

# Daily Bulletin

## ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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## SUMMARIES OF BILLS FILED

### Public Bills

#### HOUSE BILLS

**H 1150. [BIOPTIC LENSES FOR DRIVERS LICENSE TESTS](#).** Filed 5/25/12. *TO ALLOW THE USE OF BIOPTIC LENSES WHEN TESTING FOR A DRIVERS LICENSE AND THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT PASSES CERTAIN REQUIREMENTS AFTER PASSING THE DRIVERS LICENSE EYE TEST.*

Amends GS 20-7 to add a new subsection regarding requirements for the issuance of a driver's license, a limited learner's permit, or a provisional driver's license to applicants who use bioptic telescopic lenses. Places the following restrictions on regular driver's licenses, limited learner's permits, and provisional driver's licenses issued to applicants using bioptic telescopic lenses on the eye test: the license or permit holder (1) is not eligible for any endorsements and (2) is only allowed to drive from one-half hour after sunrise until one-half hour before sunset. Applicants issued a driver's license after using bioptic lenses for the eye test may drive at night if specified conditions are met. Provides details on license issuance by Division of Motor Vehicles locations.

**Intro. by Insko.**

GS 20

Transportation

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**H 1151. RESTORE FUNDS/EARLY CHILD CARE & ED. SERVICES.** Filed 5/25/12. *TO RESTORE FUNDING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION, FOR VARIOUS PROGRAMS AFFECTING EARLY CHILDHOOD EDUCATION AND CARE.*

Appropriates \$52,823,241 for 2012-13 from the General Fund to the Department of Health and Human Services, Division of Child Development and Early Education, to restore funding to the following programs in specified amounts: (1) NC Partnership for Children, (2) NC Pre-K program, (3) child care subsidy funds for postsecondary education, (4) child care subsidy funds for transportation services, and (5) NC R.E.A.C.H. scholarship funds. Effective July 1, 2012.

**Intro. by Insko, Rapp,** APPROP Budget and Appropriations;  
**McLawhorn, Wilkins.** Education

**H 1154. CAPE FEAR CC ANNEX FUNDS.** Filed 5/29/12. *TO APPROPRIATE FUNDS FOR THE CAPE FEAR COMMUNITY COLLEGE ALSTON W. BURKE ANNEX CAMPUS.*

Appropriates \$150,000 for 2012-13 from the General Fund to the Community Colleges System Office to provide as title indicates. Effective July 1, 2012.

**Intro. by Justice.** APPROP Budget and Appropriations;  
Education

**H 1155. MOTOR VEHICLE LOAN BALLOON PAYMENTS.** Filed 5/29/12. *TO INCREASE REVENUE TO THE HIGHWAY TRUST FUND FROM THE HIGHWAY USE TAX BY STIMULATING THE SALE OF MOTOR VEHICLES BY ALLOWING BALLOON PAYMENTS ON MOTOR VEHICLE LOANS THAT EXCEED TEN THOUSAND DOLLARS.*

As title indicates, amends GS 25A-34 (regarding balloon payments) to provide that the statute does not apply to motor vehicle loans exceeding \$10,000. Effective October 1, 2012.

**Intro. by Committee on Rules,** GS 25A Taxation; Transportation  
**Calendar, and Operations of the**  
**House.**

**H 1156. SAVE LIVES/FUND TOBACCO PREVENTION PROGRAMS.** Filed 5/29/12. *APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR TOBACCO PREVENTION AND CESSATION PROGRAMS.*

Appropriates \$17.3 million for 2012-13 from the General Fund to the Department of Health and Human Services, Division of Public Health, for allocation to the Tobacco Prevention and Control Branch. Effective July 1, 2012.

**Intro. by Weiss, Insko, M.** APPROP Budget and Appropriations; Health,  
**Alexander, Glazier.** Social Services, and Aging

**H 1157. BEHAVIOR ANALYSIS PRACTICE ACT.** Filed 5/29/12. *ESTABLISH THE BEHAVIOR ANALYSIS PRACTICE ACT.*

Adds new Article 43, *Behavior Analysis Practice Act*, to GS Chapter 90. Subjects the practice of behavior analysis in North Carolina to regulation by the North Carolina Psychology Board (Board). Defines *behavior analysis* as “the design, implementation, and evaluation of systematic instructional and environmental modifications to produce significant personal or interpersonal improvements in human behavior.” Requires that persons with qualifying educational credentials must apply for licensure and review to the Board and be licensed as behavior analysts before working in behavioral analysis in this state. Requires that a licensed behavior analyst be under face-to-face supervision by a (1) qualified licensed psychologist or (2) a licensed psychological associate. Prohibits a licensed behavior analyst from engaging in the practice of psychology and expressly lists additional areas of practice excluded from the practice of behavioral analysis.

Provides exemptions to the licensure requirements of proposed Article 43. Specifies that the licensure requirements do not prevent the practice of behavior analysis by a North Carolina licensed psychologist or licensed psychological associate.

Charges the Board with administration of the licensing program. Authorizes the Board to carry out the provisions of proposed Article 43 and specifies the powers of the Board in addition to those under GS 90-270.9 (created the North Carolina Psychology Board). Designates the responsibilities of the Board to include providing information on all licensed behavior analysts in its annual report and issuing a behavior analysts license for an application fee. Sets requirements for license renewal or replacement and rules governing disciplinary and

remedial actions for violations of the code of conduct, including criteria for denial, suspension, or revocation of license.

Prohibits the practice of behavior analysis or identification as a behavior analyst by any person not licensed under proposed Article 43. Makes violation of proposed GS 90-726.13 (prohibited acts) a Class 2 misdemeanor.

Sets a fee schedule and provides that all fees required under proposed Article 43 are nonrefundable.

Confers injunctive authority on the Board. Permits criminal record checks for applicants and licensed behavior analysts.

Effective October 1, 2012.

**Intro. by Parfitt, Shepard,** GS 90 Health, Social Services, and Aging  
**Parmon.**

**H 1158. MODIFY 2011 APPROPRIATIONS ACT.** Filed 5/29/12. *TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.*

Blank bill.

**Intro. by Dollar.** APPROP Budget and Appropriations

**H 1159. UNC RESIDENT TUITION/VETERANS & DEPENDENTS.** Filed 5/29/12. *TO WAIVE THE TWELVE-MONTH STATE RESIDENCY REQUIREMENT FOR CERTAIN VETERANS AND THEIR DEPENDENTS, THUS ALLOWING THEM TO QUALIFY FOR THE RESIDENT TUITION RATE.*

Enacts new GS 116-143.3A to grant a veteran, defined as any person honorably discharged on or after July 1, 2011, residency status for tuition purposes if the veteran lives in North Carolina and was last stationed at a permanent duty station in the state. Also considers dependent relatives of qualifying veterans as residents for tuition purposes if the relative lives in North Carolina. Appropriates \$6.3 million for 2012-13 from the General Fund to the UNC Board of Governors and \$4.2 million for 2012-13 from the General Fund to the Community Colleges System Office to assist with the cost of waiving the 12-month residency requirement. Effective July 1, 2012, and applies beginning in the 2012-13 fall semester.

**Intro. by McLawhorn, Glazier,** APPROP, GS 116 Budget and Appropriations;  
**Lucas, Rapp.** Education; Military and Veterans  
Affairs

**H 1160. INFANT MORTALITY PREVENTION/FUNDS.** Filed 5/29/12. *APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO PREVENT INFANT MORTALITY IN NORTH CAROLINA, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.*

Appropriates \$375,000 from the General Fund to the Department of Health and Human Services, Division of Public Health, for the East Carolina University School of Medicine to continue to operate a high-risk maternity clinic. Effective July 1, 2012.

**Intro. by McLawhorn, E. Warren.** APPROP Budget and Appropriations

**H 1161. RESTORE FUNDS FOR SHP BASIC SCHOOLS.** Filed 5/29/12. *RESTORE FUNDING FOR STATE HIGHWAY PATROL BASIC SCHOOLS.*

Appropriates \$2,376,007 for 2012-13 from the General Fund to the Department of Public Safety, Division of Law Enforcement as the title indicates. Effective July 1, 2012.

**Intro. by Wilkins, Glazier, Rapp,** APPROP Budget and Appropriations;  
**Hamilton.** Emergency Services

**H 1162. APPROP: SMALL BUSINESS EXPORT OPPORTUNITIES.** Filed 5/29/12. *TO ASSIST SMALL BUSINESS MANUFACTURERS IN EXPANDING EXPORT OPPORTUNITIES.*

Appropriates \$500,000 for 2012-13 from the General Fund to the Department of Commerce to provide grants to small businesses that (1) manufacture and export goods outside North Carolina, and (2) meet specified requirements concerning wages, health insurance, environmental impact, and safety and health programs. Effective July 1, 2012.

**Intro. by Wilkins, Wray.** APPROP Budget and Appropriations;  
Business and Commerce

**H 1163. NO MERGER WITHOUT MPA RELIEF.** Filed 5/29/12. *TO PROHIBIT THE MERGER OF DUKE ENERGY AND PROGRESS ENERGY WITHOUT THE PROVISION OF RELIEF TO THE MUNICIPAL POWER AGENCIES.*

Enacts new subsection (a1) to GS 62-111 (concerning public utilities mergers) to prohibit the NC Utilities Commission from approving a merger of a public utility owning an electric generation facility in which a municipal power agency owns an interest until (1) the debt incurred by the municipal power agency to purchase the interest is retired or (2) the sale of the interest, whichever occurs first. Enacts new subsection (b2) to GS 62-302 to impose an additional fee of 25% of the regulatory fee imposed under GS 62-302(a) for the first two years after the merger of two public utilities is approved.

**Intro. by Daughtry.** GS 62 Energy and Utilities

**H 1164. METH TEAM EXPANSION/DEPT. OF JUSTICE FUNDS.** Filed 5/29/12. *APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO EXPAND ITS METHAMPHETAMINE TEAM.*

Appropriates \$595,834 for 2012-13 from the General Fund to the Department of Justice as the title indicates. Effective July 1, 2012.

