

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 82

Vol. 2011, No. 81

Senate Legislative Day 82

*Monday, June 13, 2011*

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## SUMMARIES OF BILLS FILED

### *Public Bills*

#### **SENATE BILLS**

**S 783. [WRIGHT BROTHERS SOARING HERITAGE MONTH](#).** Filed 6/13/11. *EXPRESSING SUPPORT FOR DESIGNATING OCTOBER 2011 AS NORTH CAROLINA SOARING HERITAGE MONTH.* As the title indicates.  
**Intro. by White.** SENATE RES General Assembly

### *Local Bills*

None

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## ACTION ON BILLS

**June 13, 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](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

H0012 Stop Methamphetamine Labs.	S	Withdrawn From Com
	S	Re-ref Com On Health Care
06-08-11		
H0049 Laura's Law.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
02-24-11, 03-09-11, 06-13-11		
H0112 Realign Wake Superior Court Districts.	S	Amend Failed 1
	S	Passed 2nd Reading
05-19-11, 05-23-11		
H0122 Rev Laws Tech, Clarify., & Admin. Chngs.	HA	Amend Adopted 1
	H	Passed 2nd Reading
06-09-11, 06-13-11		
H0160 Check-Off Donation: Breast Cancer Screening.	S	Reptd Fav
04-26-11		
H0164 Release of Upset Bid Deposit.	S	Reptd Fav
04-13-11		
H0165 Planned Community & Condo Act Amends.	S	Passed 2nd Reading
05-31-11, 06-01-11		
H0174 Commercial Real Estate Broker Lien Act.	S	Ref To Com On Commerce
03-17-11, 06-06-11, 06-07-11		
#H0181 Add Supt. to NC Econ. Dev. Bd.	H	Signed By Gov. 6/13/2011
	HR	Ch. SL 2011-121
H0200 Appropriations Act of 2011.	H	Placed On Cal For 6/15/2011
04-26-11, 04-28-11, 05-03-11, 05-25-11, 05-26-11, 05-31-11, 06-01-11		
#H0206 Modify Property Tax Base Exclusions.	H	Signed By Gov. 6/13/2011
	HR	Ch. SL 2011-123
H0209 Amend SW Financial Assurance Rqmts.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Re-ref Com On Finance
06-13-11		
H0227 Disturbing/Dismembering Human Remains.	S	Passed 2nd & 3rd Reading
06-01-11		
H0242 Nat'l Gas/Bonds/Fees/Studies	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Re-ref Com On Finance
04-19-11, 05-26-11, 05-31-11, 06-13-11		
H0250 Various Clarifying Militia	S	Passed 2nd & 3rd Reading

Law Amendments.

03-24-11  
H0262 References to Military Orgs./ S Passed 2nd & 3rd Reading  
Make Uniform.

H0298 Insurance Amendments.-AB S Passed 2nd & 3rd Reading  
04-27-11, 05-19-11

H0331 Allow PAs and NPs to Sign S Passed 2nd & 3rd Reading  
Death Cert.

03-22-11  
H0346 Elections Omnibus. S Rec From House  
S Passed 1st Reading  
S Ref To Com On Judiciary I

06-08-11, 06-09-11  
H0350 Property Tax Uniformity for S Reptd Fav  
Conservation Land.

06-01-11, 06-03-11  
H0373 Insurance Changes to Payments S Reptd Fav  
& Group Life.

05-31-11  
H0374 Eugenics Records/Public S Passed 2nd & 3rd Reading  
Records Exemption.

H0379 Uniform Depositions and S Passed 2nd & 3rd Reading  
Discovery Act.

05-09-11, 06-09-11  
H0380 Amend RCP/Electronically S Passed 2nd & 3rd Reading  
Stored Information.

05-09-11  
H0382 Juvenile Code Revisions.-AB S Withdrawn From Cal  
S Placed On Cal For 6/14/2011

03-31-11, 06-09-11  
H0388 Reclaimed Water Cross- S Reptd Fav  
Connection Control.

05-09-11  
H0397 DHHS Penalties and Remedies S Reptd Fav Com Substitute  
Revision.-AB SA Com Substitute Adopted

04-20-11, 06-13-11  
H0408 Amend Criminal Discovery Laws. S Reptd Fav Com Substitute  
SA Com Substitute Adopted

05-12-11, 06-13-11  
H0417 Extend Time For Site Of Low/ S Withdrawn From Com  
Mod. Inc. Housing. S Re-ref Com On Finance

H0427 Run and You're Done. S Passed 2nd Reading  
04-07-11, 04-19-11, 06-09-11

H0429 Establish Music Therapy H Withdrawn From Com  
Practice Act. H Re-ref Com On Health and  
Human Services

H0453 Allow Salary Protection S Reptd Fav  
Insurance. S Re-ref Com On Finance

H0468 Amend Weight Limits for Farm S Passed 2nd & 3rd Reading  
Products.

