



The Daily Bulletin: 2013-02-25

PUBLIC/HOUSE BILLS

H 148 (2013-2014) [HONOR RECOVERY OF BILL OF RIGHTS](#). Filed Feb 25 2013, *A JOINT RESOLUTION COMMEMORATING THE RECOVERY OF NORTH CAROLINA'S BILL OF RIGHTS.*

As title indicates.

Intro. by Stam.

[JOINT RES](#)

[View summary](#)

[Constitution, State Government](#)

PUBLIC/SENATE BILLS

S 4 (2013-2014) [NO N.C. EXCHANGE/NO MEDICAID EXPANSION](#). Filed Jan 30 2013, *A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION.*

Conference report recommends the following changes to the 3rd edition to reconcile matters in controversy.

Appropriates to the Department of Insurance, for fiscal year 2012-13, up to \$11 million of funds from a 2013 Exchange-related grant award. Provides that the funds are to be used to reimburse the state for expenses allowed under the grant for either of the following: (1) technology and personnel expenses incurred before the effective date of this act or (2) personnel expenses, if any, that are associated with ceasing the expenditures funded by the Exchange-related grants and occurred after the effective date of this act.

Directs the Department of Health and Human Services (DHHS) to seek available federal Medicaid funding at the 90/10 match rate for North Carolina Families Accessing Services through Technology (NC FAST) to provide Medicaid eligibility determinations for the federal health benefit exchange if (1) funds for the state match are available from existing (was, prior) appropriations for NC FAST and (2) the total amount of the state match does not exceed \$5 million. Appropriates the Medicaid funding for NC FAST obtained in fiscal year 2012-13 to DHHS for fiscal year 2012-13 to develop NC FAST's ability to provide Medicaid eligibility determinations for the federally facilitated Health Benefit Exchange (was, provided that such Medicaid funding in 2012-13 is not subject to specified consultation requirements in the 2011 Appropriations Act for grant awards).

Intro. by Apodaca, Brown, Rucho.

[GS 58](#)

[View summary](#)

[Department of Health and Human Services, Department of Insurance, Public Assistance](#)

S 16 (2013-2014) [REVOKE LICENSE FOR PASSING STOPPED SCHOOL BUS](#). Filed Jan 30 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL REVOKE A PERSON'S DRIVERS LICENSE FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217.*

Senate committee substitute makes the following changes to the 1st edition.

Modifies proscribed drivers license revocation periods for convictions of GS 20-217(a)(requiring vehicles to stop for school buses in certain instances). First misdemeanor conviction results in a 30-day (was, six months) revocation, with a second or subsequent misdemeanor conviction resulting in a 90-day revocation. A conviction of a Class I felony results in a one year (was, two year) revocation, with a Class H felony conviction resulting in a two year (was, three year) revocation.

Allows a licensee to apply for a limited driving privilege after any conviction under GS 20-217 (was, only in the case of the first felony conviction and then only after a period of 12 months of revocation).

Adds new language to GS 20-217(e), providing that a person who violates GS 20-217(a) and has a prior conviction within the preceding 12 months for violating the same subsection is not eligible to enter a plea of guilty or no contest to a lesser included offense or to a substitute charge with a lesser punishment.

Intro. by Bingham.

GS 20

[View summary](#)

Transportation

S 76 (2013-2014) **DOMESTIC ENERGY JOBS ACT**. Filed Feb 11 2013, *A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE FOR AUTOMATIC REVIEW OF MINING AND ENERGY COMMISSION RULES BY THE GENERAL ASSEMBLY; (2) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT; (3) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (4) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (5) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY MATTERS RELATED TO REGISTRATION OF LANDMEN; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (8) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.*

Senate committee substitute makes the following changes to the 2nd edition.

Amends GS 143B-293.2 to provide that membership on the Mining and Energy Commission may be held concurrently with other elective or appointive offices in addition to the maximum number of offices permitted to be held by one person under GS 128-1.1.

Makes a clarifying change directing the Revisor of Statutes to make the conforming statutory changes necessary to reflect the renaming of the Energy Jobs Act and the Energy Jobs Council (was, make the changes necessary to reflect the transfers under the section).

Directs that all the rules required to be adopted by the Mining and Energy Commission, the Environmental Management Commission, and the Commission for Public Health for the management of oil and gas exploration and development activities in the state be adopted no later than October 1, 2014. Specifies that this deadline includes regulatory programs for the use of

horizontal drilling and hydraulic fracturing. Provides that although the Mining and Energy Commission (Commission) and the Department of Environment and Natural Resources (DENR) are authorized to issue permits for horizontal drilling and hydraulic fracturing treatments for oil and gas and development activities, neither DENR nor the Commission is required to issue such permits until all the rules required to be adopted under Section 2.(m) of SL 2012-143 have become effective.