**Intro. by Jackson.** APPROP Budget and Appropriations;  
Criminal Law, Procedure, and  
Sentencing

**H 1165. INTERNET CRIMES AGAINST CHILD./SBI RESPOND TEAM.** Filed 5/29/12. *APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO EXPAND THE INTERNET CRIMES AGAINST CHILDREN RESPONSE TEAM.*

Appropriates \$478,690 in recurring funds for 2012-13 and \$60,499 in nonrecurring funds for 2012-13 from the General Fund to the Department of Justice as the title indicates. Effective July 1, 2012.

**Intro. by Jackson.** APPROP Budget and Appropriations;  
Criminal Law, Procedure, and  
Sentencing

**H 1166. TEMPORARILY RAISE INCOME TAX ON MILLIONAIRES.** Filed 5/29/12. *TO TEMPORARILY RAISE THE INCOME TAX RATE PAID BY HIGHLY COMPENSATED TAXPAYERS.*

Amends GS 105-134.2(a) to tax the following individuals at a rate of 8.5%: (1) married individuals who file a joint return and certain surviving spouses with taxable income over \$1 million; (2) heads of households with taxable income over \$800,000; (3) unmarried individuals with taxable income over \$600,000; and (4) married individuals not filing a joint return with taxable income over \$500,000. Makes conforming changes. Effective for taxable years beginning on or after January 1, 2012.

Provides that the temporary increase in tax rates for taxpayers at the specified taxable income levels sunsets effective for taxable years beginning on or after January 1, 2014, thereby returning rates for the specified taxpayers to the tax rate preexisting the temporary increase.

**Intro. by Luebke.** GS 105 Taxation

**H 1167. TAX AIRPLANES/BOATS/RVS EQUAL TO AUTOMOBILES.** Filed 5/29/12. *TO ELIMINATE THE TAX CAP ON THE TAX PAID ON THE SALES PRICE OF AIRCRAFT, BOATS, AND RECREATIONAL VEHICLES SOLD AT RETAIL.*

Amends GS 105-164.4(a)(1b) (addressing aircraft and boats) and GS 105-187.3(a) (addressing recreational vehicles) to provide as title indicates. Applies to sales made on or after July 1, 2012.

**Intro. by Luebke.** GS 105 Taxation

**H 1168. MAXIMIZE FED GI EDUCATION BENEFITS.** Filed 5/29/12. *TO HELP VETERANS MAXIMIZE THEIR FEDERAL GI EDUCATION BENEFITS.*

Enacts new GS 116-143.3A to waive the 12-month residency requirement for in-state tuition purposes if a veteran, defined as any person honorably discharged on or after July 1, 2011, meets the following conditions: (1) lives in North Carolina, (2) was last stationed in North Carolina, (3) satisfies all other domicile requirements, (4) is eligible for benefits under the Post-9/11 Veterans Educational Assistance Act of 2008; and (5) enrolls in school within five years after discharge. Applies to academic semesters beginning on or after July 1, 2012.

**Intro. by Killian.** GS 116 Military and Veterans Affairs;  
Education

**H 1171. EXTEND SUNSET FOR EITC.** Filed 5/29/12. *TO EXTEND THE SUNSET FOR THE EARNED INCOME TAX CREDIT.*

As title indicates; extends the sunset date from 2013 to 2016.

**Intro. by Weiss, Luebke, Ross, Hall.** GS 105 Taxation

**H 1172. [REMOVE LEAGUE & CO. COMM. FROM LGERS](#).** Filed 5/29/12. *TO REMOVE THE LEAGUE OF MUNICIPALITIES AND THE ASSOCIATION OF COUNTY COMMISSIONERS FROM PARTICIPATION IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.*

Amends GS 128-21(11), which defines *employer* for purposes of the Local Governmental Employees' Retirement System, to provide as title indicates. Effective October 1, 2012.

**Intro. by LaRoque.** GS 128 Employment and Retirement

**H 1173. [ABSCONDING PROB. VIOLATORS FORFEIT BENEFITS](#).** Filed 5/29/12. *TO PROVIDE THAT A PROBATION VIOLATOR WHO ABSCONDS OR OTHERWISE WILLFULLY AVOIDS ARREST AFTER THE ISSUANCE OF A WARRANT SHALL FORFEIT ANY PUBLIC ASSISTANCE BENEFITS UNTIL SURRENDERING TO THE COURT.*

Enacts new subsection (a1) to GS 15A-1345, authorizing the court to suspend any public assistance benefits received by a probationer who is absconding or willfully avoiding arrest, after the court issues an order for arrest for violating probation conditions, until the probationer surrenders to the court. Directs specified entities to adopt rules to assist local law enforcement to implement this provision.

**Intro. by LaRoque.** GS 15A Criminal Law, Procedure, and Sentencing; Health, Social Services, and Aging

**H 1175. [COPD AWARENESS](#).** Filed 5/29/12. *HONORING THE CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD) COALITION OF NORTH CAROLINA AND EXPRESSING APPRECIATION FOR THE ORGANIZERS' COMMITMENT TO RAISING AWARENESS OF THIS DISEASE.*

As title indicates.

**Intro. by Murry.** HOUSE RES General Assembly

**H 1176. [UNC TUITION/OUT-OF-STATE VETERANS \(=H 1168\)](#).** Filed 5/29/12. *TO PROVIDE THAT CERTAIN VETERANS SHALL BE CHARGED THE RESIDENT TUITION TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN NORTH CAROLINA WITHOUT HAVING FIRST MAINTAINED LEGAL RESIDENCE IN NORTH CAROLINA FOR AT LEAST ONE YEAR.*

Identical to H 1168, filed 5/29/12.

**Intro. by Pierce.** GS 116 Education; Military and Veterans Affairs

**H 1177. [LEGISLATIVE BUILDING ACCESS STUDY](#).** Filed 5/29/12. *TO STUDY PUBLIC ACCESS AND SECURITY ISSUES IN THE LEGISLATIVE BUILDING AND LEGISLATIVE OFFICE BUILDING.*

Requires the Legislative Ethics Committee to study public access to the Legislative Building and Legislative Office Building and report to the General Assembly by March 1, 2013. Appropriates \$50,000 for 2012-13 to the General Assembly for the study.

**Intro. by Earle, Glazier.** APPROP; STUDY Budget and Appropriations; General Assembly

**H 1178. [WESTERN CAROLINA/UNIV. PARTICIPANT PROGRAM](#).** Filed 5/29/12. *TO APPROPRIATE FUNDS FOR THE UNIVERSITY PARTICIPANT PROGRAM AT WESTERN CAROLINA UNIVERSITY.*

Appropriates \$350,000 for 2012-13 from the General Fund to the UNC Board of Governors as title indicates. Effective July 1, 2012.

**Intro. by Haire, West.** APPROP Budget and Appropriations

**H 1179. [INDIAN CULTURAL CENTER/TERMINATE LEASE](#).** Filed 5/29/12. *TO REQUIRE THE STATE TO TERMINATE ITS LEASE OF THE INDIAN CULTURAL CENTER PROPERTY; TO DIRECT HOW THE PROPERTY IS TO BE DISPOSED OF; AND TO AMEND THE STATUTORY RECOGNITION OF THE LUMBEE TRIBE OF NORTH CAROLINA.*

As title indicates. Sets out whereas clauses related to the Indian Cultural Center and the lease. Requires that the lease be terminated and directs the Department of Administration to dispose of the property in such a way to preserve Native North American arts, crafts, and artifacts; educate the public; install new and renovate existing recreational and entertainment facilities; and cultivate economic development. Amends GS 71A-3 to provide that

the Lumbee Tribe enjoys all the rights, privileges, and immunities as an American Indian tribe (was, as citizens of North Carolina).

**Intro. by Graham, Pierce, Pridgen, T. Moore.**

GS 71A

State Government

**H 1180. VIDEO SWEEPSTAKES ENTERTAINMENT TAX.** Filed 5/29/12. *TO IMPOSE A STATE TAX ON THE PRIVILEGE OF OPERATING A VIDEO SWEEPSTAKES ESTABLISHMENT IN THIS STATE AND USE THE PROCEEDS FROM THE STATE TAX FOR LOCAL LAW ENFORCEMENT AND PUBLIC EDUCATION AND TO AUTHORIZE COUNTIES AND CITIES TO IMPOSE A TAX ON THE PRIVILEGE OF OPERATING A VIDEO SWEEPSTAKES ESTABLISHMENT.*

Enacts new Article 2E, *Video Sweepstakes Entertainment Tax*, to GS Chapter 105 to impose a licensing requirement and tax on video sweepstakes establishments, an excise tax on each video sweepstakes machine or device, and a tax on gross receipts. Requires a person operating a video sweepstakes establishment to pay an annual license tax of \$2,000 for the privilege of operating the establishment. Sets out the requirements for license applicants and authorizes the Secretary of Revenue (Secretary) to deny issuance of a license for any of the detailed reasons. Authorizes the Secretary to cancel a license under certain circumstances and requires notice and an opportunity for a hearing when a license is summarily cancelled. Requires applicants to file a bond or an irrevocable letter of credit in an amount as specified. Imposes an annual excise tax of \$1,000 on each video sweepstakes machine or device before such machine or device is put into operation. Imposes a 4% tax on the taxable gross receipts, as defined, from operating a video sweepstakes machine or device.

Allows the distribution of up to 6% of the tax proceeds from the license tax and the excise tax to be distributed to local law enforcement agencies on the following schedule: (1) 4% to county sheriff's departments on a per capita basis and (2) 2% collected from video sweepstakes establishments to city police departments on a per capita basis. Requires the remaining tax proceeds to be credited to the General Fund and appropriated for public education. Authorizes a city or county to impose an annual license tax of \$1,000 to a video sweepstakes establishment operating in that local government and to impose an annual excise tax of \$500 per machine. States that the revenue distributed is local revenue and not a state expenditure. Makes a conforming change to add subsection (b1) to GS 160A-211.

Specifies that Article 9 (General Administration; penalties and remedies) applies to proposed Article 2E. States that the proposed article only authorizes the operation of video sweepstakes machines and devices that associate a prize with the entry of a sweepstakes, and (1) a person is eligible to win a prize without purchasing an item or service or the right to possess, use or obtain value from any item or service or (2) the person is eligible to win a prize due to purchasing (at fair market value) an item or service or the right to possess, use, or obtain value from any item or service.

