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ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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SUMMARIES OF BILLS FILED

Public Bills

None

Local Bills

None

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ACTION ON BILLS

May 18, 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

H0012	Make Synthetic Cannabinoids Illegal.	H	Withdrawn From Com
		H	Re-ref Com On Judiciary Subcommittee B
H0160	Check-Off Donation: Breast Cancer Screening. 04-26-11	S	Reptd Fav
H0197	School Calendar Flexibility/ Inclement Weather. 05-05-11	H	Pres. To Gov. 5/18/2011
H0222	Electric Vehicle Incentives. 04-13-11, 04-14-11, 05-10-11	H	Ratified
H0280	County Law Enforcement Service District. 03-31-11	S	Passed 2nd Reading
H0289	Authorize Various Special Plates. 05-18-11	HA	Reptd Fav Com Substitute
		H	Re-ref Com On Finance
H0306	Transfer GSC/Revisor of Statutes to GA. 05-17-11	S	Withdrawn From Cal
		S	Re-ref Com On Appropriations/ Base Budget
		S	Reptd Fav
		S	Placed On Cal For 5/18/2011
		S	Passed 2nd & 3rd Reading
H0348	Offenders/No Access to Personnel Records.-AB 05-09-11, 05-17-11	H	Passed 3rd Reading
		H	Ordered Engrossed
H0366	Special Election Dates. 05-12-11, 05-16-11, 05-17-11, 05-18-11	HA	Amend Adopted 3
		HA	Amend Adopted 4
H0387	Access Confidential Info/ Child Abuse/Neglect.-AB	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/19/2011
H0453	Allow Salary Protection Insurance.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
H0474	Protect Adult Care Home Residents. 04-26-11, 04-28-11, 05-12-11	H	Rec To Concur S Com Sub
		H	Cal Pursuant Rule 36(b)
H0501	Credit Union Ownership of Stock Life Ins. Co.	HA	Reptd Fav Com Substitute
		H	Re-ref Com On Banking
		H	Withdrawn From Com

	H	Cal Pursuant Rule 36(b)
05-18-11		
H0503 Nutrition Stds./All Foods Sold at School.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
05-18-11		
H0515 Comm. Coll. Tuition for Members of Military.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/19/2011
04-11-11		
H0542 Tort Reform for Citizens and Businesses.	H	Postponed To 5/31/2011
05-10-11		
H0571 Prepaid Wireless/Point of Sale Collection.	HA	Reptd Fav Com Substitute
	H	Re-ref Com On Finance
05-18-11		
H0572 Accountability for Publicly Funded Nonprofits.	H	Placed On Cal For 5/19/2011
05-16-11		
H0575 Service Agreements/Allow Reserve Account.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
05-18-11		
H0578 Health Care Sharing Organizations.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Placed On Cal For 5/18/2011
	S	Amend 1 Not Germane
	S	Passed 2nd & 3rd Reading
	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/19/2011
04-27-11, 05-18-11		
H0605 Expand Setoff Debt Collection Act.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/19/2011
05-18-11		
H0617 Portable Electronics Insurance Coverage.	HA	Reptd Fav Com Substitute
	H	Re-ref Com On Finance
05-18-11		
H0618 Streamline Oversight/DHHS Service Providers.	H	Postponed To 5/19/2011
05-17-11		
H0638 Uniform Faithful Presidential Electors Act.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/19/2011
05-18-11		
H0643 Exempt CCPCUA from IBT Requirements.	H	Withdrawn From Com
	H	Cal Pursuant Rule 36(b)
05-09-11		
H0646 Prison Hospital Completion.	H	Passed 2nd & 3rd Reading
H0649 Amend Grounds/License Revocat'n/Bail Bondsman.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
05-16-11		
H0658 Change Early Voting Period.	HA	Amend Adopted 1
	H	Passed 3rd Reading
	H	Ordered Engrossed
05-18-11		

