passed 2nd Reading
04-20-11	H Passed 3rd Reading
H0474 Protect Adult Care Home Residents.	HA Amend Adopted 1
04-26-11	H Passed 2nd Reading
H0497 Clarify Definition of General Contractor.	H Placed On Cal For 4/28/2011
H0509 Exclusions from Licensure: Home Services.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 4/28/2011

H0561 Medians on U.S. Highway 70.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 4/28/2011
H0598 NC Highway 54 Corridor Study.	HA Reptd Fav Com Substitute
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 4/28/2011
04-26-11	
H0637 Adoption Law Changes.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Judiciary II
04-20-11	
H0641 Certification of Restoration of Rights Act.	H Withdrawn From Com
	H Re-ref Com On Judiciary Subcommittee B
H0646 Prison Hospital Completion.	H Withdrawn From Com
	H Re-ref Com On Health and Human Services
H0648 Improve Enforcement/General Contractor Laws.	H Passed 2nd & 3rd Reading
04-20-11	
H0660 No In Person Service Required/ 50C Orders.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Judiciary II
H0706 Alimony/Postseparation Support Changes.	HF Failed 2nd Reading
	H Reconsidered 2nd Reading
	H Withdrawn From Cal
	H Re-ref Com On Judiciary Subcommittee C
H0719 Suspension Removed When Eligibility Met.	H Passed 2nd & 3rd Reading
04-20-11	
H0736 Amend Law Re: School Discipline.	H Placed On Cal For 4/28/2011
04-20-11	
H0769 High School to Work Partnership.	H Placed On Cal For 4/28/2011
04-20-11	
H0772 SORNA Compliance.	H Withdrawn From Com
	H Re-ref Com On Judiciary Subcommittee B
H0779 Electronic Recording/ Custodial Interrogations.	H Passed 2nd Reading
	H Placed On Cal For 4/28/2011
04-20-11	
H0792 Gfeller-Waller Concussion Awareness Act.	H Postponed To 5/3/2011
04-20-11	
H0803 Allow Court to Assess Atty Fees/50C Orders.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Judiciary I
04-20-11	
H0819 CAMA setback req'ts./ grandfather clause.	H Placed On Cal For 4/28/2011
04-21-11	
H0829 Streamline Education Planning Responsibility.	H Placed On Cal For 4/28/2011
04-20-11	

H0846 Expand Access/Death Certificate/Adult Adoptee.	HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
04-26-11	
H0857 Sex Offenders/Electronic Monitoring.	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary I
04-20-11	
H0870 Enforcement Funds/Texting While Driving.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0871 Root Out Poverty/Task Force Funds.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0872 Smart Grid Job Creation and Retention Act.	H Filed
S0033 Medical Liability Reforms.	S Failed Concur In Com Sub S Conf Com Appointed H Conf Com Appointed
03-01-11, 03-02-11, 04-19-11, 04-20-11	
S0060 Lupus Awareness Month.	S Passed 2nd & 3rd Reading
S0075 Promote Electricity Demand Reduction.	S Pres. To Gov. 4/25/2011
03-15-11	
S0105 Increase Penalty/Certain 2nd Degree Murders.	H Placed On Cal For 4/28/2011
04-20-11	
S0110 Permit Terminal Groins.	H Passed 2nd & 3rd Reading
03-09-11, 03-14-11, 04-19-11	
S0125 NC School of Biotechnology and Agriscience.	S Reptd Fav Com Substitute SA Com Substitute Adopted S Re-ref Com On Pensions & Retirement and Aging
04-26-11	
S0130 Wine Distribution Territories.	H Placed On Cal For 4/28/2011
03-29-11, 04-20-11	
S0137 Establish Forgivable Loan Fund.	HA Reptd Fav Com Sub 2 H Cal Pursuant Rule 36(b) H Placed On Cal For 4/28/2011
03-22-11, 04-06-11, 04-26-11	
S0187 Outlaw Red Light Camera Systems.	H Withdrawn From Com H Re-ref Com On Judiciary
04-06-11	
S0275 Official Herring Festival.	S Pres. To Gov. 4/25/2011
04-13-11	
S0307 Smart Card Biometrics Against Medicaid Fraud.	S Passed 2nd & 3rd Reading
04-14-11, 04-21-11	
S0381 NC Family & Consumer Sciences 100th.	S Withdrawn From Cal S Placed On Cal For 5/2/2011
S0404 Dept. of Admin/Procurement Modernization.-AB	S Reptd Fav
S0414 Allow Attorneys' Fees in Business Contracts.	SA Amend Adopted 2 S Passed 3rd Reading

