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SUMMARIES OF BILLS FILED

Public Bills

None

Local Bills

None

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ACTION ON BILLS**May 12, 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

H0054 Habitual Misdemeanor Larceny. 03-09-11, 05-11-11	H	Passed 2nd Reading
H0115 North Carolina Health Benefit Exchange. 03-30-11, 05-10-11	H	Postponed To 5/17/2011
H0139 Limit Contributions by State Vendors. 04-21-11	H	Assigned To Judiciary Subcommittee A
H0145 Phoebe's Law. 03-16-11	H	Assigned To Judiciary Subcommittee A
H0188 Taxpayer Bill of Rights.	H	Assigned To Judiciary Subcommittee A
H0197 School Calendar Flexibility/ Inclement Weather. 05-05-11	H	Rec To Concur S Com Sub H Cal Pursuant Rule 36(b) H Placed On Cal For 5/16/2011
H0271 Probation Officer/No Concealed Carry Required.	H	Passed 2nd & 3rd Reading
H0340 Utilities Commission/Criminal Records Check. 03-24-11	H	Assigned To Judiciary Subcommittee B
H0366 Special Election Dates. 05-12-11	HA	Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/16/2011
H0374 Eugenics Records/Public Records Exemption.	H	Assigned To Judiciary Subcommittee A
H0406 Voluntary Agriculture Districts.	H	Passed 3rd Reading
H0408 Amend Criminal Discovery Laws. 05-12-11	HA	Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/16/2011
H0423 Enact First Evaluation Program. 04-20-11, 05-10-11	S	Rec From House S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
H0451 DWLR Penalties Increased/ Vehicle Seizures. 04-28-11	H	Passed 2nd & 3rd Reading

H0474 Protect Adult Care Home Residents. 04-26-11, 04-28-11, 05-12-11	S Reptd Fav Com Substitute SA Com Substitute Adopted
H0475 English the Official Language.	H Assigned To Judiciary Subcommittee A
H0484 Transfer Emergency Foreclosure Program to HFA.	H Passed 2nd & 3rd Reading
H0490 Rename Yadkin River Bridge.	S Rec From House S Passed 1st Reading S Ref to Transportation. If fav, re-ref to Appropriations/Base Budget
H0493 Landlord Tenant Law Changes. 05-09-11	H Postponed To 5/16/2011
H0514 Uniform Military and Overseas Voters Act. 05-12-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/16/2011
H0585 NC Energy Independence Search Committee. 05-12-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/16/2011
H0594 Functionally Equivalent Wastewater Systems. 05-12-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/16/2011
H0658 Change Early Voting Period.	H Passed 2nd Reading
H0714 Legal Services.	H Assigned To Judiciary Subcommittee A
H0715 Support Firefighters Week.	H Withdrawn From Com H Placed On Cal For 5/17/2011
H0732 Tort Reform Act of 2011.	H Assigned To Judiciary Subcommittee A
H0737 Strengthen Child Safety Laws/ Care Facilities.	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
H0750 Stormwater Best Mgmt. Responsibility/Asscs. 05-12-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/16/2011
H0769 High School to Work Partnership. 04-20-11	S Passed 2nd & 3rd Reading
H0795 Patient Access to Pathological Materials. 05-12-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/16/2011
H0806 Zoning St. of Limit./Ag. Dist. Change. 04-27-11, 05-11-11	H Passed 3rd Reading H Ordered Engrossed
H0845 Annexation Reform Act of 2011. 05-03-11, 05-11-11	H Passed 2nd Reading
H0854 Abortion-Woman's Right to Know Act. 05-12-11	HA Reptd Fav Com Substitute H Pursuant Rule 38a H Re-ref Com On Appropriations