04-27-11  
H0492 Stormwater/Isolated Popl. S Reptd Fav  
Growth in County.

H0501 Credit Union Ownership of S Reptd Fav  
Ins. Co.

05-18-11

H0509 Exclusions from Licensure: Home Services.	S	Passed 2nd & 3rd Reading
H0512 Rendering Act Amendments.	S	Withdrawn From Com
	S	Re-ref Com On Finance
05-19-11, 06-09-11		
H0514 Uniform Military and Overseas Voters Act.	S	Passed 2nd & 3rd Reading
05-12-11, 06-09-11		
H0515 Comm. Coll. Tuition for Members of Military.	S	Passed 2nd & 3rd Reading
04-11-11		
H0542 Tort Reform for Citizens and Businesses.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
05-10-11, 06-01-11, 06-13-11		
H0560 Honor Jeanne Fenner.	H	Withdrawn From Cal
	H	Placed On Cal For 6/16/2011
#H0571 Prepaid Wireless/Point of Sale Collection.	H	Signed By Gov. 6/13/2011
	HR	Ch. SL 2011-122
05-18-11, 06-02-11		
H0575 Service Agreements/Allow Reserve Account.	S	Reptd Fav
05-18-11		
H0591 LDP/Ignition Interlock Changes.	H	Withdrawn From Com
	H	Re-ref Com On Rules, Calendar, and Operations of the House
06-01-11		
H0594 Functionally Equivalent Wastewater Systems.	S	Passed 3rd Reading
05-12-11, 06-09-11		
H0595 Reorganization/Legislative Oversight Comms.	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2011
04-14-11, 06-07-11		
H0609 Promote Water Supply Development.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
05-31-11, 06-13-11		
H0617 Portable Electronics Insurance Coverage.	S	Reptd Fav
05-18-11		
H0629 Substance Abuse Treatment.	S	Withdrawn From Cal
	S	Placed On Cal For 6/14/2011
04-27-11		
H0642 Justice Reinvestment Act.	S	Reptd Fav
	S	Re-ref Com On Appropriations/ Base Budget
04-14-11, 05-31-11, 06-01-11, 06-09-11		
H0649 Amend Grounds/License Revocat'n/Bail Bondsman.	S	Passed 2nd & 3rd Reading
05-16-11, 06-09-11		
H0664 Disclosure/Group Life Insurance.	S	Reptd Fav
05-25-11		
H0679 Strengthening Residential Placement.	H	Withdrawn From Com
	H	Re-ref Com On Rules, Calendar, and Operations of

	the House
H0709 Protect and Put NC Back to Work. 05-27-11	H Ratified
H0713 Public Contracts/Multiple Award. 06-01-11, 06-02-11, 06-13-11	S Reptd Fav Com Substitute SA Com Substitute Adopted
H0731 Honor Ike Andrews.	H Adopted
H0741 Amend Lab Accreditation Effective Date. 06-08-11	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
H0750 Asscs.-Stormwater Resp./SD & Sept'g. Rules. 05-12-11, 06-07-11	S Passed 2nd & 3rd Reading
H0753 Establish Radiologic Technicians Licensure.	H Withdrawn From Com H Serial Referral to Finance Stricken H Re-ref Com On Rules, Calendar, and Operations of the House
H0758 Establish Arts Education Commission. 06-07-11, 06-13-11	SA Amend Adopted 1 S Passed 2nd & 3rd Reading S Engrossed
H0762 Landowner Protection Act. 05-18-11, 05-24-11, 06-08-11	H Postponed To 6/14/2011
H0792 Gfeller-Waller Concussion Awareness Act. 04-20-11, 06-08-11	H Ratified
H0858 Honor R. Philip Hanes, Jr.	H Postponed To 6/15/2011
H0887 Zoning/Temp. Family Health Care Structures. 06-02-11	H Passed 3rd Reading
H0896 Facilitate Electronic Listing. 06-02-11	S Reptd Fav
H0916 Statewide Expansion of 1915(b)/(c) Waiver. 05-31-11, 06-01-11	H Ratified
H0934 Honor Jonesville's 200th Anniversary.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
S0008 No Cap on Number of Charter Schools. 02-16-11, 02-22-11, 02-23-11, 03-16-11, 04-07-11, 06-09-11	S Ratified
S0009 No Discriminatory Purpose in Death Penalty. 02-07-11, 06-01-11	H Withdrawn From Cal H Placed On Cal For 6/15/2011
#S0016 Obtain Blood Sample/Implied-Consent Laws. 03-21-11, 06-01-11	S Signed By Gov. 6/13/2011 SR Ch. SL 2011-119
S0031 Clarify Penalty Unauth. Practice of Medicine. 03-03-11, 04-07-11, 06-02-11, 06-06-11, 06-08-11	HA Conf Report Adopted
S0033 Medical Liability Reforms.	S Ratified