	S	Engrossed
04-11-11, 04-20-11, 04-26-11		
S0449 Task Force on Fraud Against Older Adults.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
04-20-11		
S0450 Direct Care Worker Wage and Benefit Study.	S	Passed 2nd & 3rd Reading
04-21-11		
S0451 Extend Reporting on Baby Boomer Preparations.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
S0461 Amend Weight Limits for Farm Products.	H	Passed 1st Reading
	H	Ref To Com On Transportation
04-20-11		
S0463 Accountability for Taxpayer Investment Act.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
04-26-11		
S0464 Debt Reduction Act of 2011.	H	Placed On Cal For 4/28/2011
S0479 Testing in the Public Schools.	S	Withdrawn From Com
	S	Placed On Cal For 4/27/2011
S0486 Release Subdivided Lots From Tax Liens.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Re-ref Com On Finance
04-26-11		
S0487 Disputed Earnest Money/ Attorneys Deposit.	S	Reptd Fav
S0493 Codify NC Century Farms Program in DACS.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
04-26-11		
S0498 Modify Law Re: Corporal Punishment.	S	Withdrawn From Cal
	S	Re-ref Com On Education/ Higher Education
S0501 Swine House Renovations/Site Limits.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
04-26-11		
S0514 Nutrient Management Plan Only For NSW.	S	Reptd Fav

LOCAL BILLS

H0056 Rocky Mount Annexations Repealed.	S	Withdrawn From Com
	S	Re-ref Com On Finance
H0204 Edgecombe Co. Tourism Development Authority.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
H0224 Foxfire Village Assessment Validated.	S	Rec From House
	S	Passed 1st Reading
	S	Ref to State and Local Government. If fav, re-ref to Finance
H0266 Wake Local Energy Efficiency.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Commerce
04-07-11		

H0403	Wilmington/Contributing Structures. 04-21-11	H	Placed On Cal For 4/28/2011
H0416	Expand Joyce Creek District Board.	H	Passed 2nd & 3rd Reading
H0471	Buncombe County Commission Districts.	H	Placed On Cal For 4/28/2011
H0511	Goldboro-Wayne Airport Authority. 04-21-11	H	Passed 2nd & 3rd Reading
H0537	Wilkes Fire Tax Dist. Boundaries. 04-14-11	H	Passed 3rd Reading
H0545	Amend Moore County Occupancy Tax. 04-20-11	S	Rec From House S Passed 1st Reading S Ref To Com On Finance
H0645	Authorize Adult Day/Overnight Respite Program. 04-20-11	H	Withdrawn From Cal H Re-ref Com On Health and Human Services
S0083	Wilson School Board. 04-14-11	S	Ratified
S0182	Carteret/Greenville Email Subscription Lists. 04-07-11, 04-11-11	S	Pres. To Gov. 4/25/2011
S0250	2nd Senatorial District Local Act.	S	Withdrawn From Com S Re-ref Com On State and Local Government
S0281	Municipal Service District/ Streets. 03-29-11	H	Placed On Cal For 4/28/2011
S0289	Cape Carteret Deannexation.	S	Withdrawn From Com S Re-ref to State and Local Government. If fav, re-ref to Finance

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 160. [CHECK-OFF DONATION: BREAST CANCER SCREENING](#). Filed 2/22/11. House amendment makes the following changes to 1st edition. Provides for the expiration of the act as the tax years beginning on or after January 1, 2015.

Taxation; Health, Social Services,
and Aging

H 200. [APPROPRIATIONS ACT OF 2011](#). Filed 3/1/11. House committee substitute, with amendments from the House Finance Committee engrossed, makes the following changes.

PARTS I-XXIX: RESERVED

PART XXX: CAPITAL PROJECTS

UNC NON-GENERAL FUND CAPITAL PROJECTS

SECTION 30.7. Authorizes the planning or construction by certain constituent institutions of The University of North Carolina of the following capital improvement projects, financed by specified funds, revenue bonds, or certain special obligation bonds, as detailed. Allows the Governor to authorize an increase or decrease in the cost of funding, or a change in the method of funding. Effective when the act becomes law.

Appalachian State University Winkler Residence Hall Renovation	\$ 11,805,000
East Carolina University Athletic Facilities Expansion and Improvement – Phase 4 Auxiliary Practice Gymnasium	15,000,000
Fayetteville State University Rudolph Jones Student Center Expansion and Renovation	23,289,021
North Carolina A&T State University New Health Center	10,000,000
North Carolina Central University Chidley Residence Hall Expansion and Renovation	41,193,000
North Carolina State University Centennial Campus Housing Complex Lee Residence Hall and Sullivan Residence Hall	129,000,000 6,000,000
The University of North Carolina at Chapel Hill Carolina Inn Renovation – Phase 2 Woollen Gymnasium Renovation – Phase 2	9,000,000 2,650,000
The University of North Carolina at Charlotte New Residence Hall – Phase X New Residence Hall – Phase XI Residence Dining Hall Replacement Parking Deck J	31,045,802 40,837,005 29,176,738 27,418,000
The University of North Carolina at Greensboro Student Recreation Center Tower Village II Residence Hall Acquisition Campus Police Building Village Parking Deck	91,000,000 34,500,000 10,030,000 10,877,000
The University of North Carolina at Pembroke Student Health Services Comprehensive Renovation and Addition	3,950,000
Western Carolina University Walker Residence Hall Expansion and Renovation	17,289,000
The University of North Carolina at Chapel Hill Mary Ellen Jones Renovation – Phase 1 Research Building at Carolina North	4,000,000 6,000,000
The University of North Carolina at Charlotte New Residence Hall – Phase XII Cedar, Hickory, and Sycamore Residence Halls Renovation	3,840,741 750,000

PART XXXI: FEES**EDUCATION/DRIVER EDUCATION REFORM**

SECTION 31.1. Amends GS 115C-215.1 to provide for a standardized driver education program, administered by the Department of Public Instruction. Expands eligibility to home school students. Adds requirement for one hour of motorcycle safety awareness training. Adds requirement that State Board of Education establish and implement a strategic plan for this program and specifies minimum elements of that plan. Requires local boards of education to offer noncredit courses using standardized curriculum provided by the Department of Public Instruction. Allows local boards of education to charge fee of up to \$75 for the course. Repeals GS 115C-215, recodifies portions of GS 20-88.1 and makes other conforming amendments.