H0673 Street Gang Nuisance Abatement. 05-16-11	H	Passed 3rd Reading
H0690 Supervise RE Closings/Settlement Funds. 05-18-11	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 5/19/2011
H0697 Study Stroke Prevention in AFib.	H H	Withdrawn From Com Cal Pursuant Rule 36(b)
H0721 Landlord/Tenant/Bed Bug Liability.	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0762 Landowner Protection Act. 05-18-11	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 5/19/2011
H0764 Beer Franchise Law Clarifications.	H	Assigned To Commerce and Job Development Subcommittee on Alcoholic Beverage Control
H0795 Patient Access to Pathological Materials. 05-12-11, 05-16-11, 05-18-11	HA H H	Amend Adopted 2 Passed 3rd Reading Ordered Engrossed
H0854 Abortion-Woman's Right to Know Act. 05-12-11	H	Assigned To Appropriations Subcommittee on Health and Human Services
H0906 LCR to Study Third-Party Sale of Electricity.	H H	Withdrawn From Com Re-ref Com On Public Utilities
S0245 Medicaid Billing by Local Health Departments. 03-17-11, 05-17-11, 05-18-11	HA H H	Amend Adopted 1 Passed 2nd & 3rd Reading Ordered Engrossed
S0247 Eliminate Means Test From 529 Deduction.	H H H	Reptd Fav Cal Pursuant Rule 36(b) Placed On Cal For 5/19/2011
S0279 Clarify Renewable Energy Resource Definition.	S	Passed 2nd & 3rd Reading
S0315 Roadside Campaign Signs. 05-18-11	S SA S	Reptd Fav Com Substitute Com Substitute Adopted Re-ref Com On Finance
S0316 Add'l Section 1915 Medicaid Waiver Sites. 03-24-11	H	Passed 2nd Reading
S0320 Municipal Systems. 05-18-11	S SA	Reptd Fav Com Substitute Com Substitute Adopted
S0321 Surplus Lines/Premium Tax.-AB 04-14-11, 05-03-11, 05-18-11	HA H	Reptd Fav Com Substitute Re-ref Com On Finance
S0384 Conforming Changes/Persons W/ Disabilities Act.	S	Ratified
S0405 Amend Irrigation Contractors' Licensing Laws.	S SA	Reptd Fav Com Substitute Com Substitute Adopted

04-28-11, 05-18-11		
S0426 Modify/Clarify Public Finance Statutes.	S	Reptd Fav Com Substitute SA Com Substitute Adopted
05-10-11, 05-18-11		
S0512 Authorize Overnight Respite Pilot.	H	Passed 1st Reading H Ref To Com On Health and Human Services
05-12-11		
S0537 Increase In Rem Foreclosure Fee.	S	Passed 2nd & 3rd Reading
S0581 Clarify Motor Vehicle Laws.	S	Reptd Fav
S0590 Terminal Rental Adjustment Clauses.	S	Reptd Fav
S0602 Domestic Fowl Stray/Commercial Poultry Lands.	S	Passed 2nd & 3rd Reading
05-17-11		
S0644 DSS Adoption Assistance Agreements Binding.	H	Passed 1st Reading H Ref To Com On Health and Human Services
05-12-11		
S0670 Revise Membership/Hearing Aid Fitters Board.	S	Passed 2nd & 3rd Reading
05-12-11, 05-17-11		
S0685 Modify Regulation of Proprietary Schools.	S	Reptd Fav Com Substitute SA Com Substitute Adopted
05-11-11, 05-18-11		

LOCAL BILLS

H0072 Community College Investment Flexibility.	HA	Reptd Fav Com Sub 2 H Cal Pursuant Rule 36(b) H Placed On Cal For 5/19/2011
03-22-11, 05-18-11		
H0097 Union Fire Fee Sunset Repealed.	H	Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/19/2011
H0118 Winston-Salem/Daily Currency/Coins Deposits.	SA	Amend Adopted 1 S Passed 2nd & 3rd Reading
05-18-11		
H0284 Wayne County Design Build.	S	Reptd Fav Com Substitute SA Com Substitute Adopted
04-11-11, 04-13-11, 05-18-11		
H0292 Incorporate Rougemont.	H	Reptd Fav H Cal Pursuant Rule 36(b)
H0367 Roanoke Rapids Deannexation.	H	Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/19/2011
H0371 Winston-Salem/Informal Bids Electronically.	S	Passed 2nd & 3rd Reading
H0471 Buncombe County Commission Districts.	S	Amend Failed 1 S Passed 2nd & 3rd Reading
H0486 Tryon Deannexation.	H	Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/19/2011
H0506 Wrightsville Beach/Abandoned Vessels.	S	Passed 2nd & 3rd Reading

