



The Daily Bulletin: 2013-02-26

PUBLIC/HOUSE BILLS

H 149 (2013-2014) **CAYLEE'S LAW/REPORT MISSING CHILDREN**. Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO REPORT THE DISAPPEARANCE OF A CHILD TO LAW ENFORCEMENT, TO INCREASE THE CRIMINAL PENALTY FOR CONCEALING THE DEATH OF A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR MAKING A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER FOR THE PURPOSE OF INTERFERING OR OBSTRUCTING AN INVESTIGATION INVOLVING A MISSING CHILD OR CHILD VICTIM OF A CLASS A, B1, B2, OR C FELONY, AND TO MAKE IT A CLASS 1 MISDEMEANOR FOR A PERSON TO FAIL TO REPORT THE ABUSE, NEGLECT, DEPENDENCY, OR DEATH DUE TO MALTREATMENT OF A JUVENILE OR TO PREVENT ANOTHER PERSON FROM MAKING SUCH REPORT.*

Enacts new GS 14-318.5 in GS Chapter 14, Article 39, to do the following. Makes it a Class I felony for a parent or any other person providing care and supervision of a child to knowingly or wantonly fail to report the disappearance of a child to law enforcement, unless some other applicable provision of law provides greater punishment. For the purposes of this section, defines (1) *a child* as any person who is less than 16 years of age and (2) *disappearance of a child* to be when the parent or other person supervising a child does not know the child's location and has not had contact with the child for a 24-hour period. Makes it a Class 1 misdemeanor for any person who reasonably suspects that a child has disappeared and may be in danger to fail to report those suspicions to law enforcement within a reasonable time, unless some other provision of law provides greater punishment. Provides that this section does not apply if GS 110-102.1, regarding reporting of deceased or missing children, is applicable. Exempts a teacher from reporting a child's absence from school under these provisions as long as the teacher reports the child's absence from school under GS Chapter 115C, Article 26.

Provides that the felony of failure to report the disappearance of a child as required under subsection (b) of this section is an additional offense to other civil and criminal provisions and does not repeal or preclude any other sanctions or remedies. Provides that any person who reports the disappearance of a child and is acting in good faith is immune from any civil or criminal liability that might otherwise be incurred for that action. Provides that good faith is presumed in any proceeding involving liability.

Amends GS 14-318.4 (child abuse a felony) to provide that for purposes of this section *agrossly negligent omission* in providing care or supervision of a child includes the failure to report a child as missing as required in new GS 14-318.5(b).

Amends GS 110-102.1(a) to affirm that its provisions regarding operators and staff in a child care facility are not amended by proposed GS 14-318.5.

Amends GS 14-401.22, adding new subsection (a1), to make it a Class H felony for any person to fail to notify a law enforcement authority of the death of a child, or to secretly bury or otherwise dispose of the body of a child, with the intent to conceal the death of a child. Defines a child, for purposes of this subsection, as any person less than 16 years of age. Makes additional conforming changes.

Amends GS 14-225, adding new subsection (b), to make it a Class H felony to provide false reports to law enforcement relating to a law enforcement investigation involving the disappearance of a child as that term is defined in GS 14-318.5 or a child victim of a Class A, B1, B2, or C felony offense. Defines a child for purposes of this subsection as any person less than 16 years of age. Makes conforming changes.

Amends GS 7B-301 to provide that an institution or a person that suspects abuse, neglect, dependency, or death due to maltreatment of a juvenile and fails to report the case of that juvenile is guilty of a Class 1 misdemeanor. Provides that a social services director who receives a report of sexual abuse in a child care facility and fails to notify the State Bureau of Investigation of the report is guilty of a Class 1 misdemeanor.

Effective December 1, 2013, and applies to offenses committed on or after that date.

Intro. by Hastings, J. Bell, Jordan, Schaffer.[GS 7B, GS 14, GS 110](#)[View summary](#)[Criminal Law and Procedure, Abuse, Neglect and Dependency](#)

H 150 (2013-2014) [ZONING/DESIGN & AESTHETIC CONTROLS](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS.*

Amends GS 160A (Cities and Towns) and GS 153A (Counties) by adding new GS 160A-381(g) and GS 153A-340(k), prohibiting zoning and subdivision development and aesthetic regulations as well as regulations adopted pursuant to recommendations made under GS 160A-452(6)c. (a governing development board's recommendation for the adoption of certain regulations that will enhance the appearance of the municipality or its surrounding areas) concerning building design elements from applying to structures subject to North Carolina's Residential Code for One- and Two-Family Dwellings except to the following structures or situations: (1) structures in areas designated as local historic districts; (2) structures in areas listed on the National Registry of Historic Places; (3) structures located in designated local, state, or national historic landmarks; (4) the regulations are directly and substantially related to applicable safety codes under GS 143-138 (North Carolina State Building Code); (5) where the regulations apply to manufactured or modular housing, consistent to GS 160A-383.1 (zoning regulations for manufactured homes) and federal law; and (6) where such regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this section cannot be applied in any zoning district, special use district, conditional use district, or conditional district unless consented to by all of the owners of all of the property to which they can be applied. Such regulations also cannot be applied indirectly as part of the review pursuant to GS 160A-383 or GS 153A-341 (accordance of zoning regulations with a comprehensive development plan) or any other applicable adopted plan.

