

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 133

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Senate Legislative Day 133

Tuesday, June 26, 2012

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 1230. [REPORTING OF EC AND IE](#). Filed 6/26/12. *TO ALTER THE REPORTING SCHEDULE FOR INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS TO PROVIDE INFORMATION IN A TIMELY FASHION.*

Amends GS 163-278.12 as follows: (1) changes the deadline for reporting contributions or independent expenditures to within 10 days of exceeding \$100 (was, within 30 days of exceeding \$100) and (2) requires individuals incurring independent expenditure costs of \$5,000 or more, or who receive donations for independent expenditures of \$5,000 or more, between the absentee ballot period and the election to report the expenditure or donation to the State Board of Elections within 48 hours of incurring the cost or receiving the donation.

Amends GS 163-278.12C as follows: (1) requires individuals incurring electioneering communications costs of \$5,000 or more, or who receive donations for electioneering communications of \$5,000 or more, between the absentee ballot period and the election to report the expenditure or donation to the State Board of Elections within 48 hours of incurring the cost or receiving the donation, (2) requires specified persons or entities to report

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contributions for electioneering communications for each contribution exceeding \$100, and (3) requires contributions or electioneering communications to be reported within 10 days after exceeding \$100.

Effective October 1, 2012, and applies to contributions or expenditures made on or after that date.

Intro. by Martin, Lewis, Ross. GS 163 Elections Law

H 1231. ELECTRONIC REPORTING BY CANDIDATE COMM. Filed 6/26/12. *TO REQUIRE ELECTRONIC FILING OF CERTAIN CAMPAIGN FINANCE REPORTS BY CANDIDATE CAMPAIGN COMMITTEES.*

Amends GS 163-278.12(j) (but appears to reference GS 163-278.9(j)) to require all political committees except those otherwise specified in subsection (j) to file campaign reports electronically if the report shows a cumulative total of more than \$10,000 in contributions, expenditures, or loans for the election cycle; the \$5,000 threshold for other entities specified in subsection (j) - candidates for statewide office, political party executive committees affecting contests for statewide office, and political committees making contributions to candidates for statewide office or independent expenditures - remains unchanged except for technical conforming changes.

Effective January 1, 2013, and applies to elections held on or after that date.

Intro. by Martin, Lewis, Ross. GS 163 Elections Law

SENATE BILLS

S 960. HONOR BOB SHAW. Filed 6/26/12. *HONORING THE LIFE AND MEMORY OF ROBERT G. "BOB" SHAW, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

Intro. by Vaughan. JOINT RES General Assembly

Local Bills

None

ACTION ON BILLS

June 26, 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.
 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

H0153 No Public Retirement for Convicted Felons.	SA Amend Adopted 1
	S Passed 2nd & 3rd Reading
	S Engrossed
	H Rec From Senate
	H Rec To Concur S Com Sub
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/27/2012
03-31-11, 04-05-11, 04-06-11, 06-20-12, 06-26-12	
H0177 Clean Energy Transportation Act.	H Withdrawn From Com
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/27/2012
06-02-11, 06-07-12, 06-11-12	
H0203 Mortgage Satisfaction Forms/	S Amendment Withdrawn 2