Makes a conforming change to repeal GS 14-306.4. Applies to video sweepstakes establishments operated on or after January 1, 2013.

**Intro. by Owens, Spear, Collins.**

GS 14, 105, 160A

Local Government; Taxation

**H 1182. UNC & COMM COLLEGES/SAVINGS INCENTIVES.** Filed 5/29/12. *ALLOW CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO CARRY FORWARD SEVENTY PERCENT OF THE INSTITUTIONS REALIZED SAVINGS IN THE OPERATION AND MAINTENANCE OF PLANT AND TO USE THOSE FUNDS FOR NONRECURRING CAPITAL AND OPERATING EXPENSES; AND TO ALLOW EACH COMMUNITY COLLEGE TO RETAIN UP TO TWO PERCENT OF THE COLLEGE'S CURRENT OPERATIONS CREDIT BALANCE AND TO USE THOSE FUNDS FOR NONRECURRING EXPENDITURES THAT WILL NOT IMPOSE ADDITIONAL FINANCIAL OBLIGATIONS ON THE STATE.*

Enacts new GS 116-30.3C to authorize the constituent institutions of the University of North Carolina to carry forward realized savings as the title indicates. Provides that the General Fund realized savings are not to be used as a basis for reducing appropriations to the Board of Governors on behalf of any constituent institution.

Enacts new GS 115D-31.4 to authorize each community college to carry forward 2% of its current operations credit balance as the title indicates.

Effective July 1, 2012.

**Intro. by Moffitt, Brawley.**

GS 115D, 116

Education

**H 1183. FUNDS FOR NCCAT TEACHER LEADERSHIP INITIATIVE.** Filed 5/29/12. *APPROPRIATE FUNDS FOR A TEACHER LEADERSHIP INITIATIVE OPERATED BY THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING.*

Appropriates \$1 million in recurring funds for 2012-13 from the General Fund to the Department of Public Instruction as the title indicates. Effective July 1, 2012.

**Intro. by Haire.**

APPROP

Budget and Appropriations

**H 1184. CLARIFY UNDERGROUND INJECTION BAN.** Filed 5/29/12. *TO CLARIFY THAT THE BAN ON DISCHARGE OF WASTES TO THE SUBSURFACE OR GROUNDWATER OF THE STATE BY MEANS OF WELLS APPLIES TO THE INJECTION OF FLUIDS USING A WELL FOR THE PURPOSE OF OIL AND GAS EXPLORATION OR PRODUCTION.*

Amends GS 143-214.2 (prohibited discharges) to consider the injection of fluids into the state's subsurface for the purpose of oil and gas conservation as a discharge of waste into the state's subsurface or groundwater, thereby prohibiting the discharge. Appropriates \$50,000 to the Department of Environment and Natural Resources to implement the act.

**Intro. by Faison.**

GS 143, APPROP

Agriculture, Environment, and Natural Resources; Budget and Appropriations

**H 1185. FRACKING CONTRACTS/AGAINST PUBLIC POLICY.** Filed 5/29/12. *TO PROVIDE THAT CONTRACTS TO LEASE OR CONVEY THE FEE SIMPLE TITLE TO OIL, GAS, OR MINERAL RIGHTS SEPARATE FROM THE SURFACE FEE SIMPLE OWNERSHIP ARE AGAINST PUBLIC POLICY, VOID, AND UNENFORCEABLE.*

Enacts new Article 4 to GS Chapter 22B to void any contact or lease agreement that conveys oil, gas, or mineral rights for natural gas extraction using hydraulic fracturing. Appropriates \$25,000 to the Department of Justice to study the extent and nature of existing contracts that are declared void by the act. Applies to contracts or lease agreements recorded on or after October 1, 2012, and expires October 1, 2015.

**Intro. by Faison.**

GS 22B, APPROP

Agriculture, Environment, and Natural Resources; Budget and Appropriations; Property, Land Use, and Housing

**H 1186. RESTORE BUDGET CUTS/ADD TEMP. SALES TAX.** Filed 5/29/12. *PROVIDE FOR THE RESTORATION OF PERSONNEL POSITIONS ELIMINATED IN THE PUBLIC SCHOOLS, THE UNIVERSITY OF NORTH CAROLINA, THE COMMUNITY COLLEGE SYSTEM, AND STATE GOVERNMENT EMPLOYMENT PURSUANT TO THE PROVISIONS OF THE 2011 APPROPRIATIONS ACT; TO REDUCE PROGRAM AND SERVICE REDUCTIONS IN MEDICAID AND HEALTH CHOICE, AND TO PROVIDE ADDITIONAL FUNDING TO THE HIGHWAY PATROL AND TO THE SAVINGS RESERVE ACCOUNT, ALL IN THAT ORDER, BY TEMPORARILY INCREASING THE SALES AND USE TAX BY SEVEN-TENTHS OF ONE PERCENT UNTIL JULY 1, 2015.*

Amends GS 105-164.4(a) to increase the percentage rate of the privilege tax imposed on a retailer to 5.45% (was, 4.75%). Provides that this section does not apply to certain construction materials purchased before the effective date of the increase. Applies to sales made on or after the effective date. Amends GS 105-164.44F(a) and 105-164.44I to reduce the amount of collected tax revenues from telecommunications service and video programming service that the Secretary of Revenue must distribute to counties and cities. Applies to distributions for months beginning on or after the effective date. Effective June 1, 2012. Provisions as amended expire July 1, 2015.

Provides that the additional revenue from the temporary increase in sales tax is to be appropriated for specified purposes as the title indicates. Indicates a priority order for the use of the additional revenues from first priority to fourth priority. Encourages reemploying former employees who were reduced in force due to budget reductions in SL 2011-145. Directs the Governor to take all necessary steps to carry out the purposes of this act. Also directs the Chief Justice of the NC Supreme Court and the Legislative Services Officer to take all necessary steps to execute the restorations required by this act in their respective branches.

Establishes the Jobs, Health, and Education Restoration Fund (Fund) in the Office of State Budget and Management (OSBM) in order to restore budget reductions under this act. Directs that all the revenue from the temporary additional sales tax enacted in this act are to be credited to the Fund. Prohibits transferring or expending monies from the Fund for any purpose other than restoring budget reductions as provided in this act. Requires the OSBM to make quarterly reports, beginning July 1, 2012, to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on disbursements from the Fund and the progress made in accomplishing the purposes of this act. Effective June 1, 2012.

Intro. by Faison, Hall.

GS 105

Budget and Appropriations;  
Taxation

**H 1187. NC TOXIC-FREE KIDS ACT.** Filed 5/29/12. *TO PROTECT CHILDREN FROM THE HEALTH IMPACTS OF TOXIC CHEMICALS IN CHILDREN'S PRODUCTS BY PROHIBITING THE MANUFACTURE AND SALE OF CHILDREN'S PRODUCTS CONTAINING BISPHENOL A, TRIS, OR PHTHALATES; AND BY REQUIRING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, IN CONSULTATION WITH THE DIVISION OF PUBLIC HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO IDENTIFY AND DESIGNATE CHEMICALS OF HIGH CONCERN AND PRIORITY CHEMICALS; AND BY REQUIRING NOTICE AND AN ALTERNATIVES ASSESSMENT BY MANUFACTURERS OF CHILDREN'S PRODUCTS CONTAINING CERTAIN PRIORITY CHEMICALS.*

Enacts new Article 24, *NC Toxic-Free Kids Act*, to GS Chapter 130A to prohibit, beginning July 1, 2014, manufacturers, wholesalers, and retailers from manufacturing, selling, or distributing a children's product that contains (1) Bisphenol A, (2) Phthalates at more than .10 percent by weight, or (3) TRIS in amounts greater than 50 parts per million in a component. Exempts casual or isolated sales and sales by nonprofits from this prohibition. Defines *children's product*, *chemical*, and additional terms used in the Article. Defines the term *chemical of high concern* and directs the Department of Environment and Natural Resources (DENR) and the Division of Public Health (Division) in the Department of Health and Human Services to generate a list of such chemicals to be reviewed and revised every three years. Authorizes designation of priority chemicals, which are chemicals of high concern that meet one of the specified conditions, and requires DENR to publish by May 1, 2013, a list of priority chemicals in the North Carolina Register and on the DENR website. Requires a manufacturer of a children's product that contains a priority chemical to file annual notice with DENR, beginning November 1, 2013. Defines *alternative* as a substitute process or product that serves a functionally equivalent purpose to a chemical in a children's product. Provides that an alternatives assessment must identify alternatives that reduce or eliminate the use of and potential for exposure to the chemical and requires each assessment to include certain items and address specified requirements. Sets out a schedule, with various start dates based on the chemical, to require manufacturers to submit alternative assessments to DENR for children's products. Exempts manufacturers with annual gross sales of less than \$5 million from the assessment requirement. Makes the proposed Article 24 effective December 1, 2012.

Directs DENR and the Division to report to the General Assembly by January 1, 2015, on the required notices and alternatives assessments.

Appropriates \$100,000 for 2012-13 from an unspecified source to DENR to fund the duties required by this act.

Intro. by Harrison, Glazier,  
McGrady, Fisher.

APPROP, GS 130A

Agriculture, Environment, and  
Natural Resources; Budget and  
Appropriations; Business and  
Commerce; Health, Social  
Services, and Aging

**H 1188. CASINO NIGHT FOR NONPROFITS.** Filed 5/29/12. *TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE "CASINO NIGHTS," TO PROVIDE FOR THE REGULATION OF NONPROFIT ORGANIZATIONS HOLDING CASINO NIGHTS, TO ALLOW FOR LICENSING AND REGULATION OF GAMING TABLE DEALERS, AND ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES AT CASINO NIGHTS.*

Adds new Part 2A to Article 37 in GS Chapter 14 to allow an exempt organization, as defined, to have a casino night, which is a specific night on which persons play games of chance and receive prizes. Requires an exempt organization to obtain a license from the Department of Crime Control and Public Safety (Department) before conducting a casino night for an annual fee of \$400. Requires a copy of the application and license to be submitted to the local law enforcement agency in the applicable local government. Requires the organization to pay one member, as detailed, to conduct the casino night and to be responsible for all revenues received. Prohibits compensation for any other person from casino night funds and prohibits an organization from contracting with any person to conduct a casino night. Details the process for an organization to apply for a limited occasion permit to conduct casino nights annually or semiannually. Specifies the location where an organization may hold a casino night.