04-14-11		
H0523 CHANGE Winston-Salem/Forsyth Election Method.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
05-12-11, 05-17-11		
H0528 Duplin Elections.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
H0537 Wilkes Fire Tax Dist. Boundaries.	S	Passed 2nd Reading
04-14-11		
H0565 Morehead City/Beaufort Boundary.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
H0566 Grantsboro Charter Amendment.	S	Passed 2nd & 3rd Reading
H0573 Raleigh/Wake Forest Boundary.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/19/2011
05-12-11		
S0200 Alamance/Orange 9% Boundary.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
	H	Withdrawn From Com
	H	Re-ref Com On Finance
S0201 Alamance/Orange Boundary.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
	H	Withdrawn From Com
	H	Re-ref Com On Finance
04-14-11		
S0288 Atlantic Beach/Beaufort/ Parking.	S	Ratified
05-11-11		

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 72. [COMMUNITY COLLEGE INVESTMENT FLEXIBILITY](#). Filed 2/10/11. House committee substitute makes the following changes to 2nd edition. Deletes all provisions of the previous edition, which codified additional investment flexibility for community colleges, and instead provides the following. Provides that the board of trustees of an institution may invest, based upon the recommendations of an Investment Committee if applicable, moneys held in the institution's fund accounts in any form of investment established or maintained by an investment advisor meeting certain conditions. Sets forth duties for the board of trustees to exercise when managing and investing funds. Clarifies this investment option is in addition to the investment options available to institutions under GS 115D-58.6. Authorizes the board of trustees of an institution to appoint an investment committee and provides details concerning the committee. States that definitions in GS 115D-2 apply to this act. Limits this act to the following community colleges: (1) Caldwell Community College and Technical Institute, (2) Davidson County Community College, (3) Isothermal Community College; (4) Southeastern Community College, and (5) Vance-Granville Community College. Makes a clarifying change to the bill title.

Education; Budget and
Appropriations

H 118. [WINSTON-SALEM/DAILY CURRENCY/COINS DEPOSITS](#). Filed 2/16/11. Senate amendment makes the following changes to 1st edition. Makes technical and clarifying changes.

Forsyth

H 284. [WAYNE COUNTY DESIGN BUILD](#). Filed 3/9/11. Senate committee substitute makes the following changes to 3rd edition. Provides that proposals submitted under the act by design-build teams are not required to include project design solutions.

Wayne

H 289. [AUTHORIZE VARIOUS SPECIAL PLATES](#). Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Amends GS 20-79.4(b) to direct the Division of Motor Vehicles to also issue these special registration plates: Arthritis Foundation, ARTS NC, City/County Clerk, Concerned Bikers Association/ABATE of North Carolina, National Defense Service Medal, Sigma Gamma Rho Sorority, Topsail Island Shoreline Protection, and Vietnam Veterans of America. Makes the development of each of the proposed plates contingent on the Division receiving 300 applications. Makes clarifying changes to the directives to issue these following plates: Autism Society of North Carolina, North Carolina Wildlife Habitat Foundation, and United States Service Academy. Makes conforming changes to GS 20-79.7(a) and 20-79.7(b) to provide for fees and distribution of fees for the additional plates. Amends GS 20-81.12(b2), adding that revenue derived from the Aurora Fossil Museum special plate must be transferred quarterly to the Aurora Fossil Museum Foundation, Inc. for educational programs, enhancing collections, and operating expenses. Amends GS 20-81.12 to provide for the use of funds derived from the sale of the proposed new special plates.

Adds two special registration license plates to the list of those identified in GS 20-63(b) that do not have to bear the phrase *First in Flight*: (1) ARTS NC and (2) Choose Life.

Enacts new subsection (a3) to GS 20-79.4, directing the Division of Motor Vehicles to develop, in consultation with the State Highway Patrol, a standardized format for special license plates, as specified.

Makes other clarifying changes.

Transportation

H 366. [SPECIAL ELECTION DATES](#). Filed 3/15/11. House amendments make the following changes to 2nd edition, as amended. Amendment #3 rewrites GS 163-287 by adding a new subsection (e) providing that the statute does not impact the authority of the courts or the State Board to order a new election at a time set by the courts or the State Board under GS Chapter 163. Makes a clarifying change to GS 163-287(d). Amendment #4 rewrites GS 163-287(a) to provide the special election may only be held at the same time as any other state, county, or municipal general election, or at the same time as the primary election in any even-numbered year. Makes a conforming change to GS 163-287(c). Makes conforming change to the title.