No False Liens.	S	Withdrawn From Cal
	S	Placed On Cal For 6/27/2012
06-07-12, 06-19-12		
H0244 State Health Plan/Add Schools; Whistleblowers.	H	Reptd Unfav For Conc
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/27/2012
06-07-11, 06-06-12, 06-07-12		
H0494 Continuous Alcohol Monitoring Law Changes.	S	Withdrawn From Com
	S	Re-ref Com On Rules and Operations of the Senate
05-25-11, 06-08-11		
H0572 Accountability for Publicly Funded Nonprofits.	S	Withdrawn From Com
	S	Re-ref Com On Rules and Operations of the Senate
05-16-11, 05-19-11		
H0605 Expand Setoff Debt Collection Act.	H	Concurred In S Amend
05-18-11, 06-20-12		
H0690 Amend Evidence & DNA Expunction Laws.	S	Withdrawn From Com
	S	Placed On Cal For 6/27/2012
05-18-11, 05-19-11, 06-07-12		
H0853 End Ct. Orders/Est. Local Intake Procedures.	H	Failed concur in S/Com Sub
	H	Conf Com Appointed
06-20-12		
H0889 Amend Locksmith Licensing Act/ Increase Fees.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
06-26-12		
H0953 Environmental Technical Corrections 2012.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
06-21-12		
H0959 Streamline DOT Sale of Unused Properties.	H	Withdrawn From Com
	H	Re-ref Com On Appropriations
H0964 North Carolina Longitudinal Data System.	H	Concurred In S Amend 1
	H	Concurred In S Amend 2
06-12-12, 06-13-12, 06-21-12, 06-25-12		
H0989 Permanent License Plates.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Finance
06-12-12		
H1009 MSD Amendments.	S	Reptd Fav
06-14-12		
H1021 Justice Reinvestment Clarifications.	SA	Amend Adopted 1
	S	Passed 3rd Reading
	H	Rec From Senate
	H	Rec To Concur In S Amend 1
	H	Ref To Com On Judiciary Subcommittee B
06-06-12, 06-26-12		
H1023 Expunction/Nonviolent Offenses.	S	Withdrawn From Com
	S	Re-ref Com On Rules and Operations of the Senate
06-13-12, 06-18-12, 06-19-12		
H1044 Motorcycle Insurance Discount/ Military.	S	Withdrawn From Com
	S	Re-ref Com On Rules and

	Operations of the Senate
06-19-12	
H1052 Mechanics Liens/Payment Bond Reforms.	S Reptd Fav Com Substitute SA Com Substitute Adopted
06-13-12, 06-20-12, 06-26-12	
H1075 LME/MCO Governance.	S Withdrawn From Cal S Re-ref Com On Mental Health & Youth Services
06-05-12, 06-11-12, 06-21-12	
H1077 Increase DOT Public-Private Partnerships.-AB	HA Reptd Fav Com Substitute H Re-ref Com On Finance
06-26-12	
H1085 State Health Plan/Statutory Changes.-AB	S Withdrawn From Com S Re-ref Com On Rules and Operations of the Senate
06-06-12, 06-12-12	
H1096 Simplify Beverage Contract Bids.	H Concurred In S/Com Sub
06-21-12	
H1104 Scholarship Funding Corporate Tax Credit.	H Withdrawn From Com H Re-ref Com On Finance
H1105 Modify Taxation of HOA Property	S Withdrawn From Com S Re-ref Com On Rules and Operations of the Senate
06-19-12, 06-20-12, 06-21-12	
H1173 Absconding Prob. Violators Forfeit Benefits.	S Withdrawn From Com S Re-ref Com On Rules and Operations of the Senate
06-20-12	
H1179 Indian Cultural Center/ Terminate Lease.	HA Reptd Fav Com Sub 2 H Cal Pursuant Rule 36(b) H Placed On Cal For 6/27/2012
06-06-12, 06-13-12, 06-26-12	
H1222 NC Symphony's 80th Anniversary.	H Adopted
06-21-12	
#H1224 Honor Bill Ives.	H Ratified HR Ch. Res 2012-8
H1228 Honor Edenton's 300th Anniversary.	H Passed 1st Reading H Cal Pursuant 32(a) H Placed On Cal For 6/27/2012
H1229 2012 UNC BOG Vacancy Election.	H Passed 1st Reading H Cal Pursuant 32(a) H Placed On Cal For 6/26/2012 H Adopted
H1230 Reporting of EC and IE.	H Filed
H1231 Electronic Reporting by Candidate Comm.	H Filed
S0042 Mech. Liens/PVT Lien Agent.	S Reptd Unfav For Conc S Placed On Cal For 6/26/2012 S Failed Concur In Com Sub S Conf Com Appointed H Conf Com Appointed
03-28-11, 06-20-12, 06-21-12	
S0094 PSAPS Tech Standards/Habitual Misd Larceny.	S Concurred In H/com Sub

