



The Daily Bulletin: 2013-03-19

PUBLIC/HOUSE BILLS

H 83 (2013-2014) [ENACT CON COMMITTEE RECOMMENDATIONS](#). Filed Feb 7 2013, *A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE MONETARY THRESHOLD FOR EXPEDITED CERTIFICATE OF NEED REVIEW; TO INCREASE THE MONETARY THRESHOLDS TRIGGERING CERTIFICATE OF NEED REVIEW FOR CAPITAL EXPENDITURES AND THE PURCHASE OF MAJOR MEDICAL EQUIPMENT; TO EXEMPT REPLACEMENT EQUIPMENT FROM CERTIFICATE OF NEED REVIEW REGARDLESS OF COST; TO REQUIRE AFFECTED PERSONS SEEKING TO FILE A PETITION FOR A CONTESTED CASE OR AN APPEAL CHALLENGING CERTIFICATE OF NEED APPROVAL TO DEPOSIT A SEPARATE BOND FOR EACH APPROVED APPLICATION THAT IS THE SUBJECT OF THE PETITION OR APPEAL, TO INCREASE THE AMOUNT OF THE MAXIMUM BOND REQUIREMENT, AND TO GIVE THE COURT OF APPEALS GREATER DISCRETION IN IMPOSING A HIGHER BOND AMOUNT; AND TO REQUIRE THE COURT TO AWARD COSTS AND REASONABLE ATTORNEY FEES TO ANY CERTIFICATE OF NEED APPLICANT WHOSE APPROVED NEW INSTITUTIONAL HEALTH SERVICE IS THE SUBJECT OF A CONTESTED CASE PETITION DETERMINED TO BE FRIVOLOUS OR FILED TO DELAY THE APPLICANT.*

House Committee Substitute makes the following changes to the 1st edition.

Deletes the clause that "the proponent proposes to spend \$5 million or more" from the list of circumstances that trigger a public hearing from GS 131E-185(a1)(2) for a certificate of need.

Makes clarifying and technical changes to GS 131E-176(16)b. Excludes the cost of replacement equipment from counting towards capital expenditure threshold.

Amends GS 131E-176(22a), providing that the term *comparable medical equipment* is considered as defined by 10A NCAC 14C .0303(c). Also excludes the cost of replacement equipment from consideration as a new institutional health service.

Amends GS 131E-188(a1) and (b1), making technical corrections and clarifying changes.

Makes conforming changes to long title.

Intro. by Torbett, Glazier, Collins.

[GS 131E](#)

[View summary](#)

[Courts/Judiciary, Department of Health and Human Services, Health Care Facilities and Providers](#)

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 amendment to the 2nd edition makes the following changes. Amends GS 160A-381(g)(4) and GS 153A-340(k)(5) to remove references to modular housing.

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

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

[View summary](#)

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

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*.

House amendment to the 2nd edition makes the following changes. Clarifies that the act applies to individuals whose term of office as magistrates begin on or after the January 1, 2015, effective date.

Intro. by Glazier, McGrady, Jordan.

GS 7A

[View summary](#)

[Court System](#)

H 174 (2013-2014) [NC RAILROAD COMPANY REPORTING AND DIVIDENDS](#). Filed Feb 27 2013, *A BILL TO BE ENTITLED AN ACT TO (1) STRENGTHEN OVERSIGHT, ANNUAL REPORTING, AND STRATEGIC PLANNING BY THE NORTH CAROLINA RAILROAD COMPANY, (2) REQUIRE A ONE-TIME CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE GENERAL FUND, (3) REQUIRE AN ANNUAL CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE GENERAL FUND, AND (4) REQUIRE THE TRANSFER OF LOW-INCOME NON-CORRIDOR PROPERTIES FROM THE NORTH CAROLINA RAILROAD COMPANY TO THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE*.

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

Recodifies designated provisions in GS 124-6 and 124-5 in new GS 124-15, and amends GS 124-15 to provide that one of the Governor's seven appointments to the board of directors may be a Board of Transportation appointee and another appointment may be an appointee to the North Carolina Economic Development Board.

Amends GS 124-16 and 124-17 to require that any state-owned railroad company must also prepare and maintain a comprehensive capital investment plan (was, must maintain just a strategic plan).

Amends GS 124-17, expanding the reporting requirement and information required to report annually to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Transportation Oversight Committee.

Amends GS 124-5.1, changing title to *North Carolina Railroad Company dividends deposited to the Repairs and Renovations Reserve Account*. Amends GS 124-5.1 to deposit any dividends of the North Carolina Railroad Company received by the state into the Repairs and Renovations Reserve Account (was, General Fund).

Amends GS 124-18, providing that directors of any state-owned railroad company who vote for or assent to any dividend under this section will not be held liable under GS 55-8-33.

Amends Section 4 of bill, one-time real property dividend, deleting Hillsborough Former Depot Lot from the list provided.

Amends Section 4(b) of bill, providing for the Department of Administration to deposit proceeds of sales of the properties into the Repairs and Renovations Reserve Account.

Intro. by Howard.

GS 134, GS 136

[View summary](#)

[Transportation](#)

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 amendment to the 2nd edition makes the following changes. Amends GS 20-139.1 to provide that nothing in the section is to be construed to require the Department of Health and Human Services to issue permits for existing hospital facilities or to reinspect existing hospital facilities beyond what is already required by law.

Intro. by T. Moore.

GS 20

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

H 249 (2013-2014) **SUBSTITUTE TEACHER DEDUCTION/PERSONAL LEAVE**. Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REFUND THE SUBSTITUTE DEDUCTION TO A TEACHER TAKING PERSONAL LEAVE IF NO SUBSTITUTE IS HIRED FOR THAT TEACHER.*

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

Provides that teachers using personal leave on teacher workdays will receive full salary (previously, teachers using personal leave on non-protected teacher workdays received full salary).

Intro. by Holloway, Glazier, Blackwell, Elmore.

GS 115C

[View summary](#)**Elementary and Secondary Education**

H 250 (2013-2014) **CHARTER SCHOOL ENROLLMENT & CHARTER REVISIONS (NEW)**. Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION.*

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

Amends GS 115C-238.29F(g) to permit charter schools to extend enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous school year; to children of the school's principal, teachers, and teacher assistants; or children of all school employees. Deletes requirement that charter schools extend enrollment priority to siblings applying for admission to the charter school at the same time. Provides that if a lottery is needed for enrollment, the charter school may (was, shall) enter one surname into the lottery to represent all of the siblings applying at the same time. Provides that the charter school may give enrollment priority to the children of the initial members of the charter school's board of directors only for its first three years (was, one year) of operation.

Reinstates provision applying to multiple birth siblings in the event that an enrollment lottery is necessary. Requires a charter school to enter one surname into the lottery to represent all of the multiple birth siblings applying at the same time. Provides that if that surname is selected in the lottery, then all of the multiple birth siblings are to be admitted. Identifies a study abroad program and a competitive admission residential program as examples of extraordinary educational opportunities which may cause a student enrolled within the previous two years in a charter school to leave that charter school but nonetheless be considered for priority enrollment when the student returns seeking re-enrollment in the charter school.

Intro. by Hardister, Brandon, Stam, Lambeth.

GS 115C

[View summary](#)**Elementary and Secondary Education**

H 255 (2013-2014) **UNC TUITION SURCHARGE/ADVANCE NOTICE**. Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE.*

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

Amends GS 116-143.7(a) and (a2) to clarify that courses and credit hours taken at another constituent institution or community college under the jurisdiction of the State Board of Community Colleges and accepted for transfer credit count toward the credit limit for the tuition surcharge.

Provides that courses and credit hours transferred and accepted for credit from an institution of higher learning that is not a constituent institution or a community college that is not under the jurisdiction of the State Board of Community Colleges are excluded from counting toward the tuition surcharge limit.

Intro. by Glazier, Johnson, Holloway.

GS 116

[View summary](#)

[Higher Education, UNC System](#)

H 332 (2013-2014) [NOTARY ACT/SATISFACTION OF SECURITY INTERESTS](#). Filed Mar 18 2013, *A BILL TO BE ENTITLED AN ACT MAKING CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, MAKING OTHER CONFORMING CHANGES, AND PROVIDING FOR AN ALTERNATIVE PROCEDURE FOR SATISFACTION OF SECURITY INSTRUMENTS.*

Amends GS 10B-20(c5), clarifying that notaries are not disqualified from performing their duties because of their employment by a party to the record or because they own stock in a party of the record to be notarized.

Amends GS 10B-37, making clarifying changes.

Amends GS 10B-55, excluding a personal representative from complying with the requirements of this section, (taking certain steps upon the death of a notary), if he or she provides a sworn statement in any enforcement proceedings that he or she was unaware that the deceased was a notary public at the time of death.

Amends GS 10B-60 by creating a new subsection GS 10B-60(1), providing that the Secretary of State (Secretary) must notify the NC State Bar (State Bar) of any final decision involving a violation of subsection (a) of this section by a notary who is also a licensed attorney-at-law. The Secretary must also endeavor to send copies of court orders rendered under this section to the State Bar in cases where the notary is also a licensed attorney-at-law. Such a referral can be considered as a showing of professional unfitness, and the State Bar can administer discipline as it sees fit.

Amends GS 10B-65, stating that documents that contain notarial errors such as date of acknowledgment, verification, or proof, or the oath or affirmation states the incorrect date, will be given legal effect as if the errors had not occurred. Validates all notary acknowledgments performed before December 1, 2005 (was, January 1, 1953). Section above applies to notarial acts performed on or before April 1, 2013 (was, May 1, 2008).

Amends GS 10B-67 (*Erroneous commission expiration date cured*) and GS 10B-99 (*Presumption of regularity*), applying the sections to notarial acts whenever they are performed.

Amends GS 10B-68 (*Technical defects cured*), making technical changes, expanding the types of technical changes that are cured automatically and do not affect the validity of a document.

Amends GS 10B-69, making notarial certifications contained in a form issued by a state agency prior to April 1, 2013 (was, October 1, 2006) valid, provided it complied with the law at the time of formation.

Amends GS 10B-71, maintaining that any instrument notarized by a notary that failed to take the notary oath again after being recommissioned is held valid. Applies to notarial acts performed on or after May 15, 2004, and before April 1, 2013 (was, July 8, 2009).

Amends GS 41-2, adding a new section GS 41-2(a1), providing that upon conveyance to the trustee of a deed of trust by any or all of the joint tenants holding property in joint tenancy with right of survivorship to secure a loan, the joint tenancy will not be deemed to be severed. Upon satisfaction of the deed of trust, legal title to the property will revert to the grantors as joint tenants with right of survivorship in the respective shares as owned by respective grantors.

Amends GS 47-2.2 (*Notary public of sister state; lack of seal or stamp or expiration date of commission*), making clarifying and technical changes. Provides that a proof or acknowledgment that does not require a seal or stamp of the notary to be effective must include either a statement by the notary as to such, placed near the proof area, or a reference to the statute of the

commissioning state which provides no seal or stamp is required along with a statement. Such an instrument, when proofed and validated in this way, cannot be refused by a register of deeds. Acceptance of such a letter creates a presumption of the validity of such an instrument and that no seal or stamp was required. This presumption is rebuttable.

Amends GS 47-12.2 (*Subscribing witness incompetent when grantee or beneficiary*), providing that the execution of an instrument may not be proved for registration by a subscribing witness when the subscribing witness is the grantee or beneficiary at the time of execution.

Amends GS 47-14, providing that the acceptance of records with a notarial seal, even though the seal may be illegible, gives rise to presumption of validity of the seal, applies to all instruments filed and maintained by the register of deeds. The presumption is rebuttable, but a court finding otherwise cannot affect the recorded interest in real property when there are enforceable interests.

Amends GS 47-28 (*Powers of Attorney*), providing that before any transfers of real property executed by an attorney-in-fact empowered by a power of attorney, the power of attorney must be registered. Provides what steps an attorney-in-fact must take depending on the different types of real property transaction taking place, as well as the requirements to record certain powers-of-attorney. Provisions apply to all real property utilizing powers-of-attorney on or after April 1, 2013.

Amends GS 47-36.1 (*Correction of errors in recorded instruments*), making clarifying and technical changes. Provides that when a correction is inconsistent with the original, notice of the correction is deemed to have been given as of the time of registering the corrective affidavit. For corrective affidavits filed before, on, or after April 1, 2013, makes the following changes. Limits the need for an affidavit in times where an instrument is unchanged but re-recorded. A notary public can complete a corrective affidavit identifying the correction and may attach a new acknowledgment, with no change in priority occurring.