Elections Law; Local Government

H 501. [CREDIT UNION OWNERSHIP OF INS. CO. \(NEW\)](#). Filed 3/29/11. House committee substitute makes the following changes to 1st edition. Amends the title to *AN ACT TO PROVIDE FOR THE OWNERSHIP OF INSURANCE COMPANIES BY CREDIT UNIONS*. Makes a technical change.

Banking and Finance; Business and Commerce

H 503. [NUTRITION STDS./ ALL FOODS SOLD AT SCHOOL](#). Filed 3/29/11. House committee substitute makes the following changes to 1st edition.

Repeals GS 115C-264.2, the current statute regarding vending machine sales.

Deletes proposed changes to GS 115C-264.3 (Child Nutrition Program standards) and instead enacts new GS 115C-264.4 requiring the State Board of Education (Board), in cooperation with the various stakeholders, to adopt nutritional rules for all competitive foods and beverages sold or served to students. Directs the Board to adopt either of the following standards as the initial statewide standard for competitive foods and beverages: (1) the Alliance for a Healthier Generation's Competitive Foods and Beverages Guidelines or (2) the National Academy of Sciences, Institute of Medicine's Recommended Standards for Competitive Foods and Beverages in Schools. Requires that the rules must include, but are not limited to, standards for calorie, fat, sugar, and sodium content.

Directs the Board to report on the status of the final rules by April 30, 2012, to the Joint Legislative Health Care Oversight Committee and the Joint Legislative Education Oversight Committee. Requires the Board to adopt

the rules by April 30, 2012, and directs local boards of education to implement the rules by the start of the 2012-13 school year. Directs the Board to periodically review the nutritional rules for competitive foods and beverages to ensure that the rules remain current and science-based. Also requires the Board to review the nutritional rules when there are any changes in federal law regarding competitive food.

Defines *competitive food* as any food or beverage sold or served to students on school grounds that is not a part of the school breakfast or school lunch program. Includes vending, school stores, snack bars, fund-raisers, and other informal food sales to students. Does *not* include child nutrition programs, culinary and other curriculum programs, fundraisers for grades 9-12 conducted after the last lunch period of the day, and extracurricular events.

Includes, in new GS 115C-264.4, the following provisions from repealed GS 115C-264.2: (1) prohibits making snack vending or soft drinks available to elementary school students and (2) provides that a school is not prohibited from adopting stricter rules than provided in this act with respect to snack and beverage vending.

Education

H 571. PREPAID WIRELESS/POINT OF SALE COLLECTION. Filed 3/30/11. House committee substitute makes the following changes to 1st edition. Amends GS 62A-43(b) to provide that the monthly service charge for 911 service is not imposed on prepaid wireless service, effective when the provision becomes law.

Rewrites GS 62A-43(b), as amended by this act, to specify that the monthly service charge for 911 service for prepaid wireless service will be collected as provided in Article 4 of GS Chapter 62A, effective July 1, 2013. Amends proposed GS 62A-60(a) to set a prepaid wireless E911 service charge of 70¢ (or a lower amount set by the 911 Board) on each retail transaction occurring in North Carolina (previously 1.2% of each retail transaction). Makes other clarifying changes. Amends proposed GS 62A-60(e) to direct the 911 Board to set the prepaid wireless E911 service charge at the same rate as established under GS 62A-43(d) (previously, directed the Board to proportionately increase or decrease the service charge according to a specified calculation).

Allows sellers that collect prepaid wireless E911 service charges to retain all of the services charges collected in the first three calendar months after the effective date of the act. Amends GS 62A-60(c) to increase the percentage of fees retained by such retailers from 3% to 5%, after the first three months. Changes the effective date of the act to July 1, 2013 (previously January 1, 2012). Makes a conforming change to the title.

Energy and Utilities; Taxation

H 575. SERVICE AGREEMENTS/ALLOW RESERVE ACCOUNT. Filed 3/31/11. House committee substitute makes the following change to 1st edition. Deletes provision in GS 66-373(a) stating that reserve accounts are subject to examination and review by the Commissioner of Insurance.