EDUCATION/STATE BOARD AUTHORITY TO ESTABLISH GED TESTING FEES

SECTION 31.2. Amends GS 115D-5(s) to clarify that the State Board of Community Colleges may establish fees for General Education Development retesting.

EDUCATION/NORTH CAROLINA VIRTUAL PUBLIC SCHOOLS ALLOTMENT FORMULA

SECTION 31.3. Directs the State Board of Education to implement an allotment formula for the North Carolina Virtual Public Schools (NCVPS) beginning with the 2011-12 school year. Provides that only funds provided through this allotment formula may be used to fund NCVPS. Specifies the allotment formula. Provides that the NCVPS program is to be provided at no cost to all NC students enrolled in public schools and schools operated by the Department of Defense and the Bureau of Indian Affairs. Limits courses offered to high school courses and excludes any courses in physical education. Requires State Board of Education to establish a per student fee structure for out-of-state, private school, and home school students and requires that NCVPS provide online enrollment process for these students beginning with the 2012-13 school year. Requires NCVPS to develop and submit to the State Board of Education by September 15, 2011 a plan for revenue from sale of courses to out-of-state educational entities. Provides for consolidation of all e-learning opportunities offered by state-funded entities other than charter schools and alignment of these courses with the standard course of study. Caps administration costs at 15% per year of funds transferred to NCVPS.

NER/COMMERCE/SET REGULATORY FEES FOR UTILITIES COMMISSION

SECTION 31.4. Sets public utility regulatory fee under GS 62-302(b)(2) at 0.12% of jurisdictional revenues earned during each quarter that begins on or after July 1, 2011. Sets the electric membership corporation regulatory fee under GS 62-302(b1) at \$200,000 for the 2011-12 fiscal year. Effective July 1, 2011.

NER/AGRICULTURE/INCREASE FEES FOR PET SHOPS, AUCTIONS, KENNELS, AND DEALERS

SECTION 31.5. Amends GS 19A-27, 19A-28, and 19A-29 to increase from \$50 to \$75 the costs of licenses to operate pet shops, public auction and boarding kennels, and dealers respectively.

NER/AGRICULTURE/REPEAL BOARD OF AGRICULTURE REVIEW OF FEE SCHEDULES

SECTION 31.6. Repeals GS 106-6.1(b), which required biennial fee reports.

NER/AGRICULTURE/FEES FOR OUT-OF-STATE SOIL TESTS AND EXPEDITED SOIL TESTS

SECTION 31.7. Amends GS 106-22(17) to allow for out-of-state soil tests and expedited soil tests and provides that fees for these tests must be no less than \$5 and \$100 respectively.

NER/AGRICULTURE/TECHNICAL CORRECTIONS REGARDING COMMERCIAL FERTILIZER INSPECTION FEE AND PESTICIDE TECHNICIAN IDENTIFICATION CARD RENEWAL FEE

SECTION 31.8. Amends GS 106-671(b) to increase commercial fertilizer inspection fee from 25¢ to 50¢ per ton. Amends GS 106-65.31(b1) to increase pesticide technician annual renewal fee from \$25 to \$40.

NER/AGRICULTURE/INCREASE AGRICULTURAL LIMING MATERIALS TONNAGE FEES

SECTION 31.9. Amends GS 106-92.8 to increase fees for agricultural liming materials and landplaster from 10¢ to 50¢ per ton.

NER/AGRICULTURE/INCREASE ANTIFREEZE DISTRIBUTION REGISTRATION FEE

SECTION 31.10. Amends GS 106-579.4 to increase the license and inspection fee for each brand of antifreeze from \$250 to \$500.

NER/ENVIRONMENT/REDUCE PORTION OF CERTIFICATE OF TITLE FEES CREDITED TO MERCURY SWITCH REMOVAL ACCOUNT

SECTION 31.11 Amends GS 20-85(a1) to reduce from \$1 to 50¢ of the amount collected for each specified motor vehicle certificate of title and registration fee that is transferred to the Department of Environment and Natural Resources for the Mercury Switch Removal Account.

NER/ENVIRONMENT/DIVERT SCRAP TIRE TAX PROCEEDS TO GENERAL FUND

SECTION 31.12. Effective for the taxes levied during the 2011-12 fiscal year, provides that the 17% of the net Scrap Tire Disposal Tax proceeds previously mandated by GS 105-187.19(b) to be deposited to the Scrap Tire Disposal Account be deposited instead to the General Fund.