Effective when the act becomes law and applies to development approvals granted on or after that date.

Intro. by Dollar, W. Brawley, Moffitt, Jordan.[GS 153A, GS 160A](#)[View summary](#)[Building and Construction, Land Use, Planning and Zoning, Local Government](#)

H 151 (2013-2014) [ROOT OUT POVERTY/TASK FORCE FUNDS](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT CREATING A STATEWIDE POVERTY TASK FORCE; ESTABLISHING TWO NEW PERSONNEL POSITIONS IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES DEDICATED TO POVERTY REDUCTION AND ECONOMIC RECOVERY; AND APPROPRIATING FUNDS FOR THOSE PURPOSES.*

Adds new Article 80, *Statewide Poverty Task Force*, to GS Chapter 143 to create the North Carolina Statewide Poverty Task Force (Task Force) within the Department of Health and Human Services (DHHS). Provides for 30 voting members on the Task Force with ten appointments each by the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. Specifies criteria for making the appointments. Also designates eight nonvoting, ex officio members to be on the Task Force.

Requires the Task Force to (1) identify long and short range goals for eliminating poverty in North Carolina and (2) develop a coordinated, integrated, ongoing approach among state agencies, departments, and institutions to reduce poverty in the state by establishing and implementing poverty reduction targets.

Directs the Task Force to submit an annual report by March 1 annually to the Governor and to the General Assembly on its recommendations on poverty reduction and economic recovery. Requires the Task Force, beginning with January 1, 2015, and every two years thereafter, to determine if there has been a reduction in poverty in the state. Provides that at such time when the Task Force ascertains that poverty in the state, as measured at the time of the effective date of this act, has been reduced by at least 50%, the Task Force is to make a final report to the General Assembly and terminate upon the filing of the final report.

Provides for the appointing of co-chairs, authorizes the Task Force to contract for consultant services, and provides that vacancies are to be filled by the original appointing authority. Authorizes the Task Force in discharge of its duties to request records and information from all state officers, agencies, agents, and departments. Also provides the Task Force with the authority to subpoena witnesses. Provides that the Task Force members are not to receive compensation but may receive travel and subsistence as specified.

Appropriates \$150,000 for fiscal year 2013-14 and \$150,000 for fiscal year 2014-15 from the General Fund to the Department of Health and Human Services (DHHS) to fund the work of the Task Force.

Appropriates \$150,000 for fiscal year 2013-14 and \$150,000 for fiscal year 2014-15 from the General Fund to DHHS to fund the salaries and support costs for two new personnel positions in DHHS dedicated to staffing the Task Force and implementing the interdepartmental collaboration among state agencies, departments, and institutions to advance poverty reduction and economic recovery in the state.

Effective July 1, 2013.

Intro. by Pierce.

[APPROP, GS 143](#)

[View summary](#)

[Budget/Appropriations, Department of Health and Human Services](#)

H 152 (2013-2014) [EXTEND SUNSET FOR EARNED INCOME TAX CREDIT](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE EARNED INCOME TAX CREDIT*.

Amends GS 105-151.31 to extend the sunset on the earned income tax credit from 2014 to 2019.

Intro. by Richardson, Luebke, Holley, Queen.

[GS 105](#)

[View summary](#)

[Tax](#)

H 153 (2013-2014) [ESTABLISH GENERAL GOV'T OVERSIGHT COMMITTEE](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT ESTABLISHING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT*.

Adds new Article 34 to GS Chapter 120, establishing the Joint Legislative Oversight Committee on General Government (Committee) consisting of twelve members with six members of the Senate appointed by the President Pro Tempore and six members of the House of Representatives appointed by the Speaker of the House of Representatives. Provides criteria regarding term length and the filling of vacancies.

Declares the purpose and powers of the Committee. Delineates the agencies for which the Committee is to study the programs, organization, operations, and policies. Provides for the organizational structure of the Committee. Provides that whenever a department or agency as set out in subdivision (a)(1) of GS 120-296 is required to report to the General Assembly or to any of its permanent committees or subcommittees that the department or agency provide a copy of the report to the co-chairs of the Committee.

Intro. by Cleveland, R. Brown.

[GS 120](#)

[View summary](#)

[State Government, State Agencies](#)

H 154 (2013-2014) [HOME BIRTH FREEDOM ACT](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CERTIFIED PROFESSIONAL MIDWIVES LICENSING ACT*.

Identical to [S 106](#), filed 2/19/13.

