



## The Daily Bulletin: 2013-03-14

### PUBLIC/HOUSE BILLS

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*.

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

Makes technical and clarifying changes.

Amends GS 160A-381, by adding a new subsection GS 160A-381(h), which provides that nothing in GS 160A-381(g) will affect the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

**Intro. by Dollar, W. Brawley, Moffitt, Jordan.**

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

[View summary](#)

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

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*.

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

Amends GS 18C-115(a), (Reports), deleting the Lottery Oversight Committee from list of entities that receive quarterly reports from the State Lottery Commission (Commission). Requires the Commission to report annually on the allocating of fund proceeds to the Governor, State Treasurer, and General Assembly.

Amends 18C-130(a), (Types of lottery games; lottery games and lottery advertising; certain disclosures and information to be provided), providing that the Commission can only use draw-style games and instant scratch-off games, unless the General Assembly approves otherwise.

Amends 18C-130(e), providing that false, misleading, unfair or deceptive information in lottery advertising is prohibited and constitutes unfair and deceptive trade practice under GS 75-1.1.

Amends GS 18C-132(a)(2), deleting winning number announcement from items that may not be mentioned in advertising. Makes clarifying changes.

Makes technical changes.

Removes sections 4, and 6-9 (concerning studying lottery advertising and marketing, and changing the name of the lottery) of 1st edition bill.

Amends GS 18C-174 to set Wake County as the venue for civil actions under GS 75-1.1 (was, under GS Chapter 75C).

Amends GS 18C-152(c)(6a), deleting requirement that the potential contractor shall also disclose average compensation for each category of employees.

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

GS 18C

[View summary](#)**Lottery and Gaming**

H 183 (2013-2014) **DELAY TRANSFER/CLEVELAND COUNTY CORR. FAC. (NEW)**. Filed Feb 27 2013, *A BILL TO BE ENTITLED AN ACT TO DELAY THE TRANSFER DATE OF THE CLEVELAND COUNTY CORRECTIONAL FACILITY.*

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

Amends GS 20-139.1(c2) and (c4), providing that chemical analysis of blood or urine, to be admissible under this section, must be performed by a chemical analyst authorized by a permit from the Department of Health and Human Services, on the basis of standards consistent with forensic specific requirements of conformance with the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing (previously, only required the analyst be authorized by permit issued by the Department of Health and Human Services).

Changes effective date to July 1, 2013 (was, December 1, 2013).

**Intro. by T. Moore.**

GS 20

[View summary](#)**Motor Vehicle, Health Care Facilities and Providers**

H 319 (2013-2014) **DOROTHEA DIX LEASE**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO CONDEMN THE LEASEHOLD INTEREST IN THE DOROTHEA DIX CAMPUS PROPERTY CONVEYED TO THE CITY OF RALEIGH AND ALLOCATE IT TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR MENTAL HEALTH PURPOSES, AS PROVIDED IN THE STATUTE AUTHORIZING ITS ACQUISITION AND IN THE DEEDS CONVEYING THE PROPERTY TO THE STATE, TO PROVIDE FOR IMPLEMENTATION OF THE 2007 STATE GOVERNMENT MASTER FACILITIES MASTER PLAN, INCLUDING LEASE OF A PORTION OF THE PROPERTY AT FAIR MARKET VALUE TO THE CITY OF RALEIGH FOR A PUBLIC PARK, AND TO PROVIDE FOR USE OF ANY LEASE PROCEEDS FOR MENTAL HEALTH PURPOSES.*

Conveys all the interests held by the City of Raleigh (Raleigh) in the Dorothea Dix property, conveyed to Raleigh by way of lease executed December 28, 2012, to the State of North Carolina (State). The property described in the lease will be allocated to the Department of Health and Human Services.

Raleigh is released from any obligations under the lease and any funds paid by Raleigh to the State under that lease will be refunded. If Raleigh contests receiving just compensation for the taking, it can file for a special proceeding in the Superior Court of Wake County for a determination of just compensation within 60 days of the act becoming effective.

The Department of Administration will lease a portion of the property for a public park. Raleigh will have the first right of refusal as a lessee. All revenues derived from the park lease will be held in a special fund to be appropriated for mental health purposes, consistent with the purposes of the original and underlying deeds.

The Department of Administration and the Department of Health and Human Services will evaluate the recommended uses of the Dorothea Dix property, as identified in the 2007 State Government Facilities Master Plan, reporting their findings to the General Assembly no later than March 15, 2014.

**Intro. by Burr, Avila, Cleveland, Hurley.**

UNCODIFIED

[View summary](#)**Department of Administration, Department of Health and Human Services, Mental Health**

H 320 (2013-2014) **MEDICAID MANAGED CARE/BEHAVIORAL HEALTH SVCS.** Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR MEDICAID MANAGED CARE FOR BEHAVIORAL HEALTH SERVICES UNDER THE 1915(B)/(C) MEDICAID WAIVER, INCLUDING THE ESTABLISHMENT OF GRIEVANCE AND APPEAL PROCEDURES FOR ENROLLEES.*

Adds new GS Chapter 108D, "Medicaid Managed Care for Behavioral Health Services."

Provides definitions of terms as used in this chapter.

**Scope:** States that this chapter applies to every local management entity and managed care organization (LME/MCO) and to every applicant, enrollee, provider of emergency services, and network provider of an LME/MCO.

**Conflicts and Severability:** Provides that federal law prevails if there is a conflict between this chapter and the Social Security Act or 42 CFR Part 438. Provides that if this chapter conflicts with any other provision of state law that is contrary to the principles of managed care that ensure successful containment of costs for behavioral health care services, this chapter prevails. Provides that if any section, term, or provision of this chapter is judged to be invalid for any reason, the invalidity does not affect other provisions and applications that can be given effect without the invalid provisions or applications.

**Rights and Responsibilities of LME/MCOs, Providers, and Applicants:** Authorizes each LME/MCO to operate a closed network of appropriate providers and specifies that the relationship between an LME/MCO and a provider is contractual and the provider has no right to join the closed network of any LME/MCO.

Makes each LME/MCO responsible for the selection and screening of providers under applicable federal and state law.

Requires each LME/MCO to conduct a criminal history record check, in accordance with federal law and regulation, of each (1) applicant, (2) provider, (3) person with an ownership or control interest in the applicant or provider, and (4) managing employee of the applicant or provider. Defines *person with an ownership or control interest* and *managing employee* as those terms are defined in 42 CFR 455.101. Requires the LME/MCO to deny or terminate an applicant's enrollment in accordance with the terms set forth in GS 108C-4 (regarding termination or denial of enrollment of persons whose criminal acts are determined in the criminal history check).

Provides that an LME/MCO is authorized to conduct investigations and audits and requires providers to cooperate with any investigations and audits. Sets a threshold for recovery of overpayments, declaring that an LME/MCO should not seek recovery of any total amount due that is less than \$150 unless directed to do so by the Centers for Medicare and Medicaid Services, or unless recovery would be cost-effective.

Provides additional guidelines regarding the authority of an LME/MCO to suspend payment to providers, providing circumstances under which payment suspension is allowed. Provides that the LME/MCO has the right to require a provider to undergo a prepayment claims review and denies a right of appeal to a provider of a decision to place the provider on prepayment claims review.

Requires a provider to notify each LME/MCO with whom it contracts of a change in ownership at least 30 days before the effective date of the change. Defines what occurrences constitute a change in ownership.