Amends GS 47-41.2, 47-48, 47-50, 47-50.1, 47-51, 47-53, 47-53.1, 47-64, 47-71.1, 47-72, 47-92, 47-93, 47-94, 47-97, 47-97.1, 47-102, 47-108.6, and 47-108.11, making clarifying and technical changes. Primarily changes any applicability dates included in the sections to April 1, 2013.

Amends GS 47-81.2 (*Before United States Army etc., officers, and other service members*), establishing that instruments or writings that have been proved or acknowledged before any commissioned officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, or specified officer of the Merchant Marine (was, only Army or Marine Corps) are ratified, confirmed, and declared valid. Proofs and acknowledgments by any military personnel authorized by Congress are ratified, confirmed, and declared valid and will not require a seal or any affixation thereof.

Amends GS 47-95 (*Acknowledgments taken by notaries interested as trustee or holding other office*) to change the date to prior to October 1, 1991 (was, January 1, 1975).

Amends GS 47 by adding new section GS 47-108.18A (*Registration of certain instruments containing a notarial acknowledgment*) and GS 47-108.18B (*Registration of certain instruments containing a notarial jurat*), providing that notarial acknowledgments constitute a jurat in due form for all instruments that have so far been accepted for filing and registration or are now accepted for filing and registration under this Chapter or which relate to real estate in this state. In addition, a notarial jurat constitutes an acknowledgment in due form for all instruments that have so far been accepted for filing and registration or are now accepted for filing and registration under this Chapter or which relate to real estate in this state.

Amends GS 47-108.20 to make the statute applicable to instruments recorded before April 1, 2013 (was, June 30, 1986).

Above provisions are effective April 1, 2013.

Amends GS 45-36.9, making clarifying and technical changes.

Amends GS 45-36.14, creating new subsection GS 45-36.14(d), providing that a satisfaction agent does not have to give notification described in this section if (a) the creditor has authorized the agent to sign and submit an affidavit of satisfaction, (b) the agent had in his or her possession the instruments described in specified subsections of GS 45-36.15, or (c) the agent has been unable to determine the identity of the secured creditor.

Amends GS 45-36.15 (*Affidavit of satisfaction: authorization to submit for recording*), making clarifying and technical changes. Expands the situations in which a satisfaction agent may sign and submit an affidavit of satisfaction when the agent has reasonable grounds to believe the secured creditor has received full payment or performance and one of the

following apply: (1) the secured creditor has not submitted for a recording a satisfaction of a security instrument within the specified time frame; (2) the secured creditor has authorized the satisfaction agent to sign and submit an affidavit of satisfaction; (3) the satisfaction agent has in his or her possession the original security instrument and the original bond, note, or other instrument secured thereby with an endorsement of payment and satisfaction by one of the specified entities; (4) the satisfaction agent has in his or her possession the original security instrument intended to secure payment of money or the performance of any other obligation, together with the original instrument secured, or the original security instrument only if it sets forth the obligation and does not call for another instrument secured by it, if the instruments are more than 10 years old at the time the affidavit of satisfaction is to be signed; (5) the satisfaction agent has in his or her possession the original security instrument given to secure the bearer or holder of any negotiable instruments transferable solely by delivery, marked paid and satisfied in full and signed by the bearer or holder thereof; (6) after diligent inquiry, the satisfaction agent has been unable to determine the identity of the secured creditor. Provides that the satisfaction agent cannot submit for recording a security instrument for an affidavit of satisfaction without giving notice to submit of recording an affidavit of satisfaction to the identified assignees at the identified address and complying with GS 45-36.14.

Amends GS 45-36.16 (*Affidavit of satisfaction: content*), providing several new requirements that an affidavit of satisfaction's content can or must meet in order for it to be deemed a valid affidavit of satisfaction.

Amends GS 45-36.17 (*Affidavit of satisfaction: form*), making several conforming, clarifying, and technical changes to the affidavit of satisfaction form.

Amends GS 45-36.18 (*Affidavit of satisfaction: effect*), making clarifying and technical changes.

Amends GS 45-36.19 (*Liability of satisfaction agent*), providing that a satisfaction agent that erroneously records or submits for recording an affidavit of satisfaction of a security instrument is not liable if the agent properly complied with this Article, gave notification to the secured creditor in the manner prescribed by GS 45-36.14, and responded to the notification in a timely manner.

Amends GS 45-36.24, making clarifying and technical changes.

Part 1 of this bill, or up to GS 47-108.20, becomes effective April 1, 2013. The remainder is effective when it becomes law.

Intro. by Bryan, Stam, Glazier.

[GS 10B, GS 41, GS 45, GS 47](#)

[View summary](#)

[Banking and Finance, Civil Law](#)

H 333 (2013-2014) [SEX OFFENDER RESIDENCY/REGIS. AMENDMENTS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY SEX OFFENDER STATUTES RELATING TO RESIDENCY AND REGISTRATION*.

Amends GS 14-208.16(a) to prohibit registered sex offenders from knowingly residing within 1,000 feet of any public or nonpublic school or childcare center. This bill amends the subsection to clarify that it applies to any registrant who did not establish his or her residence prior to August 16, 2006. Makes conforming changes to SL 2006-247.

Establishes that a person required by this Article to register who willfully fails to register including failure to register with the sheriff in the county designated by the person, pursuant to GS 14-208.8, as his or her expected county of residence, is guilty of a Class F felony.

Provides that when a person commits a violation in regards to the registering provisions of this act, any law enforcement officer can and will immediately arrest the person, regardless of jurisdiction.

A person arrested pursuant to (a1) is subjected to the jurisdiction that includes the sheriff's office in the county where the person failed to register. If not physically present there, they will be transferred to that jurisdiction, with legal proceedings to occur there as well.

Intro. by Warren, Moffitt, Schaffer, Whitmire.

[GS 14](#)

[View summary](#)**Criminal Law and Procedure, Corrections
(Sentencing/Probation)**

H 335 (2013-2014) **AID RAPID RESPONSE TO STATES OF EMERGENCY**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO FACILITATE RAPID RESPONSE BY BUSINESSES TO STATES OF EMERGENCY*.

Adds new Article 6, *Facilitation of Rapid Response by Businesses to States of Emergency*, to GS Chapter 166A to provide a limited exemption for out-of-state businesses performing disaster or emergency-related work during the applicable disaster period from any North Carolina taxes and licensing or registration requirements. The exemption is from (1) all state or local business licensing or registration requirements; (2) state and local taxes or fees, including: unemployment insurance, state or local occupational licensing fees, sales and use tax, ad valorem tax on equipment used or consumed during the disaster period; or (3) Secretary of State licensing and regulatory requirements.

Also provides a limited exemption for out-of-state employees performing disaster or emergency-related work during the applicable disaster period from income taxes and other state or local taxes as specified in this Article.

Makes an exception to require out-of-state businesses and out-of-state employees to pay transaction taxes and fees, unless those taxes are otherwise exempted during the applicable disaster period.

Provides that this section does not apply after the disaster period expires and any out-of-state business or employee electing to remain in North Carolina after the applicable disaster period will be subject to the state's normal standards for establishing presence, residency, or doing business in the state.

Requires an out-of-state business entering the state to perform disaster or emergency-related work to provide notice to the Department of Revenue of its presence for those purposes on a form as prescribed by the Secretary of Revenue. Also requires a business registered in this state to provide the same required notice for any affiliate of that registered business that enters the state as an out-of-state business. Directs the Department of Revenue to adopt rules implementing the provisions of this Article.

Defines the following terms as they apply in this Article: (1) *disaster or emergency-related work*, (2) *disaster period*, (3) *infrastructure*, (4) *out-of-state business*, (5) *out-of-state-employee*, (6) *registered business*, and (7) *state of emergency*.

Amends GS 55-15-01 to extend the provisions of proposed Article 6 to apply to foreign corporations and provide that a foreign corporation is not considered to be transacting business in this state if it engages in providing disaster or emergency-related relief during the applicable disaster period. Amends GS 57C-7-02 to extend the provisions of Article 6 to also apply to a foreign limited liability corporation.

Makes conforming changes to GS 105-125(a) (tax exemptions), GS 105-130.16 (returns), and GS 105-152 (income tax returns). Effective for taxable years on or after January 1, 2013. Makes a conforming change to GS 105-275 (property excluded from the tax base), effective for taxes imposed for taxable years beginning on or after July 1, 2013.

Includes a series of *whereas* clauses stating the policy reasons that are the impetus for this act.

Except as otherwise provided, this act is effective when it becomes law.

Intro. by Arp, Howard, Carney, Hanes.

[GS 105](#), [GS 55](#), [GS 57C](#), [GS 166A](#)

[View summary](#)**Business and Commerce, Public Safety and Emergency
Management, Tax**

H 336 (2013-2014) **CONTINUING BUDGET AUTHORITY (NEW)**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL IN EFFECT ON JUNE 30, 2013*.

Enacts new GS 116-68.1 to allow the UNC Board of Governors (BOG) to set a fee to be paid by in-state high school students enrolled at the UNC School of the Arts to assist with the institution's expenses. Allows the Board of Trustees to recommend to

the BOG that the fees be set. Allows the UNC School of the Arts to charge and collect the fees. Effective July 1, 2013, and applies to the 2014-15 academic year and each subsequent academic year.

Intro. by Conrad, Lambeth, Hanes, Terry.

[GS 116](#)

[View summary](#)

[Education, Higher Education, UNC System](#)

H 337 (2013-2014) [FORSYTH TECH REPURPOSE OF FUNDS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO FORSYTH TECHNICAL COMMUNITY COLLEGE TO BE USED FOR OPERATING COSTS FOR CERTAIN PROGRAMS OFFERED BY THE COLLEGE.*

Requires that \$3 million of the funds appropriated to Forsyth Technical Community College (College) in 2005-06 for construction of the Center for Emerging Technologies be transferred to the state treasurer to a specified budget code, to be administered by the NC Community Colleges System Office (Office). Requires the Office to allocate up to \$300,000 of the funds each fiscal year to the College, until the funds are expended, for the operating costs of the College's biotechnology, nanotechnology, design, and advanced information technology programs; Small Business Center; and corporate and industrial training programs. Prohibits additional state funds from being made available to the College for those purposes. Effective July 1, 2013.

Intro. by Conrad, Lambeth, Hanes, Terry.

[APPROP](#)

[View summary](#)

[Budget/Appropriations, Higher Education](#)

H 338 (2013-2014) [WC/SUBROGATION/EMPLOYER CONSENT](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE WORKERS' COMPENSATION LAWS TO REQUIRE EMPLOYER CONSENT FOR THE REDUCTION BY MORE THAN FIFTY PERCENT OF AN EMPLOYER'S SUBROGATION LIEN.*

Identical to [S 293](#), filed 3/13/13.

Amends [GS 97-10.2\(j\)](#) as the title indicates.

Intro. by Hanes, Lambeth, Terry.

[GS 97](#)

[View summary](#)

[Employment and Retirement](#)

H 339 (2013-2014) [LOTTERY EXPENDITURES](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LIMITATION ON LOTTERY EXPENDITURES.*

Amends [GS 18C-162](#) to add to the guidelines followed in allocating revenues to the North Carolina State Lottery Fund, to require that at least 4% be used for books, information technology, and school supplies to be distributed to local education agencies and charter schools on an average daily membership basis. Makes a conforming 4% reduction in the total annual revenues that are to be allocated for payment of lottery expenses and reduces the amount that may be spent on advertising to 0.5% of the total annual revenues. Also amends the allocation of unclaimed prize money to require that 50% be distributed for books, information technology, and school supplies for distribution to local education agencies and charter schools (was, 50% be used to enhance prizes). Effective July 1, 2013.

Intro. by Stevens, McElraft.

[GS 18C](#)

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

H 340 (2013-2014) **LIMITED LINES TRAVEL INSURANCE**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS.*

Creates new GS 58, Article 44B (Limited Line Travel Insurance), providing definitions to be used in this section, including *limited lines travel insurance producer, offer and disseminate, travel insurance, and travel retailer*. Provides that the Commissioner of Insurance (Commissioner) can issue to any individual or business entity a limited lines travel insurance producer license, authorizing the limited lines travel insurance producer to sell, solicit, or negotiate travel insurance through a licensed insurer.

Provides that a travel retailer can offer and disseminate travel insurance, under the license described above, only if certain conditions are met, found in GS 58-44B-2(b).