03-01-11, 03-02-11, 04-19-11, 04-20-11, 06-09-11  
S0094 Allocation of Renewable Energy Tax Credit. S Withdrawn From Cal  
S Placed On Cal For 6/14/2011  
02-23-11, 06-09-11  
S0110 Permit Terminal Groins. H Conf Com Reported  
H Placed On Cal For 6/14/2011  
S Conf Com Reported  
03-09-11, 03-14-11, 04-19-11, 06-13-11  
S0118 Downtown Service District Definition. H Passed 2nd Reading  
06-07-11  
S0181 Underground Storage Tank Prgrm. Amends. H Passed 1st Reading  
H Ref To Com On Environment  
06-06-11, 06-08-11  
S0183 Selective Vegetation Removal/ State Highways . H Postponed To 6/14/2011  
04-28-11, 05-19-11, 05-24-11, 06-08-11  
S0194 Alternative Fuel Vehicle Incentives. H Passed 2nd & 3rd Reading  
03-15-11, 06-08-11  
S0252 Devisee/Devise/Statutory Construction. H Passed 2nd & 3rd Reading  
S0267 Rev Laws Tech, Clarify., & Admin. Chngs. SA Amend Adopted 1  
S Held As Material  
06-09-11, 06-13-11  
S0272 Victims' Compensation Law Changes.-AB H Passed 2nd & 3rd Reading  
04-12-11, 06-08-11  
#S0307 Smart Card Biometrics Against Medicaid Fraud. S Signed By Gov. 6/13/2011  
SR Ch. SL 2011-117  
04-14-11, 04-21-11  
S0311 Pretrial Release Violation/ Arrest. H Withdrawn From Com  
H Re-ref Com On Judiciary Subcommittee C  
04-28-11  
#S0321 Surplus Lines/Premium Tax.-AB S Signed By Gov. 6/13/2011  
SR Ch. SL 2011-120  
04-14-11, 05-03-11, 05-18-11, 06-01-11  
S0345 Encourage Invest to Retain Art 3A Installment. H Withdrawn From Com  
H Re-ref Com On Finance  
S0378 Energy Crops for Biofuels Feedstocks. H Passed 2nd & 3rd Reading  
04-05-11  
S0409 Global TransPark Gov. Reform & Loan Repayment. H Passed 1st Reading  
H Ref To Com On Finance  
06-07-11, 06-08-11  
S0436 Extend Qualified Business Venture Tax Credit. S Reptd Fav Com Substitute  
SA Com Substitute Adopted  
06-13-11  
S0437 Enact First Evaluation Program. H Withdrawn From Com  
H Re-ref Com On Health and Human Services  
04-14-11, 04-19-11  
S0438 Clarify Motor Vehicle Licensing Law. HA Amend Adopted 1  
H Passed 2nd & 3rd Reading  
06-02-11, 06-06-11, 06-13-11