H0864 Modify Butner Tax Remittance. 05-12-11	HA Reptd Fav Com Substitute H Re-ref Com On Finance
H0929 Honor Mitchell County's 150th.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
S0125 Regional Schools. 04-26-11, 05-11-11	S Passed 2nd & 3rd Reading
S0126 Drivers License/Military ID Validity.	H Passed 1st Reading H Ref To Com On Finance
S0187 Outlaw Red Light Camera Systems. 04-06-11	H Assigned To Judiciary Subcommittee A
S0212 Cemeteries/Survey Stamp.	S Pres. To Gov. 5/12/2011
S0244 Fire and Rescue/Survivor's Benefit. 03-31-11	H Passed 2nd & 3rd Reading
S0321 Surplus Lines/Premium Tax.-AB 04-14-11, 05-03-11	H Serial Referral to Finance added
S0323 State Hlth Plan/ Appropriations & Transfer ll. 03-24-11, 04-19-11, 04-20-11, 04-28-11	S Pres. To Gov. 5/12/2011
S0345 Encourage Invest to Retain Art 3A Installment.	H Passed 1st Reading H Ref To Com On Finance
S0354 Rental Property/Lithium Battery Smoke Alarms. 05-04-11	H Passed 1st Reading H Ref to the Com on Commerce and Job Development, if favorable, Judiciary
S0374 Landowner Protection Act. 05-10-11	S Withdrawn From Cal S Re-ref Com On Judiciary I
S0380 ETJ/Definition of Bona Fide Farm Purposes. 04-28-11	H Passed 1st Reading H Ref To Com On Agriculture
S0432 Revise Probate Code. 05-02-11	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
S0471 Youth Skin Cancer Prevention Act. 05-12-11	S Reptd Fav Com Substitute SA Com Substitute Adopted S Re-ref Com On Commerce
S0489 Commerce Tracks Job Creation/ Public Database. 05-12-11	S Reptd Fav Com Substitute SA Com Substitute Adopted S Placed On Cal For 5/17/2011
S0498 Modify Law Re: Corporal Punishment. 05-05-11	H Passed 1st Reading H Ref To Com On Education
S0512 Adult Day Care/Overnight Respite Program. 05-12-11	S Reptd Fav Com Substitute SA Com Substitute Adopted
S0525 Streamline Oversight/DHHS	S Reptd Fav Com Substitute

Service Providers.	SA Com Substitute Adopted
	S Placed On Cal For 5/17/2011
05-12-11	
S0549 Honor Maxine Swalin.	S Adopted
S0576 Changes to Fees for Teacher Certification.	S Reptd Fav Com Substitute
	SA Com Substitute Adopted
	S Placed On Cal For 5/17/2011
04-27-11, 05-12-11	
S0644 DSS Adoption Assistance Agreements Binding.	S Reptd Fav Com Substitute
	SA Com Substitute Adopted
05-12-11	
S0669 Dix Property-Mental Health Trust Fund.	H Passed 1st Reading
	H Ref To Com On Finance
05-04-11	
S0670 Revise Membership/Hearing Aid Fitters Board.	S Reptd Fav Com Substitute
	SA Com Substitute Adopted
	S Re-ref Com On Finance
05-12-11	
S0676 Clarify Water & Well Rights/Private Property.	SA Amend Adopted 1
	S Passed 3rd Reading
	S Engrossed
05-03-11, 05-12-11	
S0709 Energy Jobs Act.	H Passed 1st Reading
	H Ref to the Com on Public Utilities, if favorable, Commerce and Job Development
05-04-11, 05-10-11	
S0724 An Act to Improve Public Education.	H Passed 1st Reading
	H Ref To Com On Education
05-05-11	

LOCAL BILLS

H0150 Greensboro Charter Amendments.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
05-09-11, 05-11-11	
H0193 Topsail Beach Recall Elections.	S Passed 2nd & 3rd Reading
03-24-11, 03-28-11	
H0194 Topsail Beach Charter Amendment.	S Passed 2nd & 3rd Reading
H0256 Incorporate Lake James.	H Serial Referral to Finance added
H0414 Amend Rutherford County Occupancy Tax.	H Passed 2nd Reading
H0415 Topsail Beach/Nags Head/Littoral Rights.	H Rec To Concur S Com Sub
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 5/16/2011
05-04-11	
H0516 Mount Airy Charter Amendments.	H Withdrawn From Com
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 5/16/2011
H0523 CHANGE Winston-Salem/Forsyth Election Method.	HA Reptd Fav Com Substitute
	H Cal Pursuant Rule 36(b)

05-12-11		
H0528 Duplin Elections.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/16/2011
H0565 Morehead City/Beaufort Boundary.	H	Postponed To 5/16/2011
H0573 Raleigh Deannexation.	HA	Reptd Fav Com Substitute
	H	Re-ref Com On Finance
05-12-11		
H0804 Johnston Memorial Hospital Not in LGERS.	H	Passed 2nd & 3rd Reading
05-05-11		
S0200 Alamance/Orange 9% Boundary.	S	Passed 2nd Reading
S0201 Alamance/Orange Boundary.	S	Passed 2nd Reading
04-14-11		
S0288 Atlantic Beach/Beaufort/ Parking.	H	Passed 2nd & 3rd Reading
05-11-11		

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 366. [SPECIAL ELECTION DATES](#). Filed 3/15/11. House committee substitute makes the following changes to 1st edition. Deletes previous amendments to GS 163-287 and amends GS 163-287, as amended by SL 2011-31, to require a special election called by a county, municipality, or special district to be held at the same time as any other state, county, or municipal general election. Creates new subsections (c) and (d) to exempt the following from the requirement: (1) Special elections related to the public health or safety if the governing body adopts a resolution stating the need for the special election at a different time from the general election and (2) Municipal incorporation or recall elections pursuant to a local act of the General Assembly.

Enacts new GS 163-3 to require special elections be conducted as required by GS 163-287.