Provides that all disputes between a provider or an applicant and an LME/MCO are governed by 42 CFR Part 438. Specifies that GS 122C-151.3, GS 122C-151.4, and any rules or policies adopted under those statutes do not apply to disputes concerning LME/MCOs. Provides that the venue for all legal actions between LME/MCOs and a provider or an applicant is the superior court of the county in which the LME/MCO's corporate office is located, unless the contract provides for a different venue. Provides that the Office of Administrative Hearings does not have jurisdiction over any dispute between an LME/MCO and a provider or applicant.

**Enrollee Grievances and Appeals:** Requires that providers must be authorized in writing as a prerequisite to acting on behalf of enrollees. Directs each LME/MCO to establish an internal grievance and appeal process that complies with the Social Security Act and 42 CFR Part 438, Subpart F, and provides constitutional rights to due process and a fair hearing to enrollees and providers authorized to act on behalf of employees. Permits grievances and appeals to be filed orally or in writing; however, unless the request is for an expedited appeal, the oral filing must be followed by a written, signed grievance or appeal. Provides additional details regarding the grievance and appeal process, including rules regarding expedited appeals.

Provides exception under which the Office of Administrative Hearings has jurisdiction over cases between LME/MCOs and enrollees that contest a notice of resolution issued by an LME/MCO. Provides that this is the exclusive method for enrollees to contest a notice of resolution issued by a LME/MCO. Provides guidelines for filing the administrative appeal and the required content of the appeal request form. Also provides that the Administrative Law Judge (ALJ) may simplify the administrative hearing procedure for contested hearings conducted under this section for time and efficiency. Provides additional guidelines regarding burden of proof, new evidence, and the issue to be heard. Directs the ALJ to provide a written decision with findings of fact and conclusions of law and send it to the parties. Requires that the written decision also notify the parties of the right to seek judicial review under Article 4 of GS Chapter 150B.

Makes conforming changes to GS 108C-1, GS 122C-3, GS 122C-151.3, and GS 122C-151.4(g).

Effective July 1, 2013.

**Intro. by Dollar, Burr.**

[GS 108C, GS 122C](#)

[View summary](#)

[Mental Health, Public Assistance](#)

H 321 (2013-2014) [AMEND LOCAL SOLID WASTE PLANNING](#). Filed Mar 14 2013, *AN ACT TO REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN.*

Amends GS 130A-309.09A to delete the requirement that a local government develop a comprehensive solid waste management plan. Requires that the local government's annual report to the Department of Environment and Natural Resources (Department) on solid waste management programs and waste reduction activities also include information regarding the prevention of illegal disposal and management of litter and a description of the disaster management program, the scrap tire disposal procedures, and the white goods management procedures.

Makes conforming changes to GS 130A-309.09B, GS 130A-309.09C, GS 130A-309.58, GS 130A-309.81, GS 130A-309.113, and GS 130A-309.137.

Amends GS 130A-309.137, *Electronics Management Fund*, to require that specified documentation, new plans, or revisions to plans must be submitted by December 31 to be eligible for funding during the Department's next distribution. Makes other technical and clarifying changes.

**Intro. by McGrady, McElraft, G. Graham, Speciale.**

[GS 130A](#)

[View summary](#)

[Environment, Local Government](#)

H 322 (2013-2014) [CDL REQUIREMENTS/MILITARY EXPERIENCE](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS.*

Identical to [S 280](#), introduced 3/13/13.

Amends GS 20-37.13(c1), providing that the DMV may waive the skills test for any qualified military applicant if the applicant is currently licensed at the time of application and meets several qualifications, including but not limited to, passing all required written knowledge exams and having not had more than one driver's license, except one from the military, in the last two years. The applicant must also certify and provide evidence that the applicant is a retired, discharged, or current member of an active or reserve component of the Armed Forces of the United States and is regularly employed or was regularly employed in a military position within the 90-day period immediately preceding the date of application. Additionally the applicant must either have operated, for the two-year period immediately preceding application, a vehicle similar to the class and type of commercial motor vehicle he or she seeks to be licensed for and has taken and passed a skills test given by the military or, for an applicant who is a retired or discharged member, satisfy

requirements of GS 20-37.13(c1)(3)b., and has not been dishonorably discharged and has been retired or discharged for no more than 90 days prior to the date of application.

**Intro. by Szoka, Jeter, Millis, D. Hall.**

GS 20

[View summary](#)

[Transportation, Military and Veteran's Affairs](#)

H 323 (2013-2014) [PERMIT DISREGARD OF CERTAIN REAPPRAISALS](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DISREGARD OF CERTAIN GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT MAY NOT BEST REFLECT TRUE VALUE AS REQUIRED BY APPLICABLE PROPERTY TAX MANDATES.*

Provides that a board of county commissioners (board) of a county that conducts a reappraisal of real property under GS 105-286(a)(3), on a quadrennial or more frequent basis, can disregard the most recent reappraisal and revert to the reappraisal immediately preceding the latest if (1) the board adopts a resolution to revert to the preceding reappraisal no later than July 1 of the fiscal year in which the latest reappraisal would take effect and (2) the board determines that the preceding reappraisal more accurately complies with applicable assessment standards than the latest reappraisal. The board must give at least 10 days' public notice of its intent to adopt the resolution and must hold a public hearing. The resolution must designate a new reappraisal cycle and provide for a general reappraisal within eight years of the preceding reappraisal.

If a reversion to a previous reappraisal takes place, the board must make changes to the abstracts and tax records and will apply the reverted values for those properties for each tax year until the next general appraisal is performed. If an overpayment of taxes resulted, the board will send notice of refund and the refund will be sent to the record owner.

After reverting values, the board must provide notice to any taxpayer whose property has an adjusted value. Taxpayers with adjusted values have 30 days from the date of the notice to appeal the value. Interest on overpayment of taxes will be calculated according to GS 105-360(e); additional taxes levied as a result of understated value will be calculated according to GS 105-312.

Includes a severability clause.

**Intro. by Hanes.**

UNCODIFIED

[View summary](#)

[Property and Housing, Local Government, Tax](#)

## PUBLIC/SENATE BILLS

S 45 (2013-2014) [INCAPACITY TO PROCEED AMENDMENTS](#). Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED.*

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

Makes technical changes.

Amends GS 15A-1008(a2) (*Dismissal of charges*), adding the following occurrence to those that are considered in determining when a defendant's charges are to be dismissed: when as a result of incarceration, involuntary commitment to an inpatient facility, or other court-ordered confinement, the defendant has been substantially deprived of his liberty (was, when the defendant has been substantially deprived of his liberty) in excess of the specified time frame.

**Intro. by Randleman.**

GS 15A, GS 122C

[View summary](#)

[Criminal Law and Procedure, Mental Health](#)

S 168 (2013-2014) [CLARIFY EDUCATION REPORTING REQUIREMENTS](#). Filed Mar 4 2013, *A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS.*

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

Instead of repealing SL 2005-276, Section 7.8(b), and SL 2007-323, Section 7.8(b), the act only removes the provision in those sections that requires the State Board of Education to report the results of the evaluation of the Disadvantaged Student Supplemental Funding Initiatives and Low-Wealth Initiatives.

Instead of repealing SL 2008-107, Section 7.8, as amended, amends the section to remove the requirement that the State Board of Education report on the use of funds for mentoring services.

Makes other technical changes.