Provides that any travel retailer offering or disseminating travel insurance will make available to prospective purchasers brochures or other written materials that must include all of the following: (1) identity and contact information of the insurer and the producer, (2) an explanation that travel insurance is not required in order to purchase any other product or service from the travel retailer, (3) a disclaimer that an unlicensed travel retailer is permitted to provide general information about the insurance offered but cannot answer technical questions about the terms and conditions of the insurance offered by the travel retailer or evaluate adequacy of existing coverage.

A travel retailer's employee who is not licensed cannot evaluate or interpret technical terms, benefits, and conditions of the travel insurance coverage, evaluate or provide advice on a prospective purchaser's existing insurance coverage, or hold itself out as a licensed insurer, licensed producer, or insurance expert.

Provides that travel insurance can be provided under an individual policy or a group or master policy. The insurance producer is responsible for the acts of the travel retailer and will use reasonable means to ensure compliance by the travel retailer.

Provides that the limited lines travel insurance producer will be subject to the provisions of Article 63 and to the full enforcement of the Commissioner granted by Article 2.

Intro. by Dockham.

GS 58

[View summary](#)**Insurance**

H 341 (2013-2014) **TAX CREDIT FOR DOL APPRENTICE HIRES**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO PARTICIPATE IN AN APPRENTICESHIP PROGRAM APPROVED BY THE DEPARTMENT OF LABOR.*

Enacts new GS 105-129.16K to establish a \$1,000 tax credit for each employed apprentice for a taxpayer employing an apprentice under an apprenticeship agreement registered with the Apprenticeship and Training Bureau of the Department of Labor. The credit is allowed only if the apprentice was in the taxpayer's employ for at least seven months of the taxable year and allows the credit for an individual apprentice for up to four taxable years. Requires that written certification be made in order to claim the credit. Effective for taxable years beginning on or after January 1, 2014.

Intro. by Torbett.

GS 105

[View summary](#)**Tax**

H 342 (2013-2014) [HONOR WINSTON-SALEM'S 100TH ANNIVERSARY](#). Filed Mar 19 2013, *A HOUSE RESOLUTION HONORING THE CITY OF WINSTON-SALEM UPON ITS CENTENNIAL*.

As title indicates.

Intro. by Lambeth, Conrad, Hanes, Terry.

[Forsyth, HOUSE RES](#)

[View summary](#)

H 343 (2013-2014) [COURTS/PROCEDURE AND FEE AMENDMENTS.-AB](#) Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES, AND TO REMOVE THE SUNSET ON CHANGES TO CERTAIN FEES COLLECTED BY REGISTER OF DEEDS*.

Amends GS 7A-37.1(c), clarifying that court-ordered arbitration can be employed in civil actions in district courts (previously, only allowed for amounts in controversy less than \$15,000).

Amends GS 7A-305(a)(2), making technical and clarifying changes to provide that the party filing the notice of designation or motion for discretionary complex business designation pays the specified fees. Effective January 1, 2014.

Amends GS 7A-305(a5), adding third-party complaints to the list of pleadings and their associated costs found therein. Deletes the additional \$1,000 fee for cases assigned to a special superior court judge as a complex business case. Makes clarifying and technical changes.

Amends GS 7A-305(f), 7A-306(g), and 7A-307(a)(4), providing that a motion filed pursuant to GS 1C-1602 or GS 1C-1603 will have no costs associated with it. Effective July 1, 2014, and applies to pleadings filed on or after that date.

Amends GS 7A-317, providing that counties and municipalities are required to advance all costs and fees except for the civil process fees found in GS 7A-311. Provides that the Administrative Office of the Courts may withhold the amount of court costs and fees from facilities fees due the county when a county agency does not pay corresponding court costs and fees within 30 days of the date of filing the action.

Intro. by Turner.

[GS 7A](#)

[View summary](#)

[Court System](#)

H 344 (2013-2014) [UNIFORM MH REPORTING REQUIREMENTS FOR NICS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW*.

Amends GS 122C-54(d1), establishing instances when a record of determination or finding should be transmitted to the National Instant Criminal Background Check System (NICS). The following instances require such a record to be transmitted to NICS no later than 48 hours after receiving notice:

- (1) A determination that an individual shall be involuntarily committed to a facility for inpatient mental health treatment upon a finding that the individual is mentally ill and dangerous to self or others.
- (2) A determination that an individual shall be involuntarily committed to a facility for outpatient mental health treatment upon a finding that the individual is mentally ill and, based on the individual's treatment history, in need of treatment in order to

prevent further disability or deterioration that would predictably result in dangerousness to self or others.

(3) A determination that an individual shall be involuntarily committed to a facility for substance abuse treatment upon a finding that the individual is a substance abuser and dangerous to self or others.

(4) A finding that an individual is not guilty by reason of insanity.

(5) A finding that an individual is mentally incompetent to proceed to criminal trial.

(6) A determination to grant a petition to an individual for the removal of a mental commitment bar to purchase, possess, or transfer a firearm pursuant to GS 122C-54.1 or any applicable federal law.

Provides that the records for involuntary commitment for inpatient or outpatient mental health treatment or for substance abuse treatment are accessible only by an entity having proper access to NICS. Requires the Administrative Office of the Courts to adopt rules concerning transmitting information to NICS.

Amends GS 122C-54.1 to allow an individual over age 18 to petition for the removal of the mental health commitment bar to purchasing, possessing, or owning a firearm once the individual no longer suffers from the condition that resulted in substance abuse treatment.

Effective October 1, 2013.

Intro. by Insko, Glazier, Luebke.

[GS 122C](#)

[View summary](#)

[Criminal Justice, Mental Health](#)

H 345 (2013-2014) [INCREASE PENALTIES FOR MISUSE OF 911 SYSTEM](#). Filed Mar 19 2013, *AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISUSE OF THE 911 SYSTEM, AND TO PROVIDE FOR RECOMMENDATIONS FOR CERTAIN APPOINTMENTS TO THE STATE 911 BOARD.*

Amends GS 14-111.4 to make it a Class 1 misdemeanor to knowingly misuse the 911 system (was, a Class 3 misdemeanor, with a Class 1 misdemeanor to knowingly access or attempt to access the 911 system to avoid a charge for voice communications service that exceeds \$100). Effective for offenses committed on or after December 1, 2013.

Intro. by Faircloth.

[GS 14](#)

[View summary](#)

[Criminal Law and Procedure, Public Safety and Emergency Management](#)

H 346 (2013-2014) [GOVERNING BODIES/COLLECT UNPAID JUDGMENTS](#). Filed Mar 19 2013, *AN ACT AUTHORIZING COUNTIES AND CITIES TO ATTACH AND GARNISH A MEMBER OF THE GOVERNING BODY IF THE COUNTY OR CITY HAS BEEN GRANTED A MONEY JUDGMENT AGAINST THAT MEMBER AND THE MONEY JUDGMENT HAS NOT BEEN SATISFIED.*

Amends GS 160A and GS 153A-30 by adding new sections GS 160A-64.1 (*Withholding compensation; money judgment against council member*) and GS 153A-30 (*Withholding compensation; money judgment against a board member*), providing that a monetary judgment against an elected or appointed member of a governing body can be withheld from nonexempt holdings from the member's compensation set under GS 160A-64. Defines *disposable income* and *nonexempt earnings* as they are to be used in this section.

City finance officer must give notice of the withholding and that the member has the right to submit an objection. Provides procedures for notice and when it is deemed sufficient. Not later than five days after the notice is served, the member will submit an objection to the withholding, if objecting, and not later than 10 days after the notice of objection, the finance officer will hold a hearing. If the finance officer determines there is merit to the objection, the council will address it in the next open meeting and decide how to proceed. If no merit exists, the council or board will notify the member that the member's

compensation will be withheld and direct the officer to do so. Withholding will continue until the member is no longer serving or the amount is paid in full.

The member may appeal the financial director's decision to withhold money and the council or board will schedule the hearing for an open session. These new provisions do not prevent the city or county from collecting the unpaid judgment from any other means authorized by law.

Effective January 1, 2014, applying to money judgments that are unsatisfied or entered on or after that date.

Intro. by Faircloth.

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

[View summary](#)

[Local Government](#)

H 348 (2013-2014) [PUBLIC SAFETY TECHNOLOGY/STATE ROW](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS TO ALLOW PUBLIC SAFETY TECHNOLOGY IN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM; AND TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS.*

Amends GS 136-18 to add the following to the Department of Transportation's (DOT) powers: (1) entering into agreements with municipalities, counties, and other governmental entities for the use and encroachment on the right-of-way of any road that is a part of the state highway system and (2) approve agreements between utilities and municipalities, counties, and other public entities to use and encroach upon utility easements previously granted to the utility by DOT.

Intro. by Faircloth, McNeill, Hardister.

[GS 136](#)

[View summary](#)

[Transportation, Department of Transportation, Public Enterprises and Utilities](#)

H 350 (2013-2014) [COURT IMPROVEM'T PROJECT JUV LAW CHANGES.-AB](#) Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE JUVENILE CODE PURSUANT TO REVISIONS PROPOSED BY THE COURT IMPROVEMENT PROJECT.*

To be summarized 03/20/13.

Intro. by Jordan, C. Graham.

[GS 7B](#)

[View summary](#)

[Abuse, Neglect and Dependency](#)

H 351 (2013-2014) [STUDY PRESCRIPTION DRUG ABUSE BY STUDENTS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO STUDY PRESCRIPTION DRUG ABUSE BY HIGH SCHOOL AND COLLEGE STUDENTS.*

Establishes the 15-member Joint Legislative Study Commission on Prescription Drug Abuse by Students (Commission) to study prescription drug abuse among high school and college students and to make recommendations to curtail or reduce use. Requires six members to be appointed by the Speaker of the House of Representatives and six appointed by the President Pro Tempore of the Senate. Additional members are the UNC President or designee, NC Community College System President or designee, and the Chairman of the State Board of Education or designee. Enumerates issues to be studied by the Commission. Provides for the assignment of staff, meeting location, and expenses. Requires the Commission to submit a final report to the 2014 Regular Session of the 2013 General Assembly and terminates the Commission upon the earlier of filing the final report or the convening of the 2014 Regular Session.

Intro. by Hamilton, Glazier, Murry, Fulghum.

[STUDY](#)

[View summary](#)**Education, General Assembly**

H 352 (2013-2014) **DISAPPROVE COYOTE HUNTING RULE**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE COYOTE HUNTING RULE ADOPTED BY THE WILDLIFE RESOURCES COMMISSION.*

Disapproves 15A NCAC 10B .0219, adopted by the Wildlife Resources Commission on May 3, 2012, and approved by the Rules Review Commission on June 20, 2012.

Intro. by Steinburg, McGrady.**UNCODIFIED**[View summary](#)**Animals**

H 356 (2013-2014) **CUSTOMER SRVC., ECON. DEV., AND TRANSPORT'N**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNIFORM GEOGRAPHICAL ADMINISTRATIVE DIVISIONS FOR THE STATE, TO DIRECT THE DEPARTMENTS OF TRANSPORTATION AND ENVIRONMENT AND NATURAL RESOURCES TO TAKE ACTION TO ALIGN THEIR ADMINISTRATIVE REGIONS WITH THESE UNIFORM REGIONS, AND TO CREATE THE COMMISSION ON REGIONALIZATION CONFORMITY TO DEVELOP RECOMMENDATIONS ON CONFORMING (I) THE EXISTING REGIONAL DIVISIONS OF THE SEVEN REGIONAL COMMISSIONS AND PARTNERSHIPS TO THE UNIFORM DIVISIONS AND (II) TO DEVELOP A SCHEDULE FOR STUDYING THE REGIONAL DIVISIONS OF OTHER STATE AGENCIES THAT HAVE REGIONAL OFFICES.*

Establishes the Study Commission on Regionalization Conformity (SCRC) as well as seven geographical uniform administrative regions across the state (in new GS 143B-28.1), in which agency regional offices and services will be consolidated to create a one-stop source for citizens and businesses seeking services. Each county in the state will be assigned to a region.

Requires the Department of Transportation (DOT) and the Department of Environment and Natural Resources (DENR) to develop a plan to align their administrative regions with the newly created regions. Establishes elements that are to be included in the plan, including the steps necessary to create efficient, economical, and user friendly one-stop regional services for citizens and businesses and a timeline for completing a plan. Requires DOT and DENR to jointly report on the plan to the chairs of the House Appropriations Committee and the cochairs of the Senate Appropriations/Base Budget Committee by June 1, 2013. Requires that the plan be implemented by July 1, 2013, and that quarterly reports on implementation must be made on specified dates to the SCRC, the Joint Legislative Transportation Oversight Committee, and the Environmental Review Commission. Requires DOT and DENR to use available funds to carry out the requirements.