Enacts new GS 163-14, to provide that if a vacancy in elective office is to be filled by appointment by the county board of commissioners, the board instead may call a special election, in compliance with GS 163-287, to fill the office for the remainder of the term in a manner the board directs, with the election to be conducted by the county board of elections. Directs the board of county commissioners to appoint an individual to fill the vacancy in the interim before the special election.

Deletes previous amendments to GS 18B-601(f), GS 160A-103, GS 159-61(b), and GS 160A-104. Amends each of these to conform the applicable elections to GS 163-287.

Makes additional conforming changes to various statutes to ensure special elections are conducted in accordance with GS 163-287. Makes conforming changes to bill title. Effective with respect to special elections held on or after January 1, 2012.

Elections Law; Local Government

H 408. [AMEND CRIMINAL DISCOVERY LAWS](#). Filed 3/17/11. House committee substitute makes the following changes to 1st edition. Amends GS 15A-903(a)(1) to clarify that upon motion of the defendant, the court must order the state to make available to the defendant all files of the law enforcement agencies, investigatory agencies, and prosecutor's offices involved in the investigation of the crimes committed or prosecution of the defendant (was, make available the prosecutor's complete file). Directs that, in addition to any results, all other data, calculations, or writings of any kind must be made available to the defendant when any matter or evidence is submitted for testing or examination. Defines *prosecutor's office* as the office of the prosecuting attorney and defines *investigatory agency* as any public or private entity that obtains information on behalf of a law enforcement agency or prosecutor's office.

Deletes previously added provision in GS 15A-903(a)(2) regarding the requirement that any representative of the state who is requesting investigative assistant or expert witness services must file a motion and notice of hearing on the defendant in court in the presence of opposing counsel, and substitutes language directing

standardized fee scales be developed by the Administrative Office of the Courts and Indigent Defense Services for all expert witnesses and private investigators who are compensated with state funds. Makes similar deletion and substitution to GS 15A-905(c)(2).

Rewrites GS 15A-903(c) to require law enforcement and investigatory agencies to make available to the prosecutor's office a complete copy of the relevant files, including any information under GS 15A-903(a)(1), in a timely matter. Creates new subsection (d) to GS 15A-903 making it a Class H felony to willfully omit or misrepresent evidence or information required to be disclosed under GS 15A-903(a)(1) or provided under GS 15A-903(c). Any other willful omission or misrepresentation under the statute is a Class 1 misdemeanor.

Deletes provision in GS 15A-904 stating that the district attorney or other prosecuting attorney and legal staff are presumed to be acting in good faith if the state has undertaken compliance with Article 48 of GS Chapter 15A by making disclosure. Amends GS 15A-910 to provide a presumption that prosecuting attorneys and their staff acted in good faith if they made reasonably diligent inquiry of agencies under GS 15A-903(c) and disclosed responsive materials, when courts and state agencies are determining whether to impose personal sanctions for untimely disclosure of law enforcement and investigatory agencies' files.

Makes other clarifying and organizational changes. Changes title to *AN ACT TO STRENGTHEN NORTH CAROLINA'S OPEN-FILE DISCOVERY LAW, PROTECT CRIME STOPPERS INFORMANTS, PROTECT VICTIM INFORMATION, REQUIRE LAW ENFORCEMENT AND INVESTIGATORY AGENCIES TO MAKE TIMELY DISCLOSURE OF THEIR FILES TO PROSECUTORS, AND AVOID FRIVOLOUS CLAIMS OF PROFESSIONAL MISCONDUCT AGAINST PROSECUTORS.*

Criminal Law, Procedure, and
Sentencing

H 474. PROTECT ADULT CARE HOME RESIDENTS. Filed 3/24/11. Senate committee substitute makes the following changes to 3rd edition. Amends proposed GS 131D-4.5B(b) to provide that existing staff in an adult care home are prohibited from performing any unsupervised medication aide duties unless the individual has previously worked as a medication aide during the previous 24 months in an adult care home or has successfully completed a 5-hour training program that includes training and instruction in safe injection practices and procedures for monitoring or testing in which bleeding occurs or the potential for bleeding exists (was, training and instruction in glucose monitoring). Also requires that an individual complete, within 60 days of being hired, an additional 10-hour training program that includes training and instruction in safe injection practices and procedures for monitoring or testing in which bleeding occurs or the potential for bleeding exists and completes other requirements included in the previous edition. Makes a technical correction.

Health, Social Services, and Aging

H 514. UNIFORM MILITARY AND OVERSEAS VOTERS ACT. Filed 3/29/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 163-258.6(b) to delete provision requiring that declarations be received by the deadline to register to vote in GS 163.82.6(c), when a covered voter applies to register to vote simultaneously with the submission of a federal write-in absentee ballot. Creates new subsection (d) to GS 163-258.6 providing that the deadline for receipt of voter registrations is 5:00 p.m. the day before an election. Amends proposed GS 163-258.8 to clarify that an application is considered a valid absentee ballot request for any election covered under GS 163-258.3 held during the calendar year in which the application was received, and that an application for a military-overseas ballot is timely if received by 5:00 p.m. the day before the election.