Business and Commerce

H 578. STATE HEALTH PLAN/ADDITIONAL CHANGES (NEW). Filed 3/31/11. Senate committee substitute makes the following changes to 2nd edition.

Deletes all provisions of 2nd edition and replaces it with *AN ACT (1) TO ALLOW THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE THE BASIC PLAN PREMIUM-FREE USING AVAILABLE CASH BALANCE RESERVES, (2) TO DELAY IMPLEMENTATION OF CERTAIN CHANGES TO THE STATE HEALTH PLAN UNTIL SEPTEMBER 2011, (3) TO COMPLY WITH THE FEDERAL AFFORDABLE CARE ACT, (4) TO CLARIFY THE STATE HEALTH PLAN'S SUBROGATION RIGHTS, (5) TO GRANT THE STATE TREASURER IMMEDIATE ACCESS TO CONFIDENTIAL STATE HEALTH PLAN DOCUMENTS TO PLAN FOR THE TRANSFER, AND (6) TO CLARIFY THE BOARD COMPOSITION AND STAGGER INITIAL APPOINTMENTS.*

Authorizes the State Health Plan for Teachers and State Employees (Plan) to offer the Basic Plan premium-free in 2011-12 if the Plan has sufficient available cash balance reserves. Directs the Plan to find savings, and to apply those savings and any available cash balance reserves to a premium-free plan option during 2012-13, if possible.

Amends Section 1.11 of Senate Bill 323 of the 2011 Regular Session to change the effective date of Part I to September 1, 2011 (was, July 1, 2011); however, the following sections of Senate Bill 323 become effective July 1, 2011: (1) Section 1.1 (appropriations from the General Fund and the Highway Fund); (2) Section 1.7 (allowing coverage for children up to 26 years old, in compliance with federal law); (3) Section 1.8 (salary related contributions); and (4) Section 1.10(c) (clarifying definition of *health benefits representative*). Amends GS 135-45(g), effective September 1, 2011, to prohibit the Executive Administrator and the Board of Trustees from changing specified Plan elements in effect on September 1, 2011, that would result in increased costs to the Plan or a reduction in benefits without an act of the General Assembly. Makes a conforming change by repealing Section 1.4 of Senate Bill 323. Directs the Revisor of Statutes to make specified changes when revising the General Statutes. Provides that credits toward deductibles and coinsurance maximums earned by Plan members

during July and August 2011 will be carried forward and applied toward the new deductible and coinsurance maximums for the period beginning September 1, 2011. A Plan member must meet any additional amounts required by new deductible and coinsurance maximums effective September 1, 2011, if the Plan member fully meets deductible and coinsurance maximums during July and August 2011.

Amends GS 135-45.1(10), as amended by Senate Bill 323, to clarify that all dependent children are eligible for coverage up to the first month following the child's 26th birthday, in compliance with the Federal Patient Protection Affordable Care Act. Amends GS 135-45.2(d), as amended, to clarify that a dependent child is not eligible for Plan coverage if the child is eligible for employer based health care outside of the Plan, other than a parent's plan. Amends GS 135-45.3, as amended, to clarify that eligible employees younger than age 19 and dependents younger than age 19 may enroll at any time, and will not be subject to a waiting period for a preexisting condition. Makes a conforming change. Makes clarifying changes to GS 135-45.4, as amended. Effective July 1, 2011.

Amends GS 135-14(g), stating that *the Plan* or the Claims Processor has the right to recover overpayments as specified.

Provides that the State Treasurer has immediate access to all Plan records in order to plan for the January 1, 2012, transfer of the Plan.

Effective January 1, 2012, amends GS 135-48.20, as amended, to clarify that each appointing authority must consult with all other appointing authorities *before* making its own appointments to ensure that the Board of Trustees (Board) includes various, specified members. Repeals Section 2.13(b) of Senate Bill 323, which stated that the terms of current Board members continues through the end of their terms. Directs the terms of appointees under GS 135-48.20 to begin January 1, 2012, for terms as follows: (1) two and a half years for appointees under GS 135-48.20(i) and (2) three and a half years for appointees not under GS 135-48.20(i).

Effective when the act becomes law, unless otherwise indicated. States that no section of this act becomes effective unless Senate Bill 323 becomes law.