Limits the number of casino nights sponsored or conducted by an organization to four sessions a year, with each session limited to five hours. Sets out additional restrictions on casino nights. Limits the prize amount for any one game winner to \$500 and limits the total prize amount to \$1,500 a session. Limits the games that may be played, as listed, and requires the organization to designate a special committee to oversee the games. Requires all funds from a casino night to be deposited in a separate bank account, which is annually audited, and details



how the funds must be spent. Makes any person who willfully provides false information on an audit guilty of a Class 1 misdemeanor. Prohibits the use of funds on social functions for organization members. States that a casino night conducted outside the provisions of Part 2A is gambling and subject to penalty under GS Chapter 19.

Makes any licensed exempt organization that conducts a casino night in violation of Part 2A guilty of a Class 1 misdemeanor, and prohibits a person convicted of the offense from conducting a casino night for one year. Makes it a Class I felony to (1) operate a casino night without a license, (2) operate a casino night while license is suspended or revoked, (3) willfully misuse money received from a casino night, (4) allow bingo to be played at the casino night, (5) allow the operation of a slot machine, or (6) contract with or provide consulting services to a licensee.

Prohibits any person, who is not a licensed Gaming Table Dealer, from operating, selling, or leasing any gaming tables or casino games to any person or organization that is not a licensed nonprofit organization purchasing the games to own and use at the organization's casino night. Makes a violation of the provision a Class I felony. Provides for application to the Department for the license and imposes an annual \$1,000 application fee.

Enacts new GS 18B-1002.1 to allow a licensed exempt organization to obtain a special one-time permit to allow the sale or consumption of alcoholic beverages at a single casino night. Imposes a permit fee of \$500 and requires the organization to apply for the permit for each casino night held where alcoholic beverages will be sold or consumed. Disqualifies an organization from applying or receiving a permit for one year if a violation of GS Chapter 18B occurs at a casino night.

Effective July 1, 2012.

**Intro. by Owens.**

GS 14, 18B

Business and Commerce; Lottery and Gaming

**H 1189. TIMELY PAYMENT/UNC SPECIAL BONDS.** Filed 5/29/12. *PROVIDE FOR THE TIMELY PAYMENT OF SPECIAL BONDS FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.*

Enacts new GS 116D-32 as the title indicates. Applies only to the issuance by the UNC Board of Governors of special obligation bonds for which (1) the Board expressly and irrevocably declares in the bond resolution or authorizing trust agreement that the provisions of proposed GS 116D-32 apply and (2) the debt service for the bonds has been received by the Governor. Requires the Governor to forward necessary funds, with order of priority set for funding sources. Requires an audit of any institution needing the Governor to make payments. Effective for special obligation bonds issued on or after July 1, 2012

**Intro. by Haire.**

GS 116D

Education; State Government

**H 1191. RESOLUTION OF DISAPPROVAL OF REORGANIZATION.** Filed 5/29/12. *SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION.*

As title indicates.

**Intro. by Cleveland.**

HOUSE RES

General Assembly

**H 1192. AMEND CASTLE DOCTRINE/REPEAL STAND GROUND.** Filed 5/29/12. *TO AMEND THE LAW REGARDING THE "CASTLE DOCTRINE" AND TO REPEAL THE "STAND YOUR GROUND LAWS" SO THAT THE COMMON LAW CONTINUES TO GOVERN THE LAWFUL USE OF FORCE IN DEFENSE OF ONE'S SELF OR ANOTHER PERSON.*

Enacts new GS 14-51.5 to provide that a lawful occupant within a home or residence is justified in using any degree of force that the occupant reasonably believes is necessary to prevent the forceable entry into the residence or to stop an intruder's unlawful entry if the occupant reasonably (1) apprehends that the intruder may kill or inflict serious bodily harm on the resident or other occupants, or (2) believes that the intruder intends to commit a felony in the residence. Provides that an occupant does not have a duty to retreat. Repeals GS 14-51.2 (Home, workplace, and motor vehicle protection; presumption of fear of death or serious bodily harm), GS 14-51.3 (Use of force in defense of person; relief from criminal or civil liability), and GS 14-51.4 (Justification for defensive force not available). Effective for offenses committed on or after December 1, 2012.

**Intro. by Adams.**

GS 14

Criminal Law, Procedure, and Sentencing

**H 1193. INCREASE SMALL BREWERY LIMITS.** Filed 5/29/12. *TO INCREASE THE SMALL BREWERY BREWING LIMIT FROM TWENTY-FIVE THOUSAND BARRELS TO ONE HUNDRED THOUSAND BARRELS BEFORE THE BREWERY MUST USE A WHOLESALE DISTRIBUTOR TO DISTRIBUTE ITS PRODUCTS.*

Amends GS 18B-1104 as the title indicates.

**Intro. by Adams.**

GS 18B

Alcoholic Beverage Control

**H 1194. ENVIR. JUSTICE/REPURPOSING EXISTING LANDFILL.** Filed 5/29/12. *TO ENSURE THAT A PERMITTEE OR TRANSFEREE OF AN EXISTING SOLID WASTE MANAGEMENT FACILITY (1) CANNOT CIRCUMVENT THE CLOSURE REQUIREMENTS FOR THE FACILITY AND (2) CANNOT CIRCUMVENT ANY COMPONENT OF THE PERMIT PROCESS FOR A NEW PERMIT OR A SUBSTANTIAL AMENDMENT TO A PERMIT WHEN SUBSTANTIAL ENERGY-PRODUCING ACTIVITIES ARE ADDED TO THE ACTIVITIES CONDUCTED AT THE FACILITY AND THE FACILITY IS LOCATED IN A MINORITY OR LOW-INCOME COMMUNITY PROTECTED BY TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT.*

Amends GS 130A-290(A)(2) to extend the definition of closure to include an 85% or greater reduction in the acceptance of waste during a continuous one-year period at a solid waste management facility. Amends GS 130A-294(a)(4)c. specifying a circumstance under which the Department of Health and Human Services (DHHS) must deny an application for a permit for a solid waste management facility. Amends GS 130A-294(a1) to set out guidelines to which DHHS must adhere before approving any transfer of a permit for solid waste management. Amends GS 130A-294(b1)(1) to expand the definition of *substantial amendment* to include an addition of substantial energy-producing activities to be conducted at the facility. Effective when the act becomes law and applies to any new or amended permits issued on or after that date.

**Intro. by Adams.**

GS 130A

Agriculture, Environment, and  
Natural Resources

**H 1195. GOVERNOR'S BUDGET (=S 907).** Filed 5/39/12. *TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AS RECOMMENDED BY THE GOVERNOR AND INTRODUCED BY THE APPROPRIATIONS COMMITTEE CHAIRS PURSUANT TO G.S. 143C-5-1.* Identical to S 907, filed 5/29/12.

**Intro. by Brunstetter, Hunt,  
Stevens.**

GS 143, 147, 143C, 120, 11C,  
115D, 116D, 116, 108A, 108C,  
62, 35A, 110, 90, 90B, 96, 1,  
93E, 143B, 58, 121, 127C, 136,  
105, 135, 143, 143C, APPROP

Budget and Appropriations

## SENATE BILLS

**S 902. DOT TO STUDY TOLLS ON INTERSTATE 95 (=H 1134).** Filed 5/29/12. *TO STUDY THE IMPOSITION OF TOLLS ON INTERSTATE 95 AND TO DELAY TOLLING UNTIL APPROVED BY THE GENERAL ASSEMBLY.*

Identical to H 1134, filed 5/24/12.

**Intro. by Newton, Jackson,  
Jones.**

STUDY, APPROP

Budget and Appropriations;  
Transportation

**S 903. RESTORE FUNDS/WOMEN'S PREVENTIVE HEALTH SVCS. (=H 1144).** Filed 5/29/12. *APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR CONTINUED FUNDING OF PLANNED PARENTHOOD, INC., AND AFFILIATED ORGANIZATIONS; AND REPEALING THE PROHIBITION ON FUNDING FOR PLANNED PARENTHOOD DURING THE 2011-2013 FISCAL BIENNIUM.*

Identical to H 1144, filed 5/24/12.

**Intro. by D. Berger.**

APPROP

Budget and Appropriations; Health,  
Social Services, and Aging

**S 904. THE WOMAN'S RIGHT TO CHOOSE ACT (=H 1136).** Filed 5/29/12. *REPEALING THE WOMAN'S RIGHT TO KNOW ACT AND PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM USING STATE APPROPRIATIONS TO MAINTAIN ANY REQUIREMENTS OF THE WOMAN'S RIGHT TO KNOW ACT.*

Identical to H 1136, filed 5/24/12.

Intro. by D. Berger.

APPROP

Budget and Appropriations; Health,  
Social Services, and Aging

**S 907. GOVERNOR'S BUDGET.** Filed 5/29/12. *TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AS RECOMMENDED BY THE GOVERNOR AND INTRODUCED BY THE APPROPRIATIONS COMMITTEE CHAIRS PURSUANT TO G.S. 143C-5-1.*

Due to the fact that Governor Perdue's proposed budget was released on May 10, 2012, and has been available to the public well in advance of the filing of S 907, we will not be including a summary of the bill version of her budget. For the content of the bill, please follow the link included in the bill's short title above. Further information on the Governor's proposed budget can also be found on the Office of State Budget and Management's website at <http://osbm.nc.gov/thebudget>.