Amends proposed GS 163-258.9(a) to require absentee ballots for municipal elections be available no later than 30 days before an election. Clarifies that for second primaries that include candidates for federal office, the county board of elections must transmit ballots to specified covered voters no later than 45 days before the second primary. Provides that for second primaries that do not include a candidate for federal office, the transmission of ballots must be as soon as practicable, and must be transmitted electronically no later than three business days, and by mail no later than 15 days, from the date the board of elections orders a second primary.

Amends proposed GS 163-258.10 to clarify that a military-overseas ballot is valid if it is received by the appropriate county board of elections no later than the close of the polls, or if the voter submits the ballot for mailing, electronic transmission, or other authorized means of delivery, not later than 12:01 a.m. at the place the voter completes the ballot on election day (was, must be received by the county board of elections no later than 5:00 p.m. on the third day after election).

Amends proposed GS 163-258.16 by directing, for a second primary required by GS 163-111, the county board of elections to prepare, no later than the day following the date the appropriate board of elections orders that a second primary be held, an election notice for that jurisdiction to be used in conjunction with the federal write-in absentee ballot.

Adds new section to amend GS 163-111(e) to require that a second primary required under the statute must be held 10 weeks after the first primary if any of the offices for which a second primary is required are for a candidate for the U.S. Senate or the U.S. House of Representatives; otherwise the second primary must be held seven weeks after the first primary.

Adds new section to amend GS 163-234(2) to authorize the county board of elections to begin counting absentee ballots issued under Article 21A of GS Chapter 163 between 9:00 a.m. and 5:00 p.m. (previously could not do so before 2:00 p.m.) on election day.

Makes other technical, clarifying, and conforming changes.

Elections Law; Military and
Veterans Affairs

H 523. CHANGE WINSTON-SALEM/FORSYTH ELECTION METHOD. Filed 3/30/11. House committee substitute makes the following changes to 1st edition. Repeals GS 163-279(b) (regarding primaries and elections in Winston-Salem). Amends the Charter of the City of Winston-Salem (Charter) by requiring the election of mayor be held as specified in proposed Section 12J of the Charter; that, except as provided in Section 12J, the mayor is to serve terms of four years, and; the mayor must be a resident of Winston-Salem. Provides that the election for city council members be held as specified in Section 12J of the Charter and that, except as provided in 12J, council members serve a term of four years. Replaces 'alderman' with 'city council' throughout. Directs the time for holding primaries is to be as provided in 12J of the Charter. Makes other clarifying and technical changes.

Amends the Charter by adding new Section 12J providing that (1) in 2013, the primary and election for mayor and council members is held on the dates provided in GS 163-279(a)(2); (2) the terms of the mayor and council members of Winston-Salem elected in 2013 expire at the organizational meeting after the 2016 regular municipal election; and (3) notwithstanding GS 163-279, in 2016 and quadrennially thereafter, primaries and elections for mayor and city council are to be held at the same time as for county officers as provided in GS 163-1.

Forsyth

H 573. RALEIGH/WAKE FOREST BOUNDARY (NEW). Filed 3/30/11. House committee substitute makes the following changes to 1st edition. Adds that the corporate limits of the town of Wake Forest are increased by adding the territory described in the act. Makes other technical changes. Changes title to *AN ACT TO REMOVE FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH AND ANNEX TO THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST PART OF THE RIGHT-OF-WAY OF THE HIGHWAY 98 BYPASS IN WAKE FOREST TOWNSHIP, AS REQUESTED BY THOSE MUNICIPALITIES.*

Wake

H 585. NC ENERGY INDEPENDENCE STUDY (NEW). Filed 4/1/11. House committee substitute makes the following changes to 1st edition. Deletes the 1st edition and replaces it with *AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION, WITH THE ASSISTANCE OF THE DEPARTMENT OF COMMERCE, TO STUDY THE DEVELOPMENT OF NATURAL GAS, OIL, WIND, SOLAR, AND OTHER ENERGY SOURCES CAPABLE OF ENERGY PRODUCTION IN NORTH CAROLINA.*

Directs the Environmental Review Commission (ERC), with the assistance of the Department of Commerce (Department), to study the development of energy sources, including natural gas, oil, wind, and solar, capable of energy production for the purposes of aiding North Carolina in becoming more (1) self-reliant regarding its energy supplies and (2) independent of foreign energy markets. Specifies the following issues and topics to be covered in the study: (1) identifying prospective energy companies that explore for and produce energy from natural gas, oil, wind, solar, or other energy sources capable of energy production; (2) inviting energy exploration and production companies to the state to present ERC and the Department with specific proposals for energy production in North Carolina; (3) considering actions to promote the development of natural gas, oil, wind, solar, and other energy sources in the state, specifically the use of incentives such as tax credits and other financial incentives; and (4) considering changes to state law to reduce the regulatory burden on energy development and production in North Carolina.