**Intro. by Tucker.**

[GS 116, GS 115C](#)

[View summary](#)

[Education](#)

S 304 (2013-2014) [FIRE AND RESCUE PENSION REVISIONS OF 2013](#). Filed Mar 13 2013, *A BILL TO BE ENTITLED AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS' AND RESCUE SQUAD WORKERS' ADVISORY PANEL, TO ALLOW IN-SERVICE DISTRIBUTIONS TO PARTICIPANTS, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS.*

Updates language in Article 86 of GS Chapter 58 to make the provisions gender neutral; for example, replaces "firemen" with "firefighters." Also makes provisions regarding firefighters gender neutral in GS 25-9-406(i), GS 25-9-408(f), GS 147-69.2, GS 147-69.7(a), and GS 147-69.8.

Enacts new GS 58-86-2 to add a definitions section to Article 86 for words and phrases as used in this Article.

Deletes GS 58-86-5 to eliminate the six-member Board of Trustees of the North Carolina Firemen's and Rescue Squad Workers. Enacts GS 58-86-6 to create the Firefighters' and Rescue Squad Workers' Pension Fund Advisory Panel (the advisory panel).

Provides that the advisory panel is to have seven members: (1) the director of the Retirement Systems Division of the North Carolina Department of State Treasurer, serving as chair; (2) a designee of the State Insurance Commissioner; and (3) five members appointed by the Board of Trustees of the Local Governmental Employees Retirement System (Board) that meet specified requirements. Allows members of the advisory panel to succeed themselves if they are reappointed by the Board.

Allows the persons who are serving on the Board of Trustees of the North Carolina Firemen's and Rescue Squad Workers on June 30, 2013, to serve as members of the advisory panel created in this act until their current terms expire.

Directs the Board to administer the Pension Fund. Amends GS 58-86-15, deleting the office of the Director of the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

Requires the advisory panel to meet at least once a year at the call of the chair. Provides that the advisory panel does not have any administrative authority, but requires the advisory panel to submit an annual report to the Board on the status and needs of the pension fund.

Amends GS 58-86-25 to delete the definition for *eligible firemen* (now moved to the definitions section in new GS 58-86-2 and titled *eligible firefighters*). Requires eligible firefighters to attend 36 hours of training in each calendar year. Directs each eligible fire department (was, department) to annually report the names of the firefighters who meet the eligibility requirements

under this Article to its respective governing body. Prohibits an eligible firefighter from also qualifying as an eligible rescue squad worker in order to receive double benefits under Article 86 of GS Chapter 58. Amends GS 58-86-30 to make the same changes as above applicable to an eligible rescue squad worker, including the prohibition against receiving double benefits.

Amends GS 58-86-35 (firefighters) and GS 58-86-40 (rescue squad workers) to require that firefighters and rescue squad workers who are members of the fund make each monthly payment to the fund no later than March 31 following the end of the year in which the month occurred (was, 90 days after the end of the calendar year in which the month occurred). Provides that the pension fund does not award fully credited service based on payments after March 31, subsequent to the end of the calendar year in which the month occurred unless the payment is a lump sum payment as provided in GS 58-86-45(a1).

Amends GS 58-86-45, deleting outdated provisions regarding retroactive membership in the pension fund. Applies provision regarding a lump sum payment for service "otherwise not creditable" to all purchases of service credit for months for which timely payments were not previously made under GS 58-86-35 or GS 58-86-40.

Deletes provision that prohibited a member from receiving a pension until the member's official duties as a fireman or rescue squad worker, for which the member received compensation, had been terminated and the member had retired. Amends subdivision(4) of GS 58-86-60 to permit any member to withdraw from the fund, upon proper application, and receive a lump sum payment (was, made a distinction based on five or more years of contributing service and less than five years of contributing service). Provides that a member may not purchase time under GS 58-86-45 for which the member has received a refund.

Deletes GS 58-86-91, which allowed periodic deductions from a member's retirement benefits to be paid to an employees' or retirees' association meeting certain criteria.

Enacts new GS 58-86-95 to provide that members who resign as eligible firefighters or eligible rescue squad workers have the option of withdrawing from the fund and seeking a refund under GS 58-86-60 or taking a leave of absence under this section, or the member will be considered inactive. Requires any member not on active military service to provide written notice to the office of the director that the member is taking a leave of absence. Requires members on active military service to provide notice to the director before beginning active service and again upon returning from active duty. Provides additional criteria regarding leaves of absence and inactive membership.

Enacts new GS 58-86-100, effective December 1, 2013, to provide for the forfeiture of retirement benefits, except for a return of member contributions, for members convicted of certain felonies that would bring disrepute on a fire department or rescue squad. Applies to convictions under federal or state law meeting the specifications as detailed in this section. Provides for a member or former member to seek a reversal of a benefits forfeiture if the member subsequently receives a pardon, or the conviction is vacated or set aside for any reason, by presenting sufficient evidence to the State Treasurer.

Amends GS 15A-1340.16(d) to establish as an aggravating factor a defendant who is a firefighter or rescue squad worker and commits an offense that is directly related to service as a firefighter or rescue squad worker. Enacts new subdivision (h) to GS 58-86-95 to provide that a member with less than 20 years of fully credited service in this system as of December 1, 2013, and is convicted of certain offenses committed after December 1, 2013, forfeits all benefits except for a return of member contributions, and is not entitled to any fully credited service accruing after December 1, 2013. Effective December 1, 2013.

Except as otherwise indicated, this act becomes effective July 1, 2013.

**Intro. by Meredith, Newton.**

[GS 15A, GS 25, GS 58, GS 147](#)

[View summary](#)

[Employment and Retirement, Public Safety and Emergency Management](#)

S 326 (2013-2014) [REPAY CIVIL PENALTY FUNDS TO SCHOOLS](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO REPAY THE FUNDS OWED TO LOCAL SCHOOL ADMINISTRATIVE UNITS IN ACCORDANCE WITH THE REQUIREMENTS OF THE JUDGMENT IN THE CIVIL PENALTIES CASE.*

Establishes a special fund called the Civil Penalties Litigation Fund (Fund) within the Civil Penalty and Forfeiture Fund. Requires money appropriated to the Fund to be allocated to local school administrative units on a per pupil basis to be spent on school technology. Beginning with the 2014-15 fiscal year, annually appropriates from the General Fund to the Fund a sum that is equal to the lesser of (1) 10% of any unreserved fund balance remaining in the General Fund at the end of the prior fiscal year; (2) \$100 million; and (3) the amount owed to local school administrative units according to the Memorandum of Decision and Judgment filed August 8, 2008, in *N.C. School Bds. Ass'n v. Moore*. Provides that the funds supplement and do not supplant other funds appropriated for public school technology.

**Intro. by Gunn.**

UNCODIFIED

[View summary](#)

Education

S 327 (2013-2014) **CLARIFY MOTOR VEHICLE LICENSING LAW**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW*.

### Section 1

Amends GS 20-286(11)a., adding a new sub-sub-subdivision to the definition for *Motor vehicle dealer or dealer*, adding language that provides that any person that engages in the purchase, sale, lease, or exchange of motor vehicles by providing any computer or other communications facilities, hardware, or equipment, anywhere in this state, that uses the computer or other communications facilities, hardware, or equipment for transmitting applications, contracts, or orders for motor vehicles purchased or leased by retail purchasers or lessees in this state, can be considered a motor vehicle dealer or dealer for the purposes of this section.

### Section 2

Amends GS 20-287(a) (*Licenses required; penalties*), including the above new definition language for motor vehicle dealer, clarifying that the requirement to have a license applies to people that are considered "dealers" under the new language.

### Section 3

Amends GS 20-305(30), extending the deadline for certain established manufacturer programs that vary the price charged to its franchised dealers in the state, although the programs would otherwise be unlawful under GS 20-305, to continue in effect until June 30, 2016 (was, June 30, 2014).