02-23-11, 06-09-11, 06-20-12	
S0105 Increase Penalties/Murder and DWI Deaths.	S Withdrawn From Cal S Placed On Cal For 6/27/2012 HA Conf Report Adopted
04-20-11, 06-25-12	
S0133 Modernize Jury List Procedures.	HA Amend Adopted 1 H Passed 2nd Reading
06-21-12, 06-26-12	
S0191 Death Certificate Signatures.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/26/2012 HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
03-21-11, 06-26-12	
S0347 Mental Health Crisis Management.	S Ratified S Pres. To Gov. 6/26/2012
06-19-12	
S0382 Amend Water Supply/Water Quality Laws.	HA Amend Adopted 1 H Amend Failed 2 H Passed 2nd Reading
05-19-11, 06-25-12, 06-26-12	
S0426 Public Finance Laws/Municipal Service Dists.	H Passed 3rd Reading S Rec To Concur H Com Sub S Placed On Cal For 6/27/2012
05-10-11, 05-18-11, 06-19-12	
S0433 Local Human Services Administration.	S Withdrawn From Cal S Placed On Cal For 6/28/2012
04-06-11, 04-20-11, 04-27-11, 06-14-11, 06-13-12, 06-14-12	
S0444 Nonappropriated Capital Projects.	S Rec To Concur H Com Sub S Placed On Cal For 6/27/2012
06-06-12, 06-14-12, 06-20-12	
S0521 Rule in Dumpor's Case/Broker Price Opinions.	S Withdrawn From Cal S Re-ref Com On Rules and Operations of the Senate S Withdrawn From Com S Placed On Cal For 6/27/2012
05-02-11, 06-20-12	
S0572 County Broadband Grants.	S Ratified S Pres. To Gov. 6/26/2012
06-14-11, 06-19-12	
S0647 Mutual Insurance Holding Companies.	S Failed Concur In Com Sub S Conf Com Appointed H Conf Com Appointed
06-07-11, 06-19-12	
S0656 Right to Choose Physical Therapist.	S Ratified S Pres. To Gov. 6/26/2012
06-09-11, 06-19-12	
S0661 Audit Roanoke Island Commission and Friends.	S Concurred In H/com Sub
05-10-11, 06-20-12	
S0699 Courts and Investigations.	H Passed 3rd Reading S Rec To Concur H Com Sub S Placed On Cal For 6/27/2012
06-21-12	
S0755 Ed. Employees Ass'n./Equal	H Withdrawn From Com

Access Act.	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/27/2012
06-08-11, 06-05-12	
S0803 Retirement Administrative Changes.	HA Amend Adopted 1
	H Amendment Withdrawn 2
	H Passed 2nd Reading
06-06-12, 06-20-12, 06-26-12	
S0804 Retirement Technical Changes.	S Ratified
	S Pres. To Gov. 6/26/2012
S0810 Regulatory Reform Act of 2012.	S Withdrawn From Cal
	S Placed On Cal For 6/27/2012
05-24-12, 05-30-12, 05-31-12, 06-04-12, 06-14-12, 06-20-12, 06-21-12	
S0815 Reform Workforce Development.	S Ratified
	S Pres. To Gov. 6/26/2012
S0821 Study and Amend Fisheries Laws.	H Passed 2nd & 3rd Reading
06-11-12, 06-20-12, 06-25-12	
S0828 Unemployment Insurance Changes.	SA Conf Report Adopted
	HA Conf Report Adopted
06-06-12, 06-07-12, 06-13-12, 06-19-12, 06-25-12	
S0847 General Statutes Comm. Technical Corrections.	S Withdrawn From Com
	S Re-ref Com On Rules and Operations of the Senate
S0951 Cleveland Cty. Prop Transfer/ABC Def.	HA Amend Adopted 1
	HA Amend Adopted 2
	H Passed 2nd Reading
06-20-12, 06-25-12, 06-26-12	
S0958 Honor Jim Forrester.	S Ratified
S0960 Honor Bob Shaw.	S Filed