NER/ENVIRONMENT/DIVERT WHITE GOODS TAX PROCEEDS TO GENERAL FUND

SECTION 31.13. Effective for the taxes levied during the 2011-12 fiscal year, provides that the 20% of the net White Goods Disposal Tax proceeds previously mandated by GS 105-187.24 to be deposited to the White Goods Management Account be deposited instead to the General Fund.

NER/ENVIRONMENT/STUDY FOOD AND LODGING FEES AND THEIR DISTRIBUTION BETWEEN THE STATE PROGRAM AND THE LOCALS PROGRAMS

SECTION 31.14. Directs the Fiscal Research Division to study the administration and financing of the state's food, lodging, and institution sanitation programs and rules, and to report to specified entities by May 1, 2012.

NER/ENVIRONMENT/ADDITIONAL USES OF HAZARDOUS WASTE FEES

SECTION 31.15. Amends GS 130A-294.1(b) to allow hazardous waste fees to be used to provide oversight of response activities for inactive hazardous substance or waste disposal sites, and to provide compliance and prevention activities to prevent disposal of hazardous wastes in solid waste management facilities.

NER/LABOR/REPEAL STATUTE REQUIRING BIENNIAL REVIEW OF FEES BY DEPARTMENT

SECTION 31.16. Repeals GS 95-14.1, which requires Department of Labor biennial review of fees.

NER/NATURAL RESOURCES/DIVERT PORTION OF DEED STAMP TAX REVENUE SOURCE FOR NATURAL HERITAGE TRUST FUND

SECTION 31.17. Effective for taxes levied during 2011-12, provides that \$8 million of the funds previously mandated by GS 105-228.30(b) and 113-77.9 to be deposited to the Natural Heritage Trust Fund be deposited to the General Fund instead.

NER/NATURAL RESOURCES/PARKS AND RECREATION TRUST FUND; ALLOCATION OF DEED STAMP TAX PROCEEDS CREDITED TO FUND

SECTION 31.18. Effective for taxes levied during 2011-12, provides for the following allocation of funds in the Parks and Recreation Trust Fund: (1) \$6 million for operating expenses of the Division of Parks and Recreation in the Department of Environment and Natural Resources; (2) up to \$8 million for state parks capital projects; (3) up to \$4.23 million for grants to local governments; and (4) up to \$750,000 for the Coastal and Estuarine Water Beach Access Program. Provides that any funds in this Trust Fund in excess of the above amounts during the 2011-12 fiscal year shall be used according to GS 113-44.15(b).

NER/NATURAL RESOURCES/DIVERT PORTION OF DEED STAMP TAX REVENUE SOURCE FOR PARKS AND RECREATION TRUST FUND

SECTION 31.19. Effective for taxes levied during 2011-12, provides that \$8.435 million of the funds previously mandated by GS 105-228.30 and 113-44.15 to be deposited to the Parks and Recreation Trust Fund be deposited to the General Fund instead.

NER/NATURAL RESOURCES/NEW FUNDING SOURCE FOR WILDLIFE RESOURCE COMMISSION OPERATING BUDGET

SECTION 31.20. Effective for the 2011-12 fiscal year, directs the Office of State Budget and Management, State Controller, and the Wildlife Commission to jointly effectuate the transition from the Commission receiving sales tax proceeds to General Fund appropriations of \$18.5 million for the operating budget of the Wildlife Resources Commission. Repeals GS 105-164.44B.

NER/NATURAL RESOURCES/REPEAL DENR REVIEW OF FEE SCHEDULES

SECTION 31.21. Repeals GS 143B-279.2(4), which requires the Department of Environment and Natural Resources to review and make recommendations about all fees charged in programs under its authority.

NER/NATURAL RESOURCES/NO NEW FEES FOR PARKING IN STATE PARKS

SECTION 31.22. Prohibits any increase in fees for parking in state parks over the amounts charged in fiscal year 2011-12.

JPS/AOC/INCREASE CERTAIN COURT COSTS

SECTION 31.23.(a) Rewrites GS 7A-304(a)(4) to increase the General Court of Justice fee in criminal cases from \$100.50 to \$124.50 for cases in district court, and from \$102.50 to \$154.50 for cases in superior court, and decrease from \$2.05 to \$1.00 the portion of each fee remitted to the N.C. State Bar for the provision of legal services under GS 7A-474.4.

SECTION 31.23.(b) Rewrites GS 7A-305(a)(2) to increase the General Court of Justice fee in civil cases from \$125.00 to \$180.00 for cases in superior court; from \$80.00 to \$130.00 for cases in district court; and from \$55.00 to \$80.00 for cases assigned to magistrates. Reduces from \$2.05 to \$1.00 the portion of each fee remitted to the N.C. State Bar for the provision of legal services under GS 7A-474.4. Adds new GS 7A-305(a5) providing for the assessment of additional fees for every civil action, except domestic violence actions under GS Chapter 50B, in which a party files a counterclaim or cross-claim, as follows:

- facilities fee of \$12.00 for cases heard by a magistrate and \$16.00 for cases in district and superior court, to be paid to the municipality or county providing court facilities;
- \$4.00 in each case for upgrade, maintenance and operation of judicial and county courthouse phone systems;
- for support of the General Court of Justice, \$180.00 for cases in superior court and an additional \$1,000.00 if a case is assigned as a complex business case; \$130.00 for cases in district court, except \$80.00 if the case is assigned to a magistrate. Directs that \$1.95 of each fee be remitted to the State Bar for legal services described in GS 7A-474.4 (\$1.00) and GS 7A-474.19 (\$.95).