Enacts new Article 10B, Certified Professional Midwives, to GS Chapter 90. Prohibits any person from practicing or offering to practice midwifery, on or after January 1, 2014, without a license, as provided in new Article 10B. Exempts the following circumstances from the licensure requirement: (1) an individual approved to practice midwifery under Article 10A (Midwifery Practice Act), (2) a physician licensed to practice medicine, (3) the performance of medical acts by a physician assistant or nurse practitioner as specified, (4) the practice of nursing by a registered nurse as allowed under Article 9A (Nursing Practice Act), (5) the rendering of childbirth assistance in emergency situations, and (6) individuals present or assisting the certified professional midwife during the birth process as specified.

Sets forth the General Assembly's findings and includes definitions applicable to Article 10B. Defines certified professional midwife as a person with national certification from the North American Registry of Midwives (NARM). Defines midwifery as the act of providing prenatal, intrapartum, postpartum, newborn, and interconceptional care, but not the practice of medicine by a physician licensed to practice medicine when engaged in the practice of medicine, the performance of medical acts by a physician assistant or nurse practitioner when performed in accordance with the rules of the North Carolina Medical Board, the practice of nursing by a registered nurse engaged in the practice of nursing, or the rendering of childbirth assistance in an emergency situation.

Creates a seven-member North Carolina Council of Certified Professional Midwives (Council), with members appointed by the Secretary of Health and Human Services and initial members appointed on or before October 1, 2013. Details Council member requirements and term limits and includes provisions for compensation, meeting procedures, and Council administration. Enumerates 13 powers and duties of the Council, in consultation with the Division of Health Service Regulation, Department of Health and Human Services, and with guidance from the National Association of Certified Professional Midwives Standards of Practice.

Lists the following requirements for licensure as a certified professional midwife: (1) a completed application; (2) certification from NARM and currently holds the title of certified professional midwife; (3) graduated from or completed a midwifery program or school that is either approved by the Council or a Midwifery Education and Accreditation Council accredited school, on or after December 31, 2016; (4) submits proof to the Council of current cardiopulmonary resuscitation certification and neonatal resuscitation certification; (5) has read, understands, and agrees to practice under Article 10B; and (6) pays required fees. Lists 10 responsibilities of a licensed certified professional midwife, including the responsibility to provide care for the healthy woman who is expected to have a normal pregnancy, labor, birth, and postpartal phase in the setting of the mother's choice and the responsibility to order routine antepartal or postpartal screening or lab analysis at a licensed facility and inform the parents about newborn screening. Directs a midwife licensed under Article 10B to display the license at all times in a conspicuous place where the midwife is practicing. Sets forth provisions for license renewal, periods of lapsed licensure, and granting inactive status. Authorizes the Council to grant a license to a person residing in North Carolina licensed, certified, or registered to practice as a certified professional midwife in another jurisdiction if that jurisdiction's standards are substantially equivalent and the person submits an application and required fees. Directs the Council to set all fees under Article 10B and to pay all expenditures out of funds from the fees or other funds. Allows the Council to discipline applicants or licensees, after a hearing, under seven specified circumstances.

Allows a certified professional midwife licensed under Article 10B to receive third-party reimbursement from private agencies providing coverage for maternity and obstetrical care. Specifies that a managed care organization or insurance company may not require a patient to use a certified professional midwife instead of a licensed physician or nurse practitioner. Authorizes the Council to apply to superior court to enjoin violations of Article 10B. Provides that no health care provider will be liable for an injury to a woman or infant arising during childbirth and resulting from an act or omission by a licensed certified professional midwife.

Intro. by Wilkins.

[GS 90](#)

[View summary](#)

[Occupational Licensing, Health Care Facilities and Providers](#)

H 155 (2013-2014) [DECriminalize Direct Entry Midwifery](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT ALLOWING PERSONS PRACTICING AS CERTIFIED PROFESSIONAL MIDWIVES IN THIS STATE TO CONTINUE TO PROVIDE*

MIDWIFERY SERVICES WITHOUT BEING SUBJECT TO CRIMINAL PENALTY.

Identical to [S 107](#), filed 2/19/13.

Enacts new section, GS 90-178.10, allowing individuals that hold current ministerial or tocological certifications from an organization accredited by the Institute for Credentialing Excellence to provide services described in 42 U.S.C. § 1396r-6(b)(4)(E)(ii)(1) related to pregnancy, including prenatal, delivery, and postpartum services.

Intro. by Wilkins.

[GS 90](#)

[View summary](#)

[Health Care Facilities and Providers](#)

H 156 (2013-2014) [HONEST LOTTERY ACT](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HONESTY IN ADVERTISING AND MARKETING OF THE NORTH CAROLINA STATE LOTTERY.*

Amends GS 18C-114 by requiring the North Carolina State Lottery Commission (Commission) to ensure that (1) advertising that states a total of payments to be paid over a period of time also states the present value, (2) advertising that states probability of winning a prize cannot omit the value of the lowest prize to be won, (3) advertising that states the odds of winning must at least disclose the odds of winning the prize with the largest value, and (4) no advertising or sponsorship can take place in connection with any high school or collegiate sport or sporting event.