S0447 Rewrite Landscape Contractor Laws. 06-07-11, 06-08-11	H Passed 1st Reading H Ref To Com On Finance
S0472 Norwood Water Lines. 04-19-11	H Withdrawn From Com H Re-ref Com On Government
S0484 REPS Credits at Cleanfields Parks. 05-10-11	H Withdrawn From Com H Re-ref Com On Agriculture
S0493 Codify NC Century Farms Program in DACS. 04-26-11	H Passed 2nd & 3rd Reading
#S0501 Swine House Renovations/Site Limits. 04-26-11, 05-25-11	S Signed By Gov. 6/13/2011 SR Ch. SL 2011-118
S0508 Clarify Vaccine Exemptions/ Emerg. Mgmt Act.	H Passed 1st Reading H Ref To Com On Health and Human Services
S0518 Buyer Choice/Title Insurer & Closing Atty. 06-09-11	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
S0533 Individually Metered Units/ Tenant Charged. 06-07-11	H Withdrawn From Com H Re-ref Com On Commerce and Job Development Subcommittee on Business and Labor
S0552 Incentive Program for Public Health Improv. 06-06-11, 06-08-11, 06-09-11	H Passed 1st Reading H Ref To Com On Health and Human Services
S0556 Public Disclosure Charitable Solicitations.	H Passed 1st Reading H Ref To Com On Finance
S0561 Sedimentation Civil Penalty Cap & Remissions.	H Passed 1st Reading H Ref To Com On Environment
S0572 Omnibus County Bill.	S Reptd Fav
S0590 Terminal Rental Adjustment Clauses.	H Passed 2nd Reading
S0593 Government Reduction Act. 06-07-11, 06-09-11	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
S0597 Behavioral Health Services for Military. 06-08-11	H Passed 1st Reading H Ref To Com On Health and Human Services
S0599 Rendering Act Amendments. 06-07-11	H Passed 1st Reading H Ref To Com On Finance
S0621 Simulated Gaming Allowed/ Certain ABC Outlets.	S Withdrawn From Com S Re-ref Com On Rules and Operations of the Senate
S0656 Right to Choose Physical Therapist. 06-09-11	H Passed 1st Reading H Ref To Com On Insurance

S0675	Require Community Service/ Work First Program.	H	Passed 1st Reading
		H	Ref To Com On Health and Human Services
	06-07-11, 06-08-11		
S0676	Clarify Water & Well Rights/ Private Property.	H	Withdrawn From Com
		H	Re-ref Com On Agriculture
	05-03-11, 05-12-11		
S0679	Castle Doctrine/Amend Firearms Laws.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C
	06-07-11, 06-08-11, 06-09-11		
S0683	Residential Building Inspections.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development Subcommittee on Business and Labor
	06-08-11, 06-09-11		
S0696	Address Primary Care Shortage.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
	06-08-11		
S0697	Patient Advocacy & Protection Act.	H	Passed 1st Reading
		H	Ref To Com On Health and Human Services
	06-08-11		
S0699	Div. of Criminal Information (DCI) Changes.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
S0707	School Violence Prevention Act.	S	Withdrawn From Com
		S	Placed On Cal For 6/14/2011
	06-07-11		
S0708	Building Code Rules/Effective Dates.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 6/14/2011
	06-08-11		
S0709	Energy Jobs Act.	H	Amend Failed 1
		HA	Amend Adopted 2
		HA	Amend Adopted 3
		HA	Amend Adopted 4
		H	Amend Failed 5
		H	Passed 2nd Reading
	05-04-11, 05-10-11, 06-08-11, 06-13-11		
S0738	Liability Insurance Required for ABC Permits.	H	Passed 1st Reading
		H	Ref To Com On Insurance
	06-07-11, 06-08-11		
S0744	Transparency in the Cost of Health Care.	H	Passed 1st Reading
		H	Ref To Com On Insurance
	06-09-11		
S0755	Ed. Employees Ass'n./Equal Access Act.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
	06-08-11		
S0762	Assault on Law Enforcement & EM Worker/Felony.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B



06-07-11, 06-08-11  
 S0770 Birth Certificate/Stillborn Infants. H Passed 1st Reading  
 H Ref To Com On Health and Human Services

06-08-11  
 S0778 Confirm Edward Finley to Utilities Commission. H Passed 2nd & 3rd Reading

S0781 Regulatory Reform Act of 2011. H Passed 1st Reading  
 H Ref To Com On Commerce and Job Development Subcommittee on Business and Labor

06-08-11  
 S0783 Wright Brothers Soaring S Filed

Heritage Month.

### LOCAL BILLS

H0005 Kinston Annexation Repealed. S Withdrawn From Com  
 S Re-ref Com On Finance

02-10-11  
 H0096 Alleghany/Jackson/Grover OT. S Passed 2nd Reading

06-03-11, 06-09-11  
 H0352 Delay Kannapolis Annexation. S Passed 2nd & 3rd Reading  
 H0469 Addl. Lumberton & St. Pauls S Reptd Fav  
 Occup. Tax. S Placed On Cal For 6/13/2011  
 S Passed 2nd Reading

06-03-11  
 H0573 Raleigh/Wake Forest Boundary. S Withdrawn From Com  
 S Re-ref Com On Finance