Requires ERC and the Department to report any findings, recommendations, and legislative proposals to the 2012 Regular Session of the 2011 General Assembly.

Energy and Utilities

H 594. FUNCTIONALLY EQUIVALENT WASTEWATER SYSTEMS. Filed 4/4/11. House committee substitute makes the following changes to 1st edition. Rewrites and reorganizes provisions of previous edition as follows. Creates new subsection (g1) to GS 130A-343 allowing a manufacturer of a wastewater trench system to petition

the Commission for Public Health (Commission) to have a wastewater trench system approved as an innovative wastewater system as provided in the subsection. Directs the Commission to approve a wastewater trench system as an innovative wastewater system if there is clear and convincing evidence that the wastewater system is functionally equivalent to a wastewater trench system that is approved as an accepted wastewater system. Details the performance requirements necessary for the Commission to find a wastewater trench system is the functional equivalent to an accepted wastewater trench system. Details the information the manufacturer must provide to the Commission in its petition. Clarifies that approval of a wastewater trench system as an innovative wastewater system (was, an accepted wastewater system) is not conditioned on the manufacturer of the wastewater trench system having operational systems installed in North Carolina. Directs the Commission to authorize the use of a wastewater trench system as an innovative wastewater system in the same applications as an accepted wastewater trench system. Forbids the Commission from including conditions and limitations in the approval of a wastewater trench system as an innovative wastewater system that are not included in the approval of the accepted wastewater system. Changes title to *AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO APPROVE AS AN INNOVATIVE WASTEWATER SYSTEM ANY WASTEWATER TRENCH SYSTEM THAT IS DETERMINED BY THE COMMISSION TO BE FUNCTIONALLY EQUIVALENT TO AN ACCEPTED WASTEWATER TRENCH SYSTEM.*

Deletes amendment to GS 130A-343(h), and states that the act becomes effective when it becomes law (was, the act applies to wastewater systems designated by the Commission on or after the date the act becomes law).

Health, Social Services, and Aging

H 750. STORMWATER SYS. OWNERS ASSCS./SD RULES (NEW). Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Rewrites and clarifies proposed GS 143-214.7(c2) to require the Department of Environment and Natural Resources (DENR) to transfer a permit for a stormwater management system from the declarant of a condominium or a planned community to the unit owners association, owners association, or other management entity identified in the condominium or planned community's declaration upon request of a permittee if DENR finds the following: (1) the common areas related to the operation and maintenance of the management system have been conveyed to the unit owners association or owners association, (2) the declarant conveyed at least 50% of the units or lots to owners other than a declarant, and (3) the management system is in substantial compliance with the stormwater permit. Clarifies that a permittee must submit documentation to DENR to demonstrate that ownership of the common area has been conveyed from the declarant to the association and that the declarant conveyed at least 50% of the units or lots to owners other than a declarant. Defines declarant of a condominium and declarant of a planned community for purposes of the subsection.

Adds additional language to GS 130A-55(7) to clarify that specified sanitary district rules can be no more restrictive than or conflict with requirements or ordinances of any county having jurisdiction over the area, and if a conflict arises, the requirements or ordinances of the county having jurisdiction over the area control.

Makes conforming changes to title.

Agriculture, Environment, and
Natural Resources

H 795. PATIENT ACCESS TO PATHOLOGICAL MATERIALS. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 90-411.1 to define *patient* as the individual, the individual's legal counsel, the individual's attorney-in-fact, the individual's legal guardian, the personal representative of the estate of that individual, or a person listed in GS 90-210.124(a)(2)a-e, if the individual is deceased. Makes a conforming change deleting the use of the phrase *patient or patient's representative* and substituting the term *patient* as defined in the amended language. Provides that a health care provider (was, licensed health care provider or health care facility) is to furnish specified pathological materials collected from the patient and any relevant medical records upon receipt of an authorized request from the patient. Provides that the patient's written authorization to the health care provider must be notarized (was, signed). Does not require a written request signed by a patient's legal counsel to be notarized. Prohibits application of this proposed statute to any pathological materials collected as evidence of a criminal offense or as evidence of paternity. Allows a health care provider to charge a reasonable fee for furnishing requested materials and medical records pursuant to GS 90-411 (was, may charge a fee to cover costs).

Makes organizational changes and conforming changes to the title to reflect changes in the bill's content.