Amends GS 18C-130, limiting the types of lottery games that can be used by the Commission to those used on or before December 31, 2012, unless the General Assembly approves otherwise. Prevents the use of cartoon characters in games using tickets whether or not the primary appeal is to minors. Prohibits the use of unfair information in advertising. Requires the Commission to post on its website the tabulations of the estimated number of prizes and estimated odds of winning each prize. Requires the University of North Carolina (UNC) to develop and make available to the Department of Public Instruction professional development and course materials explaining lottery probabilities and other mathematical features. These materials should be developed with an eye towards inclusion in high school civics and mathematics courses. UNC will also complete research on the patterns of lottery participation and lottery ticket sales, including socioeconomic factors of each.

Amends GS 18C-132(a) to prohibit lottery advertising or winning number announcements from referencing the role of the required accountant or auditor in lottery drawings.

Amends GS 18C-172(c) to require the Lottery Oversight Committee to study lottery advertising and marketing for compliance with GS 18C.

Amends GS 18C by adding a new GS 18C-174, establishing Wake County as the venue for any civil action under GS 18C or for any civil action under GS 75C for violation of GS 18C. Also adds new GS 18C-104, making *North Carolina State Lottery* the only name by which the North Carolina State Lottery can be known as in advertising.

Amends GS 18C-162(c) and GS 18C-164 by replacing references to the *Education Lottery Fund* or *Education Lottery Reserve Fund* with *Lottery Special Fund* or *Lottery Reserve Fund*.

Amends GS 18C-152(c), making technical and clarifying changes. Also requires Commission contractors to disclose demographic data for its employees. If 20% (was, 25%) of the contract is subcontracted, the contractor must also disclose demographics for the subcontractor's employees.

Effective July 1, 2013, with new venue requirements not affecting pending litigation.

Intro. by Stam, L. Hall, Glazier, Hardister.

[GS 18C](#)

[View summary](#)

[Lottery and Gaming](#)

H 157 (2013-2014) [LIMIT USE OF HIGHWAY FUND CREDIT BALANCE](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO PROTECT THE TAXPAYERS OF NORTH CAROLINA FROM THE DIVERSION OF FUEL TAX PROCEEDS FOR NONTRANSPORTATION USES BY REQUIRING THAT THE UNRESERVED CREDIT BALANCE IN THE HIGHWAY FUND BE USED FOR ROAD-RELATED USES.*

Amends GS 136-44.2 as the title indicates. Requires that the unreserved credit balance in the Highway Fund (the excess) on the last day of a fiscal year, which exceeds the amount estimated in the Current Operations Appropriations Act for the following fiscal year, be allocated to either a reserve for (1) access and public roads or (2) for other urgent road construction or road maintenance needs. Prohibits the funds from this reserve being used for any other urgent road construction or road maintenance need (was, an other urgent need) project from being used for an economic development purpose (was, administrative costs, information technology costs, or economic development). Effective July 1, 2014.

Intro. by Jeter, B. Brown, Dobson, Szoka.

[GS 136](#)

[View summary](#)

[Transportation](#)

H 158 (2013-2014) [PLATE BACKGROUND/STATE FISH PLATES](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT ALL SPECIAL REGISTRATION PLATES HAVE A "FIRST IN FLIGHT" BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE SPECIAL REGISTRATION PLATES FOR THE NATIVE BROOK TROUT AND RED DRUM.*

Amends GS 20-79.4(b) to issue two additional special registration plates, one for Native Brook Trout and one for Red Drum (state fish plates). Plate issuance for each plate is contingent on the receipt of at least 300 applications per plate. Amends GS 20-79.7 to add the Native Brook Trout plate and the Red Drum plate to those plates for which an additional fee amount of \$30 is charged in addition to the regular motor vehicle registration fees. Requires that the Division of Motor Vehicles must transfer quarterly (1) the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of the Red Drum plate to the NC Marine Fisheries Commission to fund public access to and habitat protection of Red Drum waters and (2) the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of the Brook Trout plate to fund public access to and habitat protection of Brook Trout waters.

Repeals Section 1.1 of SL 2011-392, thereby reinstating provision of GS 20-63(b1) that provides exemptions for specified special plates from the requirement that all special registration plates have a "First in Flight" background, which would otherwise have been repealed by SL 2011-392 effective July 1, 2016. Amends GS 20-63(b1) to add the Native Brook Trout plate and the Red Drum plate to the designated plates that do not have to be a "First in Flight" plate. Also deletes requirement that the Division must send the owner of a vehicle registered or renewed on or after July 1, 2015, a replacement special license plate in a standardized format in accordance with subsection (b) of this section and GS 20-79.4(a3).