Amends GS 20-305(33), expanding the situations involving loaner vehicles that are illegal under this section to include requiring a dealer to purchase, lease, or title one or more new vehicles for use as a loaner vehicle in order to participate in or qualify for any incentive program offered or sponsored by a manufacturer or distributor, or to receive discounts, credit, rebates, or incentives of any kind that are calculated or paid on a per vehicle basis.

Amends GS 20-305(34), clarifying the prohibition on requiring, coercing, or attempting to coerce a new motor vehicle dealer in the state to participate in any unreasonable session, meeting, training, or certification program for any purpose. Expounds and gives examples of specific situations where such actions would be considered unlawful.

Amends GS 20-305 by adding new subsections GS 20-305(44-48), adding to the conduct considered unlawful on the part of any manufacturer, factory branch, distributor, distributor branch, field representative, officer agent, or any other representative as follows:

(1) GS 20-305(44), providing it is unlawful, aside from other conditions or agreements, to require, coerce, or attempt to coerce any new motor vehicle dealer to refrain from displaying any honors, awards, photos, display, or other artifacts related to the dealership, dealer principal, or any owners or other officials of the business.

(2) GS 20-305(45), providing it is unlawful, aside from other conditions or agreements, to discriminate against any new motor vehicle dealer for offering service contracts or other products that are not approved, endorsed, or offered by the manufacturer or affiliates. This discrimination includes, but is not limited to the following: requiring or coercing a dealer to exclusively offer their service contracts or similar products, taking or threatening adverse action against a dealer for offering such unendorsed

products, measuring performance of a franchise in any part based on the sale of the endorsed or approved products of the manufacturer, requiring a dealer to promote the sale of the manufacturer's products, or considering the dealer's sale of the approved or endorsed products in determining eligibility to purchase vehicles or parts, the volume of vehicles or parts the dealer can purchase, the price of anything bought from the manufacturer, and the availability of vehicle discounts, credits, special pricing, or rebates.

Includes language stating examples of actions by a manufacturer which are not considered discrimination.

(3) GS 20-305(46), providing it is unlawful to require, coerce, or attempt to coerce a dealer to purchase goods or services from a vendor specified, selected, identified, or designated by a manufacturer or affiliate. Allows dealers to file a protest with the Commissioner of Motor Vehicles (Commissioner) in certain circumstances.

(4) GS 20-305(47), providing it is unlawful to fail to provide to a dealer the right to purchase or lease signs or other franchisor image elements of like kind and quality from a vendor selected by the dealer.

(5) GS 20-305(48), providing it is unlawful to unreasonably interfere with a dealer's independence in staffing the dealership by requiring the hiring of specific individuals, for specific positions, or by requiring the approval of the manufacturer or affiliate.

#### Section 4

Amends GS 20-305.2 (*Unfair methods of competition*), creating a new subsection GS 20-305.2(e), stating that an unfair method of competition includes any warranty or nonwarranty fix, repair, update, or adjustment made or provided directly by a manufacturer or distributor to any vehicle in the state without the direct participation of a dealer franchised by the manufacturer or distributor and without such dealer receiving reasonable compensation.

#### Section 5

Amends 20-305.7 (*Protecting dealership data and consent to access dealership information*), making conforming, technical, and clarifying changes. Extends the provisions concerning direct access to a dealer's computer system so that it also applies to a third party approved, referred, endorsed, authorized, certified, granted preferred status, or recommended by a relevant party. Extends the hold harmless provision in (g2) to also include costs related to the disclosure of security breaches and computer system costs.

#### Section 6

Amends GS 20-305.1 (*Automobile dealer warrant obligations*), making clarifying and technical changes. Amends GS 20-305.1(a1), stating any reasonable rate determined at a hearing conducted pursuant to this section will be effective as of 60 days after the date of the dealer's initial submission of the customer-paid service orders to the manufacturer or distributor.

Includes "batteries and light bulbs" in the list included in GS 20-305.1(a2) of work that is excluded when calculating the retail rate customarily charged by the dealer for parts and labor, for purposes of this section.

#### Section 7

Provides that terms and provisions of this act are applicable to all current and future franchises and other agreements in existence between any new motor vehicle dealer in this state and a manufacturer or distributor as of the effective date of this act.

#### Section 8

Severability clause.

**Intro. by Apodaca.**

[GS 20](#)

[View summary](#)

[Transportation](#)

S 328 (2013-2014) [SOLID WASTE MANAGEMENT REFORM ACT OF 2013](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS; (2)*

*MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS, INCLUDING APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND REQUIRED STUDIES FOR CERTAIN LANDFILL OWNERS AND OPERATORS; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE "LEAK-RESISTANT" RATHER THAN "LEAK-PROOF," AND AMEND A STATUTE THAT REQUIRES VEHICLES TO BE CONSTRUCTED AND LOADED TO PREVENT LEAKAGE; (6) AMEND THE DEFINITION OF LEACHATE TO EXCLUDE LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS AND TRANSFER STATIONS; (7) AUTHORIZE CITIES AND COUNTIES THAT ACCEPT SOLID WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND AUTHORIZE THEM TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION'S GENERAL FUND UPON CERTAIN FINDINGS; (8) REQUIRE THE RETURN OF A PORTION OF THE REIMBURSEMENTS PAID OUT PURSUANT TO S.L. 2007-543 IN CERTAIN CIRCUMSTANCES; AND (9) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.*

Provides that the Commission for Public Health (Commission) cannot require vehicles or containers used for the collection and transportation of solid waste to be leak-proof; however, they can require the design of these containers to be leak-resistant according to industry standards. Requires the Commission to adopt a rule identical to this provision to replace the Collection and Transport Rule and for purposes of this act and implementation can be found at 15A NCAC 13B .0105.

Upon adoption of a permanent rule by the Commission, the provisions of this act expires.

**Intro. by Wade, Brown, Jackson.**

UNCODIFIED

[View summary](#)

**Transportation, Department of Environmental Quality  
(formerly DENR), Public Health**

S 329 (2013-2014) **UI/SOME FORMERLY DISABLED WORKERS ELIGIBLE**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO MAKE ELIGIBLE FOR UNEMPLOYMENT INSURANCE BENEFITS INDIVIDUALS SEPARATED FROM EMPLOYMENT THROUGH NO FAULT OF THEIR OWN FOLLOWING A PERIOD OF DISABILITY LEAVE GRANTED BY THE EMPLOYER.*

Amends GS 96-13(a), GS 96-12(b)(1), GS 96-14, and GS 96-14.1 by adding a new subdivision to each, effective until July 1, 2013, providing that individuals separated from employment by no fault of their own, who were on short-term or long-term disability immediately before separation, were medically released and allowed to return to work, and were not employed by another employer during their disability period, are eligible to receive weekly benefits.

**Intro. by Cook.**

GS 96

[View summary](#)

**Employment and Retirement**

S 330 (2013-2014) **STUDY WATER AND SEWER PROVIDERS**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REDUCTION AND CONSOLIDATION OF THE STATUTORY MODELS FOR ESTABLISHING, OPERATING, AND FINANCING CERTAIN ORGANIZATIONS THAT PROVIDE WATER AND SEWER SERVICES IN THE STATE.*

Directs the Environmental Review Commission to study the statutory models for establishing, operating, and financing certain organizations that provide water and sewer services in the state, and to determine whether, how, and to what extent the number of statutory models should be reduced and consolidated. Requires the Commission to consider and address any impacts such reduction and consolidation would have on ongoing operation and financing of existing organizations. Requires commission to report its findings and recommendations to the 2014 Regular Session of the 2013 General Assembly upon its convening.