Intro. by Brunstetter, Hunt,  
Stevens.GS 143, 147, 143C, 120, 115C,  
115D, 116D, 116, 108A, 108C,  
62, 35A, 110, 90, 90B, 96, 1,  
93E, 143B, 58, 121, 127C, 136,  
105, 135, 143, 143C, APPROP

Budget and Appropriations

**S 908. MATCHING FUNDS REPEAL.** Filed 5/29/12. *TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC CAMPAIGN ACT AND THE VOTER-OWNED ELECTION ACT AND TO MAKE CONFORMING AND RELATED CHANGES.*

Amends GS 163-278.64(d)(2), GS 163-278.64A(a), GS 163-278.65(b)(2), GS 163-278.68(d), GS 163-278.98(e)(2), GS 163-278.98(e)(3), and GS 163-278.99(b)(2), and repeals GS 163-278.62(18), GS 163-278.66, GS 163-278.67, GS 163-278.96(17), GS 163-278.99A, GS 163-278.99B, and GS 163-278.13(e4), as title indicates.

Intro. by Brunstetter.

GS 163

Elections Law

**S 909. INCREASE DEDUCTION FOR RESCUE WORKERS.** Filed 5/29/12. *TO INCREASE THE DEDUCTION TO ELIGIBLE RESCUE WORKERS.*

Amends GS 105-134.6(d)(6) to allow a taxpayer who is an eligible firefighter or rescue squad worker to deduct \$500 (currently, \$250) from taxable income. Effective for taxable years beginning on or after January 1, 2012.

Intro. by Carney.

GS 105

Emergency Services; Taxation

**S 910. SALE OF A CHILD/FELONY OFFENSE.** Filed 5/29/12. *TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A CHILD; TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY TO ASSIST WITH THE COST OF INCREASED PRISON BED CAPACITY; AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO HELP EDUCATE INVESTIGATORS AND DISTRICT ATTORNEYS REGARDING THIS TYPE OF CRIMINAL ACTIVITY AND THE LEGAL RESOURCES AVAILABLE TO FIGHT THESE CRIMES AND TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY.*

Enacts new GS 14-43.14 to prohibit the unlawful sale, surrender, or purchase of a child. Specifies the elements of the offense. Makes the offense of unlawful sale, surrender, or purchase of a child a Class D felony. Sets out fines for violations of proposed GS 14-43.14. Declares a child whose parent, guardian, or custodian has sold or attempted to sell the child is a dependent, neglected, and abused child as defined by GS 7B-101 and a court may make a placement of the child based on the best interest of the child standard. Provides that a violation of this section is a lesser included offense of GS 14-43.11 (human trafficking). Makes conforming changes to GS 7B-101(1) [abused juveniles], GS 14-208.6(5) [defining sexually violent offense], and GS 48-10-102(b) [unlawful payments related to adoption]. Effective December 1, 2012 and applies to offenses committed on or after that date.

Appropriates \$25,000 for 2012-13 from the General Fund to the Department of Public Safety and appropriates \$5,000 for 2012-13 from the General Fund to the North Carolina Conference of District Attorneys for purposes as the title indicates. Effective July 1, 2012.

Intro. by Atwater.

GS 7B, 14, 48, APPROP

Criminal Law, Procedure, and  
Sentencing; Budget and  
Appropriations

**S 911. LOCAL GOVERNMENTS IN STATE HEALTH PLAN.** Filed 5/29/12. *TO ALLOW LOCAL GOVERNMENT UNITS TO ENROLL THEIR EMPLOYEES, RETIREES, AND DEPENDENTS IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, SUBJECT TO CERTAIN CONDITIONS.*

Enacts new GS 135-48.47 to allow employees and retirees of local government units, and their dependents, to participate in the State Health Plan (Plan), provided the local government unit (1) elects to participate and (2) complies with applicable laws and policies. Sets out the requirements that a local government must meet to participate in the Plan, including determining the eligibility of employees, retirees, and dependents, and premium amounts. Ends eligibility to participate on July 1, 2014; however, allows covered local government retirees who retire before July 1, 2014, while covered by the state, to remain eligible for coverage. Makes conforming changes to GS 135-48.1(11) (definition of *employing unit*) and GS 135-48.55 (concerning interest on late premiums) and amends GS 135-48.8 to add a statement of public interest. Allows any local government unit participating in the Plan when this act becomes law to elect to operate under new GS 135-48.47; requires such units to stop monthly contributions to the Teachers' and State Employees' Retirement System.

**Intro. by Brown.**

GS 135

Employment and Retirement;  
Health, Social Services, and Aging;  
Local Government

**S 912. TRANSPORTATION AMENDMENTS.** Filed 5/29/12. *TO MODIFY DRIVERS LICENSE FEES FOR SHORTENED DURATION LICENSES AND PERSONS WHO RETAKE THE ROAD TEST, TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL PLATE FOR MEMBERS OF THE HALIWA-SAPONI TRIBE, AND TO REQUIRE THE TIMELY COMPLETION OF THE U.S. 401 PROJECT FROM WAKE COUNTY INTO FRANKLIN COUNTY.*

Enacts new subsection (i2) to GS 20-7 to impose an additional fee, as determined by the Division of Motor Vehicles (DMV), on applicants for drivers licenses, who fail a road test when the applicant retakes the test. Amends GS 20-7(f)(3) to add that the fee for a driver's license of limited duration is the same as the fee for a license issued or renewed under the other subdivisions to GS 20-7(f), and requires DMV to charge a fee to verify the duration of an applicant's legal presence in the US. Amends GS 20-79.4, directing DMV to issue a special plate to a member of the Haliwa-Saponi Tribe, contingent on the receipt of 300 plate applications. Enacts new GS 136-102.10, directing the Department of Transportation to complete the US 401 project according to the detailed schedule. Effective July 1, 2012.

**Intro. by D. Berger.**

GS 20, 136

Transportation

**S 913. EXPAND AVIATION SALES TAX EXEMPTION.** Filed 5/29/12. *TO EXPAND THE SALES TAX EXEMPTION FOR REPAIR PARTS AND ACCESSORIES SOLD TO AN INTERSTATE AIR BUSINESS.*

Expands the definition for *interstate passenger air carrier* under GS 105-164.3(16) to provide as title indicates. Applies to purchases made on or after July 1, 2012.

**Intro. by Gunn.**

GS 105

Taxation

**S 914. COVERAGE FOR HEARING AID SPECIALISTS.** Filed 5/29/12. *TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR HEARING AID SPECIALIST UNDER THEIR HEALTH BENEFIT PLANS AND TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES.*

As title indicates. Amends GS 58-50-30 to add that insured persons have the right to choose their hearing aid specialist, and adds a definition for the term. Amends GS 93D-5 to increase the licensure fee for persons fitting and selling hearing aids in NC to \$500 (was, \$250). Makes a conforming change to GS 135-48.51(12) (concerning the State Health Plan). Effective July 1, 2012.

**Intro. by Hartsell.**

GS 58, 93D, 135

Health, Social Services, and Aging

**S 915. PUBLIC INFRASTRUCTURE OVERSIGHT COMMITTEE (=H 1145).** Filed 5/29/12. *TO ESTABLISH THE JOINT LEGISLATIVE PUBLIC INFRASTRUCTURE OVERSIGHT COMMISSION.* Identical to H 1145, filed 5/24/12.

**Intro. by Hartsell.**

GS 120, APPROP

Budget and Appropriations; Local  
Government; State Government

**S 916. CORRECT ANIMAL LOVERS SPECIAL PLATE SHORTFALL.** Filed 5/29/12. *TO TRANSFER FUNDS FROM THE SPECIAL REGISTRATION PLATE ACCOUNT TO THE SPAY/NEUTER ACCOUNT.*

Transfers \$54,160 from the Special Registration Plate Account to the Spay/Neuter Account.

**Intro. by McKissick.**

UNCODIFIED

Transportation; Animal Law

**S 917. SPAY/NEUTER PROGRAM FUNDING**. Filed 5/29/12. *TO PROVIDE SPACE ON THE STATE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR SPAYING AND NEUTERING OF DOGS AND CATS IN ORDER TO HELP REDUCE THE POPULATION OF UNWANTED ANIMALS IN THE STATE.*

Enacts new GS 105-269.7, as title indicates. States the General Assembly's finding that the funds generated by the act are to be additional funding and are not intended to replace current funding for spaying and neutering. Effective for taxable years beginning on or after January 1, 2013.

**Intro. by McKissick.**

GS 105

Taxation

**S 920. INCREASE REPLACEMENT CYCLE/SCHOOL BUSES**. Filed 5/29/12. *TO INCREASE THE REPLACEMENT CYCLE ON SCHOOL BUSES AND TO REDUCE STATE EXPENDITURES FOR SCHOOL BUSES ACCORDINGLY.*

Requires the State Board of Education to revise guidelines to require school bus replacement every 300,000 miles. Requires funds appropriated for purchasing school buses to revert at the end of the fiscal year if the funds are not needed.

**Intro. by Tucker.**

UNCODIFIED

Education; Transportation

**S 921. STUDY GRANDPARENTS' RIGHTS/CHILD CUSTODY**. Filed 5/29/12. *TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON GRANDPARENTS' VISITATION RIGHTS AND CHILD CUSTODY.*

Creates a 10-member commission as title indicates. Directs the study to consider multiple issues relating to grandparents' visitation rights and the use of health-related conditions as a factor in determining child custody. Requires that the Commission make a final report of its findings and recommendations to the 2013 General Assembly. The Committee shall terminate upon the filing of its final report.

**Intro. by McKissick.**

STUDY

Family Law

**S 922. SEX TRAFFICKING/SEX OFFENDER REGISTRATION**. Filed 5/29/12. *TO ADD THE OFFENSE OF HUMAN TRAFFICKING TO THE LIST OF CRIMINAL CONVICTIONS THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM.*

Amends GS 14-208.6, as title indicates. Effective for offenses committed on or after December 1, 2012.

**Intro. by Goolsby.**

GS 14

Criminal Law, Procedure, and Sentencing

**S 923. END COLLECTION/TRAFFIC ENFORCEMENT STATISTICS**. Filed 5/29/12. *TO REPEAL THE REQUIREMENT THAT THE DIVISION OF CRIMINAL STATISTICS COLLECT TRAFFIC LAW STATISTICS.*

Repeals GS 114-10.01 (collection of traffic law enforcement statistics) as title indicates.