Effective July 1, 2013.

Intro. by Queen, Murry, West, Tine.

[GS 20](#)

[View summary](#)

[Transportation, Department of Transportation](#)

H 159 (2013-2014) [PUBLIC INFRASTRUCTURE OVERSIGHT COMMISSION](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE PUBLIC INFRASTRUCTURE OVERSIGHT COMMISSION.*

Substantively identical to [S 102](#), filed 2/19/13.

Adds a new Article 12Q to GS Chapter 120 to establish the 24-member Joint Legislative Public Infrastructure Oversight Commission (Commission).

Designates the membership of the Commission. Provides that there will be seven public members, with various specified areas of expertise, appointed to the Commission by the President Pro Tempore of the Senate (2), the Speaker of the House of Representatives (2), and the Governor (3). Requires that the public members must also be residents of North Carolina. Provides for the appointment of three Senate members by the President Pro Tem and three members by the Speaker, each of whom is to designate one of their appointees as a co-chair for the Commission. Specifies further membership.

Provides for the organization and functioning of the Commission, specifying term lengths of two years except for ex-officio members or their designees who serve until they are no longer in office or are replaced with another designee. Requires at minimum quarterly meetings and establishes that vacancies are to be filled in the same manner in which the original appointment was made.

Enunciates findings to support the need for the state to develop a comprehensive statewide policy and goals for the development and financing of public infrastructure.

States that the purpose of this Commission is to (1) inventory the assessments conducted by state agencies, local governments, and other entities; (2) develop a comprehensive statewide policy with short-term and long-term solutions for meeting critical infrastructure needs; and (3) identify dedicated sources of funding and methods to leverage private capital, including an infrastructure bank, to finance those needs.

Provides that the Commission has the powers of a joint commission under GS 120-19 and GS 120-19.1 through GS 120-19.4. Specifies what the Commission is authorized to do in conducting its duties. Directs the Commission to report annually by April 1 to the chairs of the House of Representatives and Senate Appropriations, the House of Representatives and Senate Finance Committees, and to the Governor. Provides that a report may contain any legislation needed to implement a recommendation of the Commission.

Intro. by D. Ross, Setzer, Tolson, Moffitt.

[GS 120](#)

[View summary](#)

Education, Local Government, State Government, General Assembly, Department of Administration, Department of Commerce, Department of Environmental Quality (formerly DENR), Department of Transportation, Public Enterprises and Utilities

H 160 (2013-2014) **PUBLIC CONTRACTS/ILLEGAL IMMIGRANTS**. Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT PROHIBITING STATE AND LOCAL GOVERNMENT CONTRACTS WITH CONTRACTORS WHO EMPLOY ILLEGAL IMMIGRANTS AND REQUIRING CONTRACTORS TO VERIFY AND CERTIFY THEIR EMPLOYEES' AUTHORIZATION TO WORK IN THE UNITED STATES.*

Adds new GS 143-133.1 to prohibit state government or any local political subdivision of the state from contracting with any contractor who knowingly employs or contracts with an illegal immigrant to perform work under the contract, or knowingly contracts with a subcontractor who knowingly employs or contracts with an illegal immigrant to perform work under the contract. Applies to contracts for the expenditure of public money for construction, repair, or the purchase of apparatus, supplies, material, or equipment. Applies to both formal and informal bids.

Before submitting a bid or entering into a contract with state government or any political subdivision of the state, a contractor must verify the work authorization status of each individual employed by the contractor, whether permanent, temporary, or seasonal, to perform work under the contract in accordance with the E-Verify Program administered by the US Department of Homeland Security. The contractor must certify on a form approved by the Secretary of Administration that the contractor has verified the work authorization status of its employees. A false certification is punishable as a Class I felony.

Contracts must contain a provision that sets forth the requirements of the act. A violation of the act voids the contract, unless immediate termination would harm the public health or welfare, and the Secretary approves continuation of the contract for a period of time deemed necessary to protect public health and welfare. If a contractor knowingly uses the services of an illegal immigrant in the performance of the contract, the contractor shall be prohibited from submitting a bid or entering into a contract with state government or any political subdivision of the state for one year from the date the violation is discovered.

Effective October 1, 2013, and applicable to bids submitted and contracts entered into on or after that date.

Intro. by Conrad, Cleveland, Millis, Szoka.

[GS 143](#)

[View summary](#)

[Local Government, State Government, Immigration](#)

H 161 (2013-2014) [MANDATORY RETIREMENT AGE FOR MAGISTRATES](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES*.

Amends GS 7A-170 to prohibit magistrates from continuing in office beyond the last day of the month in which the magistrate reaches the mandatory retirement age for justices and judges of the General Court of Justice (age 72). Effective October 1, 2013.

Intro. by Glazier, McGrady, Jordan.

[GS 7A](#)

[View summary](#)

[Court System](#)

H 162 (2013-2014) [LENGTHEN REPLACEMENT CYCLE FOR SCHOOL BUSES](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE REPLACEMENT CYCLE ON SCHOOL BUSES*.