LOCAL BILLS

H0552 Asheville Airport/WNC Agricultural Center.	S Passed 3rd Reading
	H Rec From Senate
	H Rec To Concur S Com Sub
	H Com Sub Ruled Material
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/27/2012
04-21-11, 06-02-11, 06-03-11, 06-06-11, 06-07-12	
H0945 Marion Legislative Annexation.	S Reptd Fav
	S Re-ref Com On Finance
H0963 Town of Columbia/Deannexation.	S Reptd Fav
	S Re-ref Com On Finance
H0987 Wake Tech Board of Trustees.	S Reptd Fav
H0988 Averasboro Township TDA Changes.	S Reptd Fav
	S Re-ref Com On Finance
H0991 Jackson Co. Occupancy Tax Changes.	S Reptd Fav
	S Re-ref Com On Finance
H0994 Rockingham County Design-Build.	HA Reptd Fav Com Substitute
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/27/2012
06-26-12	
H1029 Mayodan Manager Residency.	S Reptd Fav
H1032 Morganton Deannexation.	H Ratified
H1041 High Point/Archdale Boundaries.	S Withdrawn From Com
	S Re-ref Com On Finance

H1050	Elizabethtown Industr. Park Deannexation.	S	Reptd Fav
		S	Re-ref Com On Finance
H1051	Elizabethtown Hayfields Deannexation.	S	Reptd Fav
		S	Re-ref Com On Finance
H1059	Asheboro Towing.	S	Reptd Fav
H1071	Wake School Board Organizational Meeting.	S	Reptd Fav
	06-11-12		
H1088	Graham/Swain TVA Allocation/ Border.	H	Ratified
H1090	Orange-Alamance Remaining 9% Boundary.	S	Reptd Fav
		S	Re-ref Com On Finance
	06-13-12		
H1106	Apex Annexation.	S	Reptd Fav
		S	Re-ref Com On Finance
H1109	Dare CAMA Setback Req'ts./ Grandfather.	S	Reptd Fav
H1110	Matthews/Stallings Boundary Adjustment.	S	Reptd Fav
		S	Re-ref Com On Finance
H1122	Martin County Fire Districts.	S	Reptd Fav
		S	Re-ref Com On Finance
H1123	Durham County Memorial Stadium.	S	Reptd Fav
H1138	Davidson County Design Build.	H	Ratified
	06-19-12		
H1169	Town of Burgaw/Deannexation.	S	Reptd Fav
		S	Re-ref Com On Finance
H1181	Study Municipal Local Option Sales Tax.	S	Reptd Fav
	06-13-12		
H1196	Albemarle Mental Health Center Property.	S	Reptd Fav
		S	Re-ref Com On Finance
H1197	Add Stokes Cty to Tax Cert Before Recordation.	S	Reptd Fav
		S	Re-ref Com On Finance
H1199	Lake Lure Convey Property.	S	Reptd Fav
	06-12-12		
H1200	Winston-Salem Firefighters Retirement.	S	Reptd Fav
		S	Re-ref Com On Pensions & Retirement and Aging
	06-13-12		
H1202	Roanoke Rapids Deannex/ Halifax N'hmp Airport.	S	Reptd Fav
		S	Re-ref Com On Finance
	06-13-12		
H1206	Butner Boundary Clarification.	S	Reptd Fav
		S	Re-ref Com On Finance
	06-13-12		
H1212	Wake/Chatham Local Act.	S	Reptd Fav
	06-07-12, 06-11-12		
H1215	Henderson County Occupancy Tax Changes.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On Finance
	06-21-12		
H1216	Town of Wallace/Satellite Annexations.	S	Reptd Fav
		S	Re-ref Com On Finance
	06-14-12		
H1217	Asheville/Woodfin Boundary	S	Reptd Fav