Requires the Department of Commerce (DOC) to study and make recommendations on how the four regional economic development commissions created in GS Chapter 158 and the three regional economic development partnerships may be most efficiently and economically aligned with the newly created regions, as well as ways the programs and activities of the four regional economic development commissions and the three regional economic development partnerships can be coordinated with those of the DOC and other agencies to create one-stop regional services. Requires DOC to report to the SCRC by September 1, 2013, and use funds otherwise available to conduct the study.

Establishes the eight-member SCRC, with four Senators appointed by the President Pro Tempore of the Senate and four Representatives appointed by the Speaker of the House. The SCRC will meet at the call of the appointed cochairs. SCRC members will receive per diem, subsistence, and travel allowances.

The duties of the SCRC will be to review DOC's recommendations and other relevant information. Requires the SCRC to recommend a plan for aligning the seven regional commissions and partnerships with the newly established regions to the 2014 Regular Session of the 2013 General Assembly. Also allows the SCRC to take on other specified duties. Requires the SCRC to report the results of its study to the 2014 Regular Session of the 2013 General Assembly, at which time the SCRC terminates.

Intro. by Moffitt, Howard, Collins, Murry.**GS 143B**

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State Agencies, Department of Commerce, Department of Environmental Quality (formerly DENR), Department of Transportation

H 357 (2013-2014) **RETIREMENT GOVERNANCE CHANGES ACT OF 2013.-AB** Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE CITIZEN OVERSIGHT AND TO MAKE OTHER CONSOLIDATIONS AND IMPROVEMENTS IN THE GOVERNANCE OF THE STATE RETIREMENT SYSTEMS, AND TO IMPROVE TRANSPARENCY BY ENSURING THAT ALL RETIREMENT PLANS ADMINISTERED BY THE DEPARTMENT OF STATE TREASURER ARE OVERSEEN BY A BOARD OF TRUSTEES.*

Amends GS 135-96 (Supplemental Retirement Board of Trustees), establishing that the Supplemental Retirement Board of Trustees (Board) will also administer the North Carolina Public School Teachers' and Professional Educators' Investment Plan established under GS 115C-341.2. Provides that the Board may retain the services of professionals and firms with the skills necessary to provide for the proper administration of investment programs that the Board administers.

Amends GS 161-50.1(b) providing that the Board of Trustees of the Local Governmental Employees' Retirement System (was, Department of State Treasurer) now administers the provisions of the Article (Register of Deeds' Supplemental Pension Fund Act of 1987).

Amends GS 127A-40, providing that the Board of Trustees of the Teachers' and State Employees' Retirement System will administer the provision of the section (Pensions for the members of the North Carolina National Guard). Makes technical and clarifying changes throughout the section.

Amends GS 135-6(b) (administration of Retirement System for Teachers and State Employees), providing that members of the board of trustees may include one person who may be an active or retired member of the National Guard and one person who may be an active or retired member of the Firemen's and Rescue Squad Workers' Pension Fund (previously, neither organization was represented on the board).

Amends GS 135, adding new section GS 135-97 (Immunity), establishing that a person serving on the Board is immune from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of that service except when (1) the person was not acting within the scope of official duties, (2) was not acting in good faith, (3) gross negligence was committed or willful or wanton misconduct resulted in the damages or injury, (4) the person derived an improper personal benefit, either directly or indirectly, (5) incurred liability from the operation of a motor vehicle.

Amends GS 120-4.9 (Retirement system established), replacing Legislative Services Commission with Board of Trustees, essentially vesting all direction and policies concerning the Legislative Retirement System with the Board.

Amends GS 120-4.10 (Administration of retirement system), making technical and conforming changes.

Effective July 1, 2013.

Intro. by Moffitt, Howard, W. Brawley, Collins.

GS 120, GS 127A, GS 135, GS 161

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Employment and Retirement

H 360 (2013-2014) **SUNDAY HUNTING ON PRIVATE LAND.** Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW HUNTING ON SUNDAY ON PRIVATE LAND WITH PERMISSION OF THE OWNER.*

Identical to [S 224](#), filed 03/6/13.

Amends GS 103-2 to allow a person to hunt on privately owned land on a Sunday if it is the person's own property or if the person has written permission from the property owner. Makes a conforming change.

Intro. by B. Brown, Moffitt, Warren, Saine.

[GS 103](#)

[View summary](#)

[Animals](#)

H 361 (2013-2014) [JUSTICE REINVESTMENT TECHNICAL CORRECTIONS.-AB](#) Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUSTICE REINVESTMENT ACT OF 2011.*

Amends GS 15A-1343(b)(3a), providing that a defendant must not abscond, willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer, if the defendant is placed on supervised probation (previously, no requirement of being on supervised probation).

Amends GS 15-205, deleting the requirement that a person on probation be taken, within 30 days, to the local prison unit to appreciate the consequences of probation revocation.

Amends GS 15A-1344(d2) and 15A-1340.17(e) making clarifying and technical changes.

Repeals GS 143B-1159, the North Carolina Sentencing and Policy Advisory Commission Report. Also repeals GS 15A-1368.4(e)(14) listing submitting to supervision under the Intensive Post-Release Suspension Program as a controlling condition, the violation of which may have resulted in revocation of post-release supervision.

Section 6 of this act, amending the sentencing grid for B1 through Class E felonies, is effective October 1, 2013, and applies to offenses committed on or after that date.

Intro. by Faircloth.

[GS 15, GS 15A, GS 143B](#)

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[Corrections \(Sentencing/Probation\)](#)

H 362 (2013-2014) [DEPT. OF PUBLIC SAFETY CHANGES.-AB](#) Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARKS CEILING RELATING TO PURCHASES AND CONTRACTS.*

Repeals GS 20-196.3 which determines who may hold authority over members of the North Carolina State Highway Patrol.

Amends GS 143-134 to provide that Article 8 (Public Contracts) of GS Chapter 143 applies to the Department of Transportation and the Department of Public Safety (was, the Division of Adult Correction of the Department of Public Safety).

Amends GS 143B-600 regarding the organizational structure of the Department of Public Safety (Department). Deletes provisions declaring that the Department is to consist of six divisions and an Office of External Affairs. Provides that the deputy secretaries, directors and respective divisions of the Department are under the direction and control of the Secretary of Public Safety (was, the deputy secretaries were subject to the direction and control of the Secretary). Authorizes the Secretary to assign a Commissioner to oversee the Divisions of Prisons, Community Corrections, and Juvenile Justice and the following auxiliary services: (1) alcoholism and chemical dependency treatment, (2) offender records management, and (3) extradition.

Amends GS 143B-602(8) to add the following to the additional powers and duties of the Secretary: responsibility for federal and state liaison services, victim services, the Victim Services Warehouse, and the storage and management of evidence and other contents housed in the warehouse, and public affairs.

Repeals GS 143B-710, which required the Secretary to appoint a chief deputy secretary to the head of the Division of Adult Correction in the Department of Public Safety.

Amends GS 143B-806 to eliminate the title of Chief Deputy Secretary in the Division of Juvenile Justice. Instead re-titles that position as Director of Juvenile Justice.

Amends GS 148-132, which provides for the distribution of products and services produced by Correction Enterprises of the Division of Adult Correction. Deletes requirement that tax-exempt entities under 501(c)(3) of the Internal Revenue Code, to whom Correction Enterprises is authorized to market and sell products, must also receive local, state, or federal grant funding. Authorizes Correction Enterprises to sell to private contractors when the goods purchased will be used to perform work under a contract with a public agency or a nonprofit organization.

Amends GS 143-53(a)(1) to provide that the Division of Purchase and Contract is to review and decide a protest on a contract valued above the bid value benchmark established in GS 143-53.1 as that section is amended in this act (was, on a contract valued at \$25,000 or more). Amends GS 143-53.1 to provide that on or after July 1, 2014 (was July 1, 1997) the setting of bid value benchmarks and the procedures for competitive bids are to be based on the agency's capacity to evaluate contracts below a certain benchmark value as determined by the State Purchasing Officer and approved by the Secretary of Administration. Provides that when an agency's benchmark is raised, the new benchmark becomes effective at the start of the fiscal year after the Secretary of Administration approves it.

Amends GS 166A-19.11 to add to the powers designated by the Governor to the Secretary of Public Safety the authority to authorize expenditures of up to \$2 million of funds to be available for response to an emergency before a state of emergency has been declared. Requires the Secretary of Public Safety to report within 30 days of authorizing the expenditure to the Joint Legislative Commission on Governmental Operations.

Amends GS 20-185 to require applicants for employment as a state trooper to be at least 21 years old and not more than 39 years old as of the first day of patrol school. Additionally provides that Highway Patrol enforcement personnel cannot retire later than the end of the month in which their 62nd birthday falls.

Intro. by Faircloth.

[GS 20](#), [GS 143](#), [GS 143B](#), [GS 148](#), [GS 166A](#)

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[Department of Administration](#), [Department of Public Safety](#)

PUBLIC/SENATE BILLS

S 9 (2013-2014) [UTILITIES/DESIGN/SURVEY LOCATION SERVICES](#). Filed Jan 30 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.*

Senate Amendment makes the following changes to the 2nd edition.

Adds a new definition of the term *small water or wastewater utility owner*.

Exempts small water or wastewater utility owners from having to report information to the surveyor or designer concerning underground utilities.

Intro. by Meredith.

[GS 87](#)

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[Public Enterprises and Utilities](#)

S 175 (2013-2014) [BANKING LAWS CLARIFICATIONS/CORRECTIONS](#). Filed Mar 4 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CLARIFICATIONS TO CHAPTER 53C OF THE GENERAL STATUTES.*

Senate committee substitute to the 1st edition makes the following changes. Corrects a subsection reference in GS 53C-7-207(a).

Intro. by Brown.

[GS 53, GS 53C](#)

[View summary](#)

[Banking and Finance](#)

S 200 (2013-2014) [EXTEND TIME FOR FORENSIC ACCREDITATION \(NEW\)](#). Filed Mar 5 2013, *A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION.*

Senate committee substitute makes the following change to the 1st edition. Amends the long title.

Intro. by Bingham, Goolsby, Newton.

[UNCODIFIED](#)

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[Criminal Justice](#)

S 351 (2013-2014) [TIMELY NOTICE TO CHARITIES/LICENSURE STATUS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN OCCUPATIONAL LICENSING BOARDS TO NOTIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITHIN A SPECIFIED PERIOD OF TIME THAT A LICENSED HEALTH CARE PROVIDER IS AUTHORIZED TO PROVIDE VOLUNTARY HEALTH CARE SERVICES PURSUANT TO THE VOLUNTARY HEALTH CARE SERVICES ACT.*

Current law requires a sponsoring organization to submit information on each of the health care providers providing voluntary health care services to the Department of Health and Human Services (DHHS) before initiating voluntary health care service. Amends GS 90-21.105 to require that the appropriate licensing board (board) review the information submitted by the sponsoring organization and forwarded by DHHS and report to DHHS on the licensure status of the health care provider within seven days.

Intro. by Brown.

[GS 90](#)

[View summary](#)

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

S 352 (2013-2014) [BLACK BEAR MANAGEMENT](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND TO AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT.*

Amends GS 113-270.3 to also require a stamp before taking any bear. Sets the bear stamp fee at \$10 but allows individuals with a lifetime license before July 1, 2014, and specified individuals who are exempt from the license requirement to obtain the stamp free of charge. Increases the fee for the nonresident bear hunting license from \$125 to \$225. Makes conforming changes. Effective July 1, 2014.

Amends GS 113-291.1 to prohibit the taking of black bears with the use or aid of any salt, salt lick, grain, fruit, honey, sugar-based material, animal parts or products, or other bait, except as provided by the Wildlife Resources Commission (was, strictly prohibited).

Repeals SL 1981-828 (prohibiting the taking of bears in Bladen County by use of bait).

Amends GS 113-276 to provide that a landholder and the landholder's spouse and dependents under age 18 who are taking wildlife on the landholder's land without a license are not exempt from the bear stamp. Also allows the Wildlife Resources

Commission to adopt rules exempting individuals from the nonresident bear hunting license requirements, the bear stamp requirements, and the nonresident big game hunting license requirements. Effective July 1, 2014.

Intro. by Brown.