Requires the State Board of Education to revise its guidelines so as to require replacing school buses every 250,000 miles. Effective July 1, 2013.

Intro. by Floyd, Glazier, Lucas, Szoka.

[UNCODIFIED](#)

[View summary](#)

[Transportation, State Board of Education](#)

H 163 (2013-2014) [WC/TAXI DRIVER/INDEPENDENT CONTRACTOR](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REBUTTABLE PRESUMPTION THAT CERTAIN TAXICAB DRIVERS ARE INDEPENDENT CONTRACTORS AND NOT EMPLOYEES UNDER THE WORKERS COMPENSATION ACT*.

Enacts new GS 97-5.1 to create a rebuttable presumption that any person who operates and has an ownership or leasehold interest in a passenger motor vehicle that is operated as a taxicab is an independent contractor for purposes of GS Chapter 97 and not an employee as defined in GS 97-2. Defines *passenger motor vehicle that is operated as a taxicab* by passenger capacity and services provided.

Intro. by Samuelson, Dollar, Jeter.

[GS 97](#)

[View summary](#)

[Transportation, Employment and Retirement](#)

PUBLIC/SENATE BILLS

S 44 (2013-2014) [WORKERS COMP COVERAGE/PUBLIC RECORDS](#). Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN INFORMATION PERTAINING TO WORKERS' COMPENSATION COVERAGE BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION*.

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

Deletes permissible disclosure applicability date of only workers' compensation policies effective on or after January 1, 2012. Disclosure of permitted policy data and information under GS 58-36-17 now applies to all workers' compensation policies, regardless of policy effective date.

Intro. by Brown.

GS 58

[View summary](#)

Employment and Retirement, Public Records and Open Meetings

S 51 (2013-2014) **GBICC/WORKERS' COMP PROGRAM INTEGRITY**. Filed Feb 5 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE STATE CONTROLLER, GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, ENHANCE THE STATE'S ENTERPRISE-LEVEL BUSINESS INTELLIGENCE THROUGH THE COLLECTION AND ANALYSIS OF DATA FROM VARIOUS STATE AGENCIES RELATED TO WORKERS' COMPENSATION INSURANCE COVERAGE AND CLAIMS FOR THE PURPOSE OF FRAUD PREVENTION AND DETECTION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.*

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

Amends Section 6A.7A(g) of SL 2012-142 providing that the North Carolina Rate Bureau (Bureau) is immune from civil liability for releasing information under subsection (3)b., even if the information released is incorrect, provided that the Bureau acted in good faith and with no malicious or willful intent to promote harm via release of the information. Makes conforming changes.

Intro. by Brown.

UNCODIFIED

[View summary](#)

Insurance, Employment and Retirement, Department of Commerce, Department of Labor, Department of Revenue, Office of State Controller

S 71 (2013-2014) **AMEND IRRIGATION CONTRACTORS LICENSING LAWS**. Filed Feb 7 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE AND TO MAKE OTHER CONFORMING CHANGES.*

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

Amends GS 89G-1 (definitions) by deleting the proposed definition of delinquent income tax debt.

Intro. by Tucker.

GS 89G

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Occupational Licensing

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 amends the third edition as follows: Amendment #1 deletes language in Section 9.(v) of the bill permitting the Revisor of Statutes to make any "conforming changes necessitated by this section."

Amendment #2 adds Sections 3.(c)-(e) to clarify that the bond furnished by persons registering to drill for oil or gas must run to the State of North Carolina, to require the Environmental Management Commission to adopt rules establishing criteria for setting the amount of bond required pursuant to GS 113-421(a3), and to set forth a procedure for establishing the bond running to a surface owner that is required under GS 113-421. Makes conforming change to bill title.

Amendment #4 deletes Part VI of the bill, which appropriates \$22,900 from the Mineral Interest Fund to the Department of Environment and Natural Resources for operating the Mining and Energy Commission and its implementation of the act. Makes conforming change to bill title.

Amendment #5 changes the composition of the Mining and Energy Commission by changing two required appointments of the Governor. Instead of a member of the Environmental Management Commission there must be an appointee who has expertise in the principles of water and air resources management. Instead of a person from the Commission for Public Health there must be an appointee who has expertise in the principles of waste management. Rewrites Section 2.(b) of the bill to end the terms of members presently serving in these positions upon the effective date of the act and to require the replacement members be appointed within 30 days after the bill becomes law.

Intro. by Newton, Rucho, Brock.

[GS 105, 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 135 (2013-2014) [MODIFY HABITUAL IMPAIRED DRIVING STATUTE](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO MODIFY THE HABITUAL IMPAIRED DRIVING STATUTE.*

Amends GS 20-138.5(a) to remove the requirement that past convictions of impaired driving must have occurred within 10 years of the latest offense of impaired driving for the offender to be convicted of habitual impaired driving.

