

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 54

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Senate Legislative Day 54

Wednesday, April 27, 2011

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 872. [SMART GRID JOB CREATION AND RETENTION ACT \(=S 671\)](#). Filed 4/27/11. TO PROVIDE A TAX CREDIT FOR RESEARCH REGARDING TECHNOLOGIES FOR THE MODERN ELECTRIC GRID, AS THAT TERM IS DEFINED UNDER THE FEDERAL ENERGY POLICY ACT OF 2007.

Identical to S 671, filed 4/19/11.

Intro. by **Bordsen, Martin**.

GS 105

Taxation

SENATE BILLS

S 776. [CALENDAR FLEXIBILITY/GREENE COUNTY SCHOOLS](#). Filed 4/27/11. TO GIVE THE GREENE COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO THE DESTRUCTION OF GREENE COUNTY MIDDLE SCHOOL BY A TORNADO.

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Amends GS 115C-84.2(a)(1) to provide that a school calendar may include a minimum of either 180 days or 1,000 hours of instruction (was, a minimum of 180 days and 1,000 hours of instruction) covering at least nine calendar months. Allows the local board of education (LEA) to comply with the school calendar requirement in the case of inclement weather by scheduling 1,000 hours of instruction on less than 180 days. Provides that an LEA making a calendar adjustment due to inclement weather meets the minimum 180-day requirement for instructional days. Also provides that teachers employed for a 10-month term are deemed to have been employed for 180 instructional days. Directs that all other employees are to be compensated as if they had worked their regularly scheduled hours for 180 instructional days. Applies only to the Greene County Schools in the 2010-11 school year.

Intro. by Pate.

GREENE

Greene

Local Bills

None

ACTION ON BILLS**April 27, 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

H0129	Level Playing Field/Local Gov't Competition.	S	Reptd Fav Com Substitute
		SA	Com Substitute Adopted
	03-23-11, 03-24-11, 03-28-11, 04-27-11		
H0217	Inspection Requirements Salvaged Vehicles.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On Commerce
	04-20-11		
H0219	Sex Offender Registry Amendments.	H	Pres. To Gov. 4/27/2011
	03-09-11		
H0297	Hold on to Your Drivers License.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On Commerce
	04-06-11, 04-20-11, 04-26-11		
H0298	Insurance Amendments.-AB	HA	Reptd Fav Com Substitute
		H	Re-ref Com On Finance
	04-27-11		
H0299	Surplus Lines/Premium Tax.-AB	HA	Reptd Fav Com Substitute
		H	Re-ref Com On Finance
	04-27-11		
H0386	Real Estate License Law Amendments.-AB	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On Commerce
	04-20-11		
H0468	Amend Weight Limits for Farm Products.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)

	H	Placed On Cal For 4/28/2011
04-27-11		
H0483 DNA Samples/Additional Felonies.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/28/2011
H0578 Health Care Sharing Organizations.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/28/2011
04-27-11		
H0629 Substance Abuse Treatment.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/28/2011
04-27-11		
H0647 Diabetes Task Force.	S	Withdrawn From Com
	S	Re-ref Com On Health Care
H0648 Improve Enforcement/General Contractor Laws.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Commerce
04-20-11		
H0719 Suspension Removed When Eligibility Met.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
04-20-11		
H0806 Zoning St. of Limit./Ag. Dist. Change.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/28/2011
04-27-11		
H0808 Revise Laws on Adult Care Homes.	H	Reptd Fav As Amended
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/28/2011
H0846 Expand Access/Death Certificate/Adult Adoptee.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
04-26-11		
H0852 Lmt PJC's/B,C, D, or E Felonies.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/28/2011
04-27-11		
S0049 Increase Fine for Speeding/School Zones.	H	Conf Com Reported
	H	Placed On Cal For 4/28/2011
	S	Conf Com Reported
	S	Placed On Cal For 4/28/2011
02-28-11, 03-01-11, 03-23-11, 04-27-11		
S0110 Permit Terminal Groins.	S	Rec To Concur H Com Sub
	S	Placed On Cal For 4/28/2011
03-09-11, 03-14-11, 04-19-11		
S0169 Study Innovations/Incentives in Education.	S	Reptd Fav
	S	Re-ref Com On Appropriations/Base Budget
S0268 Enhance Protection of Victims and Witnesses.	S	Withdrawn From Com
	S	Re-ref Com On Judiciary I
S0322 Adopt Official State Sport.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Placed On Cal For 4/27/2011
	S	Passed 2nd & 3rd Reading
04-27-11		