Health, Social Services, and Aging

H 854. ABORTION-WOMAN'S RIGHT TO KNOW ACT. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Provides that the lack of knowledge of the physician or qualified professional (1) as to the name of the physician who will perform the abortion, (2) as to whether the physician has no malpractice insurance to cover liability in the performance or attempted performance of an abortion, or (3) as to the location of a hospital within 30 miles of the location where the abortion is to take place that offers obstetrical or gynecological care, and the inability to communicate such information to the woman seeking an abortion at least 24 hours prior to the abortion does not restart the 24-hour period. Deletes requirement that the printed materials prominently display the statement: "The life of each human being begins at conception. Abortion will terminate the life of a separate, unique living human being." Deletes the reporting requirements directing physicians to report specified data regarding the number of abortions performed. Renumbers the sections accordingly and makes conforming changes. Requires a physician who performs an abortion on a minor to retain a copy of the required written notarized consent for three years after the minor reaches the age of majority (was, retain for at least seven years or for five years after the minor reaches the age of majority, whichever is greater). Provides the act becomes effective 90 days after it becomes law and applies to claims for relief that arise on or after October 1, 2011 (was, on or after December 1, 2011). Makes additional clarifying changes.

Health, Social Services, and Aging

H 864. MODIFY BUTNER TAX REMITTANCE. Filed 4/13/11. House committee substitute makes the following changes to 1st edition. Amends SL 1983-830, as amended, to provide that the additional tax collected on real and personal property (25¢ per \$100 valuation) in the Butner Fire and Police Protection District is to go to the account for the Department of Crime Control and Public Safety, Butner Public Safety Division (was, to the town of Butner). Makes a conforming change to GS 122C-408(c) (regarding the contract between the Town of Butner and the Department of Crime Control and Public Safety). Amends GS 122C-411 to provide that fire protection contracts between the Department of Crime Control and Public Safety and industries within the vicinity of Butner are to calculate the payment by any contracting industry on the basis of 25¢ per \$100 of assessed valuation. Deletes amendment to Section 2 of SL 1983-830 (stating that the purpose of the act is to partially fund the town of Butner to provide fire protection in the Butner Fire and Police Protection District).

Granville

SENATE BILLS

S 471. YOUTH SKIN CANCER PREVENTION ACT. Filed 3/30/11. Senate committee substitute makes the following changes to 1st edition.

Amends GS 104E-9.1(a) to prohibit allowing a person less than 18 years of age (was, 18 years or younger) from using tanning equipment without a written doctor's prescription.

Business and Commerce; Health,
Social Services, and Aging

S 489. EFFECTIVENESS OF JOB CREATION PROGRAMS (NEW). Filed 3/31/11. Senate committee substitute makes the following changes to 1st edition. Deletes the 1st edition and replaces it with *AN ACT TO BETTER ENABLE LEGISLATIVE EVALUATION AND ONGOING ASSESSMENT OF THE STATE'S ECONOMIC DEVELOPMENT PROGRAMS AND THEIR IMPACT ON JOB CREATION*.

Amends the economic development grant reporting requirements in GS 143B-437.07 to require the Department of Commerce (Department) to publish on or before March 1 annually the required information as specified in newly organized subsection (a), itemized by business entity for each business or joint private venture granted, in whole or part, one or more economic development incentives from the state during the previous five calendar years. Also requires the Department to provide updated supplemental information, consistent with new subsection (a), on a quarterly basis to the General Assembly in a form and manner as requested by the General Assembly. Specifies the information that the report must include.

Adds new subsection (b) to require the Department to post a summary of the report on its Internet website. Directs that the summary report must contain the following specifics from the designated information required to be contained in the report: (1) the date of the award agreement; (2) the amount of incentive monies disbursed taken during the period; (3) the number, type, and wage level of jobs required to be created or retained to receive a disbursement of incentive monies; and (4) the actual full-time equivalent jobs employed by the recipient during the period.

Provides in new subsection (c) that an economic development incentive includes any grant program administered by the Department that disburses or awards monies to businesses; provides examples of these grant programs.

Provides that regardless of the provisions of GS 143B-437.07, as amended by this act, the Department is not required to include information in its annual report regarding economic development incentives provided by local governments before July 1, 2011.

Rewrites the title of Article 12L of GS Chapter 120 as *Finance and Economic Development Study Committee* (was, *Revenue Laws Study Committee*). Amends GS 120-70.105 to (1) make a conforming change to the catch line by renaming the *Revenue Laws Study Committee* as the *Finance and Economic Development Study Committee* (Committee) and (2) increase the membership of the Committee to 20 members (was, 16) with new members appointed as specified. Makes conforming changes regarding the name of the Committee to GS 120-70.106 and GS 120-70.107.

Adds to the purpose and powers of the Committee to provide that it may (1) analyze the effectiveness of the economic development programs supported by the state, (2) assess the performance of economic development programs, and (3) include economic development programs in its report to the General Assembly at the start of each regular session.