Adds new GS 7A-305(f), providing for a fee of \$20.00 for any motion filed with the clerk that is not listed in GS 7A-308 (miscellaneous fees and commissions).

SECTION 31.23.(c) Rewrites GS 7A-306(a)(2) to increase the General Court of Justice fee in special proceedings from \$75.00 to \$106.00, and to decrease from \$2.05 to \$1.00 the portion of each fee remitted to the N.C. State Bar for the provision of legal services under GS 7A-474.4. Adds new GS 7A-306(g) providing for a General Court of Justice fee of \$20.00 for any motion filed in a special proceeding that is not listed in GS 7A-308 (miscellaneous fees and commissions).

SECTION 31.23.(d) Rewrites GS 7A-307(a)(2) to increase the General Court of Justice fee in estate matters from \$75.00 to \$106.00, and to decrease from \$2.05 to \$1.00 the portion of each fee remitted to the N.C. State Bar for the provision of legal services under GS 7A-474.4. Adds new GS 7A-307(a)(4) providing for a General Court of Justice fee of \$20.00 for any motion filed in an estate matter that is not listed in GS 7A-308 (miscellaneous fees and commissions).

SECTION 31.23.(e) Rewrites GS 7A-308(a) to increase from \$150.00 to \$300.00 the fee for foreclosure under power of sale in deed of trust or mortgage, and to add a fee of \$15.00 in civil matters for all alias and pluries summons issued and all endorsements issued on an original summons.

SECTION 31.23.(f) Repeals GS 7A-34.1, which provides that cover sheets are not required for papers filed in civil actions after the initial filing if the subsequent filing contains specified information.

JPS/AOC/COMMUNITY MEDIATION CENTERS/WORTHLESS CHECK PROGRAMS

SECTION 31.24.(a) Adds new GS 14-107.2(b1) providing that a community mediation center may establish and charge fees for services in the collection of worthless checks as part of a mediation program and may assist the Administrative Office of the Courts and district attorneys establish worthless check programs in any districts in which such programs have not been established.

SECTION 31.24.(b) Rewrites GS 71-38.5(a) (clearly intends to amend GS 7A-38.5(a)) to provide that a community mediation center may establish and charge fees for its services.

SECTION 31.24.(c) Rewrites GS 7A-38.6(a) to require all community mediation centers, regardless of whether they receive state funds, to report annually to the Mediation Network of North Carolina on their funding and activities.

SECTION 31.24.(d) Rewrites GS 7A-38.7 to provide that the \$60.00 mediation fee required by that provision be used to support services of community mediation centers and the Mediation Network of North Carolina (rather than the General Court of Justice); provide that the clerk remit the fees to the Mediation Network; authorize the Network to retain up to \$3.00 of each fee for administrative expenses; and require that the remainder be remitted to the community mediation center that mediated the case.

JPS/AOC/INCREASE INTERSTATE COMPACT FEE

SECTION 31.25. Rewrites GS 148-65.7(a) to increase from \$150.00 to \$250.00 the transfer application fee required of someone who has been convicted in this state and requests transfer to another state.

JPS/AOC/CONTINGENT COURT COST INCREASES FOR COUNTIES

SECTION 31.26.(a) Contingent on the enactment of House Bill 642, or other legislation that requires confinement of a misdemeanor with a period of confinement of six months or less to be in a local facility, rewrites GS 7A-304(a)(2) to increase the facilities fee for criminal cases in district court from \$12.00 to \$30.00.

SECTION 31.26.(b) Contingent on the enactment of House Bill 642, or other legislation that requires confinement of a misdemeanor with a period of confinement of six months or less to be in a local facility, adds new GS 7A-304(a)(4b) to add a fee of \$50.00 to the costs in cases under GS Chapter 20 resulting in a conviction of an improper equipment offense, to be remitted to the Department of Correction for contractual services to reduce county jail populations.

SECTION 31.26.(c) Contingent on the enactment of House Bill 642, or other legislation that requires confinement of a misdemeanor with a period of confinement of six months or less to be in a local facility, rewrites GS 7A-311(a)(1)a. to increase the civil process fee from \$15.00 to \$30.00.

SECTION 31.26.(d) Contingent on the enactment of House Bill 642, or other legislation that requires confinement of a misdemeanor with a period of confinement of six months or less to be in a local facility, rewrites GS 7A-313 to increase the daily jail fee from \$5.00 to \$10.00.

SECTION 31.26.(e) Contingent on the enactment of House Bill 642, or other legislation that requires confinement of a misdemeanor with a period of confinement of six months or less to be in a local facility, rewrites GS 153A-225(a) to increase from \$10.00 to \$20.00 the amount a local confinement facility may charge for the provision of nonemergency medical care for prisoners.