Health, Social Services, and Aging

H 605. [EXPAND SETOFF DEBT COLLECTION ACT](#). Filed 4/4/11. House committee substitute makes the following changes to 1st edition. Provides that the act applies to tax refunds determined by the Department of Revenue on or after the effective date, January 1, 2011 (was, applies to income tax refunds determined on or after January 1, 2011).

Local Government; Taxation

H 617. [PORTABLE ELECTRONICS INSURANCE COVERAGE](#). Filed 4/5/11. House committee substitute makes the following changes to 1st edition. Deletes provision in proposed GS 58-44A-5 concerning the requirement of a vendor to provide a list to the Commissioner of Insurance (Commissioner) of all locations in North Carolina at which the vendor offers portable electronic insurance coverage. Amends proposed GS 58-44A-10 to require the terms of the termination or modification of coverage under a policy of portable electronic insurance be set forth in the policy. Rewrites proposed GS 58-44A-20 to provide penalties in the event a vendor of portable electronics or its employees or authorized representative violates any provision concerning portable electronics insurance coverage. Deletes provisions in previous edition concerning the termination of portable electronics insurance. Rewrites proposed GS 58-44A-25 to detail two items that must be filed with the Commissioner for issuance of a limited lines license, and deletes other requirements and fees for application in previous edition. Makes other technical changes. Changes the effective date to January 1, 2012 (previously October 1, 2011).

Business and Commerce

H 638. [UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT](#). Filed 4/5/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 163-216.1 to include unaffiliated presidential candidates in the process for submission of the names of two qualified individuals for each elector position in this state. Amends proposed GS 163-216.2 to require that each elector nominee and alternate elector nominee of an unaffiliated presidential candidate execute the specified performance pledge.

Amends proposed GS 163-216.3 to add new content; moves the existing content to proposed GS 163-216.4 and recodifies the remaining proposed statutes accordingly. Proposed GS 163-216.3 directs the Secretary of State (Secretary) to notify the Governor of the names of the certified electors for President and Vice President of the United States, and requires the Governor to immediately issue a proclamation that presents those names and instructs the electors to be present at the location within the city of Raleigh at the old Hall of the House of Representatives in the State Capitol as 12:00 noon on the first Monday after the second Wednesday in December following their election, to meet and vote on behalf of this state for the President and Vice President of the United States. If the specified location is unavailable, permits the Governor to select another location within the city of

Raleigh. Directs the Governor to have the proclamation published on the Internet and in any daily newspaper published in Raleigh, and distributed to the news media. Permits additional notice on radio and television.

Provides that the Secretary is responsible for making the actual arrangements for the meeting.

Amends proposed GS 163-216.4 (certification of electors) to direct the Governor to submit, under State Seal by registered mail to the Archivist of the United States, the Certificates of Ascertainment (Certificates) identifying the state's electors and the number of votes each received. Specifies additional requirements regarding the submission of the Certificates, including timelines to be met.

Enacts new GS 163-216.9 to provide for the appointment of presidential electors by the General Assembly or by the Governor under specified circumstances. Sets forth the standards to be used in the specified circumstances under which the General Assembly or the Governor appoints the presidential electors. Provides that a proclamation made any time before 12:00 noon on the electors' meeting day controls over an appointment made by the General Assembly or the Governor. Provides that the statute does not preclude litigation otherwise provided by law to challenge the validity of the proclamation or the procedure that resulted in the proclamation.

Makes conforming changes to GS 163-1(c).

Elections Law

H 658. CHANGE EARLY VOTING PERIOD. Filed 4/6/11. House amendment makes the following changes to 1st edition. Amends GS 163-227.2(b) to set the available hours for one-stop voting during the early voting period. Provides that for the general election in November of even-numbered years, one-stop voting at the office of the county board of elections or any site under subsection (g) of GS 163-227.2 is to be conducted on any weekday during the allocated period either between 10:00 A.M. and 6:00 P.M., or between 11:00 A.M. and 7:00 P.M.. Directs the county board of elections to conduct one-stop voting for the general election in November of even-numbered years on the last two Saturdays before the election either between 10:00 A.M. and 4:00 P.M., or between 11:00 A.M. and 5:00 P.M. (was, on the last Saturday before the election until 1:00 P.M. or could continue until 5:00 P.M.). Provides that for any other primary or election, one-stop voting is to take place on the last Saturday before the primary or election between 10:00 A.M. and 4:00 P.M., or between 11:00 A.M. and 5:00 P.M.