GS 113

[View summary](#)

Animals

S 353 (2013-2014) [HEALTH AND SAFETY LAW CHANGES \(NEW\)](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES AND CONDUCT A STUDY PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, TO AMEND THE WOMEN'S RIGHT TO KNOW ACT, AND TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS.*

Amends GS 20-154 to provide that violations of (a), concerning ensuring safe movements, signals on starting, stopping, or turning, where the violation results in a crash causing more than \$5,000 worth of property damage or a serious bodily injury to a motorcycle operator or passenger, are an infraction and are assessed a fine of at least \$750. Requires that such a violation be treated as a failure to yield right-of-way to a motorcycle for the assessment of points. Also gives the trial judge the authority to order the driver's license be suspended for no more than 30 days. Effective for violations committed on or after October 1, 2013.

Intro. by Harrington.

GS 20

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Transportation

S 354 (2013-2014) [REVISE AUDITOR'S RESPONSIBILITIES.-AB](#) Filed Mar 19 2013, *AN ACT TO REVISE THE RESPONSIBILITIES OF THE STATE AUDITOR BY REMOVING THE STATE AUDITOR FROM EX OFFICIO MEMBERSHIP ON THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS AND BY SOLIDIFYING THE STATE AUDITOR'S ROLE IN AUDITING SCHOOLS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM.*

Identical to [H 328](#), field 3/18/13.

Amends GS 135-48.12, removing the state auditor from the Committee on Actuarial Valuation of Retired Employee's Health Benefits and instead making the Attorney General a member.

Amends GS 116-30.8 (*Special responsibility constituent institutions: annual audit by State Auditor or certified public accountant*), changing title to *Special responsibility constituent institutions: annual audit by State Auditor*. Provides that audits of the University of North Carolina special responsibility constituent institutions will be conducted only by the State Auditor.

Eliminates the requirement that the auditee's written responses, in regards to audits of economy and efficiency and program results, be included in the final report if received within 30 days from receipt of the draft report.

Effective July 1, 2013.

Intro. by J. Davis.

GS 116, GS 135, GS 147

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Higher Education, Office of State Auditor

S 355 (2013-2014) [TECH CORRECTION/GASTON, NASH, UNION LOCAL ACT](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES AND CLARIFICATIONS IN AN ACT TO ESTABLISH A MORATORIUM ON FILING OF ACTIONS BY CERTAIN LOCAL BOARDS OF EDUCATION CHALLENGING THE SUFFICIENCY OF LOCAL FUNDS APPROPRIATED TO THE PUBLIC SCHOOLS BY THE BOARD OF COUNTY COMMISSIONERS.*

Amends GS 20-381 to define *planting and harvesting season* and *planting and harvesting period* as January 1 through December 31 of each year for the purposes of federal law or regulations that relate to hours of service rules for drivers transporting agricultural commodities and farm supplies for agricultural purposes.

Intro. by Rabon.

GS 20

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[Agriculture, Transportation](#)

S 356 (2013-2014) [MODIFY TAX CONFIDENTIALITY](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PERMIT AN ADDITIONAL DISCLOSURE OF TAX INFORMATION.*

Amends GS 105-259 to allow the disclosure of tax information (except standards used to select returns for examination and data used for determining the standards) to provide requested information to the Government Business Intelligence Competency Center, as long as the information does not impair or violate any information sharing agreements with the US Internal Revenue Service. Provides that it is in the Secretary of Revenue's sole discretion to decide whether there would be a violation of the information sharing agreement.

Intro. by Clark, Tarte.

GS 105

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[Tax](#)

S 357 (2013-2014) [IN-STATE TUITION FOR VETERANS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN VETERANS SHALL BE CHARGED THE RESIDENT TUITION TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN NORTH CAROLINA WITHOUT HAVING FIRST MAINTAINED LEGAL RESIDENCE IN NORTH CAROLINA FOR AT LEAST ONE YEAR.*

Enacts new GS 116-143.3A to charge the in-state tuition rate to a veteran (defined as being honorably discharged on or after July 1, 2013) qualifying for admission to an institution of higher education, without having maintained legal residence in the state for at least 12 months prior to classification as a resident for tuition purposes if the veteran meets the following: (1) the veteran's last permanent duty station was in this state, (2) the veteran's abode is in this state, (3) the veteran meets all other conditions for domicile, and (4) the veteran enrolls in a public institution of higher education within one year of the date of discharge from the Armed Forces. Provides that a veteran classified as a resident for tuition purposes is eligible for in-state tuition for no more than 12 months from the date of enrollment.

Applies to academic semesters beginning on or after July 1, 2013.

Intro. by Clark, Meredith.

GS 116

[View summary](#)

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

S 358 (2013-2014) [GUARANTEED ASSET PROTECTION WAIVERS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GUARANTEED ASSET PROTECTION WAIVERS TO BE AUTHORIZED IN THIS STATE.*

Enacts new Article 46, *Guaranteed Asset Protection Waivers*, in GS Chapter 66. Defines *guaranteed asset protection waivers* a contractual agreement between a creditor and a borrower in which the creditor agrees to cancel or waive, for a separate charge, all or part of the amount due on a borrower's vehicle finance agreement in the event of a total physical damage loss or

unrecovered theft of the vehicle. The guaranteed asset protection waiver may be a part of the vehicle finance agreement or it may be a separate addendum. Includes mandatory terms to be included in a guaranteed asset protection waiver and requires that those terms be written in clear, easily understood language. Provides terms and conditions for cancellation of the guaranteed asset protection waiver. Includes definitions for additional terms as they apply in this Article.

Provides that proposed Article 46 does not apply to an insurance policy under GS Chapter 58 except as provided in GS 66-443 or a debt cancellation or suspension contract offered under 12 CFR Part 37, CFR Part 721, or any other federal law. Provides for a partial exemption from the provisions of this Article for commercial transactions. Provides that new GS 66-444 (terms that must be in the waiver), new GS 66-446(c) (compliance with the Truth in Lending Act), and new GS 66-447 (enforcement) do not apply to a guaranteed asset protection waiver offered in connection with a lease or retail installment sale associated with a commercial transaction.

Provides that guaranteed asset protection waivers are not insurance and the waivers and persons administering, marketing, selling, or offering to sell the waivers to borrowers are not subject to the provisions of GS Chapter 58 (Insurance Law). However, does permit creditors to elect to insure guaranteed asset protection waiver obligations under a contractual liability or similar policy issued by an insurer and provides the required terms that must be included in policies insuring guaranteed asset protection waivers.

Provides for enforcement of the provisions of this Article by the Attorney General. Authorizes the Attorney General, after proper notice and an opportunity for hearing, to order a creditor, administrator, or any person not in compliance with this Article to cease and desist from further guaranteed asset protection waiver operations that are in violation of this Article. Also provides that the Attorney General may impose a penalty of no more than \$500 per violation and no more than \$10,000 in the aggregate for all violations of a similar nature.

Includes additional miscellaneous provisions. Includes a severability clause to provide that if any provisions of the proposed act or its application are held to be invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provisions or applications.

Intro. by Meredith, Newton, Ford.

[GS 66](#)

[View summary](#)

[Banking and Finance](#)

S 359 (2013-2014) [FREEDOM TO NEGOTIATE HEALTH CARE RATES](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS.*

Identical to [H 247](#), filed 3/6/13.

Enacts new section GS 58-50-295 as the title indicates. Enumerates prohibited contract provisions that restrict reimbursement rate negotiations. Effective October 1, 2013.

Intro. by Meredith.

[GS 58](#)

[View summary](#)

[Health Insurance, Health Care Facilities and Providers](#)

S 360 (2013-2014) [JUDICIAL ELECTIONS AMENDMENT](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ALLOW VOTERS TO ELECT TO RETAIN OR REJECT JUSTICES OR JUDGES UP FOR ELECTION.*

Provides for an amendment to Article IV of the North Carolina Constitution (Constitution) to be voted on at an election to be held on November 4, 2014. Seeks to provide for judges of the Supreme Court, Court of Appeals, and Superior Court to retain

their offices by submitting to voters whether or not they should be retained to serve the next eight-year term of the office they hold. If a majority of those voting do not vote to end the term of office, then that justice or judge will continue to hold office. If a justice or judge does not file for such an election, or if a majority of those voting vote not to retain that justice or judge, a vacancy will be created. If this happens, that person cannot be appointed to the same office for the term that begins on January 1 following the election. The vacancy created by the justice or judge will be filled with a person appointed by the Governor. Also changes the date for the election concerning the appointees to vacancies to the next election for General Assembly members held more than 90 (was, 60) days after the vacancy occurs.

If the amendment passes, upon the certification of the Secretary of State this act becomes law.

Intro. by Brunstetter.

CONST

[View summary](#)

Constitution, Court System

S 361 (2013-2014) **EXCELLENT PUBLIC SCHOOLS ACT OF 2013**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE LITERACY VOLUNTEER LEAVE TIME; MAXIMIZE INSTRUCTIONAL TIME; STRENGTHEN TEACHER EDUCATION PROGRAMS AND TEACHER LICENSURE REQUIREMENTS; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; ASSIGN SCHOOL PERFORMANCE GRADES AND ADD STUDENT GROWTH COMPONENT; AND ESTABLISH TEACHER CONTRACTS.*

To be summarized 03/20/13.

Intro. by Berger, Tillman, Soucek.

GS 115C, GS 126, GS 143B

[View summary](#)

Education

S 362 (2013-2014) **STUDY ENERGY EFFICIENCY INCENTIVES**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENERGY POLICY COUNCIL TO STUDY (1) THE ESTABLISHMENT OF TIERED ELECTRICITY RATES FOR RESIDENTIAL, COMMERCIAL, PUBLIC, AND INDUSTRIAL CUSTOMERS TO ENCOURAGE ENERGY CONSERVATION AND ENERGY EFFICIENCY; (2) AN ENERGY EFFICIENCY PUBLIC BENEFIT LOAN FUND TO BE USED FOR LOANS TO CUSTOMERS FOR THE COSTS OF CERTAIN ENERGY EFFICIENCY OR RENEWABLE ENERGY PROJECTS; AND (3) POSSIBLE INCENTIVES FOR CONSUMERS TO PURCHASE ENERGY STAR QUALIFIED HOUSEHOLD PRODUCTS.*

Directs the Energy Policy Council (Council) to identify, study, and recommend policies to significantly increase energy efficiency and conservation, as well as promote the sale and installation of energy efficiency or renewable energy products. The Council will specifically look at the establishment of tiered electricity rates and whether they would provide incentives for energy conservation and efficiency, and the legal or regulatory obstacles to employing such a system. Describes the characteristics that a tiered electricity rate system should have. Council will also look at the potential benefits of a public benefit fund for energy efficiency activities and possible sources of revenue for the fund and incentives to encourage the use of more energy efficient appliances, including an avoidable pollution tax on certain appliances and products not meeting Energy Star.

An interim report of the Council's findings may be submitted no later than February 1, 2014, and the final report will be submitted no later than May 1, 2014. The reports will be submitted to the Environmental Review Commission, the Revenue Law Study Committee, and the Joint Legislative Utility Review Committee.

Intro. by Kinnaird.

STUDY

[View summary](#)

Energy

S 363 (2013-2014) **BUSINESS TAX REDUCTION AND REFORMS**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO REDUCE AND SIMPLIFY BUSINESS TAXES AND TO TAX ALL BUSINESS ENTITIES WITH LIMITED LIABILITY PROTECTION THE SAME.*

Repeals the following state and local privilege taxes: GS 105-33(b), 105-41, 105-83, 105-88, 105-102.3, 105-102.6, 105-103, 105-105, 105-106, 105-108, and 105-109. Effective January 1, 2015, and applies to taxes payable under GS 105-41 (licenses for certain professions), GS 105-88 (loan agencies), or GS 105-102.3 ((banks) beginning July 1, 2015; and applies to taxes payable under GS 105-83 (installment paper dealers) regarding obligations dealt in, bought, or discounted on or after January 1, 2015.

Amends GS 153A-152, deleting a county's general authority to impose privilege license taxes on certain trades, occupations, professions, businesses, and franchises. Prohibits a county from levying a privilege tax on any of those entities carrying out business in that county unless a statute or an act of the General Assembly authorizes the county to do so. Amends GS 160A-211, deleting a city's general authority to impose privilege license taxes on certain trades, occupations, professions, businesses, and franchises. Prohibits a city from levying a privilege tax on any of those entities carrying out business in that city unless a statute or an act of the General Assembly authorizes the city to do so. Effective January 1, 2015, and applies to taxes imposed for fiscal years beginning on or after that date.