GENGOV/INS/SET INSURANCE REGULATORY CHARGE

SECTION 31.27(a) Provides that the percentage rate to be used to calculate the insurance regulatory charge under GS 58-6-25 is 6% for the 2011 calendar year.

SECTION 31.27(b) Makes the provision effective when it becomes law.

IT/INFORMATION TECHNOLOGY FUND/AVAILABILITY

SECTION 31.28.(a) Sets amounts available to support appropriations from the Information Technology Fund and appropriates funds from the Fund for fiscal years 2011-12 and 2012-13 as follows.

	FY 2011-2012	FY 2012-2013
Appropriation from General Fund	\$4,458,142	\$6,158,142
Interest	\$ 100,000	\$ 100,000
IT Fund Balance June 30	\$2,454,934	\$1,227,467
Total Funds Available	\$7,013,076	\$7,485,609

Appropriations are made from the Information Technology Fund for the 2011-2013 fiscal biennium as follows:

	FY 2011-2012	FY 2012-2013
Information Technology Operations		
Center for Geographic Information and Analysis	\$ 599,347	\$ 599,347
Enterprise Security Risk Management	\$1,064,148	\$1,064,148
Enterprise Project Management Office	\$1,673,285	\$1,673,285
Architecture and Engineering	\$ 648,000	\$ 648,000
Criminal Justice Information Network	\$ 166,422	\$ 166,422
Statewide IT Procurement	\$0	\$0
ITS Overhead Reduction	(\$91,486)	(\$91,486)
Subtotal Information Technology Operations	\$4,059,716	\$4,059,716

Information Technology Projects		
State Portal	\$0	\$0
IT Consolidation	\$1,320,893	\$ 820,893
Transfer to OSC for Data Integration	\$ 100,000	\$ 100,000
Subtotal Information Technology Projects	\$1,420,893	\$ 920,893
Data Integration License Funding Transfer to State Agencies	\$ 200,000	\$2,400,000
Position Transfer to Office of State Budget and Management	\$ 105,000	\$ 105,000
Total	\$5,785,609	\$7,485,609

SECTION 31.28.(b) Provides that statewide information technology procurement will be funded through a fee charged to agencies using the services, and directs the Office of the State Chief Information Officer to provide a fee schedule to allow cost recovery to the Office of State Budget and Management.

SECTION 31.28.(c) Requires that by September 1 of each year, data integration funding in the Information Technology Fund be transferred to state agencies in proportion to their use of data integration licenses at that point. Directs the State Chief Information Officer to report by September 2 of each year on the status of the transfers. Provides that any licensing requirements after the 2011-13 fiscal biennium are the responsibility of the participating agency, and requires the State Chief Information Officer to notify affected agencies of this requirement by September 1, 2011, and to report on that notification by September 2, 2011.

SECTION 31.28.(d). Makes the section effective when it becomes law.

TRANSPORTATION/DIVISION OF MOTOR VEHICLES BULK DATA

SECTION 31.29.(a) Adds new GS 20-43.1(e) providing that the Division of Motor Vehicles may provide copies of partial crash report data collected under GS 20-166.1, partial driver license data kept pursuant to GS 20-26(a), and partial vehicle registration application data collected pursuant to GS 20-52, in bulk form to persons or entities for non-official uses, upon payment of a fee of 3 cents per individual record. Prohibits the furnishing of such data except upon execution by the recipient of a written agreement to comply with the Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. 2721, et seq. Provides that the information released is not a public record under GS Chapter 132.

TRANSPORTATION/FERRY DIVISION TOLLING ON ALL ROUTES

SECTION 31.30.(a) Rewrites GS 136-82, effective April 1, 2012, to require that all ferry routes be tolled in an amount established by the Board of Transportation.

SECTION 31.30.(b) Requires the Board of Transportation to toll all ferry routes no later than April 1, 2012, but encourages it to do so before that date. Requires the Board, in setting tolls for ferry routes, to consider the needs of commuters and other frequent passengers.

PART XXXI-A: EFFECTIVE DATE

SECTION 31A.1. Provides that unless provided otherwise, the act becomes effective July 1, 2011.

Previously: Budget and Appropriations; State Government
 Now: Budget and Appropriations; State Government; Agriculture, Environment, and Natural Resources; Animal Law; Business and Commerce; Courts; Criminal Law, Procedure, and Sentencing; Education; Employment and Retirement; Energy and Utilities; Health, Social Services, and Aging; Local Government; Taxation; Transportation

H 297. [HOLD ON TO YOUR DRIVERS LICENSE.](#) Filed 3/9/11. House amendment makes the following changes to 3rd edition. Changes the effective date to October 1, 2011.

Business and Commerce;
 Transportation

H 422. [FEDERAL RAIL MONEY/ REPORT, CONSULT, APPROVE.](#) Filed 3/21/11. House amendment makes the following changes to 2nd edition. Adds new subdivision (3) to GS 136-44.36(b), providing that if the amount of state matching funds required by the federal grant or the amount of future annual maintenance and operational costs of the project are reasonably expected to exceed \$5 million, the Department of Transportation's (Department) acceptance of funds is subject to approval of the project by an act of the General Assembly. If 60 days have passed since consultation or the expiration of the consultation period, then the inaction of the General Assembly, including the lack of a special session, is deemed approval of the project and the Department may accept the funds without an act of the General Assembly.