Elections Law

H 690. R/E CLOSING INTEREST/CIVIL PENALTY UPL (NEW). Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Deletes proposed GS 45A-9, which required closings and settlements under the Good Funds Settlement Act to be supervised and conducted by a licensed attorney. Makes a conforming change to the bill title. Deletes proposed GS 84-8(b), which made any person in violation of GS 84-4 through 84-6 due solely to an inactive license after failure to timely pay state bar dues or failure to comply with continuing legal education requirements guilty of a Class 1 misdemeanor. Amends GS 84-8, providing that any person, corporation, or association that violates any of the provisions of GS 84.4 through 84.6 or 84-9 will be guilty of a Class 1 misdemeanor (Class I felony in previous edition). Prohibits any person from collecting a fee for services performed in violation of GS 84.4 through 84.6, 84-9, or proposed 84-10.1. Makes a conforming change by repealing GS 84-10. Rewrites proposed GS 84-10.1 to clarify that there is a private cause of action for a person who is damaged by any person who (1) violates any of the provisions of GS 84-4 through 84-6 or 84-9, (2) fraudulently holds himself or herself out as a certified paralegal; or (3) knowingly aids and abets another to commit the unauthorized practice of law, to recover damages (was, treble damages) and reasonable attorneys' fees.

Property, Land Use, and Housing

H 762. LANDOWNER PROTECTION ACT. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Deletes all provisions of the previous edition. Amends GS 14-159.6 by deleting language concerning arresting authority in Warren and Halifax counties. Further amends GS 14-159.6 to clarify that it is a Class 2 misdemeanor for any person to willfully go on the land, waters, ponds, or legally established waterfowl blind of another that is posted in accordance with GS 14-159.7 to hunt, fish, or trap without written permission (currently, without written consent). Requires written permission to be carried on one's person, signed by the landowner, lessee, or agent, and dated within the last 12 months. Provides additional details for the written permission. Clarifies that it is a Class 1 misdemeanor to willfully go on the posted land of another to rake or remove pine needles or pine straw without written consent. Amends GS 14-159.7 by providing the owner or lessee of property an additional method of posting property by placing purple paint marks, as detailed, around the area to be posted. Amends GS 14-159.10, clarifying that Article 22A of GS Chapter 14 may be enforced by sheriffs or deputy sheriffs, law enforcement officers of the Wildlife Resources Commission, and other peace officers with general subject matter jurisdiction. Makes other conforming changes. Changes title to *AN ACT TO PROTECT LANDOWNER RIGHTS.*

Previously: Property, Land Use, and Housing; Animal Law
Now: Property, Land Use, and Housing; Animal Law; Criminal Law, Procedure, and Sentencing

H 795. PATIENT ACCESS TO PATHOLOGICAL MATERIALS. Filed 4/6/11. House amendment makes the following changes to 2nd edition, as amended. Deletes the word “related” throughout the act. Rewrites proposed GS 90-411.1(b) to provide that a health care provider (1) must furnish requested pathological materials and medical records within 30 days of the receipt of request, (2) may charge a reasonable fee, (3) must transfer any pathological materials in accordance with best medical practices, and (4) must not release any pathological materials in a manner that would endanger the public health or safety, or violate applicable laws and regulations relating to the safe handling and transfer of pathological materials. Creates new subsection (e) to GS 90-411.1, stating that nothing in the statute changes or interferes with the best practices and accepted medical standards of the health care provider. Amends proposed GS 90-411.1(a), clarifying that the authorization from the patient must be written and *witnessed* (rather than notarized).

Health, Social Services, and Aging

SENATE BILLS

S 245. MEDICAID BILLING BY LOCAL HEALTH DEPARTMENTS. Filed 3/7/11. House amendment makes the following change to 3rd edition. Provides that local health departments, district health departments, and consolidated human services agencies may rebill outside the HIS system any unpaid Medicaid claims submitted between July 1, 2010 (previously December 1, 2010) and the effective date of the act (when the act becomes law).