05-12-11  
 S0236 Local Events Priority/Convention Center. H Passed 1st Reading  
 H Ref To Com On Rules, Calendar, and Operations of the House

06-09-11  
 S0260 Pitt County School Board Election. H Withdrawn From Com  
 H Re-ref Com On Rules, Calendar, and Operations of the House

06-07-11  
 S0289 Cape Carteret Deannexation. S Passed 3rd Reading  
 S0297 Durham/Small Business Enterprise. H Withdrawn From Com  
 H Re-ref Com On Commerce and Job Development

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 49. LAURA'S LAW.** Filed 2/8/11. Senate committee substitute makes the following changes to 3rd edition. Deletes all provisions from previous edition regarding the limitation of credit for inpatient treatment toward an active sentence for certain driving while impaired convictions.

Criminal Law, Procedure, and  
Sentencing; Transportation; Courts

**H 122. [REV LAWS TECH, CLARIFY., & ADMIN. CHNGS.](#)** Filed 2/16/11. House amendment makes the following changes to 2nd edition.

Deletes changes to GS 105-134.6(d)(8) regarding other adjustments to taxable income.

Amends GS 105-164.3(27) and (27b) to clarify the definitions for prepaid telephone calling service and prepaid calling service by deleting references to *wireline* calling service and *wireline* telecommunications service.

Amends GS 105-164.15A(a)(1) to provide that for a service provided and billed on a monthly or other periodic basis, a new tax or a tax rate increase applies to the first billing period that is at least 30 days after enactment and that starts on or after the effective date.

Adds new subsection (f) to GS 105-164.4B to specify when a purchaser is deemed to receive digital property.

Amends Section 8 of SL 2006-209 to provide that as applied to GS 20-79.4, the authority in GS 164-10 to reletter or renumber section subdivisions resides with the Legislative Services Office (was, with Legislative Drafting and Codification).

Taxation; Business and Commerce

**H 209. [AMEND SW FINANCIAL ASSURANCE RQMTS.](#)** Filed 3/2/11. Senate committee substitute makes the following changes to 1st edition. Amends GS 130A-295.2(f) to clarify that the rules adopted by the Commission for Public Health must (previously may) allow a business entity that is an applicant for a permit or a permit holder to establish financial assurance through insurance, irrevocable letters of credit, trust, surety bonds, corporate financial tests, or any other financial device as allowed pursuant to 40 CFR § 258.74 (July 1, 2010 Edition). Provides that where a corporate financial test is used that is substantially similar to the test allowed under the federal law above, the assets are presumed to be readily accessible by the Department of Health and Human Services and not otherwise accessible to the permit holder. Makes a conforming change to the bill title.

Health, Social Services, and Aging;  
Banking and Finance

**H 242. [NAT. GAS/BOND/FEE/LANDOWNER PROTECT'N/STUDY \(NEW\)](#).** Filed 3/7/11. Senate committee substitute makes the following changes to 4th edition. Amends Article 27 of GS Chapter 113 by enacting a new Part 3, *Landowner Protection*, to establish provisions for the protection of landowners relative to leases for oil and gas exploration. Specifies notice requirements, compensation for damages, and maximum lease terms. Provides that new Part 3 applies to leases or contracts, and amendments to leases or contracts, entered into on or after June 15, 2011. Makes conforming changes to GS 113-389, adding definitions for the following terms as used in proposed Part 3: (1) oil and gas developer or operator, (2) oil and gas operations or activities, and (3) surface owner. Makes a conforming change to the bill title.

Energy and Utilities

**H 397. [DHHS PENALTIES AND REMEDIES REVISION.](#)** Filed 3/16/11. Senate committee substitute makes the following changes to 2nd edition. Makes technical and clarifying changes only.

Health, Social Services, and Aging

**H 408. [AMEND CRIMINAL DISCOVERY LAWS.](#)** Filed 3/17/11. Senate committee substitute makes the following changes to 2nd edition. Makes technical and clarifying changes.