**Intro. by Goolsby, Clodfelter.**

STUDY

[View summary](#)**Environment, Public Enterprises and Utilities**

S 331 (2013-2014) **SUNSHINE AMENDMENT**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.*

Subject to approval by the voters at the statewide election in November 2014, adds new Section 6 to Article XIV of the North Carolina Constitution to provide that every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, unless exempted pursuant to the proposed section. Provides that the constitutional amendment specifically includes the legislative, executive, and judicial branches of the government, and each agency or department created under those branches; local governments, their units and special districts; and every office, board, commission, or entity created pursuant to law or the NC Constitution.

Provides that all meetings of any collegial public body of the executive branch of state government or of local government or special district at which official acts are to be taken or at which public business is to be transacted or discussed must be open and noticed to the public, unless exempted pursuant to the proposed section. Also provides that meetings of either chamber of the General Assembly must be open and noticed to the public, unless exempted.

States that the section is self-executing; however, the General Assembly may provide by general law for the exemption of records from the requirements. Directs the General Assembly to enact laws governing enforcement of the proposed section. Allows each chamber to adopt rules governing the enforcement in relation to records of that particular chamber and provides further guidelines for exemptions.

States that all laws in effect on January 1, 2014, that limit public access to records or meetings, will remain in force until amended or repealed. Also states that rules of court in effect on January 1, 2014, that limit access to records, will remain in effect until repealed.

**Intro. by Goolsby.**

CONST

[View summary](#)**Constitution, Court System, Local Government, State Government, Executive, General Assembly, Public Records and Open Meetings**

S 332 (2013-2014) **GOVERNMENT TRANSPARENCY ACT**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING ACCESSIBILITY TO PUBLIC PERSONNEL HIRING, FIRING, PERFORMANCE RECORDS, AND OTHER GOVERNMENTAL RECORDS AND MEETINGS.*

Amends the following statutes to provide that a general description of the reasons for each employee's promotion, demotion, transfer, suspension, separation, or other change in position classification with the applicable entity will be subject to inspection (expands information currently subject to inspection): GS 126-23(a) (state employee personnel records), GS 115C-320(a) (local boards of education), GS 115D-28(a) (community college employee personnel records), GS 122C-158(b) (employees under the Mental Health, Developmental Disabilities, and Substance Abuse Act), GS 153A-98(b) (county employees), GS 160A-168(b) (city employees), and GS 162A-6.1(b) (water and sewer authority employees). Adds that the performance of the employee, to the extent that the entity has the performance records in possession, will also be subject to inspection.

Deletes provisions of GS 143-318.16B (*Assessments and awards of attorneys' fees*) and replaces them with the following new provisions. Allows a party who substantially prevails in seeking compliance with the open meetings law by public bodies to recover reasonable attorneys' fees if the fees are attributable to that noncompliance in any action brought under Article 33C of GS Chapter 143, as specified. Prohibits the court from assessing attorneys' fees against the governmental body or unit if the court finds that the body or unit acted in reasonable reliance on: (1) a judgment or order of a court applicable to the body or unit; (2) the published opinion of an appellate court, an order of the NC Business Court, or a final

order of the Trial Division of the General Court of Justice; or (3) a written opinion, decision, or letter of the Attorney General. Details additional guidelines for the payment of fees and specifies that a court may not assess attorneys' fees against a public hospital, as defined, if the court finds that the action was brought by or on behalf of a competing health care provider for obtaining information used to gain a competitive advantage.

Effective December 1, 2013.

**Intro. by Goolsby.**

[GS 115D, GS 122C, GS 126, GS 143, GS 153A, GS 160A, GS 162A](#)

[View summary](#)

[Education, Local Government, State Government, State Personnel, Public Records and Open Meetings, Health Care Facilities and Providers](#)

S 333 (2013-2014) [LIMIT ELIGIBILITY FOR JUDICIAL APPOINTMENTS](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS WHO WERE UNSUCCESSFUL CANDIDATES FOR A JUDICIAL OFFICE IN THE MOST RECENT GENERAL ELECTION SHALL NOT BE APPOINTED TO SPECIAL SUPERIOR COURT JUDGESHIPS AND SHALL NOT BE NOMINEES FOR APPOINTMENT BY THE GOVERNOR TO FILL VACANCIES IN DISTRICT COURT JUDGESHIPS.*

Amends GS 7A-45.1 to prohibit the Governor from appointing an unsuccessful candidate for judicial office in the most recent general election as a special superior court judge on or after July 1, 2013.

Amends GS 7A-142 to prohibit naming a person who was an unsuccessful candidate for any judicial office in the most recent general election as a nominee to the Governor for appointment to a district court judge vacancy.

Effective July 1, 2013.

**Intro. by Rabon.**

[GS 7A](#)

[View summary](#)

[Court System](#)

S 334 (2013-2014) [DOROTHEA DIX LEASE](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE STATUS QUO ANTE WITH REGARD TO THE DOROTHEA DIX PROPERTY IN ORDER TO ALLOW A TRANSACTION THAT REPRESENTS THE STATE'S NECESSITY OF HOUSING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, RALEIGH'S GOAL OF CREATING A WORLD CLASS DESTINATION PARK, THE MENTAL HEALTH COMMUNITY'S NEED FOR APPROPRIATE SERVICES, AND THE PEOPLE OF NORTH CAROLINA'S RIGHT TO A FAIR RETURN ON INVESTMENT.*

Identical to [H 319](#), filed 3/14/13.

Conveys all the interests held by the City of Raleigh (Raleigh) in the Dorothea Dix property, conveyed to Raleigh by way of lease executed December 28, 2012, to the State of North Carolina (State). The property described in the lease will be allocated to the Department of Health and Human Services.

Raleigh is released from any obligations under the lease and any funds paid by Raleigh to the State under that lease will be refunded. If Raleigh contests receiving just compensation for the taking, it can file for a special proceeding in the Superior Court of Wake County for a determination of just compensation within 60 days of the act becoming effective.

The Department of Administration will lease a portion of the property for a public park. Raleigh will have the first right of refusal as a lessee. All revenues derived from the park lease will be held in a special fund to be appropriated for mental health purposes, consistent with the purposes of the original and underlying deeds.

The Department of Administration and the Department of Health and Human Services will evaluate the recommended uses of the Dorothea Dix property, as identified in the 2007 State Government Facilities Master Plan, reporting their findings to

the General Assembly no later than March 15, 2014.

**Intro. by Hise, Pate, Tucker.**

Wake, UNCODIFIED

[View summary](#)

**Department of Administration, Department of Health and Human Services, Mental Health**

S 335 (2013-2014) **PAYMENT OF 2012-2013 MEDICAID COSTS**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2012-2013 FISCAL YEAR.*

Provides the Director of the Budget (Director) with the authority to adjust the General Fund budget to ensure there are sufficient funds to pay for the costs of the State Medicaid Program for the 2012-13 fiscal year.

Instructs the Director to make adjustments to increase the authorized budget of the Division of Medical Assistance. These adjustment include and are prioritized as follows:

- (1) \$20.9 million from funds not expended pursuant to Section 10.9G of SL 2012-142
- (2) \$74 million from drug rebate refunds
- (3) a minimum of \$67 million from projected reversions within the Department of Health and Human Services
- (4) a maximum of \$100 million from projected reversions within state agencies other than the Department of Health and Human Services

These adjustments can only be used to pay the costs of the State Medicaid Program, including drug rebates owed to the federal government. Funds from the adjustments that are not needed to pay Medicaid costs will revert back to the General Fund. Neither the Director nor any other State official can authorize an adjustment pursuant to this act if it creates or increases a financial obligation for the 2013-14 fiscal year or subsequent fiscal year.