Deletes from the responsibilities of the Committee the requirement to review the effect of Article 42 of GS Chapter 66 on certain prescribed issues and report on its findings to the General Assembly.

Previously: Community and
Economic Development; State
Government; Employment and
Retirement

Now: Community and Economic
Development; State Government;
Employment and Retirement;
General Assembly

S 512. AUTHORIZE OVERNIGHT RESPITE PILOT (NEW). Filed 4/5/11. Senate committee substitute makes the following changes to 1st edition. Requires the Department of Health and Human Services (DHHS) to conduct a pilot program to assess providing overnight respite services in adult day care programs (was, amended GS 131D-6 to add provisions for adult day care/overnight respite programs and to direct the Social Services Commission to adopt rules for adult day care/overnight respite programs). Deletes the proposed amendments to GS 131D-6.

Directs the Secretary of Health and Human Services to select a minimum of two, and a maximum of four, stable and successful certified adult day care programs in which to conduct the pilot program for the provision of overnight respite service in adult day care programs. Provides additional criteria and specifications for the selection and administration of the pilot programs. Sets time and capacity limits for the provision of overnight respite care.

Asserts that the state is not authorized to pay for any overnight respite services offered through the pilot program and the pilot is not eligible to enroll or otherwise participate in the Medicaid program. Requires that an adult day care program participating in the pilot program be currently certified by DHHS to provide adult day care. Exempts the programs from specified licensure requirements. Directs DHHS to adopt rules that include minimum requirements necessary to ensure the health and safety of adult day care overnight respite participants. Authorizes the Division of Health Service Regulation (Division) to enforce the rules adopted by DHHS. Requires the Division to (1) conduct an inspection prior to the provision of overnight respite service, (2) conduct monitoring visits, and (3) investigate complaints.

Requires each adult day care program that is participating in the pilot to make periodic reports to the Division as to the number of persons served and the average daily census. Provides that the Division has the authority to terminate the pilot program or suspend admission at any time due to noncompliance with regulatory regulations that results in death or serious physical harm, or a substantial risk that death or serious physical harm will occur.

Directs DHHS to report on the status of the pilot once a year to the Program Evaluation Division (PED). Requires the PED to evaluate the pilot program and indicates criteria to be considered in the evaluation. Requires the PED to report to the General Assembly on or before October 1, 2014, on the feasibility of continuing to provide overnight respite in an adult day care program.

Changes the title to *AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PILOT AN OVERNIGHT RESPITE PROGRAM IN FACILITIES THAT OFFER ADULT DAY CARE*.

Adds "whereas" clauses.

Specifies that the act becomes effective when it becomes law and is repealed June 1, 2015. Requires adult day care programs participating in the pilot to be selected and receive an initial inspection by January 1, 2012.

Health, Social Services, and Aging

S 525. [STREAMLINE OVERSIGHT/DHHS SERVICE PROVIDERS](#). Filed 4/6/11. Senate committee substitute makes the following changes to 1st edition. Deletes all provisions of previous edition except the provision stating General Assembly findings and the provision requiring the Secretary of Health and Human Services (Secretary) to allow private sector development of an Internet-based data archive for provider records. Adds that the data warehouse will not store consumer records. Establishes within the Joint Legislative Oversight Committee on Health and Human Services, or upon authorization of the Legislative Research Commission, an 18-member Task Force to review and recommend a resolution to the duplicative regulatory oversight of Department of Health and Human Services (DHHS) services provided, regulated, or licensed under GS Chapter 122C or 131D, other than GS 131D-6 and Article 2 of GS Chapter 131D. Details the Task Force's membership, meeting timeline, duties, updating and reporting requirements, and directs the Task Force to develop legislative recommendations to accomplish specified directives by April 2012. Directs DHHS, effective January 1, 2012, to modify and consolidate LME endorsement, the Frequency and Extent of Monitoring Tool, and the Provider Monitoring Tool. Directs the Secretary to prepare a rate-setting memorandum for every change or adjustment made by DHHS in service definition, policy, rule, or provider requirements that impacts services provided in accordance with this act. Directs the Secretary to dissolve the North Carolina Treatment Outcomes Program Performance System Advisory Committee, and requires the Secretary to establish a task force to study the North Carolina Treatment Outcomes Program Performance System by August 1, 2011. Directs the Secretary to annually review policy updates made by specified accrediting bodies and to take the actions necessary to ensure that DHHS policy or procedural requirements do not duplicate the updated accreditation standards. Makes a conforming change to the bill title.