**Intro. by Goolsby.**

GS 114

Criminal Law, Procedure, and Sentencing; Transportation

**S 924. HANDGUN ON ED. PROP/LIMITED EXCEPTION**. Filed 5/29/12. *TO PROVIDE THAT A PERSON WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY A HANDGUN ON EDUCATIONAL PROPERTY THAT IS THE LOCATION OF BOTH A SCHOOL AND A PLACE OF WORSHIP DURING THE REGULARLY SCHEDULED HOURS OF WORSHIP, PROVIDED THOSE HOURS DO NOT COINCIDE WITH THE OPERATING HOURS OF THE SCHOOL.*

Amends GS 14-269.2 as the title indicates. Makes a conforming change to GS 14-415.11. Effective December 1, 2012.

**Intro. by Goolsby.**

GS 14

Criminal Law, Procedure, and Sentencing

**S 925. PUBLIC HOSPITAL USE DEBT SETOFF**. Filed 5/29/12. *TO EXPAND THE DEFINITION OF LOCAL AGENCY FOR PURPOSES OF THE DEBT SETOFF COLLECTION ACT.*

As title indicates. Expands the definition for *local agency* in GS 105A-2 to include a public hospital, as defined. Applies to tax refunds determined by the Department of Revenue on or after January 1, 2013.

**Intro. by Goolsby.**

GS 105A

Taxation

**S 926. REFORM WORKFORCE DEVELOPMENT (=H 1058)**. Filed 5/29/12. *INITIATING REFORM OF THE WORKFORCE DEVELOPMENT LAWS OF NORTH CAROLINA, MODIFYING THE COMPOSITION OF THE NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT, AND ESTABLISHING THE JOINT LEGISLATIVE WORKFORCE DEVELOPMENT SYSTEM REFORM COMMITTEE, AS RECOMMENDED BY*

*THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.*

Identical to H 1058, filed 5/22/12.

**Intro. by Hartsell.**

GS 96, 143B

Employment and Retirement; State Government

**S 927. RENTAL PROPERTY/LITHIUM BATTERY SMOKE ALARMS.** Filed 5/29/12. *PROVIDING THAT AFTER DECEMBER 31, 2012, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TAMPER-RESISTANT, TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE..*

Amends GS 42-42 to require a landlord installing a new smoke alarm or replacing an existing alarm after December 31, 2012, to install a tamper-resistant, 10-year lithium battery smoke alarm, unless the dwelling unit is equipped with a (1) hardwired smoke alarm with a battery backup or (2) smoke alarm combined with a carbon monoxide alarm that meets specified statutory requirements. Makes conforming changes. Also makes conforming changes to GS 42-43 (tenant to maintain dwelling unit) and GS 42-44 (general remedies, penalties, and limitations). Changes the term *detector* to *alarm* throughout the applicable statutes.

Amends GS 42-51 to allow a tenant's security deposit to be used to cover damage or destruction of a smoke or carbon monoxide alarm.

Effective December 31, 2012.

**Intro. by Bingham.**

GS 42

Property, Land Use, and Housing

**S 928. REPEAL/STREAMLINE DPI REPORTING REQUIREMENTS.** Filed 5/29/12. *STREAMLINE PUBLIC SCHOOL REPORTING REQUIREMENTS.*

Amends GS 115C-150.7(d) to require that the local board of education review local plans for academically or intellectually gifted students at least every three years (was, prohibited a plan from remaining in effect for more than three years).

Amends GS 115C-105.41 to remove requirement that local school administrative units certify their compliance with provisions regarding Personal Education Plans (PEP) for students at risk of academic failure with the State Board of Education (SBE). Also deletes requirement that PEP data be reviewed periodically by the SBE and reported to the Joint Legislative Education Oversight Committee (JLEOC).

Amends GS 115C-12 to consolidate reports from the SBE to the JLEOC on school discipline and school violence. Adds new subdivision to GS 115C-12 to consolidate reporting requirements on innovative high school programs. Makes conforming changes.

Amends GS 115C-296(b1) to delete requirements for the SBE to review teacher preparation programs and annual performance reports for all masters degree programs in education and school administration. Also deletes requirement that SBE submit the performance reports to the JLEOC annually.

Repeals GS 115C-12(38) and GS 115C-47(60) concerning reports on behavioral health services for military children, but includes provisions of both statutes as uncodified provisions in this act, except amends the date by which the SBE is to report on information collected on the needs of students with immediate family members in the military to the JLEOC, the House of Representatives, and the Senate Appropriations Subcommittee on Education to December 15, 2012 (was, no later than March 15 annually).

Repeals requirements for reports on the following: (1) DWI vehicle forfeiture, GS 115C-276(t); (2) funds for mentoring services, Section 7.8 of SL 2008-107 as amended; (3) Disadvantaged Student Supplemental Funding, Sections 7.8(b) of SL 2005-276 and Section 7.8(b) of SL 2007-323; (4) More at Four yearly review, Section 7.17(c) of SL 2008-107 and subsections (c) and (g) of Section 7.5 of SL 2010-31; (5) dropout prevention grant review, Section 7.19(c) of SL 2010-31; (6) plant operation funding, Section 7.18(b) of SL 2008-107; and (7) professional development programs for public school employees. Makes a conforming change to GS 116-11(12a).

Effective July 1, 2012.

**Intro. by Tucker.**

GS 115C

Education

**S 929. FIREMEN'S RETIREMENT FUND/BOARD MEMBERSHIP.** Filed 5/29/12. *TO REVISE THE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE BOARD OF TRUSTEES OF A FIREMEN'S LOCAL RELIEF FUND.*

Amends GS 58-84-30 (concerning board of trustees for local Firefighters' Relief Funds) as follows: (1) requires members elected by fire department members to either be residents of the fire district or, active or retired members of the fire department; (2) requires members appointed by the local governing body to be residents of

the fire district; and (3) requires the representative appointed by the Commissioner of Insurance to either be a resident of the fire district or an active or retired member of the fire department. Makes a conforming change.

**Intro. by Nesbitt, Apodaca.**

GS 58

Emergency Services

**S 930. INDIAN CULTURAL CENTER/TERMINATE LEASE (=H 1179).** Filed 5/29/12. *TO REQUIRE THE STATE TO TERMINATE ITS LEASE OF THE INDIAN CULTURAL CENTER PROPERTY; TO DIRECT HOW THE PROPERTY IS TO BE DISPOSED OF; AND TO AMEND THE STATUTORY RECOGNITION OF THE LUMBEE TRIBE OF NORTH CAROLINA.*

Identical to H 1179, filed 5/29/12.

**Intro. by Walters.**

GS 71A

State Government

**S 931. NC BUSINESSES FIRST/SMALL BUSINESS FUNDS.** Filed 5/29/12. *REQUIRING THE SECRETARY OF ADMINISTRATION, STATE AGENCIES, COUNTIES, AND CITIES WHEN PURCHASING GOODS TO GIVE A PRICE-MATCH PREFERENCE TO NORTH CAROLINA COMPANIES THAT MEET CERTAIN REQUIREMENTS, AND APPROPRIATING FUNDS TO ASSIST SMALL BUSINESS MANUFACTURERS IN EXPANDING EXPORT OPPORTUNITIES.*

Adds new subsection (a1) to GS 143-59 (concerning preference given to North Carolina products and citizens in state contracts) to require the Secretary of Administration and any state agency that purchases foodstuffs or other products to give preference to the lowest responsible, responsive resident bidder, provided (1) that bidder's bid is not more than 5% or \$10,000 (whichever is less) of the bid of the nonresident bidder, and (2) the bidder matches the nonresident's bid. Enacts a corresponding subsection (b1) to GS 143-129, requiring local governments to award contracts for apparatus, supplies, materials or equipment based on the price-match preference for residents. Makes conforming changes. Applies to bids received on or after July 1, 2012.

Appropriates \$5 million for 2012-13 from the General Fund to the Department of Commerce to provide grants to small businesses that (1) manufacture goods grown, produced or manufactured for exportation, and (2) meet specified requirements concerning wages, health insurance, environmental impact, and safety and health programs. Effective July 1, 2012.

**Intro. by White, D. Berger.**

APPROP, GS 143

Budget and Appropriations;  
Business and Commerce

### *Local Bills*

#### **HOUSE BILLS**

**H 1152. CAP ON CHARTER SCHOOLS/DURHAM COUNTY.** Filed 5/29/12. *TO LIMIT THE NUMBER OF CHARTER SCHOOLS LOCATED IN DURHAM COUNTY.*

Limits the number of charter schools in Durham County authorized by the State Board of Education to no more than 20% of the number of public schools operated by the Durham County Board of Education. Applies only to Durham County.

**Intro. by Luebke.**

DURHAM

Durham

**H 1153. STANDARDS FOR CHARTER SCHOOLS/DURHAM COUNTY.** Filed 5/29/12. *SET STANDARDS FOR CHARTER SCHOOLS LOCATED IN DURHAM COUNTY.*

As the title indicates. Sets standards for all charter schools located in Durham County with regards to transportation for students, providing free and reduced price lunch for qualifying students, and setting policies that comply with federal laws for children with disabilities. Prohibits a charter school in Durham County from restricting admission of students based on intellectual ability, measures of achievement, or measures of aptitude. Applies only to charter schools in Durham County initially approved by the State Board of Education on or after the date that this act becomes effective.

**Intro. by Luebke.**

DURHAM

Durham

**H 1169. TOWN OF BURGAW/DEANNEXATION.** Filed 5/29/12. *REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW.*

Removes two tracts, as described, from Burgaw's corporate limits. Provides that this act does not have any effect on any liens of the Town of Burgaw for ad valorem taxes or special assessments that were outstanding before the effective date of this act. Effective July 1, 2012.

**Intro. by Justice.** PENDER Pender

**H 1170. PENDER COUNTY ABC LAW.** Filed 5/29/12. *TO AMEND THE PROCESS BY WHICH MEMBERS OF THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL ARE SELECTED; TO REMOVE THE REQUIREMENT THAT THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL LOCATE ONE OR MORE STORES IN THE TOWNS OF BURGAW AND ATKINSON; AND TO AMEND THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL.*

Amends various provisions of SL 1963-50, as amended, to provide as title indicates. Specifies the new distribution schedule for net profits. Effective July 1, 2012.