Requires the Office of State Budget and Management and the Department of Health and Human Services, on or before October 1, 2013, to report to the Appropriations/Base Budget Committee of the Senate, the Appropriations Committee of the House of Representatives, and the Joint Legislative Commission on Governmental Affairs.

**Intro. by Brunstetter, Brown, Hunt.**

UNCODIFIED

[View summary](#)

**Budget/Appropriations, Public Assistance**

S 336 (2013-2014) **COLLABORATION AMONG STATE DIABETES PROGRAMS**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING THE DIVISIONS OF MEDICAL ASSISTANCE AND PUBLIC HEALTH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE STATE HEALTH PLAN DIVISION WITHIN THE DEPARTMENT OF THE STATE TREASURER, TO COORDINATE THE DIABETES PROGRAMS THEY EACH ADMINISTER; TO EACH DEVELOP PLANS TO REDUCE THE INCIDENCE OF DIABETES, TO IMPROVE CARE, AND TO CONTROL COMPLICATIONS; AND TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE FISCAL RESEARCH DIVISION.*

Enacts new GS 130A-221.1 to require the Division of Medical Assistance, the Diabetes Prevention and Control Branch of the Division of Public Health, and the Division in the Department of State Treasurer that is responsible for the State Health Plan to work together to identify goals and benchmarks while developing individual entity plans to reduce diabetes in the state, improve diabetes care, and control diabetes complications. Requires a report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by January 1 of each odd numbered year. Specifies issues to be addressed in the report.

**Intro. by Pate.**

GS 130A

[View summary](#)**Department of Health and Human Services, Department of State Treasurer, Health**

S 337 (2013-2014) **NC CHARTER SCHOOL ADVISORY BOARD (NEW)**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS.*

Enacts new GS 115C-238.29A1 creating the 11 member North Carolina Public Charter Schools Board (Charter Board), located in the Department of Public Instruction but exercising its powers and duties independently of the State Board of Education and Department of Public Instruction. Includes the State Superintendent of Public Instruction as a secretary and nonvoting member. States the Charter Board's purpose as authorizing and overseeing high-quality public charter schools throughout the state and to exercise authority for approving charter applicants (was, final approval by the State Board of Education). Sets out membership qualifications, terms of office, filling of vacancies, meeting times and provides for officers and removal of members. Sets the Office of Charter Schools as the principal administrative unit under the direction of the Charter Board. Establishes the Charter Board's duties, including overseeing the process for accepting and approving applications for charters and overseeing the process for monitoring the operation of charter schools. Gives the State Board of Education veto power over any action adopted by vote of the Charter Board if the State Board's veto is taken within 45 days of the date of the Charter Board's vote to adopt the action.

Current law provides that any person, group of persons, or nonprofit corporation may submit an application to a chartering entity, which may be a (1) local board of education, (2) the board of trustees of a constituent institution of the University of North Carolina, or (3) the State Board of Education. Current law also provides that regardless of which chartering entity receives the application, the State Board of Education (SBOE) has final approval of the charter school. This act amends GS 115C-238.29B to (1) make the Charter Board created in this act the only chartering entity; (2) provide that only a nonprofit corporation may seek to establish a charter school; (3) require that the application for a charter school include the names of the initial (was, proposed initial) members of the board of director's of the nonprofit applicant; (4) delete the SBOE final approval authority and (5) authorize the Charter Board to establish and collect reasonable fees for initial and renewal charter application in accordance with GS Chapter 150B, Article 2A. Provides that the funds are to be placed in the "Charter Application Fund" and used by the Charter Board for administration of this Part. Prohibits the refunding of an application fee if the application is rejected or the charter is revoked.

Makes a conforming change, repealing GS 115C-238.29C (Preliminary approval of applications for charter schools). Makes multiple conforming changes in GS Chapter 115C to charter school provisions, replacing the State Board of Education as the final authority on charter schools with the Charter Board created in this act.

Amends GS GS 115C-238.29D to encourage the Charter Board to give preference in reviewing charter applications to applications that demonstrate the ability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure. Deletes provision that under current law permits a local board of education in the administrative unit (LEA) where the charter school is located to be heard by the State Board of Education as to any adverse impact the proposed growth of a charter school would have on the LEA's ability to provide a sound basic education to its students.

Amends GS 115C-238.29E to require that at the request of the charter school, a local board of education in the LEA where the charter school will be located, must lease any available land or building to the charter school for \$1.00 per year unless the board demonstrates that such a lease is not economically or practically feasible, or the board has inadequate classroom space to meet its enrollment needs. Provides that if the local board leases the facility to a charter school for \$1.00 per year, the charter school is responsible for maintenance and insurance for the school facility.

Amends GS 115C-238.29F regarding the instructional program for a charter school to clarify that the charter school must comply with Article 9 (Education of Children with Disabilities) of GS Chapter 115C and the federal Individuals with Disabilities Education Improvement Act (IDEA), 20 USC § 1400, et. seq., (2004) as amended. Deletes requirements specifying that a certain percentage of teachers at specified grade level ranges hold teacher certificates and that all teachers in core subjects from grades six through 12 be college graduates. Directs each charter school board of directors to adopt a policy on whether and under what circumstances to require a criminal history check for an applicant for employment. Requires that the policy adopted be employed uniformly by the board of directors. Allows for conditional hiring while a criminal history check is completed. Requires a charter school to comply with the reporting requirements of the State Board and to also provide the

reports to the Charter Board. Amends admission requirements to require that within one year after beginning operations, the population of the school shall make efforts to (was, shall) to reasonably reflect specified racial and ethnic compositions. Also removes limitation on priority shown to siblings to birth siblings. Requires that net assets of the charter school purchased with public funds be deemed the property of the state and that assets must be returned to the General Fund upon the dissolution of a charter school or nonrenewal of a charter.

Amends GS 115C-238.29G to allow the Charter Board to terminate, not renew, or seek applications to assume the charter through a competitive bid process established by the Charter Board (was, may terminate or not renew a charter) on any of the six specified grounds. Authorizes the Charter Board to terminate, not renew, or seek applicants to assume the charter through a competitive bid process if a charter school is inadequate and has had a charter for more than five years. Requires the Charter Board to create rules on the assumption of a charter school by a new entity and provides that public assets would transfer to the new entity.

Amends GS 115C-238.29H to require that the per pupil share of the local current expense fund be transferred to the charter school within 30 days of receiving the money into the local current expense fund. Requires the local school administrative unit to also provide each charter school to which it is transferring a per pupil share all of the following information: (1) total amount of funds the unit has in each of the specified funds; (2) the student membership used to calculate the per pupil share, and (3) how the per pupil shares were calculated. Requires the court to award attorney's fees and costs, plus interest, to the prevailing party in an action to enforce the transfer of funds. Also require the court to order any delinquent funds, costs, fees and interest to be paid in full within three years. Applies to any final judgment entered after the act becomes effective.

Amends GS 115C-238.29I to require that the report on the effectiveness of charter schools and the effect on public schools to the Joint Legislative Education Oversight Committee be submitted each year by January 1 (was, on January 2, 2002). Deletes the authority to establish a Charter School Advisory Committee.

Repeals GS 115C-238.29J (public and private assistance to charter schools) and GS 115C-238.29K (criminal history checks).

Amends GS 115C-426(c) to remove special programs from the items that funds other than the State Public School Fund, the local current expense fund, and the capital outlay fund. may be used to account for.