Amends GS 143-214.2(b) to provide that the prohibition against the discharge of any wastes to the subsurface or groundwaters of the state through the use of wells does not prohibit injecting water produced from subsurface geologic formations during the extraction of natural gas, condensate, or oil.

Amends GS 105-187.73 to clarify that marketing costs incurred by the producer to get the gas from the mouth of the well to the market includes costs for delivering the gas to the first purchaser (was, purchaser).

Intro. by Newton, Rucho, Brock.

[GS 105, APPROP, STUDY, GS 113, GS 113B, GS 114, GS 143, GS 143B](#)

[View summary](#)

[Energy, Environment/Natural Resources, Executive, Department of Environmental Quality \(formerly DENR\), Tax](#)

S 129 (2013-2014) [LIMIT STATE FACILITIES FINANCE ACT DEBT](#). Filed Feb 25 2013, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT ISSUANCE OF DEBT UNDER THE STATE CAPITAL FACILITIES FINANCE ACT.*

Amends GS 142-84 of the *State Capital Facilities Finance Act*, adding a new subsection requiring that resolutions that authorize special indebtedness must make a determination that the sum of the special indebtedness proposed to be issued, as well as all other outstanding special indebtedness of the state authorized after July 1, 2013, does not exceed 25% of the total outstanding debt of the state that is supported by the General Fund. This does not apply to the issuance of bonds or notes for refunding purposes pursuant to GS 142-89(f).

Effective July 1, 2013, and applies to special indebtedness used to finance the cost of capital facilities incurred on or after that date.

Intro. by Tucker.

[GS 142](#)

[View summary](#)

[Budget/Appropriations, State Property](#)

S 130 (2013-2014) [TEACHERS/ISOLATED K-12 SCHOOLS](#). Filed Feb 25 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TEACHER ALLOTMENTS FOR GEOGRAPHICALLY ISOLATED K-12 SCHOOLS.*

Amends GS 115C-301 to direct the State Board of Education to allot additional teachers to K-12 schools that meet at least one of the following criteria for geographic isolation: (1) located in a school administrative unit (LEA) in which average daily membership is less than 1.5 per square mile or (2) located in an LEA for a county with more than 150,000 acres of federally owned National Forest managed by the U.S. Forest Service under GS 104-5. Directs the SBE to allot teachers to geographically isolated schools on the basis of one classroom teacher per grade level and to allot teachers to the rest of the LEA using the regular teacher allotment formula. Effective July 1, 2013.

Intro. by J. Davis.

[GS 115C](#)

[View summary](#)

[Elementary and Secondary Education, State Board of Education](#)

S 131 (2013-2014) [STATE HIGHWAY PATROL/RETENTION BONUSES](#). Filed Feb 25 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING ONE-TIME LUMP SUM RETENTION INCENTIVE BONUSES FOR MEMBERS OF THE STATE HIGHWAY PATROL*

FOR THE 2012-2013 FISCAL YEAR.

Directs the Department of Public Safety to use up to \$1,672,413 from its 2012-13 appropriation to give one-time bonuses to State Highway Patrol members whose annual statutory step increases were suspended in the 2009 and 2011 budget bills. Directs bonuses to be paid in the June 2013 pay period. Sets the amount of bonus at six times the monthly salary difference between the actual January 1, 2013, salary and the salary that would have been paid without the suspensions. Applies to members who would have been eligible for the increases who are employed with the State Highway Patrol and in good standing on June 1, 2013.

Intro. by Tucker.

UNCODIFIED

[View summary](#)**Department of Public Safety, Public Safety and Emergency Management**

S 132 (2013-2014) **HEALTH CURRICULUM/PRETERM BIRTH**. Filed Feb 25 2013, *A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AND TO PROVIDE SUCH INFORMATION TO CHARTER, NONPUBLIC, AND HOME SCHOOL STUDENTS.*

Amends the School Health Education Program, GS 115C-81(e1)(1), to add a requirement for information about the preventable causes of preterm birth, including induced abortion as a cause of preterm birth in subsequent pregnancies. Requires the Department of Health and Human Services, Division of Public Health, to provide the Department of Public Instruction with sample educational materials, as noted above, within 60 days of the effective date of the bill, and annually thereafter. Applies beginning with the 2013-14 school year.

Intro. by Daniel, Tillman, Randleman.

GS 115C

[View summary](#)**Elementary and Secondary Education, Department of Health and Human Services, Health**

S 133 (2013-2014) **HONOR BLACK HISTORY MONTH**. Filed Feb 25 2013, *A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FRED D. ALEXANDER, RICHARD C. ERWIN, JOHN W. WINTERS, SR., DR. ALFREDA JOHNSON WEBB, JEANNE HOPKINS LUCAS, AND OTHER PIONEER AFRICAN AMERICAN MEMBERS OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH.*

As the title indicates. Effective upon ratification.

Intro. by D. Davis, Nesbitt.