Amends Article 3 of GS Chapter 105 to repeal the franchise tax and replace it with a business privilege tax applicable to all businesses with limited liability. Renames Article 3 as *Business Privilege Tax* (was, *Franchise Tax*). Repeals the following provisions in Article 3: GS 105-114, 105-114.1, 105-120.2, 105-121.1, 105-122, 105-122.1, 105-125, 105-127, 105-128, and 105-129.

Adds definitions for terms as they apply in amended Article 3. Includes a comprehensive definition for *business entity* as meaning any of the following: (1) a domestic corporation organized under GS Chapter 55 or a foreign corporation that has received a certificate of authority under that Chapter authorizing it to do business in this state, (2) an electric membership corporation organized under GS Chapter 117, (3) a domestic liability company formed under GS Chapter 57C or a foreign limited liability company authorized under that Chapter to do business in this state, (4) a domestic limited partnership or a foreign limited partnership authorized under Article 5 of GS Chapter 59, (5) a domestic limited liability partnership registered under Article 3B of GS Chapter 59 or a foreign limited liability partnership registered under Article 4A of that Chapter, (6) a domestic or foreign limited liability limited partnership registered under GS 59-210, or (7) any other business organized to confer limited liability on one or more of its owners.

Provides that a business entity doing business in North Carolina and organized so as to confer limited liability on one or more owners of the business incurs a privilege tax as a condition of the right to do business in this state. Provides that in the case of a noncorporate business entity doing business in this state, each owner of the noncorporate business entity is doing business in this state.

Imposes a business privilege tax at a rate of \$1.35 per \$1,000 of the business entity's adjusted net worth tax base as determined under proposed GS 105-114.5. Provides that the tax payable by a business entity may not be less than \$500. Also provides that the tax payable by a business entity that is not a corporation may not be more than \$5,000. Limits the tax payable by a holding company to no more than \$75,000. Provides that the tax imposed under this section does not apply to a company subject to tax under GS 105-116 unless that tax is less than the tax imposed under this section. Provides that a business entity is not subject to the tax levied under this Article after the end of the taxable year in which the entity is dissolved unless the Secretary of Revenue finds that the entity has engaged in business activities in this state that were not appropriate to dissolving its business. Provides criteria governing the determination of a business entity's adjusted net worth tax base and for determining exclusions in calculating certain business entities' tax liability under this Article.

Additionally provides criteria for (1) determining ownership of the capital interests of noncorporate and corporate business entities after certain transfers and (2) apportioning the net worth of a business entity doing business in North Carolina when the business is also doing business in one or more other states.

Provides that the tax imposed by proposed GS 105-114.4 is due when the return is due, on or before the 15th day of the fourth month following the end of the business entity's income year. Provides guidelines for requesting an extension for filing and the signing of the return.

Lists business entities that are exempt from the privilege tax imposed by this Article. Provides that a listed business is exempt unless it has unrelated business income. Requires the business entity to establish its claim for exemption in writing upon

request from the Secretary. Provides that the following entities are exempt from the privilege tax under this Article: (1) a business entity exempt from federal income tax under the Code; (2) an insurance company subject to tax under Article 8B of GS Chapter 105; (3) a single member limited liability company that is a corporation, disregarded for federal tax purposes, and whose net worth is included in that of its single member; and (4) a real estate mortgage investment conduit as defined in section 860D of the Code.

Makes changes to Article 3 effective for taxable years beginning on or after January 1, 2015, and for which taxes are due on or after that date.

Amends GS 57C-1-22(a)(25), GS 59-35.2(a)(18), and GS 59-1106(a)(22) to reduce annual report filing fees for unincorporated businesses with limited liability to \$25 (was, \$200) and sets an \$18 electronic reporting fee. Repeals GS 105-122.1 to delete the credit for limited liability companies for annual report fees paid under the franchise tax. Effective January 1, 2015, and applies to annual reports due on or after that date.

Makes conforming changes to reflect changes to Article 3 replacing the franchise tax with the business privilege tax, repealing GS 93-12(12) and GS 105-259(b)(4) and amending the definitions section in GS 53-165 (Article 15 of GS Chapter 53, *North Carolina Consumer Finance Act*). Amends GS 53-172(a) to clarify that the business of making loans includes acting as an installment paper dealer and collecting a loan made by a government regulated lender. Makes additional conforming changes to GS 53-191 and GS 105-130.6A(a)(2). Effective January 1, 2015.

Makes conforming changes to GS Chapter 105 to be consistent with the privilege tax as provided in Article 3 of GS Chapter 105. Provides that an electric power company that collects the privilege tax (was, franchise or privilege tax) under GS 105-116(a) is not subject to any additional franchise or privilege tax imposed upon it by any city or county. Amends GS 105-120.2 to provide for a privilege tax on holding companies (was, franchise or privilege tax) and sets the tax rate at \$1.35 (was, \$1.50) per \$1,000 and provides that the tax is not to be less than \$500 (was, not to be less than \$35). Effective for taxable years beginning on or after January 1, 2014.

Amends GS 105-230 to provide for suspension of a business entity's right to do business if that entity, as defined in GS 105-114.2, fails to file a report or return or to pay any required tax or fee for 90 days after it is due. Prescribes the limitations in effect on the business entity for the duration of the suspension. Amends GS 105-232 to provide the procedure for the reinstatement of a business entity's authority to do business after a suspension for noncompliance. Requires the business entity to resolve the noncompliance issue that led to the suspension and to pay a reinstatement fee of \$50 (was, \$25). Deletes provisions regarding receivership and liquidation of a business entity. Effective for taxable years beginning on or after January 1, 2014.

Provides that this act does not affect any rights or liabilities arising under a statute amended or repealed by this act before the effective date of the amendment or repeal. Also provides that this act does not affect the right to any refund or credit of a tax that accrued under the repealed or amended statute prior to the effective date of the repeal or amendment.

Part I of this act includes general findings and intent of the General Assembly as to the purposes of this act.

Intro. by Brock.

[GS 105, GS 53, GS 57C, GS 59, GS 93, GS 95, GS 160A](#)

[View summary](#)

Business and Commerce, Tax

S 364 (2013-2014) [UPDATE ELECTRONIC PRESCRIPTION RULES](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BOARD OF PHARMACY TO ADOPT ADDITIONAL RULES RELATING TO ELECTRONIC PRESCRIPTIONS*.

Amends GS 90-85.32 as the title indicates. Prescribes what the rules adopted by the Board of Pharmacy are to require with regards to electronic prescribing software and hardware, practitioners, covering entities, including an insurer or pharmacy benefits manager, and prior authorization forms. Directs the Board of Pharmacy to propose rules consistent with this act within 90 days of the effective date of the act. Effective October 1, 2013.

Intro. by Brock.

GS 90

[View summary](#)**Health**

S 365 (2013-2014) **AFFORDABLE AND RELIABLE ENERGY ACT**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO REDUCE THE BURDEN OF HIGH ENERGY COSTS ON THE CITIZENS OF NORTH CAROLINA BY ELIMINATING RENEWABLE ENERGY PORTFOLIO STANDARDS; AND TO PROVIDE FOR COST RECOVERY BY PUBLIC UTILITIES FOR CERTAIN COSTS OF COMPLIANCE WITH RENEWABLE ENERGY PORTFOLIO STANDARDS.*

Identical to [H 298](#), filed 3/13/13.

Amends GS 62-133.8 to delete subsections (b) through (f), which set out the Renewable Energy and Energy Efficiency Portfolio Standards (REPS). Makes conforming changes to subsection (a), which defines terms as used in this section. Amends the catch line to read *Renewable Energy* (was, *Renewable Energy and Energy Efficiency Portfolio Standards (REPS)*). Amends subsection (h) to provide for cost recovery for reasonable and prudent costs incurred by an electric power supplier before July 1, 2013, for certain costs of complying with REPS. Provides that after July 1, 2013, the Environmental Management Commission is restricted to allowing cost recovery only for the reasonable and prudent costs incurred before July 1, 2013. Specifies that those "costs incurred prior to July 1, 2013," are (1) costs under renewable energy purchase contracts entered into before July 1, 2013, and (2) costs of construction of renewable energy facilities for which a certificate of public convenience and necessity was issued by the Commission before July 1, 2013.

Makes additional conforming changes to delete references regarding REPS. Also makes conforming changes to GS 62-2(a), the state's declaration of public policy with regards to the services and operations of public utilities.

Effective July 1, 2013.

Intro. by Brock.

GS 62

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

S 366 (2013-2014) **REMOVE FEE FOR MILITARY SPECIAL PLATES**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO REMOVE THE ADDITIONAL FEE FOR SPECIAL PLATES BASED UPON MILITARY SERVICE.*

Amends GS 20-79.7 to set the fees for the following plates to none: Bronze Star Combat Recipient, Bronze Star Recipient, Combat Veteran, Legion of Merit, Military Veteran, Military Wartime Veteran, Partially Disabled Veteran, and Pearl Harbor Survivor. Effective July 1, 2013.

Intro. by Rabin, Meredith, Sanderson.

GS 20

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

S 367 (2013-2014) **SYSTEMATICALLY REFORM MEDICAID.-AB** Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO SYSTEMATICALLY REFORM MEDICAID.*

Requires the Department of Health and Human Services to implement systematic Medicaid reform as contemplated by its Request for Information process.

Intro. by Hise, Pate.

UNCODIFIED

[View summary](#)**Department of Health and Human Services, Public Assistance**

S 368 (2013-2014) **COUNTY/SHERIFF FEE CHANGES/FELONY ESCAPE (NEW)**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN-DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL, TO PROVIDE THE PISTOL PERMIT FEE TO BE AN APPLICATION FEE, AND TO MAKE IT A FELONY TO ESCAPE FROM A COUNTY FACILITY WHEN CHARGED WITH AND BEING HELD FOR A FELONY.*

Amends GS 153A-225 to allow each unit operating a local confinement facility to establish a fee of no more than \$10 for a 30 day supply or less of a prescription drug.

Amends GS 14-40 to require the sheriff to charge a \$5 fee upon receiving an application (was, upon issuing the license or permit) for a pistol permit.

Effective July 1, 2013, and applies to fees assessed or collected on or after that date.

Intro. by Bingham.

GS 14, GS 153A

[View summary](#)**Criminal Law and Procedure, Corrections
(Sentencing/Probation)**

S 369 (2013-2014) **NAME CHANGE REQUIREMENTS FOR MINORS**. Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD.*

Amends GS 101-2(d), providing that a minor child cannot change his or her name without the consent of both parents, if both parents are living, unless (1) a minor has reached the age of 16 and may file an application to change his or her name with the consent of the parent who has custody of the minor and has supported the minor, without the necessity of obtaining the consent of the other parent, when the clerk of court is satisfied the other parent has abandoned the child; (2) a parent may file on behalf of the minor without the consent of the other parent if the other parent has abandoned the child; or (3) the parent can file without the consent of the other parent when the other parent has been convicted of felonious or misdemeanor child abuse, taking indecent liberties with a minor, rape or any other sex offense, incest, assault, communicating a threat, or any other crime of violence.

Clarifies how abandonment of a child can be shown.

Effective October 1, 2013, applying to applications for name changes filed on or after that date.

Intro. by Bingham.

GS 101

[View summary](#)**Civil Law, Family Law, Juvenile Law**

S 370 (2013-2014) **RESPECT FOR STUDENT PRAYER/RELIGIOUS ACTIVITY (NEW)**. Filed Mar 19 2013, *AN ACT TO CLARIFY STUDENT RIGHTS TO ENGAGE IN PRAYER AND RELIGIOUS ACTIVITY IN SCHOOL, TO CREATE AN ADMINISTRATIVE PROCESS FOR REMEDYING COMPLAINTS REGARDING EXERCISE OF THOSE STUDENT RIGHTS, AND TO CLARIFY RELIGIOUS ACTIVITY FOR SCHOOL PERSONNEL.*

Amends GS 115C-47(29b), establishing that policies of local school boards regarding the free expression of religion should reflect the following: (1) a student is allowed to pray silently at any time or audibly during noninstructional time if the prayer is voluntary and unofficial; (2) prayer officially sanctioned by the school or school officials is not permitted during the school day nor prior to, during, or after extracurricular school events; (3) students may gather for prayers before, during, or after an

extracurricular activity, if the prayers are student-initiated and student led and those students voluntarily participate and do not pressure others to participate. School officials may be present and should demonstrate appropriate respect and may adopt a respectful posture.

Establishes that the provisions should not be construed in a way to direct any action in violation of the Constitutions of North Carolina or the United States, including preventing or denying participation in protected prayer in public schools.