Amends GS 115C-448 to prohibit special funds of individual schools from being included as a part of the local current expense fund of a local school administrative unit for determining the per pupil share of the local current expense fund transferred to a charter school.

Amends GS 105-278.4 to provide that buildings and the land they occupy, and additional land necessary for the use of the building are exempted from taxation if the building is wholly and exclusively used for educational purposes by (1) the owner, (2) a nonprofit education institution occupying the building gratuitously, or (3) a charter school even if the school is not the building owner.

Requires that initial appointments to the Charter Board be made by the Governor and the General Assembly by April 1, 2013. Sets out the terms of the initial members.

**Intro. by Tillman, Soucek.**

[GS 105, GS 115C](#)

[View summary](#)

[Elementary and Secondary Education, Tax](#)

S 338 (2013-2014) [ESTABLISH GENERAL GOV'T OVERSIGHT COMMITTEE](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT ESTABLISHING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT.*

Identical to [H 153](#), filed 2/26/13.

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 Tucker.**

GS 120

[View summary](#)

[State Government, State Agencies](#)

## LOCAL/HOUSE BILLS

H 318 (2013-2014) [WINSTON-SALEM/SEISMIC CODES](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SEISMIC UPGRADE REQUIREMENTS A TEMPORARY OCCUPANCY BY AN EMERGENCY OPERATIONS CENTER TO ALLOW SIMILAR UPGRADES TO BE PERFORMED ON THE BUILDING PERMANENTLY HOUSING THE CENTER.*

Identical to [S 296](#), filed 3/13/13.

Provides that in Forsyth County only, requirements for seismic upgrades to Occupancy Category IV do not apply to structures occupied by an emergency preparedness communications and operations center for less than five years while the structure ordinarily occupied by the center is undergoing seismic upgrades to Occupancy Category IV. Expires June 30, 2018.

**Intro. by Conrad, Lambeth, Hanes.**

Forsyth

[View summary](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

**H 18: [YOUTH SKIN CANCER PREVENTION ACT.](#)**

*House: Placed On Cal For 03/19/2013*

**H 23: [DIGITAL LEARNING COMPETENCIES/SCHOOL EMP'EEES.](#)**

*Pres. To Gov. 3/14/2013*

**H 31: [AMEND HABITUAL DWI.](#)**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/19/2013*

**H 32: [INCREASE YEAR'S ALLOWANCE.](#)**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/19/2013*

**H 40: AMEND HABITUAL DWI.**

*House: Placed On Cal For 03/19/2013*

**H 45: INTERNET ACCESS FOR PUBLIC SCHOOLS.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Appropriations/Base Budget*

**H 57: CHILD NUTRITION PROGRAM SOLVENCY AND SUPPORT.**

*House: Placed On Cal For 03/19/2013*

**H 58: NONPROFIT GRANTS/INCREASE ACCOUNTABILITY.**

*House: Withdrawn From Cal*

*House: Re-ref Com On Appropriations*

**H 60: TRANSFER OF INDIAN CULTURAL CENTER PROPERTY.**

*House: Withdrawn From Cal*

*House: Re-ref Com On Appropriations*

**H 125: PUBLIC AGENCY COMPUTER CODE NOT PUBLIC RECORD.**

*House: Placed On Cal For 03/19/2013*

**H 142: PROVIDE ACCESS TO CAMPUS POLICE RECORDS.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Judiciary II*

**H 150: ZONING/DESIGN & AESTHETIC CONTROLS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/19/2013*

**H 156: HONEST LOTTERY ACT.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Appropriations*

**H 161: MANDATORY RETIREMENT AGE FOR MAGISTRATES.**

*House: Placed On Cal For 03/19/2013*

**H 180: MECHANICS LIENS/TECHNICAL CORRECTIONS.**

*House: Rec From Senate*

*House: Rec To Concur S Com Sub*

**H 183: DELAY TRANSFER/CLEVELAND COUNTY CORR. FAC. (NEW).**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/19/2013*

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/19/2013*

**H 247: FREEDOM TO NEGOTIATE HEALTH CARE RATES.**

*House: Withdrawn From Com*

*House: Re-ref Com On Judiciary*

**H 271: CONFIRM UTILITIES COMMISSION APPOINTMENT.**

*House: Placed On Cal For 03/19/2013*

**H 291: START-UP FUNDS FOR NEW CHARTER SCHOOLS.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations Subcommittee on Education*

**H 293: MORTGAGES/S.A.F.E. ACT.**

*House: Passed 1st Reading*

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

**H 296: OMNIBUS WILDLIFE RESOURCES COMMISSION ACT (NEW).**

*House: Passed 1st Reading*

*House: Ref To Com On Environment*

**H 297: MATCHING FUNDS REPEAL.**

*House: Passed 1st Reading*

*House: Ref To Com On Elections*

**H 298: AFFORDABLE AND RELIABLE ENERGY ACT.**

*House: Passed 1st Reading*

*House: Ref to the Com on Commerce and Job Development, if favorable, Environment, if favorable, Regulatory Reform, if favorable, Public Utilities and Energy*

**H 299: LAW ENFORCEMENT OFFICER FAIRNESS ACT.**

*House: Passed 1st Reading*

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

**H 300: CITIES/PUBLIC TRUST RIGHTS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Government, if favorable, Judiciary Subcommittee C*

**H 301: CLARIFYING CHANGES/ENGINEERS/SURVEYORS LAWS.**

*House: Passed 1st Reading*

*House: Ref to the Com on Regulatory Reform, if favorable, Finance*

**H 303: HONOR MARINE CORPS & VMFA-312.**

*House: Passed 1st Reading*

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

**H 308: FUNDS/MHDDSA SERVICES/NON-MEDICAID ELIGIBLES.**

*House: Passed 1st Reading*

*House: Ref To Com On Appropriations*

**H 310: HANDGUN PERMIT MODERNIZATION ACT.**

*House: Passed 1st Reading*

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

**H 319: DOROTHEA DIX LEASE.**

*House: Filed*

**H 320: MEDICAID MANAGED CARE/BEHAVIORAL HEALTH SVCS.**

*House: Filed*

**H 321: AMEND LOCAL SOLID WASTE PLANNING.**

*House: Filed*

**H 322: CDL REQUIREMENTS/MILITARY EXPERIENCE.**

*House: Filed*

**H 323: PERMIT DISREGARD OF CERTAIN REAPPRAISALS.**

*House: Filed*

**S 36: APA TECHNICAL/CLARIFYING CHGES.**

*Senate: Rec To Concur H Com Sub*

*Senate: Placed On Cal For 03/19/2013*

**S 38: AMEND ENVIRONMENTAL LAWS 2014 (NEW).**

*House: Rec From Senate*

*House: Rec From Senate*

**S 45: INCAPACITY TO PROCEED AMENDMENTS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 03/19/2013*

**S 50: DISCHARGED VETERANS/IDENTITY THEFT PROTECTION.**

*House: Placed On Cal For 03/19/2013*

**S 117: LILY'S LAW.**

*House: Rec From Senate*

**S 168: CLARIFY EDUCATION REPORTING REQUIREMENTS.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Placed On Cal For 03/19/2013*