**Intro. by Justice.** PENDER Pender

**H 1174. SCOTLAND CO: PRIVILEGE TAX FOR SWEEPSTAKES.** Filed 5/29/12. *TO AUTHORIZE SCOTLAND COUNTY TO IMPOSE A PRIVILEGE TAX ON ESTABLISHMENTS WITH SWEEPSTAKES MACHINES.*

Enacts new GS 105-40.1 as the title indicates. Defines *sweepstakes machine* as having the same definition as *electronic machine or device* as that term is defined in GS 14-306. Defines *sweepstakes machine establishment* to mean a business where a sweepstakes machine is operated. Provisions of this act apply only to Scotland County. Sets caps on the amount of privilege tax that may be collected from each sweepstakes establishment and on every sweepstakes machine.

Effective July 1, 2012. Requires that the privilege tax be repealed as of the date when an appellate court of competent jurisdiction in North Carolina finds that operating a sweepstakes machine violates state law.

**Intro. by Pierce.** SCOTLAND Scotland; Lottery and Gaming

**H 1181. EMERALD ISLE LOCAL OPTION SALES TAX.** Filed 5/29/12. *TO AUTHORIZE THE TOWN OF EMERALD ISLE TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX, THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT.*

Subject to a referendum held under proposed Article 48 of GS 105, authorizes the Emerald Isle Board of Commissioners to levy a local sales and use tax of 1%. Provides for the administration and distribution of the tax and limits the use of net proceeds to beach nourishment, as defined.

**Intro. by McElraft.** CARTERET Carteret

**H 1190. NORTH TOPSAIL BEACH OCCUPANCY TAX CHANGE.** Filed 5/29/12. *TO PERMIT THE TOWN OF NORTH TOPSAIL BEACH TO USE OCCUPANCY TAX PROCEEDS TO RETIRE DEBT INCURRED FOR BEACH NOURISHMENT PROJECTS.*

Amends SL 2001-439, as amended, as title indicates.

**Intro. by Shepard.** ONSLOW Onslow

## SENATE BILLS

**S 905. CURRITUCK CAMA SETBACK REQ'TS/GRANDFATHER.** Filed 5/29/12. *TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN CURRITUCK COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER.*

As title indicates. Prohibits the Coastal Resources Commission from denying a development permit to such a structure that does not meet the specified oceanfront setback, if the structure does meet the listed criteria.

**Intro. by White.** CURRITUCK Agriculture, Environment, and Natural Resources; Currituck

**S 906. NAGS HEAD CONVEYANCE (=H 1082).** Filed 5/29/12. *TO ALLOW THE TOWN OF NAGS HEAD TO LEASE OUT PROPERTY FOR A LICENSED NURSING HOME FOR UP TO FORTY YEARS WITHOUT TREATING IT AS A SALE.*



Identical to H 1082, filed 5/22/12.

Intro. by White.

DARE

Dare

**S 918. AMEND DURHAM COUNTY OCCUPANCY TAX USES.** Filed 5/29/12. *TO AMEND THE PURPOSES FOR WHICH OCCUPANCY TAX PROCEEDS REMITTED TO THE DURHAM CONVENTION AND VISITORS BUREAU MAY BE USED.*

Amends Section 9 of SL 2001-480, as amended, to add that the Durham Convention and Visitors Bureau may use occupancy tax proceeds to cover tourism-related expenses and to retire debt incurred to finance such expenses.

Intro. by McKissick, Atwater.

DURHAM

Durham; Taxation

**S 919. CARTERET COMMISSIONER ELECTION (=H 1131).** Filed 5/29/12. *TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRICT ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS.*

Identical to H 1131, filed 5/24/12.

Intro. by Preston.

CARTERET

Carteret

## ACTION ON BILLS

May 29, 2012

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

## PUBLIC BILLS

H0340 Utilities Commission/Criminal Records Check. 03-24-11, 05-19-11	S Reptd Fav
H0345 Modify Move Over Law. 05-11-11, 05-23-12	H Rec To Concur S Com Sub H Ref To Com On Transportation
H0391 Dept. of Admin/Procurement Modernization.-AB	S Withdrawn From Com S Re-ref Com On Finance
H0517 Magistrates/Calendaring. 05-25-11, 05-24-12	S Passed 2nd & 3rd Reading
H0637 Adoption Law Changes. 04-20-11, 05-29-12	S Reptd Fav Com Substitute SA Com Substitute Adopted
H0778 Amend Innocence Commission Laws. 06-02-11, 06-03-11	S Passed 2nd & 3rd Reading
H0925 Annexation Reform 2 05-26-11, 05-16-12	H Concurred In S/Com Sub
H0941 Pseudoephedrine Amount Clarifications.	S Passed 1st Reading S Ref To Com On Judiciary II
H0947 Eugenics Compensation Program. 05-25-12, 05-29-12	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)

H0950	Modify 2011 Appropriations Act.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/30/2012
	05-29-12		
H0952	State Air Toxics Program Reforms.	H	Passed 2nd & 3rd Reading
	05-24-12		
H0966	Repeal Prohibition on Teacher Prepayment.	S	Passed 1st Reading
		S	Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget
H1015	Set Public Utility and Insurance Reg. Fees.	H	Passed 3rd Reading
H1023	Expunction/Nonviolent Offenses.	H	Withdrawn From Com
		H	Re-ref Com On Judiciary Subcommittee A
H1028	Appraisal Mgmt Co Reported to Dept of Revenue.	S	Passed 1st Reading
		S	Ref To Com On Finance
	05-23-12		
H1145	Public Infrastructure Oversight Commission.	H	Withdrawn From Com
		H	Re-ref Com On Rules, Calendar, and Operations of the House
H1147	Modify 2011 Appropriations Act.	H	Passed 1st Reading
		H	Ref To Com On Appropriations
H1148	Modify 2011 Appropriations Act.	H	Passed 1st Reading
		H	Ref To Com On Appropriations
H1149	New Markets Job Act.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development
H1150	Bioptic Lenses for Drivers License Tests.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H1151	Restore Funds/Early Child Care & Ed. Services.	H	Passed 1st Reading
		H	Ref To Com On Appropriations
H1154	Cape Fear CC Annex Funds.	H	Filed
H1155	Motor Vehicle Loan Balloon Payments.	H	Filed
H1156	Save Lives!/Fund Tobacco Prevention Programs.	H	Filed
H1157	Behavior Analysis Practice Act.	H	Filed
H1158	Modify 2011 Appropriations Act.	H	Filed
H1159	UNC Resident Tuition/Veterans & Dependents.	H	Filed
H1160	Infant Mortality Prevention/Funds.	H	Filed
H1161	Restore Funds for SHP Basic Schools.	H	Filed
H1162	Approp: Small Business Export Opportunities.	H	Filed
H1163	No Merger Without MPA Relief.	H	Filed
H1164	Meth Team Expansion/Dept. of Justice Funds.	H	Filed
H1165	Internet Crimes Agnst Child./SBI Respond Team.	H	Filed

H1166	Temporarily Raise Income Tax on Millionaires.	H	Filed
H1167	Tax Airplanes/Boats/RVs Equal to Automobiles.	H	Filed
H1168	Maximize Fed GI Education Benefits.	H	Filed
H1171	Extend Sunset for EITC.	H	Filed
H1172	Remove League & Co. Comm. from LGERS.	H	Filed
H1173	Absconding Prob. Violators Forfeit Benefits.	H	Filed
H1175	COPD Awareness.	H	Filed
H1176	UNC Tuition/Out-of-State Veterans.	H	Filed
H1177	Legislative Buildings Access Study.	H	Filed
H1178	Western Carolina/Univ. Participant Program.	H	Filed
H1179	Indian Cultural Center/ Terminate Lease.	H	Filed
H1180	Video Sweepstakes Entertainment Tax.	H	Filed
H1182	UNC & Comm Colleges/Savings Incentives.	H	Filed
H1183	Funds for NCCAT Teacher Leadership Initiative.	H	Filed
H1184	Clarify Underground Injection Ban.	H	Filed
H1185	Fracking contracts/against public policy.	H	Filed
H1186	Restore Budget Cuts/Add Temp. Sales Tax.	H	Filed
H1187	NC Toxic-Free Kids Act.	H	Filed
H1188	Casino Night for Nonprofits.	H	Filed
H1189	Timely Payment/UNC Special Bonds.	H	Filed
H1191	Resolution of Disapproval of Reorganization.	H	Filed
H1192	Amend Castle Doctrine/Repeal Stand Ground.	H	Filed
H1193	Increase Small Brewery Limits.	H	Filed
H1194	Envir. Justice/Repurposing Existing Landfill.	H	Filed
H1195	Governor's Budget.	H	Filed
S0423	Educ. Oversight Comm. Study of Teacher Tenure.	H	Withdrawn From Com H Re-ref Com On Education
S0582	Authorize Indian Gaming/ Revenue.	H	Assigned To Appropriations Subcommittee on Natural and Economic Resources H Reptd Fav H Re-ref Com On Commerce and Job Development
05-16-12			
S0795	Excellent Public Schools Act.	S	Reptd Fav Com Substitute SA Com Substitute Adopted S Re-ref to Appropriations/