Criminal Law, Procedure, and  
Sentencing

**H 542. [TORT REFORM FOR CITIZENS AND BUSINESSES.](#)** Filed 3/30/11. Senate committee substitute makes the following changes to 3rd edition. Deletes proposed GS 99B-12 and amendment to GS 99B-1, concerning product liability actions. Rewrites proposed Rule 414 in Article 4 of GS Chapter 8C to clarify that nothing in the rule modifies current law governing admissibility of evidence relating to collateral sources of payment, except that a provider, as defined, may disclose the existence of a contract or negotiation with a third party as the basis for any discount provided to a plaintiff. Amends proposed GS 8-58.1(c) to clarify that no presumption is established that the services provided were necessary because of injuries caused by the acts or omissions of an alleged tortfeasor. Amends GS 6-21.1(a) to provide that, along with other requirements, a judge may allow reasonable attorneys' fees to the attorney representing the litigant, in certain cases, when the amount of damages recovered

exceeds the highest offer made by the defendant no later than 90 days before commencement of the trial (removes language providing for different timetables depending on whether there was court-ordered mediation). Makes a conforming change to GS 6-21.1(b).

Provides that if Senate Bill 33 of the 2011 Session of the General Assembly becomes law, then a clarifying change is made to GS 90-21.12(b) as enacted by Senate Bill 33. This provision is effective when it becomes law.

Makes other clarifying changes. Makes provisions concerning the proposed Trespasser Responsibility Act effective October 1, 2011, and applicable to causes of actions arising on or after that date. All other provisions, unless noted, are effective October 1, 2011, and apply to actions commenced on or after that date.

Civil Law and Procedure; Courts;  
Business and Commerce

**H 609. PROMOTE WATER SUPPLY DEVELOPMENT/EFFICIENCY (NEW).** Filed 4/4/11. Senate committee substitute makes the following changes to 2nd edition.

Adds a section to amend GS 113A-256, adding that the Clean Water Management Trust Fund (Fund) Board of Trustees must also develop grant criteria considering water supply availability and the public's need for water resources adequate to meet demand for essential water uses, as detailed. Makes conforming changes to GS 113A-253 (detailing Fund allocations), GS 113A-253.1 (annual appropriation to the Fund), and GS 113A-251 (purpose of the Fund) and provides for the preservation of land for water supply reservoirs.

Adds a section to amend GS 143-355(l), which concerns local water supply plans, to add that a local government unit or large community water system must also include a plan for the reduction of long-term per capita demand for potable water in the revised plan. Makes a clarifying change to GS 143-355.4(b)(7). Enacts subdivision (13) to GS 159-52(a), allowing the Local Government Commission to consider whether a local government unit has prepared and complied with a local water supply plan when determining whether a proposed bond issue is approved. Specifies that the above provisions do not authorize the adoption of rules to implement the provisions, and must not be construed to negatively impact economic development. Effective October 1, 2011.

Directs the Department of Environment and Natural Resources to provide statewide outreach and technical assistance related to water efficiency, including best management practices addressing at least eight enumerated practices.

Makes conforming changes to the bill title.

State Government; Agriculture,  
Environment, and Natural  
Resources

**H 713. PUBLIC CONTRACTS/MULTIPLE AWARD.** Filed 4/6/11. Senate committee substitute makes the following changes to 3rd edition. Amends proposed GS 143-52.3(c) to include communications equipment to the list of items which must be acquired through the use of multiple award schedule contracts. Makes conforming changes throughout, including to bill title.

State Government

**H 758. ESTABLISH ARTS EDUCATION COMMISSION.** Filed 4/6/11. Senate amendment makes the following changes to 2nd edition. Reduces the membership of the Arts Education Commission from twelve to nine, and makes conforming changes to membership appointment provisions.

Education

## **SENATE BILLS**

**S 31. CLARIFY PENALTY UNAUTH. PRACTICE OF MEDICINE.** Filed 2/2/11. The House withdraws the first committee report, previously adopted on 6/3/11, and instead adopts the following committee report to recommend the following changes to the 2nd edition, as amended, to reconcile matters in controversy. Amends the proposed penalties in GS 90-18(a) to provide that any person practicing medicine or surgery without being duly licensed and registered in North Carolina (was, duly licensed and registered) is guilty of a Class 1 misdemeanor. Makes it a Class I felony to practice without being duly licensed and registered in this state and to falsely represent himself or herself as being licensed and registered under Article 1 of GS Chapter 90 or any other Article of GS Chapter 90. Also makes it a Class I felony for an out-of-state practitioner to practice without being duly licensed and registered in this state. Makes any person with an inactive license due solely to the failure to timely complete registration, or any person who is licensed, registered, or practicing under any other Article of GS Chapter 90, guilty of a Class 1 misdemeanor.