**S 262: HONOR RECOVERY OF BILL OF RIGHTS.**

*Senate: Withdrawn From Com*

*Senate: Placed On Cal For 03/18/2013*

**S 280: DCR/HISTORIC SITES/FEEES (NEW).**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Transportation*

**S 281: CLARIFYING CHANGES/ENGINEERS/SURVEYORS LAWS.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Commerce*

**S 282: OPERATION COMING HOME SPECIAL PLATE.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Finance*

**S 284: OSC/GOV'T DATA ANALYTICS/STATE DATA SHARING (NEW).**

*Senate: Passed 1st Reading*

*Senate: Ref to Commerce. If fav, re-ref to Judiciary I*

**S 285: DWI CASES/NO ILAC REQUIRED (NEW).**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Judiciary I*

**S 286: MANDATE USE/CONTROLLED SUB. REPORTING SYSTEM.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 287: NOTICE PUBLICATION--CERTAIN LOCAL GOVS. (NEW).**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On State and Local Government*

**S 291: MATCHING FUNDS REPEAL.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 292: IMMEDIATE LICENSE REVOCATION FOR REFUSAL.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Judiciary II*

**S 293: WC/SUBROGATION/EMPLOYER CONSENT.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Commerce*

**S 294: ALLOW USE OF DOT STORMWATER BMPs (NEW).**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Commerce*

**S 295: PUBLIC AGENCY COMPUTER CODE NOT PUBLIC RECORD.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Judiciary I*

**S 298: ONLINE VOTER REGISTRATION.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 301: INCREASE ALLOWED SIZE OF PASSENGER BUSES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Transportation*

**S 304: FIRE AND RESCUE PENSION REVISIONS OF 2013.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Pensions & Retirement and Aging*

**S 305: DMV COMMISSION CONTRACT CHANGES.**

*Senate: Passed 1st Reading*

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

**S 306: CAPITAL PUNISHMENT/AMENDMENTS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Judiciary I*

**S 307: RESTORE HOLD HARMLESS SALES TAX FUNDS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 308: AMEND WOMAN'S RIGHT TO KNOW ACT.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 309: HAYWOOD TOWN SQUARE CONVEYANCE.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On State and Local Government*

**S 313: PARENT'S CONSENT REQUIRED TO QUIT SCHOOL.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Education/Higher Education*

**S 316: PRETRIAL RELEASE/REBUTTABLE PRESUMPTION.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Judiciary II*

**S 320: IMPROVE ED. FOR CHILDREN WHO ARE DEAF.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Education/Higher Education*

**S 321: INMATE COSTS/CT.APPT./NOTARIES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Health Care*

**S 322: AMEND AUTH FOR LOCAL SPECIAL OBLIGATION BONDS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Finance*

**S 326: REPAY CIVIL PENALTY FUNDS TO SCHOOLS.**

*Senate: Filed*

**S 327: CLARIFY MOTOR VEHICLE LICENSING LAW.**

*Senate: Filed*

**S 328: SOLID WASTE MANAGEMENT REFORM ACT OF 2013.**

*Senate: Filed*

**S 329: UI/SOME FORMERLY DISABLED WORKERS ELIGIBLE.**

*Senate: Filed*

**S 330: STUDY WATER AND SEWER PROVIDERS.**

*Senate: Filed*

**S 331: SUNSHINE AMENDMENT.**

*Senate: Filed*

**S 332: GOVERNMENT TRANSPARENCY ACT.**

*Senate: Filed*

**S 333: LIMIT ELIGIBILITY FOR JUDICIAL APPOINTMENTS.**

*Senate: Filed*

**S 334: DOROTHEA DIX LEASE.**

*Senate: Filed*

**S 335: PAYMENT OF 2012-2013 MEDICAID COSTS.**

*Senate: Filed*

**S 336: COLLABORATION AMONG STATE DIABETES PROGRAMS.**

*Senate: Filed*

**S 337: NC CHARTER SCHOOL ADVISORY BOARD (NEW).**

*Senate: Filed*

**S 338: ESTABLISH GENERAL GOV'T OVERSIGHT COMMITTEE.**

*Senate: Filed*

**LOCAL BILLS**

**H 292: MORATORIUM/LAWSUITS FOR SCH. FUNDS (NEW).**

*House: Passed 1st Reading*

*House: Ref to the Com on Commerce and Job Development, if favorable, Regulatory Reform, if favorable, Finance*

*House: Passed 1st Reading*

*House: Ref to the Com on Commerce and Job Development, if favorable, Regulatory Reform, if favorable, Finance*

**H 294: AUTHORITY TO REMOVE ABANDONED VESSELS.**

*House: Passed 1st Reading*

*House: Ref To Com On Government*

**H 295: SCHOOL CALENDAR FLEXIBILITY/CERTAIN COUNTIES.**

*House: Passed 1st Reading*

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

**H 302: REPEAL KANNAPOLIS ANNEXATION.**

*House: Passed 1st Reading*

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

**H 304: SCHOOL CALENDAR FLEXIBILITY/CERTAIN LEAS.**

*House: Passed 1st Reading*

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

**H 305: CHAPEL HILL/ECONOMIC DEVELOPMENT PROJECTS.**

*House: Passed 1st Reading*

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

**H 306: WAYNESVILLE ANNEXATION.**

*House: Passed 1st Reading*

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

**H 307: HAYWOOD CO. CAPITAL EXPENDITURES OCCUP. TAX.**

*House: Passed 1st Reading*

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

**H 309: HIGH POINT/MOTOR VEHICLE PRIVILEGE TAX.**

*House: Passed 1st Reading*

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

**H 318: WINSTON-SALEM/SEISMIC CODES.**

*House: Filed*

**S 75: ONSLOW PUBLIC-PRIVATE PARTNERSHIP.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 81: CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT (NEW).**

*House: Rec From Senate*

**S 128: CARRBORO OFFICE OF ALDERMAN.**

*House: Rec From Senate*

**S 283: TRYON CHARTER AMENDMENTS.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 288: WAKE COMM VACANCY & ABERDEEN ZONING (NEW).**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Redistricting*

**S 289: 17TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

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

**S 290: WAYNESVILLE ANNEXATION.**

*Senate: Passed 1st Reading*

*Senate: Ref to State and Local Government. If fav, re-ref to Finance*

**S 296: WINSTON-SALEM/SEISMIC CODES.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 297: WINSTON-SALEM/LOCAL DEVELOPMENT.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Commerce*

**S 299: CHARLOTTE CHARTER/CIVIL SERVICE BOARD.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 300: 40TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

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

**S 302: DV FATALITY REVIEW TEAM/MECKLENBURG CO.**

*Senate: Passed 1st Reading*

*Senate: Ref To Com On State and Local Government*

**S 303: MPO CHANGES.**

*Senate: Passed 1st Reading*

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

**S 310: 2ND SENATORIAL DISTRICT LOCAL ACT-1ST.**

*Senate: Passed 1st Reading*

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

**S 311: APEX/CARY/RALEIGH ROW USAGE IN CBD.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On State and Local Government*

**S 312: REFERENDUM ON INCORPORATING LAKE JAMES.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Finance*

**S 314: DURHAM COUNTY WATER/WASTEWATER PLANT PROJECTS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On State and Local Government*

**S 315: MUNICIPAL SERVICES (NEW).**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On State and Local Government*

**S 317: GUILFORD AND STANLY ELECTION SYSTEMS (NEW).**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Redistricting*

**S 318: HAYWOOD CO. CAPITAL EXPENDITURES OCCUP. TAX.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 319: 20TH SENATORIAL DISTRICT LOCAL ACT-1.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 323: PITT CO. BD. OF ED.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Judiciary I*

**S 324: POWELL ACT USES/CASWELL BEACH.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Rules and Operations of the Senate*

**S 325: WAKE COUNTY SCHOOL BOARD DISTRICTS.**

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Redistricting*

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