		Base Budget. If fav, re-ref to Finance
05-29-12		
S0810	Regulatory Reform Act of 2012.	S Withdrawn From Cal
		S Placed On Cal For 5/30/2012
05-24-12		
S0896	License Plate Background.	S Held As Filed
S0897	Law Enforcement Officers Memorial Plate.	S Passed 1st Reading
		S Ref To Com On Finance
S0902	DOT to Study Tolls on Interstate 95.	S Passed 1st Reading
		S Ref To Com On Transportation
S0903	Restore Funds/Women's Preventive Health Svcs.	S Filed
S0904	The Woman's Right to Choose Act.	S Filed
S0907	Governor's Budget.	S Filed
S0908	Matching Funds Repeal.	S Filed
S0909	Increase Deduction for Rescue Workers.	S Filed
S0910	Sale of a Child/Felony Offense.	S Filed
S0911	Local Governments in State Health Plan.	S Filed
S0912	Transportation Amendments.	S Filed
S0913	Expand Aviation Sales Tax Exemption.	S Filed
S0914	Coverage for Hearing Aid Specialists.	S Filed
S0915	Public Infrastructure Oversight Commission.	S Filed
S0916	Correct Animal Lovers Special Plate Shortfall.	S Filed
S0917	Spay/Neuter Program Funding.	S Filed
S0920	Increase Replacement Cycle/ School Buses.	S Filed
S0921	Study Grandparents' Rights/ Child Custody.	S Filed
S0922	Sex Trafficking/Sex Offender Registration.	S Filed
S0923	End Collection/Traffic Enforcement Statistics.	S Filed
S0924	Handgun on Ed. Prop/Limited Exception.	S Filed
S0925	Public Hospital Use Debt Setoff.	S Filed
S0926	Reform Workforce Development.	S Filed
S0927	Rental Property/Lithium Battery Smoke Alarms.	S Filed
S0928	Repeal/Streamline DPI Reporting Requirements.	S Filed
S0929	Firemen's Retirement Fund/ Board Membership.	S Filed
S0930	Indian Cultural Center/ Terminate Lease.	S Filed
S0931	NC Businesses First/Small Business Funds.	S Filed

## LOCAL BILLS

H0005 Local Deannexations 02-10-11, 05-16-12	H	Concurred In S/Com Sub
H0991 Jackson Co. Occupancy Tax Changes.	H	Withdrawn From Com H Re-ref Com On Finance
H1087 Fontana Dam Occupancy Tax.	H	Withdrawn From Com H Re-ref Com On Finance
H1152 Cap on Charter Schools/Durham County.	H	Filed
H1153 Standards for Charter Schools/ Durham County.	H	Filed
H1169 Town of Burgaw/Deannexation.	H	Filed
H1170 Pender County ABC Law.	H	Filed
H1174 Scotland Co: Privilege Tax for Sweepstakes.	H	Filed
H1181 Emerald Isle Local Option Sales Tax.	H	Filed
H1190 North Topsail Beach Occupancy Tax Change.	H	Filed
S0898 Bear Grass School Property Conveyance.	S	Passed 1st Reading S Ref To Com On State and Local Government
S0899 Durham County Memorial Stadium.	S	Passed 1st Reading S Ref To Com On State and Local Government
S0900 Surf City Deannexation.	S	Passed 1st Reading S Ref To Com On State and Local Government
S0901 Ocean Isle Beach Satellite Annexations.	S	Passed 1st Reading S Ref To Com On State and Local Government
S0905 Currituck CAMA Setback Req'ts./Grandfather.	S	Filed
S0906 Nags Head Conveyance.	S	Filed
S0918 Amend Durham County Occupancy Tax Uses.	S	Filed
S0919 Carteret Commissioner Election.	S	Filed

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 637. ADOPTION LAW CHANGES.** Filed 4/5/11. Senate committee substitute makes the following changes to 2nd edition.

Amends GS 48-2-304(a)(6) to provide that the original petition for adoption must include a description and estimate of the value of any property belonging to the adoptee if the adoptee is a minor or an adult who has been adjudicated incompetent. Amends GS 48-3-205(d) to permit the substitution of reasonably equivalent forms to those provided by the Division of Social Services of DHHS to collect background information for submission to the prospective parent. Amends GS 48-3-303(c)(12) by adding social security numbers to the information that may be redacted from the placement assessment provided to a placing parent or guardian. Amends GS 48-3-602 to provide that if the court determines that proceeding with an adoption is in the best interest of the child where the parent has been adjudicated incompetent and appointed a guardian ad litem, that the court is to order the

guardian ad litem of the parent to execute a consent agreement or a relinquishment (was, a consent agreement) for the parent. Makes a technical correction to GS 48-9-109(1). Changes the effective date to October 1, 2012 (was, October 1, 2011).

Family Law

**H 947. EUGENICS COMPENSATION PROGRAM**. Filed 5/16/12. House committee substitute makes the following changes to 1st edition.

Amends proposed Part 30, *Eugenics Asexualization and Sterilization Compensation Program*, to clarify that the \$50,000 compensation paid to qualified recipients will be lump-sum. Adds that Industrial Commission decisions that are favorable to the claimant are final and not subject to appeal by the state. Makes amendment to GS 105-134.6(b), which makes the compensation payment tax deductible, effective for taxes imposed in tax years beginning on or after January 1, 2012 (was, effective July 1, 2012). Modifies various fund distributions to provide that the funds are coming from funds appropriated to the Eugenics Reserve Fund. Makes additional clarifying changes.

Health, Social Services, and Aging;  
State Government; Taxation

**H 947. EUGENICS COMPENSATION PROGRAM**. Filed 5/16/12. House committee substitute makes the following changes to 2nd edition. Provides that the provisions in GS 132-1.23, concerning the protection of confidential and identifying information, expires June 30, 2016.

State Government; Taxation;  
Health, Social Services, and Aging

**H 950. MODIFY 2011 APPROPRIATIONS ACT**. Filed 5/16/12. House Appropriations committee substitute makes various changes to the 1st edition. We will not be including a summary of the Appropriations Act. For the content of the bill, please follow the link included in the bill's short title above. Further information on the budget, including the committee report, can be found on the "News" section of the General Assembly's website at: <http://www.ncleg.net/gascripts/News/NewsArchive.pl>.

Budget and Appropriations

## SENATE BILLS

**S 795. EXCELLENT PUBLIC SCHOOLS ACT**. Filed 4/23/12. Senate committee substitute makes the following changes to 1st edition.

Amends the definition of *summer reading camp* in proposed GS 115C-83.1C to require summer camps to include at least three hours (rather than five and a half hours) of instructional time per day. Amends proposed GS 115C-83.1G (elimination of social promotion) to specify that one of the good cause exemptions (which may exempt a student from mandatory retention in the third grade) applies to students who have received reading intervention and have previously been retained more than once *in kindergarten, first, second, or third grades*. Makes a conforming change. Clarifies that the required developmental screening is administered beginning in the 2014-15 school year. Amends GS 115C-12(9)c1. to also require the State Board of Education (SBE) to give each local school administrative unit a school performance score on a scale of zero to 100 as part of the annual report card. Amends GS 115C-47(58) to clarify that each local board of education must share and report the report card for each school for the current and previous four school years. Adds a corresponding clarification for charter school report cards. Makes conforming changes. Makes modifications to the methods by which the SBE calculates and awards school performance scores and grades. Amends GS 115C-174.12(a)(4) to also exempt final exams for courses with national and international curriculums from the test scheduling guidelines.

Amends GS 115C-84.2 to require a school calendar to include a minimum of 185 days or 1,025 hours of instruction, and adds a requirement for three teacher workdays. Makes modifications to the opening and closing dates for public schools. Makes conforming changes to various provisions of GS Chapter 115C, and makes the changes effective beginning in the 2013-14 school year. Reduces the appropriations previously allocated to fund the expansion of five instructional days for days that a local school administrative unit has not requested and received a waiver for, as follows: (1) reduces from \$1.2 million to \$40,168 the funds for noninstructional support personnel, and (2) reduces from \$10,150,000 to \$351,469 the funds for transportation. Clarifies that local boards of education must develop a performance pay plan for all licensed personnel (previously required plan beginning in 2013-14), and also allows members of the public to submit plans to specified entities by April 15, 2013. Directs

SBE to report to specified entities on the achievement-based compensation models developed for the Race to the Top grant by April 15, 2013.

Adds a section to amend Section 10.7(f) in the Appropriations Act of 2011 to direct the Division of Child Development and Early Education to establish income eligibility requirements for the NC Pre-K program that do not exceed 75% of the state median income; allows up to 20% of enrolled children to have family incomes over the cutoff if they have other designated risk factors (currently, the Division serves at risk children regardless of income). Repeals Section 10.7(h) in the Appropriations Act of 2011, which established a parent co-payment requirement. Appropriates \$11,308,363 for 2012-13 from the General Fund to the Division of Child Development and Early Education in the Department of Health and Human Services to add 2,261 slots to the NC Pre-K program.

Repeals Section 5 of SL 2011-379, which prohibited teacher prepayment under GS 115C-302.1(b). Effective July 1, 2012.

Amends GS 105-134.6(b) to allow an eligible educator a tax deduction up to \$250 for books and other school supplies. Effective for tax years beginning on or after January 1, 2012.

Amends proposed GS 115C-325.3 (which previously provided for annual teacher contracts) to set a contract between a local board of education and a teacher employed less than three years at a term of one school year. Sets a contract or the renewal of a contract for teachers employed three years or more at a term of one, two, three, or four school years. Requires the superintendent, in his or her recommendation for contract renewal, to include the length of the contract term. Makes conforming changes to remove the term *annual* from the proposed provisions. Specifies that all teachers will be employed on a contract for a term of one year in the 2012-13 school year.

Makes additional clarifying and technical changes, and makes conforming changes to the bill title.

Education; Elections Law; Budget  
and Appropriations

## Legislation Enacted

**SL 2012-2 (S 797). PYMT. OF 2012 MEDICAID COSTS/INMATE MED COSTS.** AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; TO PROHIBIT THE DRAWING DOWN OR TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR; AND TO REQUIRE PRIOR APPROVAL FROM THE GENERAL ASSEMBLY BEFORE ISSUING ANY REQUESTS FOR PROPOSALS OR ENTERING INTO ANY NEW CONTRACTS FOR THE OPERATIONAL OVERSIGHT OR MANAGEMENT OF HEALTH SERVICES FOR INMATES IN THE STATE PRISON SYSTEM. Summarized in *Daily Bulletin* 5/16/12 and 5/23/12. Enacted May 24, 2012. Effective May 24, 2012.

Health, Social Services, and Aging

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### **Notes**

None

## **NEXT SESSIONS**

**May 30, 2012**

**HOUSE convenes at 1:00 p.m.**

**SENATE convenes at 2:00 p.m.**