Transportation

H 474. [PROTECT ADULT CARE HOME RESIDENTS.](#) Filed 3/24/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 131D-4.4A(b)(4) by designating the on-site staff member for each noncontiguous facility the responsibility to ensure that all adult care staff is trained in the facility's infection control policy, and by adding a new GS section 131D-4.4B, which directs the Department of Health and Human Services (DHHS) to develop guidelines for the method by which adult care homes report suspected communicable disease outbreaks. Changes the training requirements for new medication aides to the following: (1) a five-hour training program developed by DHHS that includes training and instruction in the key principles of medication administration and the federal Centers for Disease Control and Prevention guidelines on infection control and, if applicable, safe injection practices and glucose monitoring; (2) a clinical skills evaluation consistent with 10A NCAC 13F.0503; (3) the completion of an additional 10-hour training program developed by DHHS within 60 days of hire that includes training and instruction in the key principles of medication administration and the federal Centers for Disease Control and Prevention guidelines on infection control and, if applicable, safe injection practices and glucose monitoring; and (4) an examination administered by the Division of Health Service Regulation. Revises the date by which the Division of Health Service Regulation must develop a mandatory, in-service training program for adult care home medication aides to January 1, 2012 (previously December 1, 2011). Requires each adult care home to complete specified actions related to infection control, beginning January 1, 2012 (was, December 1, 2011).

Health, Social Services, and Aging

H 598. [NC HIGHWAY 54 CORRIDOR STUDY.](#) Filed 4/4/11. House committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO STUDY THE NC HIGHWAY 54 CORRIDOR IN WAKE COUNTY FROM NC 540 TO NORTHWEST MAYNARD ROAD*. Directs the Department of Transportation to study NC Highway 54, as title indicates, including roadway widening, intersection improvements, potential road relocation outside railroad right-of-way, and potential railroad grade separations. Makes other technical changes.

Transportation

H 846. [EXPAND ACCESS/DEATH CERTIFICATE/ADULT ADOPTEE.](#) Filed 4/6/11. House amendment makes the following changes to 1st edition. Rewrites the bill so that it adds to current GS 48-9-104(d) a provision that if the agency determines that a lineal ascendant of the deceased person who is the subject of the search is deceased, the agency may also obtain a copy of the death certificate of the deceased lineal ascendant and deliver it to the person who requested the services.

Family Law

SENATE BILLS

S 125. [REGIONAL SCHOOLS \(NEW\).](#) Filed 2/24/11. Senate committee substitute deletes all provisions of the 2nd edition and replaces with *AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO JOINTLY ESTABLISH REGIONAL SCHOOLS*. Creates Part 10 of Article 16 of GS Chapter 115C to authorize local boards of education to jointly establish a regional school, which may include partnerships with other education partners, including institutions of higher education and private businesses or organizations, to serve students enrolled in two or more local school administrative units (LEAs). Specifies that regional schools are exempt from statutes and rules applicable to local boards of education, unless otherwise indicated. To create a regional school, each local board of education must adopt a resolution including the following information: (1) Name of the regional school; (2) Names of all other local boards of education adopting resolutions to create the regional school; (3) Identification of one of the named LEAs to serve as the finance agent for the regional school; and (4) Identification of one of the named LEAs to provide school food services to the regional school. Provides that once the State Board of

Education (SBoE) has received resolutions from all local boards of education identified in each resolution for the creation of a regional school, the SBoE must approve the creation of the regional school. The SBoE may approve the expansion of a regional school following the receipt of a petition to join an existing regional school, and after taking comment from the regional school board of directors.

Creates a Board of Directors (Board) for each regional school consisting of: (1) one member appointed by the participating local boards of education from among the membership of the participating local boards of education; (2) the local superintendent of the LEA identified as the finance agent for the regional school will serve as an ex-officio member and an additional superintendent, as specified; (3) three members representing the business community appointed by the Economic Development Regional Partnership for the economic development region in which the regional school is located with at least one of the appointees being a resident of the county in which the regional school is located; (4) one member appointed by the Parent Advisory Council from its membership; and (5) any institution of higher education partner may appoint a representative of the institution of higher education to serve as an ex officio member of the Board. Specifies terms, organization, procedures, and ten powers of the Board, and designates the Board as a corporate entity and delineates its corporate powers. Details residency requirements for students, admission criteria, and provides for staff appointments.

Establishes a Parent Advisory Council consisting of two members appointed by each local board of education for the participating LEAs to serve as a resource and provide input to the Board as to the operation of the regional school. Specifies formula for the SBoE and participating local boards of education to follow in allocating funds to the school. Provides that the LEA identified as the finance agent by resolution will serve as the finance agent for the Board, with reasonable compensation for the service. Requires that participating LEAs develop a plan to provide transportation to the students residing in the district. Provides that the LEAs are to provide, to the extent practicable, school food services to the regional school. Permits the LEAs identified by resolution, but not other participating LEAs, to include eligible students enrolled in the school for purposes of federal funding through federally supported food service programs including the National School Lunch Program. Allows for criminal history checks for school personnel, and directs the board of directors to adopt a policy for the checks, as specified. States that all information received from the checks is privileged and not a public record. Includes immunity provision. Makes it a Class A1 misdemeanor to willfully falsify information on employment applications.