Employment and Retirement

**S 110. PERMIT TERMINAL GROINS.** Filed 2/23/11. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Amends proposed GS 113A-115.1(e)(4) to remove the requirement that a plan for the construction and maintenance of the terminal groin and its accompanying beach fill project be reviewed by an independent third-party licensed engineer. Amends proposed GS 113A-115.1(g) to provide that the Coastal Resources Commission may issue no more than four permits for the construction of a terminal groin (previously no more than 3 permits). Deletes provision requiring no more than two permits be issued where public funds will be used for any activity related to the terminal groin or its accompanying beach fill project. Makes other organizational change. Makes conforming change to the title.

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

**S 267. REV LAWS TECH, CLARIFY., & ADMIN. CHNGS.** Filed 3/8/11. Senate amendment makes the following changes to 2nd edition.

Amends GS 105-134.6(d)(8) to clarify the applicable deductions for taxpayers who made an addition under subdivisions (7)a. and (7)b. of subsection GS 105-134.6(d).

Amends GS 105-164.3(27) and (27b) to clarify the definitions for prepaid telephone calling service and prepaid calling service by deleting references to *wireline* calling service and *wireline* telecommunications service.

Amends GS 105-164.15A(a)(1) to provide that for a service provided and billed on a monthly or other periodic basis, a new tax or a tax rate increase applies to the first billing period that is at least 30 days after enactment and that starts on or after the effective date.

Adds new subsection (f) to GS 105-164.4B to specify when a purchaser is deemed to receive digital property.

Amends Section 8 of SL 2006-209 to provide that as applied to GS 20-79.4, the authority in GS 164-10 to reletter or renumber section subdivisions resides with the Legislative Services Office (was, with Legislative Drafting and Codification).

Taxation; Business and Commerce

**S 436. EXTEND SUNSETS (NEW).** Filed 3/28/11. Senate committee substitute makes the following changes to 1st edition. Rewrites Section 1 of SL 2010-153 to provide that a joint governmental agency created to operate a cable system that provides video programming services is allowed a refund of sales and use tax paid, to the same extent allowed to a city, on purchases made on or after July 1, 2007, and before June 30, 2011 (previously June 30, 2010). Changes title to *AN ACT TO EXTEND THE QUALIFIED BUSINESS VENTURE TAX CREDIT SUNSET AND TO EXTEND THE SALES TAX REFUND ALLOWED TO A JOINT GOVERNMENTAL AGENCY CREATED TO OPERATE A CABLE TELEVISION SYSTEM FOR ONE YEAR.*

Taxation; Business and Commerce

**S 438. CLARIFY MOTOR VEHICLE LICENSING LAW.** Filed 3/28/11. House amendment makes the following changes to 3rd edition. Amends GS 20-288(a1)(2) to provide that the subdivision does not apply to an applicant for a used vehicle dealer license who holds a license as a new motor vehicle dealer, as defined, and operates from an established showroom 20 miles or less from the established showroom for which the applicant seeks the used motor vehicle dealer license (previous edition deleted provision). Restores language stating that an applicant who holds a license as a new motor vehicle dealer may designate a representative to complete the licensing course required by the subdivision. Makes other clarifying change.

Transportation; Business and  
Commerce

**S 683. RESIDENTIAL BUILDING INSPECTIONS.** Filed 4/19/11. Senate committee substitute, reported in on 6/9/11, makes the following changes to 2nd edition. Enacts new subsection (d) to GS 153A-364, authorizing a county to levy a fee for residential rental property registration under proposed GS 153A-364(c) for properties with more than two verified violations of local ordinances within the previous 12 months. Sets out the fee amounts, based on the number of residential rental units, and specifies that the fee covers the residential registration program and must not be used to supplant other revenue. Makes a similar addition to GS 160A-424. Enacts new subsection (b) to GS 153A-360, stating that, except under specified circumstances, a county may not require

inspections of residential buildings or structures in addition to those required by the NC Building Code Council without prior approval from the Council. Makes a similar change to GS 160A-420. Makes other clarifying changes.

Local Government

**S 709. [ENERGY JOBS ACT](#).** Filed 4/19/11. House amendments make the following changes to 4th edition.

Amendment #2 deletes provision requiring the compact negotiations and recommendations to address proactive advocacy with each member state's congressional delegation and appropriate federal agencies to ensure direct sharing of royalties and revenues related to the activities of the compact. Also makes Section 2 of the act, *Development of Governor's Regional Interstate Offshore Energy Policy Compact*, effective when a direct sharing with the state of royalties and revenues related to energy leasing, exploration, development and production of all offshore energy resources in federal waters adjacent to the state becomes effective.