S0324 ABC Law/Eastern Band of Cherokee Indians.	S Reptd Fav
	S Re-ref Com On Judiciary I
S0328 Report on Transfer of CAP-MR/DD UR to LMEs.	S Reptd Fav
	S Re-ref Com On Appropriations/Base Budget
S0334 Expand Inpatient Psychiatric Beds/Funds.	S Reptd Fav
	S Re-ref Com On Appropriations/Base Budget
S0335 Apply for TBI Medicaid Waiver.	S Reptd Fav
	S Re-ref Com On Appropriations/Base Budget
S0401 ACH Pilot on Crisis Intervention Training.	S Reptd Fav
S0404 Dept. of Admin/Procurement Modernization.-AB	S Passed 2nd & 3rd Reading
S0421 GAST Training Pilot.	S Reptd Fav
S0433 Local Human Services Administration.	SA Amend Adopted 4
	S Amend Failed 5
	S Passed 3rd Reading
	S Engrossed
04-06-11, 04-20-11, 04-27-11	
S0463 Accountability for Taxpayer Investment Act.	S Passed 2nd & 3rd Reading
04-26-11	
S0479 Testing in the Public Schools.	SA Amend Adopted 1
	S Passed 2nd & 3rd Reading
	S Engrossed
04-27-11	
S0487 Disputed Earnest Money/Attorneys Deposit.	S Passed 2nd & 3rd Reading
S0493 Codify NC Century Farms Program in DACS.	S Passed 2nd & 3rd Reading
04-26-11	
S0501 Swine House Renovations/Site Limits.	S Passed 2nd & 3rd Reading
04-26-11	
S0514 Nutrient Management Plan Only For NSW.	S Passed 2nd & 3rd Reading
S0530 Prohibit Involuntary Annexation of Farms.	S Reptd Fav
S0569 Community College Efficiency Initiatives.	S Reptd Fav
	S Re-ref Com On Appropriations/Base Budget
S0572 Omnibus County Bill.	S Reptd Fav
	S Re-ref Com On Finance
S0576 Changes to Fees for Teacher Certification.	S Reptd Fav Com Substitute
	SA Com Substitute Adopted
	S Re-ref Com On Finance
04-27-11	
S0608 Health Care Sharing Organizations.	S Reptd Fav
S0609 Facilitate Locum Tenens Physicians.	S Withdrawn From Com
	S Re-ref Com On Insurance
S0624 Modify Hearing & Mailings for Rule Making.	S Reptd Fav
	S Re-ref Com On Judiciary I
S0744 Transparency in the Cost of	S Withdrawn From Com

Health Care.

S Re-ref Com On Insurance

LOCAL BILLS

H0310 Kinston Mayoral Veto.

S Reptd Fav Com Substitute
SA Com Substitute Adopted

03-31-11, 04-27-11

H0416 Expand Joyce Creek District Board.

S Rec From House
S Passed 1st Reading
S Ref To Com On State and
Local Government

H0511 Goldsboro-Wayne Airport Authority.

S Rec From House
S Passed 1st Reading
S Ref To Com On State and
Local Government

04-21-11

H0537 Wilkes Fire Tax Dist. Boundaries.

S Rec From House
S Passed 1st Reading
S Ref To Com On State and
Local Government

04-14-11

H0546 Alternative Salary Plans/Charlotte-Meck. Sch.

HA Reptd Fav Com Substitute
H Cal Pursuant Rule 36(b)
H Placed On Cal For 4/28/2011

04-27-11

S0776 Calendar Flexibility/Greene County Schools.

S Filed

**SUMMARIES OF AMENDMENTS
AND COMMITTEE SUBSTITUTES****HOUSE BILLS**

H 129. [LEVEL PLAYING FIELD/LOCAL GOV'T COMPETITION](#). Filed 2/17/11. Senate committee substitute makes the following changes to 3rd edition.

Amends the definition for *communications service* to clarify that the term does not apply to the sharing of data or voice between governmental entities for *internal* governmental purposes. Amends the definition for *high-speed Internet access service* to define it as Internet access service with transmission speeds that are *equal to or greater* than the requirements for basic broadband *tier 1* service as defined by the Federal Communications Commission (FCC) *for broadband data gathering and reporting*.

Clarifies that the term *unserved area* as used in subsection (b) of proposed GS 160A-340.2 (exemptions) means a census block as designated by the most recent census of the U.S. Census Bureau, as defined. Provides that a city may petition the FCC to serve multiple contiguous unserved areas in the same proceeding. Also provides that for the purposes of subsection (c), *corporate limits* means the corporate limits of the city as of April 1, 2011, or as expanded through annexation. Identifies the specific service areas for the joint agency operated by the cities of Davidson and Mooresville, for the city of Salisbury, and for the city of Wilson. Provides that the exemptions provided in the statute do not exempt a city or joint agency from laws and rules that generally apply to governmental services, including prohibitions against discrimination. Provides that a city subject to the exemption in subsection (c) of proposed GS 160A-340.2, which provides communications service to a customer outside of the limits specified in subsection (c), has 30 days from the date of notice or discovery of the action to stop providing service to the customer without losing the exemption.