Adjustments.	S	Re-ref Com On Finance
06-14-12		
S0848 Durham City Assessments.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/27/2012
S0876 Mooresville Deannexation.	H	Reptd Fav
	H	Re-ref Com On Finance
S0900 Surf City Deannexation.	H	Passed 2nd Reading
S0901 Ocean Isle Beach Satellite Annexations.	H	Passed 2nd Reading
S0919 Carteret Commissioner Election.	S	Ratified
S0932 Union County Construction Methods.	S	Ratified
06-07-12		
S0934 Lower Cape Fear Design-Build.	S	Ratified
S0939 Fayetteville Review Board.	H	Withdrawn From Cal
	H	Re-ref Com On Government
06-21-12		
S0949 Town of Boone/ETJ.	H	Withdrawn From Cal
	H	Re-ref Com On Rules, Calendar, and Operations of the House
06-07-12		

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 153. [NO PUBLIC RETIREMENT FOR CONVICTED FELONS](#). Filed 2/21/11. Senate amendment makes the following changes to 4th edition.

Changes the act's effective date to December 1, 2012 (was, July 1, 2012) and makes conforming changes throughout to update all activating dates to December 1, 2012.

Criminal Law, Procedure, and
Sentencing; Employment and
Retirement

H 889. [AMEND LOCKSMITH LICENSING ACT/INCREASE FEES](#). Filed 5/3/11. House committee substitute makes the following changes to 1st edition.

Deletes proposed amendment to GS 74F-3, which prohibited the possession of locksmith tools, as defined under GS 74F-4(6), by any person who is not licensed as a locksmith and modified punishment levels. Instead makes a violation a Class 1 misdemeanor (rather than a Class 3 misdemeanor). Deletes proposed new subdivision (17) to GS 74F-6, which allowed the NC Locksmith Licensing Board to authorize its chair to issue subpoenas to secure records of a person or a company offering locksmith services. Amends GS 74F-16, regarding exemptions to GS Chapter 74F, to delete proposed changes to subdivisions (4), (6), (7), and (11). Makes a conforming change.

Employment and Retirement

H 994. [ROCKINGHAM COUNTY DESIGN-BUILD](#). Filed 5/17/12. House committee substitute makes the following changes to 1st edition. Limits authorization for Rockingham County to use design-build method of construction for up to three public projects (previous edition included no limitation on the number of public projects); alters the selection process to require the county to seek to prequalify (in addition to solicit) at least

three design teams to bid on each project, and to interview at least two of the teams that submit proposals; deletes Section 1(c), which provided terms and conditions for final payment. Adds a sunset date of June 30, 2017.
Rockingham

H 1021. JUSTICE REINVESTMENT CLARIFICATIONS. Filed 5/21/12. Senate amendment makes the following changes to 2nd edition. Adds new section 7 amending GS 143B-720 to add a new subsection (f) authorizing the Post-Release Supervision and Parole Commission to conduct by video-conference the following hearings: revocation or termination of post-release supervision; revocation, termination, or suspension of parole; and criminal contempt for willful refusal to accept or comply with the terms of post-release supervision by prisoners subject to sex offender registration requirements under Article 27A of GS Chapter 14. Makes technical conforming changes to the effective date.

Criminal Law, Procedure, and
Sentencing

H 1052. MECHANICS LIENS/PAYMENT BOND REFORMS. Filed 5/22/12. Senate committee substitute makes the following changes to 3rd edition.

Deletes proposed amendments to GS 44A-12 that would have added requirements pertaining to lien waiver forms. Amends GS 44A-20(d) to clarify that a lien waiver signed by the contractor before the *commencement* of an action to enforce a perfected claim of lien on real property under GS 44A-23 waives the subcontractor's right to enforce the *contractor's claim of lien* on real property but does not affect the subcontractor's right to a claim of liens on funds or the subcontractor's right to a claim of lien on real property allowed under the subsection (previously, provided that a lien waiver signed by the contractor before the claim of lien on real property is filed waived the subcontractor's right to a claim of lien on real property but did not affect the subcontractor's rights to a claim of liens on funds).