Effective December 1, 2013, and applicable to offenses committed on or after that date.

Intro. by Brunstetter.

[GS 20](#)

[View summary](#)

[Motor Vehicle](#)

S 137 (2013-2014) [PROHIBIT CO-PAY WAIVER/MEDICAID PROVIDERS](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY CERTAIN PROVIDERS.*

Amends GS 108A-63 (Medical Assistance Provider Fraud) making it illegal for any provider under the Medicaid Program (Medicaid) to knowingly and willfully execute, solicit, receive, or attempt to execute, by scheme or artifice, a waiver of co-payments owed by recipients of medical assistance under Medicaid, with the intent to induce recipients to purchase, lease, or order items or services. Also makes other quid pro quo arrangements for items or services under Medicaid illegal.

A medical provider that does so will be found in violation of this subsection unless the co-payment in question was waived, in full or partially, for any of the following reasons: (1) the waiver is authorized under Medicaid, (2) the provider decides on an individual basis that the collection of the co-payment amount would place a substantial financial hardship on the recipient, or (3) the provider has made a good faith effort to collect the co-payment but the reasonable efforts fail. A conviction under this subsection will result in a suspension or termination of the provider's participation in Medicaid.

Makes conforming changes.

Effective December 1, 2013, and applies to acts and offenses committed on or after that date.

Intro. by Tillman.

[GS 108A](#)

[View summary](#)

[Health Care Facilities and Providers, Public Assistance](#)

S 138 (2013-2014) [BIBLE STUDY ELECTIVE](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR LOCAL BOARDS OF EDUCATION TO OFFER TO STUDENTS IN GRADES NINE THROUGH TWELVE AN ELECTIVE COURSE IN BIBLE STUDY.*

Amends GS 115C-81 by adding new subsection (g4) as the title indicates. Specifies that course content may be either the Old Testament or the New Testament or a combination of both. Provides guidelines regarding the scope and content of the course. Effective when the act becomes law and applies beginning with the 2013-14 school year.

Intro. by Bingham.

[GS 115C](#)

[View summary](#)

[Elementary and Secondary Education](#)

S 139 (2013-2014) [ZONING/DESIGN & AESTHETIC CONTROLS](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS.*

Identical to [H 150](#), filed 2/26/13.

Amends GS 160A (Cities and Towns) and GS 153A (Counties) by adding new GS 160A-381(g) and GS 153A-340(k), prohibiting zoning and subdivision development and aesthetic regulations as well as regulations adopted pursuant to recommendations made under GS 160A-452(6)c (a governing development board's recommendation for the adoption of certain regulations that will enhance the appearance of the municipality or its surrounding areas) concerning building design elements from applying to structures subject to North Carolina's Residential Code for One- and Two-Family Dwellings except to the following structures or situations: (1) structures in areas designated as local historic districts; (2) structures in areas listed on the National Registry of Historic Places; (3) structures located in designated local, state, or national historic landmarks; (4) the regulations are directly and substantially related to applicable safety codes under GS 143-138 (North Carolina State Building Code); (5) where the regulations apply to manufactured or modular housing, consistent to GS 160A-383.1 (zoning

regulations for manufactured homes) and federal law; and (6) where such regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this section cannot be applied in any zoning district, special use district, conditional use district, or conditional district unless consented to by all of the owners of all of the property to which they can be applied. Such regulations also cannot be applied indirectly as part of the review pursuant to GS 160A-383 or GS 153A-341 (accordance of zoning regulations with a comprehensive development plan) or any other applicable adopted plan.

Effective when the act becomes law and applies to development approvals granted on or after that date.

Intro. by Clodfelter, Gunn, Tarte.

[GS 153A, GS 160A](#)

[View summary](#)

[Building and Construction, Land Use, Planning and Zoning, Local Government](#)

LOCAL/SENATE BILLS

S 134 (2013-2014) [WINSTON-SALEM FRANCHISES](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT CONCERNING UTILITY FRANCHISES IN THE CITY OF WINSTON-SALEM AND OTHER INCORPORATED MUNICIPALITIES AS TO THEIR TERRITORY WITHIN FORSYTH COUNTY.*

Amends GS 160A-319(a), governing city utility franchises, to exclude water supply and distribution systems and all types of wastewater collection, treatment, and disposal systems from the enterprises for which a city may grant a franchise. Applies only to Winston-Salem and other incorporated municipalities within Forsyth County.

Intro. by Brunstetter, Parmon.

[Forsyth](#)

[View summary](#)

[Public Enterprises and Utilities](#)

S 136 (2013-2014) [GRAHAM OCCUPANCY TAX CHANGES \(NEW\)](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF GRAHAM COUNTY TO LEVY AN OCCUPANCY TAX.*

Blank bill.

Intro. by J. Davis.

[Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 5: TEMPORARY FUNDING/GROUP HOMES & SCUs (NEW).