Provides that the special election that a city must hold before incurring debt for constructing a communications system must be on the question of whether the city may provide communications service (was, on the question of whether the city should incur the debt for the proposed purposes). Provides that if the majority of the votes cast are in favor of providing communications service (was, in favor of the city incurring the debt) then

the city may incur the debt for the service. If the majority of votes oppose the city providing communications service, then the city cannot incur the debt.

Makes technical corrections and other clarifying changes.

Business and Commerce; Energy
and Utilities; Local Government

H 298. INSURANCE AMENDMENTS. Filed 3/9/11. House committee substitute makes the following changes to 1st edition. Adds a new section GS 58-3-31, establishing the Seniors' Health Insurance Information Program within the Department of Insurance (Department) as a statewide health benefits counseling program to provide the state's Medicare beneficiaries with counseling in Medicare, Medicare supplement insurance, long-term care insurance, and related health care coverage plans.

Eliminates language in new GS 58-50-131(b), which allowed for the request of a hearing in the event the Commissioner of Insurance (Commissioner) disapproves a filing. Eliminates language in new GS 58-50-131(c), which directed the Commissioner to use incurred claims experience and earned premium as basis to establish minimum standards for loss ratios of policies subject to the statute. Replaces the term "licensed producer" with "licensed agent" in new GS 58-33-27. Clarifies that nothing in proposed GS 58-3-285(b) requires an insurer to offer nondependent child coverage or maternity coverage within an offer of nondependent child coverage. Creates a new subsection (c) to new GS 58-33-27, stating that if other property losses occur in conjunction with the loss associated with the portable consumer electronic device, the individual who performs duties as described in GS 58-33-10(2) on the total loss, including the loss associated with the portable consumer device, must hold an adjuster's license. Makes clarifying changes to proposed GS 58-33-27(b).

Adds new section to rewrite GS 97-130 to remove the approval of the Commissioner as necessary in the definition of "Servicing Facility." Adds new section to rewrite GS 97-131 to remove the approval of the Commissioner as necessary for the Association to perform functions under a Plan of Operation established or amended, or both, by the Board.

Clarifies that the Association must annually operate and provide an Association Aggregate Security System through a combination of cash on deposit in the Fund, securities, surety bonds, irrevocable letters of credit, insurance, reinsurance, or other financial instruments or guarantees owned or entered into by the Association. Makes a conforming change.

Adds new GS 58-8-36, clarifying that statewide multiline limited assessable mutual insurance companies are not subject to GS 58-33-85(b). Adds new subsection (b) to GS 58-64-85 providing that licensed facilities and providers that are also subject to the provisions of the North Carolina Condominium Act under GS Chapter 47C are not subject to the provisions of GS Chapter 39A if the facility's declaration of condominium does not require the payment of any fee or charge not otherwise provided for in a resident's contract for continuing care, or other separate contract for the provisions of membership or services.

Makes other technical, organizational, and clarifying changes. Makes conforming changes to the bill title.

Business and Commerce

H 299. SURPLUS LINES/PREMIUM TAX. Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 58-21-3 to add that the Commissioner of Insurance (Commissioner) is also authorized to enter into a cooperative agreement or interstate agreement or compact to facilitate the collection, allocation, and disbursement of premium taxes attributable to nonadmitted insurance, provide for uniform methods of allocation and reporting among nonadmitted insurance risk classifications, and share information relating to nonadmitted insurance premium taxes among states. Also authorizes the Commissioner to enter into an interstate compact or interstate agreement to carry out the Nonadmitted and Reinsurance Reform Act of 2010. Makes organizational changes.

Amends proposed GS 58-21-4 to include the collection of the premium tax under GS 58-21-85 among the ministerial functions for which the Commissioner may contract with nongovernmental entities. Permits the NAIC or other entity with whom the Commissioner contracts to charge a reasonable fee to the insurer, insured, or other appropriate person for the functions performed. Directs the Revenue Laws Study Committee to study the potential impact of a state compact in a nonadmitted insurance multistate agreement, as detailed.

Deletes sections amending GS 58-21-85, which required licensed persons to collect and pay the Commissioner 5% of the gross premiums charged for surplus lines insurance, and GS 58-28-5(b), which concerned multistate risks and premium taxes. Adds a section to amend the definition of *risk retention group* in GS 58-22-10(10) as follows: the term means any corporation or other limited liability association that, among other things, (1) is only owned by persons comprising the membership of the risk retention group and who receive insurance from the group or (2) is solely owned by an organization whose (a) only members comprise the risk

retention group and (b) whose only owners comprise the risk retention group and receive insurance by the group (clarifies current language). Makes other clarifying changes.