Makes technical and conforming changes. Makes a conforming change to the title.

Business and Commerce; Taxation

H 1077. INCREASE DOT PUBLIC-PRIVATE PARTNERSHIPS. Filed 5/22/12. House committee substitute makes the following changes to 1st edition.

Prohibits execution of any contract for transportation infrastructure under a partnership agreement that requires the Department of Transportation (DOT) to make certain payments after final acceptance of such infrastructure without approval from the Local Government Commission. Clarifies the right to assign under partnership agreements, and requires all revenues from the project not otherwise allocated to be spent in the affected Metropolitan Planning Organization or Rural Transportation Planning Organization. Makes clarifying changes to the provision concerning DOT's authority to exercise certain powers independent of the Turnpike Authority.

Adds a section, amending GS 136-89.183 (powers of the Turnpike Authority), to permit the Authority to enter into similar public-private partnership agreements, as specified.

Transportation

H 1179. INDIAN CUL. CTR/GOLF COURSE TERMINATE LEASES (NEW). Filed 5/29/12. House committee substitute makes the following changes to 3rd edition.

Adds a section, directing the Joint Legislative Program Evaluation Oversight Committee to include an evaluation of the options for disposing of the Indian Cultural Center and Riverside Golf Course property to serve specified purposes in the 2012-13 Program Evaluation Division work plan. Sets out reporting requirements. Directs the State to terminate its lease of the Riverside Golf Course upon notice. Prohibits the sale, lease, or disposal of the Indian Cultural Center or Riverside Golf Course property until the Oversight Committee makes recommendations from the study and the General Assembly enacts legislation on the issue (previously authorized disposal of the property). Makes conforming changes to the bill title.

State Government

SENATE BILLS

S 133. MODERNIZE JURY LIST PROCEDURES. Filed 2/24/11. House amendment makes the following changes to 2nd edition.

Adds a section amending GS 7A-312(a) to exempt persons summoned for jury service from paying ferry tolls to travel to and from the site of their jury service. Makes a conforming change to the title.

Courts

S 191. LME GOVERNANCE (NEW). Filed 3/2/11. House committee substitute makes the following changes to 2nd edition.

Deletes all provisions of the previous edition and replaces them with *AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER*.

Amends GS 122C-115(a) (concerning duties of counties) to clarify that a county must provide mental health, developmental disabilities, and substance abuse services in accordance with statewide restructuring of services delivery under a 1915(b)/(c) Medicaid Waiver. Amends GS 122C-116(a) to remove condition that a single county area authority is a department of the county in which the authority is located. Makes conforming changes. Rewrites GS 122C-118.1 (structure of area authority boards) to provide that an area board must have between 11 and 21 voting members (rather than 11 to 25, and up to 30 in certain multicounty authorities) appointed by the board or boards of county commissioners. Modifies the qualifications for board members and requires members to live in the catchment area. Prohibits registered lobbyists from serving on area authority boards. Directs all area boards to meet the revised requirements by July 1, 2013. Makes clarifying changes to GS 122C-119.1, requiring annual training for board members, and directs the NC Department of Health and Human Services (DHHS), the UNC School of Government, and local management entities (LMEs) to develop the training course.

Provides that no member on the Consumer and Family Advisory Committees may serve more than three (rather than two) consecutive terms under GS 122C-170(b). Authorizes area authorities to add one or more counties to their catchment area if a majority of the existing member counties agree.

Prohibits DHHS from approving a county's request to withdraw from a multicounty area authority operating under a 1915(b)/(c) Medicaid waiver beginning July 1, 2012, and extending for two years. Requires a process for county disengagement, as detailed, by January 1, 2014. Makes a conforming change to GS 122C-112.1 (duties of Secretary).