Intro. by Bingham, Daniel, Hise.

[GS 115C](#)

[View summary](#)

[Education](#)

S 371 (2013-2014) [PATIENT SAFETY IN OPERATING ROOMS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ENHANCE PATIENT SAFETY IN HOSPITAL AND AMBULATORY SURGICAL FACILITY OPERATING ROOMS BY REQUIRING AT LEAST ONE CIRCULATING NURSE TO BE PRESENT IN EACH OPERATING ROOM DURING EACH SURGICAL PROCEDURE.*

Adds new Part 3A (consisting of new GS 131E-89), Patient Safety, to Article 5 of GS Chapter 131E. Enacts new GS 131E-89 and amends GS 131E-153 to require the North Carolina Medical Care Commission to adopt rules to require each licensed hospital to have at least one circulating nurse physically present in each operating room for the duration of each surgical procedure to (1) coordinate the nursing care and patient's safety needs and (2) support the surgical team during surgery. Prohibits the issuance or renewal of a license unless the applicant complies with these requirements. Effective October 1, 2013.

Intro. by Bingham.

[GS 131E](#)

[View summary](#)

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

S 372 (2013-2014) [OMNIBUS COUNTY LEGISLATION](#). Filed Mar 19 2013, *AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT'S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS.*

Amends GS 143-215.1 (*Control of sources of water pollution; permits required*), providing for a notice and an opportunity to comment from the governing board of the county which contains the site proposed to be the recipient of the land application of sludge resulting from operation of wastewater treatment facility and proposed in the permit application. Effective July 1, 2013.

Amends GS 136-28.1(b) (*Letting of contracts to bidders after advertisement; exceptions*), raising the threshold to \$2.5 million (was, \$1.2 million) or less for the informal bid process; requires at least three informal bids to be solicited. Effective July 1, 2013.

Establishes the State Payment in Lieu of Taxes Study Commission. Consists of 13 members: three from the House of Representatives, three from the Senate, the Secretary of Revenue or designee, and three from the public appointed by the Speaker of the House, and three from the public appointed by the President Pro Tempore of the Senate upon recommendation of the NC Association of County Commissioners.

The Commission will study issues relating to the development of a state payment in lieu of taxes for state properties, including wildlife and games lands, and other issues as it sees relevant. Commission can make interim report to the 2013 Regular Session of the General Assembly, with its final report due to the 2013 Regular Session of the General Assembly in 2014 prior to convening. Commission terminates upon the earlier of the filing of this report or on January 1, 2015.

Establishes the e911 study Commission, consisting of 13 members: three from the House of Representatives, three from the Senate, the Secretary of Public Safety or designee, three from the public appointed by the Speaker of the House, and three from

the public appointed by the President Pro Tempore of the Senate upon recommendation of the NC Association of County Commissioners.

Commission will study issues relating to the e911 fee structure, its use to support local 911 activities, and the structure of statewide e911 oversight as well as other issues as it deems relevant. Commission can make an interim report to the 2013 Regular Session of the General Assembly, with its final report due to the 2013 Regular Session of the General Assembly in 2014 before convening. Commission terminates upon the earlier of the filing of this report or on January 1, 2015.

Intro. by J. Davis.

[GS 136, GS 143](#)

[View summary](#)

[Transportation, Environment, Local Government, Public Safety and Emergency Management, Tax](#)

S 373 (2013-2014) [CALENDAR WAIVER/ENHANCED PROG.](#) Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO SET SCHOOL CALENDAR DATES TO SUPPORT IMPLEMENTATION AND OPERATION OF ENHANCED CAREER TECHNICAL EDUCATION AND COLLEGE TRANSFER CERTIFICATE PROGRAMS.*

Amends GS 115C-84.2(d) to allow the State Board of Education to waive the school opening and closing dates when a local board of education applies to modify the school calendar to support implementation and operating of an education program that is (1) established in collaboration with a community college for academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma or college transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses for qualified junior and senior high school students and (2) designed to align the opening and closing dates with the community college's course schedule. Allows the board to grant the waiver to the extent that it is necessary to accomplish the program's purpose and the request is not an attempt to circumvent the date requirements. Prohibits waiver requests from being used to accommodate system wide class scheduling preferences. Applies beginning with the 2013-14 school year.

Intro. by Tillman.

[GS 115C](#)

[View summary](#)

[Elementary and Secondary Education](#)

S 374 (2013-2014) [NC PUBLIC SCHOOLS BUDGET FLEXIBILITY ACT.](#) Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA PUBLIC SCHOOLS BUDGET FLEXIBILITY ACT.*

Amends GS 115C-105.25 (*Budget flexibility*), deleting GS 115C-105.25(b)(1, 2, 2a, 4, 5, 5a, 6, 7, 8, 9), eliminating several of the limitations that local boards of education had on the transferring of funds between categories.

Adds new GS 115C-105.25(b)(1a), providing that funds for children with disabilities, career and technical education, and other purposes may be transferred only as permitted by federal law and the conditions of federal grants.

Adds new GS 115C-105.25(b)(10), providing that funds to carry out the Excellent Public Schools Act will not be transferred.

Amends GS 115C-301 (*Allocation of teachers; class size*), deleting GS 115C-301(c, d, and e), regulations dealing with the maximum class size and teaching load. Replaces the deleted sections with GS 115C-301(c) (*Class Size*), providing that local school units will have the maximum flexibility to use allotted teacher positions to maximize student achievement. Requires local boards of education to report each February 1 any significant increases in class size.

Amends GS 115C-301(g), to now provide that local boards of education may request allotment adjustment for significant increases in class size. Within 45 days of receipt of request, the State Board of Education, within funds available, may allot additional positions if the significant increase in class size resulted from exceptional circumstances or circumstances out of the control of the organization. Rules will be adopted for the implementation of this section. Deletes penalty for noncompliance with this section.

Amends GS 115C-47 (*Powers and duties generally*), deleting the majority of GS 115C-47(10) in lieu of establishing that it is the responsibility of local boards of education to assure that the teacher positions allotted by the state are used to maximize student achievement. In addition, each local board will have the duty to provide an adequate number of classrooms.

Amends GS 115C-276(k), making technical and conforming changes.

Creates new subsection GS 115C-105.25(c), providing that to inform parents, educators, and the public on how state funds are used to address local educational priorities, each local school administrative unit will publish the following information on its website by August 1 of each year:

1) a description of each program report code, written in plain English, and a summary of the prior fiscal year's expenditure of state funds within each program report code

(2) a description of each object code within a program report code, written in plain English, and a summary of the prior fiscal year's expenditure of state funds for each object code

(3) a description of each allotment transfer that increased or decreased the initial allotment amount by more than 5% and the educational priorities that necessitated the transfer

Effective July 1, 2013.

Intro. by Tillman, Barringer, Wade.

[GS 115C](#)

[View summary](#)

[Education](#)

LOCAL/HOUSE BILLS

H 334 (2013-2014) [BUNCOMBE CTY LOTTERY FUND USE EXPANSION \(NEW\)](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO USE SOME LOTTERY FUNDS TO EXPAND DIGITAL LEARNING IN THE PUBLIC SCHOOLS.*

Amends SL 1983-134, as amended, to require that unencumbered revenue distributed to Buncombe County under GS 105-472 be used to (1) finance new public school construction of any amount and public school improvement and renovation projects estimated to cost more than \$100,000 at any one location, (2) retire any indebtedness incurred by the county after July 1, 1983 for these purposes, or (3) provide for digital learning needs. Makes conforming changes.

Intro. by Ramsey.

[Buncombe](#)

[View summary](#)

H 347 (2013-2014) [AMEND GREENSBORO FIRE RETIREMENT/CHARTER \(NEW\)](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO FIREFIGHTERS' SUPPLEMENTAL RETIREMENT SYSTEM AND TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER.*

Amends SL 1953-899, as amended, to provide that the general administration and responsibility for the operation of the supplemental retirement system vests in the Board of Trustees of the Firefighters' Relief Fund of the City of Greensboro (Relief Fund Board) as appointed under GS 58-84-30. Deletes requirement that the Relief Fund Board pay all the funds entrusted to the Relief Fund Board in excess of \$10,000 to the Board of Trustees of the Greensboro Firemen's Supplemental Retirement System (Supplemental Retirement Board) on July 1 annually. Instead, directs the Relief Fund Board to pay those funds into the Supplemental Retirement System.

Abolishes the Supplemental Retirement Board and provides that its members serve as ex officio, nonvoting members of the Relief Fund Board. Deletes provisions establishing the Supplemental Retirement Board. Makes stylistic changes to insert gender neutral language, substituting firefighters for firemen as applicable.

Intro. by Faircloth, Adams, Hardister, Harrison.

[Guilford](#)

[View summary](#)

[Public Safety and Emergency Management](#)

H 349 (2013-2014) [FAYETTEVILLE/MAY DISCLOSE POLICE COMPLIANT](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO DISCLOSE LIMITED PERSONNEL INFORMATION TO MEMBERS OF THE CITIZENS REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE COMPLAINT INVESTIGATIONS.*

Amends GS 160A-168 by adding a new subsection, GS 160A-168(c4), providing that to facilitate a citizen review of the police complaint process, when there is an appeal of the results of a complaint investigation, the Fayetteville city manager or the chief of police may release to the Police Citizen Review Board the disposition of disciplinary charges against a police officer and the facts that were relied upon to arrive at that disposition. Members of the board will maintain the information as confidential; it is not a matter of public record. Failure to do so violates the provisions as set forth in (e) and (f) of this section. Each member must execute a confidentiality agreement. For the purposes herein, disposition of disciplinary charges include determination that charges are not sustained, unfounded, exonerated, or classified as an informational file or any other disciplinary disposition category adopted by the Fayetteville Police Department.

Intro. by Floyd, Glazier, Lucas, Szoka.

[Cumberland](#)

[View summary](#)

[Public Safety and Emergency Management](#)

H 353 (2013-2014) [GRANVILLE CTY/RENEWAL ENERGY FACILITY LEASE](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING GRANVILLE COUNTY TO APPROVE A LEASE FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR A TERM OF UP TO TWENTY YEARS WITHOUT TREATING THE LEASE AS A SALE OF PROPERTY.*

Amends GS 160A-272 as title indicates.

Intro. by Wilkins, Baskerville.

[Granville](#)

[View summary](#)

[Energy](#)

H 354 (2013-2014) [2 COUNTY COMMISSIONERS MAY SERVE/AB TECH. BD](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE.*

Amends GS 115D-12(a), as the title indicates. Applies to appointments made on or after the date that the act becomes effective.

Intro. by Ramsey, Moffitt, Presnell.

[Buncombe, GS 115D](#)

[View summary](#)

H 355 (2013-2014) [LEE CO. FLEXIBILITY RE: SCHOOL CALENDAR](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE LEE COUNTY BOARD OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR.*

Amends GS 115C-84.2 to allow the Lee County board of education to schedule its school opening and closing dates for any school in the local administrative unit to coincide with those of a community college serving the city or county within which the school unit is located. Applies beginning with the 2013-14 school year.

Intro. by McManus.

Lee

[View summary](#)

[Elementary and Secondary Education](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 18: YOUTH SKIN CANCER PREVENTION ACT.

House: Postponed To 03/20/2013

H 31: AMEND HABITUAL DWI.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 32: INCREASE YEAR'S ALLOWANCE.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 40: AMEND HABITUAL DWI.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 57: CHILD NUTRITION PROGRAM SOLVENCY AND SUPPORT.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 83: ENACT CON COMMITTEE RECOMMENDATIONS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Regulatory Reform

H 125: PUBLIC AGENCY COMPUTER CODE NOT PUBLIC RECORD.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 150: ZONING/DESIGN & AESTHETIC CONTROLS.

House: Amend Adopted A1

House: Passed 2nd Reading

H 161: MANDATORY RETIREMENT AGE FOR MAGISTRATES.

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 174: NC RAILROAD COMPANY REPORTING AND DIVIDENDS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 176: CHARTER SCHOOL ELECTION.

House: Reptd Fav

House: Re-ref Com On Finance

House: If favorable, State Personnel

H 180: MECHANICS LIENS/TECHNICAL CORRECTIONS.

House: Placed On Cal For 03/20/2013

H 181: PHYSICIAN SUPRVSN. REQUIRED/NURSE ANESTHETIST.

House: Assigned To Regulatory Reform Subcommittee on Business and Labor

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

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 189: VARIOUS TAX LAW AND FILM GRANT CHANGES.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Passed 2nd Reading

House: Passed 3rd Reading

H 192: ALLOW ROW USAGE IN CENTRAL BUSINESS DISTRICTS.