Local Government; Health, Social Services, and Aging

S 315. ROADSIDE CAMPAIGN SIGNS. Filed 3/10/11. Senate committee substitute makes the following changes to 1st edition. Amends GS 136-32, to clarify that the Department of Transportation (DOT) may remove signs erected without authority or remaining beyond the deadline (previously, authorized DOT or any person to remove). Deletes provision authorizing a person to place signs in rights-of-way if three specified conditions are met. Allows a permittee to place signs after obtaining permission from the property owner of a residence, business, or religious institution fronting the right-of-way, as detailed. Deletes provisions concerning the procedures to be adopted by the State Board of Elections, and penalties for permit holders. Clarifies that a city may, by ordinance, prohibit or regulate the placement of political signs on rights-of-ways of streets maintained by the city and located within its corporate limits. Absent such an ordinance, certain provisions of this act apply. Makes other clarifying changes.

Elections Law; Transportation

S 320. MUNICIPAL SYSTEMS. Filed 3/10/11. Senate committee substitute makes the following changes to 1st edition. Adds a new subsection (b) to GS 160A-321 to clarify that although a city is not required to submit the question to voters regarding the sale, lease, or discontinuance of (1) water treatment systems, (2) water distribution systems, or (3) wastewater collection and treatment systems (was, wastewater treatment systems), the city may choose to present the question to voters through a referendum (1st edition stated only that voter approval was not required). Makes organizational changes and makes a conforming change. Changes the effective date to January 1, 2012 (was, effective when the act becomes law).

Energy and Utilities; Local Government

S 321. SURPLUS LINES/PREMIUM TAX. Filed 3/10/11. House committee substitute makes the following changes to 3rd edition. Deletes proposed GS 58-21-3, which authorized the Commissioner of Insurance (Commissioner) to enter into a cooperative agreement or interstate agreement or compact for specified purposes. Amends GS 58-21-10 to delete the definition for the term *reciprocal state*.

Provides that the provisions of Article 21 of GS Chapter 58 apply to transactions in which North Carolina is the home state of the insured. Deletes the provision in subsection (f) of GS 58-21-65 that provides criteria to be met to allow a person licensed as a surplus lines licensee in a state bordering North Carolina to be licensed as a

surplus licensee under Article 21 of GS Chapter 58; states only that a nonresident surplus lines licensee will be licensed in accordance with Article 33 of GS Chapter 58.

Amends GS 58-21-85 (Surplus lines tax) to clarify that gross premiums charged, minus any return premiums, for surplus lines insurance on an insured whose home state is North Carolina are subject to a premium receipts tax of 5%. Provides that any premium tax collected is to be retained by this state when portions of the properties, risks, or exposures reside in other states that have not entered into a compact or reciprocal allocation procedure with North Carolina.

Business and Commerce

S 405. AMEND IRRIGATION CONTRACTORS' LICENSING LAWS. Filed 3/23/11. Senate committee substitute makes the following changes to 2nd edition.

Deletes proposed GS 89G-6.2, which concerned tax information and delinquency of nonresidents and foreign entities. Makes other technical corrections.

Employment and Retirement

S 426. MODIFY/CLARIFY PUBLIC FINANCE STATUTES. Filed 3/24/11. Senate committee substitute makes the following changes to 2nd edition. Amends GS 153A-210.1 to create new subsection (b), providing that Article 9A of GS Chapter 153A (*Special Assessments for Critical Infrastructure Needs*) expires July 1, 2016, and clarifies that the expiration does not affect the validity of assessments imposed or bonds issued or authorized under the provisions of the Article before its expiration. Makes similar amendment to GS 160A-239.1.

Local Government

S 685. MODIFY REGULATION OF PROPRIETARY SCHOOLS. Filed 4/19/11. Senate committee substitute makes the following changes to 2nd edition. Clarifies that neither a General Assembly member, the spouse of a General Assembly member, nor an officer or employee of the state may serve as an appointed member on the State Board of Proprietary Schools. Amends GS 115D-92 to clarify that the State Board of Proprietary Schools has the authority, as provided in GS 115D-89.3, to establish fees for licenses, renewals, and approvals granted, and for inspections.

Education

Legislation Enacted

SL 2011-79 (S 288). ATLANTIC BEACH/BEAUFORT/PARKING. *AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, AND PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT.* Summarized in *Daily Bulletin* 3/9/11 and 5/11/11. Enacted May 18, 2011. Effective May 18, 2011.

Carteret

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May 19, 2011

HOUSE convenes at 1:00 pm

SENATE convenes at 12:00 pm