Amends GS 115B-2(a) to add students enrolled in a regional school to those persons who are permitted to attend classes without paying tuition at the constituent institutions of the University of North Carolina and the community colleges as defined in GS 115D-2(2). Makes conforming changes to GS 114-19.2 (Criminal records check of school personnel) and GS 126-5(c1) (state employees exempt from certain provisions of GS Chapter 126).

Education

S 137. ESTABLISH FORGIVABLE LOAN FUND. Filed 2/24/11. House committee substitute makes the following changes to 3rd edition. Expands the definition of a nonprofit postsecondary institution within the definition of *eligible institution* to also include those institutions as defined by GS 116-43.5.

Education; Health, Social Services,
and Aging

S 414. ALLOW ATTORNEYS' FEES IN BUSINESS CONTRACTS. Filed 3/23/11. Senate amendment makes the following changes to 2nd edition, as amended. Amends new GS 6-21.6(b) to provide that any award of reasonable attorneys' fees in an action or proceeding on the contract primarily for monetary damages may not exceed the monetary damages awarded. Adds a subsection providing that nothing in the new statute in any way makes valid or invalid attorney's fees provisions in a contract of insurance governed by GS Chapter 58 (replaces provision added in previous amendment).

Business and Commerce

S 463. ACCOUNTABILITY FOR TAXPAYER INVESTMENT ACT. Filed 3/30/11. Senate committee substitute makes the following changes to 1st edition. Revises the membership of the Taxpayer Investment Accountability Board to (1) delete the Director and Chief Administrative Law Judge of the Office of Administrative Hearings and (2) provide that certain members may serve through their designees. Adds a definition of "taxpayer" as any person subject to taxation by the state or a unit of local government. Adds a requirement that each agency or non-state entity subject to Article 2E must file annual certificates of compliance, signed by the principal executive officer of the agency or entity, the initial certificate being due on or before June 30, 2013. Requires internal auditors in state agencies required to have auditors pursuant to Article 79 of GS Chapter 143 to conduct annual audits for compliance with Article 2E and submit annual audit reports to the State Auditor and State Controller by

April 1, 2013, and annually thereafter. Provides that the State Auditor may (was, shall) verify compliance with Article 2E by each state agency and non-state entity on an annual basis. Provides that upon presentation by the taxpayer plaintiff of a prima facie case that an agency or entity has filed to comply with Article 2E, the burden is on the agency or entity to show its compliance. Makes other conforming and clarifying changes
State Government

S 486. [RELEASE SUBDIVIDED LOTS FROM TAX LIENS](#). Filed 3/31/11. Senate committee substitute makes the following changes to 1st edition. Adds provision that tax supervisors have five business days from receipt of a written request for valuation to provide the valuation.

Taxation; Property, Land Use, and Housing

S 493. [CODIFY NC CENTURY FARMS PROGRAM IN DACS](#). Filed 3/31/11. Senate committee substitute makes the following changes to 1st edition. Makes technical changes only.

Agriculture, Environment, and Natural Resources

S 501. [SWINE HOUSE RENOVATIONS/SITE LIMITS](#). Filed 4/4/11. Senate committee substitute makes the following changes to 1st edition. Reorganizes provisions and makes a clarifying change.

Agriculture, Environment, and Natural Resources

Legislation Enacted

SL 2011-52 (S 343). [COMMUNICATIONS REGULATORY REFORM](#). *AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011.* Summarized in *Daily Bulletin* 3/14/11 and 4/5/11. Enacted April 26, 2011. Effective April 26, 2011.

Energy and Utilities

SL 2011-53 (S 83). [WILSON SCHOOL BOARD](#). *AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE.* Summarized in *Daily Bulletin* 2/17/11 and 4/14/11. Enacted April 26, 2011. Effective April 26, 2011.

Wilson

Index by Keyword

Agriculture, Environment, and Natural Resources

H 200, 13
S 493, 16
S 501, 16

Animal Law

H 200, 13

Budget and Appropriations

H 200, 13
H 870, 1
H 871, 2

Business and Commerce

H 200, 13
H 297, 13
S 414, 15

Courts

H 200, 13

Criminal Law, Procedure, and Sentencing

H 200, 13

Education

H 200, 13
S 125, 15
S 137, 15

Employment and Retirement

H 200, 13

Energy and Utilities

H 200, 13
S 343, 16

Family Law

H 846, 14

Health, Social Services, and Aging

H 160, 7
H 200, 13
H 474, 14
H 871, 2
S 137, 15

Local Government	S 486, 16
H 200, 13	Transportation
Property, Land Use, and Housing	H 200, 13
S 486, 16	H 297, 13
State Government	H 422, 14
H 200, 13	H 598, 14
S 463, 16	H 870, 1
Taxation	Wilson
H 160, 7	S 83, 16
H 200, 13	

Notes

None

NEXT SESSIONS

April 27, 2011

HOUSE convenes at 12:15 p.m.

SENATE convenes at 3:00 p.m.