Health, Social Services, and Aging

S 576. [CHANGES TO FEES FOR TEACHER CERTIFICATION](#). Filed 4/12/11. Senate committee substitute makes the following changes to 2nd edition. Amends GS 115C-296(a2) to permit the State Board of Education to adopt rules, as provided in the Administrative Procedure Act, establishing a fee schedule for licensure services. Allows the fee for *all other applications* to be increased up to \$125 (was, \$85). Permits the State Board of Education (State Board) to choose to provide a lower fee for electronically submitted applications if the State Board determines that electronic applications are less costly to process (was, required the State Board to adopt lower fees for online applications if the Department of Public Instruction is able to process electronic applications at less cost). Clarifies that the fee schedule must provide online service for name changes, address changes, and electronic copies at no charge to the user. Directs the State Board to reduce fees accordingly if the fees imposed exceed the actual costs of providing the licensure services. Makes organizational changes. Changes the effective date to July 1, 2012 (was, July 1, 2011).

Education

S 644. [DSS ADOPTION ASSISTANCE AGREEMENTS BINDING](#). Filed 4/18/11. Senate committee substitute makes the following changes to 1st edition.

The previous edition codified the directive to the Department of Health and Human Services (DHHS) in GS 108A-50.3. New edition retains the directive to DHHS to require a redetermination of a child's eligibility for vendor payments under a specified adoption assistance agreement only if the agreement specifically requires the redetermination, but removes the directive from codification. Makes a conforming change to the bill title.

Health, Social Services, and Aging

S 670. [REVISE MEMBERSHIP/HEARING AID FITTERS BOARD](#). Filed 4/19/11. Senate committee substitute makes the following changes to 1st edition. Amends GS 93D-2 to also allow a person with a license under Article 22 of GS Chapter 90 and a doctoral degree in audiology to fit or sell hearing aids; provides the same authorization to an apprentice working under such licensee (or those licensed by the North Carolina State Hearing Aid Dealers and Fitters Board (Board)) who is registered in accordance with GS 93D-9. Amends GS 93D-3(c)(14) to authorize the Board to set a fee of \$150 a year for the registration of persons not licensed under GS Chapter 93D providing supervision of apprentices registered under GS 93D-9.

Amends GS 93D-3(a) to require one member of the Board be a person with hearing loss. Restores the number of Board members who have been actively engaged in the fitting and selling of hearing aids for three

years under GS Chapter 43D to four (was, five). Makes other conforming and clarifying changes, and makes a conforming change to the bill title.

Health, Social Services, and Aging

S 676. [CLARIFY WATER & WELL RIGHTS/PRIVATE PROPERTY](#). Filed 4/19/11. Senate amendment makes the following changes to 2nd edition. Deletes proposed repeal of GS 143-355.2(a)(4) (requires that a local government's water shortage response plan not contain any provision that meters or regulates private drinking water wells, as defined in GS 87-85). Deletes amendments to subsection (h) of GS 143-355.2 (concerning regulation of water use in wells located outside local government jurisdiction, wells not connected to public water supply, or certain private wells), and deletes similar amendments made in GS 143-355.3(b). Renumbers the remaining sections accordingly.

Property, Land Use, and Housing

Legislation Enacted

SL 2011-71 (H 336). [AMEND WEIGHT REQUIREMENTS—CERTAIN VEHICLES](#). AN ACT TO ALLOW THE HAULING OF READY-MIXED CONCRETE IN EXCESS OF WEIGHT LIMITS SO LONG AS CERTAIN CONDITIONS ARE MET. Summarized in *Daily Bulletin* 3/10/11, 3/29/11, and 4/20/11. Enacted May 12, 2011. Effective October 1, 2011.

Transportation

SL 2011-72 (S 281). [MUNICIPAL SERVICE DISTRICT/STREETS](#). AN ACT TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES. Summarized in *Daily Bulletin* 3/9/11 and 3/29/11. Enacted May 12, 2011. Effective May 12, 2011.

Local Government

SL 2011-73 (S 130). [WINE DISTRIBUTION TERRITORIES](#). AN ACT TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY AND TO AUTHORIZE CERTAIN INTRATERRITORY TRANSFERS OF WINE BETWEEN OFF-PREMISES WINE PERMITTEES UNDER COMMON OWNERSHIP. Summarized in *Daily Bulletin* 2/24/11, 3/29/11, and 4/20/11. Enacted May 12, 2011. Effective May 12, 2011.

Alcoholic Beverage Control

SL 2011-74 (S 137). [ESTABLISH FORGIVABLE LOAN FUND](#). AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID. Summarized in *Daily Bulletin* 2/24/11, 3/22/11, 4/6/11, and 4/26/11. Enacted May 12, 2011. Effective July 1, 2012, except as otherwise provided.

Education; Health, Social Services, and Aging

SL 2011-75 (S 212). [CEMETERIES/SURVEY STAMP](#). AN ACT ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES. Summarized in *Daily Bulletin* 3/3/11. Enacted May 12, 2011. Effective May 12, 2011.

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Notes

None

NEXT SESSIONS

May 16, 2011

HOUSE convenes at 7:00 p.m.

SENATE convenes at 7:00 p.m.