JOINT RES

[View summary](#)**General Assembly****LOCAL/HOUSE BILLS**

H 28 (2013-2014) **HENDERSON COUNTY FIRE DISTRICTS**. Filed Jan 30 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO STANDARDIZE THE CEILING ON FIRE DISTRICT TAXES IN HENDERSON COUNTY.*

House committee substitute makes the following change to the 1st edition.

Amends GS 69-25.4 to provide the Henderson County Board of Commissioners with the authority to levy the special fire protection district tax upon adoption of an ordinance as provided in GS 69-25.1 as amended in this act.

Intro. by McGrady, Whitmire.

[Henderson](#)

[View summary](#)

[Public Safety and Emergency Management](#)

H 33 (2013-2014) [CLEVELAND/POLK/RUTHERFORD TRAPPING REPEAL](#). Filed Jan 31 2013, *A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PROHIBITING THE SETTING OF STEEL TRAPS ON CERTAIN RENTED OR LEASED LAND IN CLEVELAND, POLK, AND RUTHERFORD COUNTIES.*

House committee substitute makes the following change to the 1st edition. Amends SL 1977-765 to delete Cleveland County from the list of counties where the use of certain types of animaltraps under specified conditions is prohibited.

Intro. by Whitmire, Hager, T. Moore, Hastings.

[Cleveland, Polk, Rutherford](#)

[View summary](#)

[Animals](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 34: CLARIFY INDECENT EXPOSURE LAW.

House: Withdrawn From Cal

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 66: CAPTIVITY LICENSE AND PERMIT AMENDMENTS.-AB

Ratified

H 138: SET COMM. COLLEGE ELECT. DATE.

House: Withdrawn From Cal

House: Re-ref Com On Education

H 141: DACA BENEFICIARIES/DRIVERS LICENSE MORATORIUM.

House: Passed 1st Reading

House: Ref to the Com on Rules, Calendar, and Operations of the House, if favorable, Transportation

H 142: PROVIDE ACCESS TO CAMPUS POLICE RECORDS.

House: Passed 1st Reading

House: Ref to the Com on Education, if favorable, Judiciary Subcommittee A

H 144: HOMESCHOOL EDUCATION INCOME TAX CREDIT.

House: Passed 1st Reading

House: Ref to the Com on Education, if favorable, Finance, if favorable, Appropriations

H 146: BACK TO BASICS.

House: Passed 1st Reading

House: Ref to the Com on Education, if favorable, Appropriations

H 147: AMEND ADOPTION LAWS.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee C

H 148: HONOR RECOVERY OF BILL OF RIGHTS.

House: Filed

S 4: NO N.C. EXCHANGE/NO MEDICAID EXPANSION.

House: Conf Com Reported

House: Placed On Cal For 02/26/2013

Senate: Conf Com Reported

Senate: Placed On Cal For 02/26/2013

S 16: REVOKE LICENSE FOR PASSING STOPPED SCHOOL BUS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 36: APA TECHNICAL/CLARIFYING CHGES.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 72: AMEND UCC ARTICLE 4A/FUNDS TRANSFERS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 76: DOMESTIC ENERGY JOBS ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 123: CLARIFY SEX OFFENDER RESIDENCE LAW.

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary II

S 124: SHOOT GUN INSIDE/TO INCITE FEAR.

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary I

S 125: PUBLIC MEETING/RECORDS LAW VIOLATIONS.

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary I

S 126: TRAPPER IDENTIFICATION NUMBERS.

Senate: Passed 1st Reading

Senate: Ref To Com On Agriculture/Environment/Natural Resources

S 127: ENERGY/ECONOMIC DEVELOPMENT MODIFICATIONS (NEW).

Senate: Passed 1st Reading

Senate: Ref to Commerce. If fav, re-ref to Transportation

S 129: LIMIT STATE FACILITIES FINANCE ACT DEBT.

Senate: Filed

S 130: TEACHERS/ISOLATED K-12 SCHOOLS.

Senate: Filed

S 131: STATE HIGHWAY PATROL/RETENTION BONUSES.

Senate: Filed

S 132: HEALTH CURRICULUM/PRETERM BIRTH.

Senate: Filed

S 133: HONOR BLACK HISTORY MONTH.

Senate: Filed

LOCAL BILLS

H 28: HENDERSON COUNTY FIRE DISTRICTS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 33: CLEVELAND/POLK/RUTHERFORD TRAPPING REPEAL.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 02/28/2013

H 140: CITY OF LOWELL / REGULATE UTILITY VEHICLES.

House: Passed 1st Reading

House: Ref To Com On Government

H 143: EDEN PAYMENT IN LIEU OF TAXES.

House: Passed 1st Reading

House: Ref to the Com on Government, if favorable, Finance

H 145: SCHOOL CALENDAR FLEXIBILITY/ALAMANCE COUNTY.

House: Passed 1st Reading

House: Ref to the Com on Commerce and Job Development, if favorable, Education

S 128: CARRBORO OFFICE OF ALDERMAN.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

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