House: Assigned To Commerce and Job Development Subcommittee on Energy and Emerging Markets

H 209: DV ORDERS/FINDINGS NOT REQUIRED (NEW).

House: Passed 2nd Reading

House: Passed 3rd Reading

H 230: CLARIFY READ TO ACHIEVE/SCHOOL PERFORMANCE GRADES (NEW).

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/20/2013

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/20/2013

H 238: MAINTAINING WATER & SEWER FISCAL HEALTH.

House: Serial Referral To Finance Stricken

H 243: LIENS/SELF-SERVICE STORAGE FACILITIES.

House: Serial Referral To Finance Stricken

H 249: SUBSTITUTE TEACHER DEDUCTION/PERSONAL LEAVE.

House: Serial Referral To Finance Stricken

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/20/2013

H 250: CHARTER SCHOOL ENROLLMENT & CHARTER REVISIONS (NEW).

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/20/2013

H 255: UNC TUITION SURCHARGE/ADVANCE NOTICE.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/20/2013

H 257: UNCLAIMED PROPERTY PROGRAM IMPROVEMENTS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/20/2013

H 271: CONFIRM UTILITIES COMMISSION APPOINTMENT.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 325: PARK FEES FOR ACTIVE DUTY MILITARY/VETERANS.

House: Passed 1st Reading

House: Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Finance, if favorable, Appropriations

H 327: FIRE AND RESCUE PENSION REVISIONS OF 2013.-AB

House: Passed 1st Reading

House: Ref to the Com on State Personnel, if favorable, Finance

H 328: REVISE AUDITOR'S RESPONSIBILITIES.-AB

House: Passed 1st Reading

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

H 329: 2013 BUDGET ACT.

House: Passed 1st Reading

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

H 330: PLANNED COMMUNITY ACT/DECLARANT RIGHTS.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee B

H 331: HOAS/UNIFORM LIEN PROCEDURE.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee B

H 332: NOTARY ACT/SATISFACTION OF SECURITY INTERESTS.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee B

H 333: SEX OFFENDER RESIDENCY/REGIS. AMENDMENTS.

House: Filed

H 335: AID RAPID RESPONSE TO STATES OF EMERGENCY.

House: Filed

H 336: CONTINUING BUDGET AUTHORITY (NEW).

House: Filed

H 337: FORSYTH TECH REPURPOSE OF FUNDS.*House: Filed***H 338: WC/SUBROGATION/EMPLOYER CONSENT.***House: Filed***H 339: LOTTERY EXPENDITURES.***House: Filed***H 340: LIMITED LINES TRAVEL INSURANCE.***House: Filed***H 341: TAX CREDIT FOR DOL APPRENTICE HIRES.***House: Filed***H 342: HONOR WINSTON-SALEM'S 100TH ANNIVERSARY.***House: Filed***H 343: COURTS/PROCEDURE AND FEE AMENDMENTS.-AB***House: Filed***H 344: UNIFORM MH REPORTING REQUIREMENTS FOR NICS.***House: Filed***H 345: INCREASE PENALTIES FOR MISUSE OF 911 SYSTEM.***House: Filed***H 346: GOVERNING BODIES/COLLECT UNPAID JUDGMENTS.***House: Filed***H 348: PUBLIC SAFETY TECHNOLOGY/STATE ROW.***House: Filed***H 350: COURT IMPROVEM'T PROJECT JUV LAW CHANGES.-AB***House: Filed***H 351: STUDY PRESCRIPTION DRUG ABUSE BY STUDENTS.***House: Filed***H 352: DISAPPROVE COYOTE HUNTING RULE.***House: Filed***H 356: CUSTOMER SRVC., ECON. DEV., AND TRANSPORT'N.***House: Filed***H 357: RETIREMENT GOVERNANCE CHANGES ACT OF 2013.-AB***House: Filed***H 358: RETIREMENT TECHNICAL CORRECTIONS.-AB***House: Filed***H 359: RETIREMENT ADMINISTRATIVE CHANGES ACT OF 2013.***House: Filed***H 360: SUNDAY HUNTING ON PRIVATE LAND.**

House: Filed

H 361: JUSTICE REINVESTMENT TECHNICAL CORRECTIONS.-AB

House: Filed

H 362: DEPT. OF PUBLIC SAFETY CHANGES.-AB

House: Filed

S 9: UTILITIES/DESIGN/SURVEY LOCATION SERVICES.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

S 36: APA TECHNICAL/CLARIFYING CHGES.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 03/21/2013

S 84: CANCEL AIRCRAFT LIEN W/SURETY BOND DEPOSIT.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/20/2013

S 97: PROPERTY TAX/DEANNEXATION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 03/20/2013

S 148: EXEMPT CERTAIN STEEL TUBING/ELECTRICAL K'ORS.

Senate: Reptd Fav

S 168: CLARIFY EDUCATION REPORTING REQUIREMENTS.

Senate: Passed 2nd Reading

S 175: BANKING LAWS CLARIFICATIONS/CORRECTIONS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 200: EXTEND TIME FOR FORENSIC ACCREDITATION (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 205: ELIMINATE UNNECESSARY TESTING/ANIMAL WASTE.

Senate: Reptd Fav

S 223: SEVERANCE & RELOCATION FOR AREA DIRECTORS.

Senate: Withdrawn From Com

Senate: Placed On Cal For 03/26/2013

S 326: REPAY CIVIL PENALTY FUNDS TO SCHOOLS.

Senate: Passed 1st Reading

Senate: Ref To Com On Appropriations/Base Budget

S 327: CLARIFY MOTOR VEHICLE LICENSING LAW.

Senate: Passed 1st Reading

Senate: RefTo Com On Commerce

S 328: SOLID WASTE MANAGEMENT REFORM ACT OF 2013.

Senate: Passed 1st Reading

Senate: RefTo Com On Agriculture/Environment/Natural Resources

S 329: UI/SOME FORMERLY DISABLED WORKERS ELIGIBLE.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 330: STUDY WATER AND SEWER PROVIDERS.

Senate: Passed 1st Reading

Senate: RefTo Com On Agriculture/Environment/Natural Resources

S 331: SUNSHINE AMENDMENT.

Senate: Passed 1st Reading

Senate: RefTo Com On Judiciary I

S 332: GOVERNMENT TRANSPARENCY ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Judiciary I

S 333: LIMIT ELIGIBILITY FOR JUDICIAL APPOINTMENTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 334: DOROTHEA DIX LEASE.

Senate: Passed 1st Reading

Senate: RefTo Com On Appropriations/Base Budget

S 335: PAYMENT OF 2012-2013 MEDICAID COSTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Appropriations/Base Budget

S 336: COLLABORATION AMONG STATE DIABETES PROGRAMS.

Senate: Passed 1st Reading

Senate: RefTo Com On Health Care

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

Senate: Passed 1st Reading

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

S 338: ESTABLISH GENERAL GOV'T OVERSIGHT COMMITTEE.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 339: PLANNED COMMUNITIES/AMENDMENT OF DECLARATION.

Senate: Passed 1st Reading

Senate: RefTo Com On Commerce

S 340: TANF FUNDS FOR BOYS AND GIRLS CLUBS.

Senate: Passed 1st Reading

Senate: RefTo Com On Appropriations/Base Budget

S 341: AMEND INTERBASIN TRANSFER LAW.

Senate: Passed 1st Reading

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

S 342: AMEND GUN LAWS.

Senate: Passed 1st Reading

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

S 343: PED TO STUDY DENR ACTION/ALCOA CONTAMINATION.

Senate: Passed 1st Reading

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

S 344: VINTAGE AUTO INSPECTIONS.

Senate: Passed 1st Reading

Senate: Ref To Com On Commerce

S 345: STATEWIDE SUBMERGED LANDS INVENTORY.

Senate: Passed 1st Reading

Senate: Ref To Com On Appropriations/Base Budget

S 346: CAREER FIRE AND RESCUE RETIREMENT.

Senate: Passed 1st Reading

Senate: Ref To Com On Pensions & Retirement and Aging

S 347: STUDY UNIFIED PUBLIC HEALTH SYSTEM.

Senate: Passed 1st Reading

Senate: Ref To Com On Health Care

S 348: CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL.

Senate: Passed 1st Reading

Senate: Ref To Com On Education/Higher Education

S 349: NATUROPATHIC DOCTORS LICENSING ACT.

Senate: Passed 1st Reading

Senate: Ref to Health Care. If fav, re-ref to Finance

S 350: PRIVILEGE TAX FOR UNREGULATED UTILITIES.

Senate: Passed 1st Reading

Senate: Ref To Com On Finance

S 351: TIMELY NOTICE TO CHARITIES/LICENSURE STATUS.

Senate: Filed

S 352: BLACK BEAR MANAGEMENT.

Senate: Filed

S 353: HEALTH AND SAFETY LAW CHANGES (NEW).

Senate: Filed

S 354: REVISE AUDITOR'S RESPONSIBILITIES.-AB

Senate: Filed

S 355: TECH CORRECTION/GASTON, NASH, UNION LOCAL ACT.

Senate: Filed

Senate: Filed

S 356: MODIFY TAX CONFIDENTIALITY.*Senate: Filed***S 357: IN-STATE TUITION FOR VETERANS.***Senate: Filed***S 358: GUARANTEED ASSET PROTECTION WAIVERS.***Senate: Filed***S 359: FREEDOM TO NEGOTIATE HEALTH CARE RATES.***Senate: Filed***S 360: JUDICIAL ELECTIONS AMENDMENT.***Senate: Filed***S 361: EXCELLENT PUBLIC SCHOOLS ACT OF 2013.***Senate: Filed***S 362: STUDY ENERGY EFFICIENCY INCENTIVES.***Senate: Filed***S 363: BUSINESS TAX REDUCTION AND REFORMS.***Senate: Filed***S 364: UPDATE ELECTRONIC PRESCRIPTION RULES.***Senate: Filed***S 365: AFFORDABLE AND RELIABLE ENERGY ACT.***Senate: Filed***S 366: REMOVE FEE FOR MILITARY SPECIAL PLATES.***Senate: Filed***S 367: SYSTEMATICALLY REFORM MEDICAID.-AB***Senate: Filed***S 368: COUNTY/SHERIFF FEE CHANGES/FELONY ESCAPE (NEW).***Senate: Filed***S 369: NAME CHANGE REQUIREMENTS FOR MINORS.***Senate: Filed***S 370: RESPECT FOR STUDENT PRAYER/RELIGIOUS ACTIVITY (NEW).***Senate: Filed***S 371: PATIENT SAFETY IN OPERATING ROOMS.***Senate: Filed***S 372: OMNIBUS COUNTY LEGISLATION.***Senate: Filed***S 373: CALENDAR WAIVER/ENHANCED PROG.***Senate: Filed***S 374: NC PUBLIC SCHOOLS BUDGET FLEXIBILITY ACT.**

Senate: Filed

LOCAL BILLS

H 33: CLEVELAND/POLK/RUTHERFORD TRAPPING REPEAL.

Ratified

Ch. SL 2013-13

H 270: RONDA RECALL.

House: Placed On Cal For 03/20/2013

H 305: CHAPEL HILL/ECONOMIC DEVELOPMENT PROJECTS.

House: Withdrawn From Com

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

H 324: SCHOOL CALENDAR FLEXIBILITY/ROWAN-SALISBURY.

House: Passed 1st Reading

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

H 326: RUTHERFORD COUNTY CONDEMNATION CONSENT.

House: Passed 1st Reading

House: Ref To Com On Government

H 334: BUNCOMBE CTY LOTTERY FUND USE EXPANSION (NEW).

House: Filed

H 347: AMEND GREENSBORO FIRE RETIREMENT/CHARTER (NEW).

House: Filed

H 349: FAYETTEVILLE/MAY DISCLOSE POLICE COMPLIANT.

House: Filed

H 353: GRANVILLE CTY/RENEWAL ENERGY FACILITY LEASE.

House: Filed

H 354: 2 COUNTY COMMISSIONERS MAY SERVE/AB TECH. BD.

House: Filed

H 355: LEE CO. FLEXIBILITY RE: SCHOOL CALENDAR.

House: Filed

S 75: ONSLOW PUBLIC-PRIVATE PARTNERSHIP.

House: Passed 1st Reading

House: Ref To Com On Government

S 229: OCEAN ISLE BEACH/SEA TURTLE SANCTUARY.

Senate: Reptd Fav

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