Amendment #3 provides that the Department of Environment and Natural Resources' (DENR) regulatory framework proposal should include reporting requirements necessary to evaluate the technical and *public health* and public safety merits of shale gas exploration and energy production (was, technical and public safety merits).

Amendment #4 prohibits funds appropriated to DENR by Section 1.(b) of this act to be used for the construction or maintenance of terminal groins.

Energy and Utilities; Community  
and Economic Development

## Legislation Enacted

**SL 2011-114 (H 292). [INCORPORATE ROUGEMONT](#).** AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A REFERENDUM. Summarized in *Daily Bulletin* 3/9/11 and 5/24/11. Enacted June 9, 2011. Effective June 9, 2011.

Durham

**SL 2011-115 (H 414). [AMEND RUTHERFORD COUNTY OCCUPANCY TAX](#).** AN ACT TO MODIFY THE RUTHERFORD COUNTY OCCUPANCY TAX. Summarized in *Daily Bulletin* 3/21/11. Enacted June 9, 2011. Effective June 9, 2011.

Rutherford

**SL 2011-116 (H 532). [GRAHAM COUNTY/CEMETERY TAX BY GENERAL LAW](#).** AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW. Summarized in *Daily Bulletin* 3/30/11. Enacted June 9, 2011. Effective June 9, 2011.

Graham

**SL 2011-117 (S 307). [SMART CARD BIOMETRICS AGAINST MEDICAID FRAUD](#).** AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO COMBAT FRAUD. Summarized in *Daily Bulletin* 3/9/11, 4/14/11, and 4/21/11. Enacted June 13, 2011. Effective June 13, 2011.

Health, Social Services, and Aging

**SL 2011-118 (S 501). [SWINE HOUSE RENOVATIONS/SITE LIMITS](#).** AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS. Summarized in *Daily Bulletin* 4/4/11, 4/26/11, and 5/25/11. Enacted June 13, 2011. Effective June 13, 2011.

Agriculture, Environment, and  
Natural Resources

**SL 2011-119 (S 16). [OBTAIN BLOOD SAMPLE/IMPLIED-CONSENT LAWS](#).** AN ACT TO REQUIRE THAT LAW ENFORCEMENT REQUEST A BLOOD SAMPLE UNDER THE STATE IMPLIED-CONSENT LAWS FROM ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE AND CERTAIN OTHER OFFENSES AND TO SEEK A WARRANT IF THE DRIVER REFUSES AND THERE IS PROBABLE CAUSE TO BELIEVE THE OFFENSE INVOLVED IMPAIRED DRIVING OR IS ALCOHOL-RELATED. Summarized in *Daily Bulletin* 1/31/11, 3/21/11, and 6/2/11. Enacted June 13, 2011. Effective December 1, 2011.

Criminal Law, Procedure, and  
Sentencing; Emergency Services

**SL 2011-120 (S 321). [SURPLUS LINES/PREMIUM TAX](#).** AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE, AND TO CONFORM THE DEFINITION OF RISK RETENTION GROUP TO FEDERAL LAW. Summarized in *Daily Bulletin* 3/10/11, 4/14/11, 5/3/11, 5/18/11, and 6/2/11. Enacted June 13, 2011. Effective July 21, 2011.

Business and Commerce

**SL 2011-121 (H 181). [ADD SUPT. TO NC ECON. DEV. BD](#).** AN ACT TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION. Summarized in *Daily Bulletin* 2/24/11. Enacted June 13, 2011. Effective June 13, 2011.

Business and Commerce;  
Education

**SL 2011-122 (H 571). [PREPAID WIRELESS/POINT OF SALE COLLECTION](#).** AN ACT IMPOSING A SERVICE CHARGE ON EACH RETAIL TRANSACTION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE. Summarized in *Daily Bulletin* 3/30/11, 5/18/11, and 6/3/11. Enacted June 13, 2011. Effective July 1, 2013, except as otherwise provided.

Energy and Utilities; Taxation

**SL 2011-123 (H 206). [MODIFY PROPERTY TAX BASE EXCLUSIONS](#).** AN ACT TO MODIFY THE PROPERTY TAX BASE EXCLUSIONS. Summarized in *Daily Bulletin* 3/2/11. Enacted June 13, 2011. Effective for taxes imposed for taxable years beginning on or after July 1, 2011.

Taxation

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### Notes

None

## NEXT SESSIONS

June 14, 2011

**HOUSE convenes at 7:00 pm**

**SENATE convenes at 10:00 am**