Makes a conforming change to the bill title to reflect bill content.

Business and Commerce

H 310. KINSTON MAYORAL VETO. Filed 3/9/11. Senate committee substitute makes the following change to 2nd edition. Makes a technical change only.

Lenoir

H 468. AMEND WEIGHT LIMITS FOR FARM PRODUCTS. Filed 3/24/11. House committee substitute makes the following changes to 1st edition. Makes a technical change.

Transportation; Agriculture,
Environment, and Natural
Resources

H 546. ALTERNATIVE SALARY PLANS/CHARLOTTE-MECK. SCH. Filed 3/30/11. House committee substitute makes the following changes to 1st edition.

Clarifies that under the pilot program in the Charlotte-Mecklenburg Schools (CMS), the value of each instructional position will be funded according to then-current state funding for such positions, but the CMS has discretion to determine fund allocation among the positions (previous edition granted funds based on the 2010-11 allocation). Adds that the amount of funds will not be less than the amount CMS would have received under the then-current state method for allocating funds. Adds two items for inclusion in the performance salary schedule. Requires CMS to provide periodic updates to employees concerning the performance-based pay structure plan, and to make the plan details public before adoption. Makes a clarifying change.

Mecklenburg

H 578. HEALTH CARE SHARING ORGANIZATIONS. Filed 3/31/11. House committee substitute makes the following change to 1st edition. Makes a technical change only.

Health, Social Services, and Aging

H 629. SUBSTANCE ABUSE TREATMENT. Filed 4/5/11. House committee substitute makes the following change to 1st edition. Changes effective date of the amendment to GS 15A-1343(b1) to December 1, 2011 (was, effective when the act becomes law).

Criminal Law, Procedure, and
Sentencing

H 806. ZONING ST. OF LIMIT./AG. DIST. CHANGE. Filed 4/6/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 153A-348(c) and 160A-364.1(c), adding that a party who files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that the party is in violation of a zoning or unified development ordinance is not barred from raising in the appeal the invalidity of the ordinance as a defense. Makes a clarifying change, and makes a conforming change to the title.

Local Government

H 852. LMT PJCS/B1, B2, C, D, OR E FELONIES (NEW). Filed 4/6/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 15A-1331B, clarifying Class B1 and B2 felonies (rather than Class B). Clarifies that at the time the state prays judgment, or 12 months from the date of the prayer for judgment continued order, whichever is earlier, then the court must enter a final judgment unless the court finds that it is in the interest of justice to continue the order for prayer for judgment continued. Provides that the order must be continued for a specific period of time not to exceed 12 months, if the court continues the order for PJC. Prohibits the court from continuing a prayer for judgment continued order for more than one additional 12-month period. Makes a conforming change to the bill title.

Criminal Law, Procedure, and
Sentencing

SENATE BILLS

S 49. [INCREASE FINE FOR SPEEDING/SCHOOL ZONES](#). Filed 2/8/11. Conference report recommends the following changes to 4th edition to reconcile matters in controversy.

Amends GS 20-141.1 and 20-141(e1) to clarify that the penalty for speeding in a school zone or on school property is \$250 (rather than not less than \$250).

Transportation; Criminal Law,
Procedure, and Sentencing

S 322. [ADOPT OFFICIAL STATE SPORT](#). Filed 3/10/11. Senate committee substitute makes the following changes to 1st edition. Makes clarifying changes.

State Government

S 433. [LOCAL HUMAN SERVICES ADMINISTRATION](#). Filed 3/28/11. Senate amendment makes the following changes to 2nd edition, as amended. Removes language in GS 153A-77(b)(1) referring to a human services director being appointed and supervised by the human services board under subdivision (2) of the subsection. Removes language in GS 153A-77(e) and 153A-77(e)(1) allowing the county board of commissioners to elect to have the human services director appointed and dismissed by the consolidated human services board. Removes Section 3, deleting proposed changes to GS 153A-76. Makes technical changes.

Local Government; Health, Social
Services, and Aging

S 479. [TESTING IN THE PUBLIC SCHOOLS](#). Filed 3/31/11. Senate amendment makes the following changes to 1st edition. Deletes provision requiring the State Board of Education to pilot a United States History assessment during the 2011-12 school year. Makes a conforming change to the title.

Education

S 576. [CHANGES TO FEES FOR TEACHER CERTIFICATION](#). Filed 4/12/11. Senate committee substitute makes the following changes to 1st edition. Makes clarifying and technical changes only.

Education

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

April 28, 2011

HOUSE convenes at 9:00 a.m.

SENATE convenes at 12:00 p.m.