Amends GS 122C-147(c) (concerning area authority property) to provide that the area authority (rather than the county) has title to real property purchased for the authority's use. Amends GS 122C-117 (powers and duties of area authority) to grant authorities the power to borrow money with approval of the Local Government Commission and removes approval requirement for the director appointment. Also modifies the delivery procedure for the authority's quarterly report. Amends GS 122C-115.2, allowing the Secretary to waive any provisions of the LME business plan requirements that are inconsistent with contracts between DHHS and the area authority. Enacts new GS 122C-126.1 to provide that all competitive health information is confidential and not a public record, with the exception of contracts of area authorities. Sets out the procedure for area authorities to follow after a request for disclosure.

Amends GS 122C-121(a1) to allow the area director a salary in excess of the salary ranges established by the State Personnel Commission, upon approval from the Director of the Office of State Personnel. Makes conforming changes to GS 126-5(a) and GS 122C-154 (allowing area authority employees a higher salary).

Repeals GS 122C-122 (public guardians) and directs any successor guardian to try to continue existing contracts if in the best interest of the incompetent person. Amends GS 35A-1213 (qualifications of guardians for incompetent persons) to add that individuals contracting to provide services to LMEs may not serve as guardians for individuals receiving those services unless the person is the ward's parent. Requires corporations appointed as guardians to meet specified conditions. Makes a clarifying change, and modifies the definition of disinterested public agent in GS 35A-1202. Makes clarifying changes to GS 35A-1292 (resignation of guardian). Amends SL 2011-264 (statewide expansion of 1915(b)(c) waiver) to clarify that local management entities (LMEs) must manage the waiver, and makes other clarifying changes

Health, Social Services, and Aging

S 191. LME GOVERNANCE. Filed 3/2/11. House amendment makes the following changes to 3rd edition.

Amends new subsection (f) of GS 35A-1213 to provide that the prohibition regarding guardianship in this subsection does not apply to a member of the ward's immediate family who is under contract with a local management entity for the delivery of services and is serving as a guardian of the ward as of January 1, 2013. Provides a definition for the term *immediate family* for the purposes of this subsection.

Health, Social Services, and Aging

S 382. AMEND WATER SUPPLY/WATER QUALITY LAWS. Filed 3/21/11. House amendment makes the following change to 3rd edition.

Changes the date related to delayed stormwater management implementation to August 10, 2014 (was, August 10, 2013).

Agriculture, Environment, and
Natural Resources; Local
Government

S 803. RETIREMENT ADMINISTRATIVE CHANGES. Filed 5/16/12. House amendment makes the following changes to 3rd edition.

Amends GS 128-27(k) (provides for increases in retirement allowance) to require the Board of Trustees to consider the rate of inflation, determined by the Consumer Price Index, and the record of investment gains or losses during the preceding three-year period when determining whether to grant an allowance increase.

Employment and Retirement; State
Government

S 951. CLEVELAND CTY. PROP TRANSFER/ABC DEF. Filed 5/30/12. House amendments make the following changes to 3rd edition.

Amendment #1 deletes changes to GS 18B-101(7b), which amended the definition of a *historic ABC establishment*. Also makes a conforming change to the title and the effective date.

Amendment #2 directs North Carolina to convey all of its right, title, and interest in the former Haywood Correctional Center to the Haywood County Board of Commissioners. Describes the property to be conveyed. Provides that the property is to be conveyed without warranty. Provides that the conveyance of the Haywood Correctional Center is subject to a reversionary interest reserved by the state and that the property is to be conveyed for so long as it is used for county government purposes. Exempts the conveyance of the property from the provisions of Article 7 of GS Chapter 146. Makes a conforming change to the title to reflect the changes in the bill content. Effective January 1, 2013.

Previously: Alcoholic Beverage
Control; Cleveland
Now: Cleveland; Haywood

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

June 27, 2012

HOUSE convenes at 2:00 p.m.

SENATE convenes at 2:00 p.m.