House: Rec From Senate

House: Rec To Concur S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 02/27/2013

House: Withdrawn From Cal

House: Placed On Cal For 02/26/2013

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 19: RESPECT OUR FALLEN HEROES.

Senate: Reptd Fav

H 20: JT SESSION/STATE BD OF ED CONFIRMATION.

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 36: HONOR JOE HEGE.

House: Passed 2nd Reading

House: Passed 3rd Reading

Senate: Rec From House

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 138: SET COMM. COLLEGE ELECT. DATE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 02/26/2013

House: Passed 2nd Reading

House: Passed 3rd Reading

Senate: Rec From House

Senate: Passed 1st Reading

Senate: Ref To Com On Education/Higher Education

H 148: HONOR RECOVERY OF BILL OF RIGHTS.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 149: CAYLEE'S LAW/REPORT MISSING CHILDREN.

House: Filed

H 150: ZONING/DESIGN & AESTHETIC CONTROLS.

House: Filed

H 151: ROOT OUT POVERTY/TASK FORCE FUNDS.

House: Filed

H 152: EXTEND SUNSET FOR EARNED INCOME TAX CREDIT.

House: Filed

H 153: ESTABLISH GENERAL GOV'T OVERSIGHT COMMITTEE.

House: Filed

H 154: HOME BIRTH FREEDOM ACT.

House: Filed

H 155: DECRIMINALIZE DIRECT ENTRY MIDWIFERY.

House: Filed

H 156: HONEST LOTTERY ACT.

House: Filed

H 157: LIMIT USE OF HIGHWAY FUND CREDIT BALANCE.

House: Filed

H 158: PLATE BACKGROUND/STATE FISH PLATES.

House: Filed

H 159: PUBLIC INFRASTRUCTURE OVERSIGHT COMMISSION.

House: Filed

H 160: PUBLIC CONTRACTS/ILLEGAL IMMIGRANTS.

House: Filed

H 161: MANDATORY RETIREMENT AGE FOR MAGISTRATES.

House: Filed

H 162: LENGTHEN REPLACEMENT CYCLE FOR SCHOOL BUSES.

House: Filed

H 163: WC/TAXI DRIVER/INDEPENDENT CONTRACTOR.

House: Filed

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

House: Conf Report Adopted

Senate: Conf Report Adopted

Senate: Ordered Enrolled

S 10: GOVERNMENT REORGANIZATION AND EFFICIENCY ACT (NEW).

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

S 16: REVOKE LICENSE FOR PASSING STOPPED SCHOOL BUS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 36: APA TECHNICAL/CLARIFYING CHGES.

House: Rec From Senate

S 43: STUDY SAVINGS FOR ADMINISTRATION OF CLAIMS.

Senate: Reptd Fav

S 44: WORKERS COMP COVERAGE/PUBLIC RECORDS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 51: GBICC/WORKERS' COMP PROGRAM INTEGRITY.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 70: KILAH'S LAW/INCREASE CHILD ABUSE PENALTIES.

Senate: Reptd Fav

Senate: Re-ref Com On Appropriations/Base Budget

S 71: AMEND IRRIGATION CONTRACTORS LICENSING LAWS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

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

House: Rec From Senate

S 76: DOMESTIC ENERGY JOBS ACT.

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Amendment Offered A3

Senate: Amend Adopted A4

Senate: Amend Adopted A5

Senate: Amend Failed A6

Senate: Passed 2nd Reading

S 129: LIMIT STATE FACILITIES FINANCE ACT DEBT.

Senate: Passed 1st Reading

Senate: Ref To Com On Finance

S 130: TEACHERS/ISOLATED K-12 SCHOOLS.

Senate: Passed 1st Reading

Senate: Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget

S 131: STATE HIGHWAY PATROL/RETENTION BONUSES.

Senate: Passed 1st Reading

Senate: Ref To Com On Appropriations/Base Budget

S 132: HEALTH CURRICULUM/PRETERM BIRTH.

Senate: Passed 1st Reading

Senate: Ref To Com On Health Care

S 133: HONOR BLACK HISTORY MONTH.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 135: MODIFY HABITUAL IMPAIRED DRIVING STATUTE.

Senate: Filed

S 137: PROHIBIT CO-PAY WAIVER/MEDICAID PROVIDERS.

Senate: Filed

S 138: BIBLE STUDY ELECTIVE.

Senate: Filed

S 139: ZONING/DESIGN & AESTHETIC CONTROLS.

Senate: Filed

LOCAL BILLS

H 37: CLEVELAND CO. PROPERTY TRANSFER.

House: Passed 2nd Reading

House: Passed 3rd Reading

S 95: TABOR CITY ELECTION.

Senate: Reptd Fav

S 134: WINSTON-SALEM FRANCHISES.

Senate: Filed

S 136: GRAHAM OCCUPANCY TAX CHANGES (NEW).

Senate: Filed

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