



The Daily Bulletin: 2013-04-02

PUBLIC/HOUSE BILLS

H 139 (2013-2014) [ADOPT UNIFORM DEPLOYED PARENT CUST/VISIT. ACT.](#) Filed Feb 20 2013, *A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT.*

Senate committee substitute to the 1st edition makes the following changes. Changes the act's effective date to October 1, 2013.

Intro. by Glazier, Stevens, Davis, D. Ross.

[GS 50, GS 50A](#)

[View summary](#)

[Family Law, Court System, Military and Veteran's Affairs](#)

H 243 (2013-2014) [LIENS/SELF-SERVICE STORAGE FACILITIES.](#) Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, AND TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS.*

House amendment #2 makes the following changes to the 2nd edition.

Changes long title.

Amends GS 44A-43(c), providing that not less than 20 days prior to the public sale, the lienor will issue a notice to the person having a security interest in the property by certified mail, or by verified electronic mail if the occupant makes an election in the rental agreement that notice will be given in that manner. This notice will be presumed to be delivered when it is properly addressed, first-class postage prepaid and deposited with the USPS or sent by verified electronic mail to the occupant's last known address.

House amendment #3 makes the following change to the 2nd edition.

Amends GS 66-306 (*Late fees*), establishing that the applicable late fees for rental contracts in which a definite time for payment of the rent is fixed will not exceed \$15 or 15% of the rental payment for each rental unit, whichever is greater.

Intro. by Stevens.

[GS 44A, GS 66](#)

[View summary](#)

[Business and Commerce](#)

H 254 (2013-2014) [ZONING CHANGES/NOTICE TO MILITARY BASES.](#) Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE.*

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

Amends GS 153A-323(b) and GS 160A-364(b), providing that prior to the public hearing for the proposed land-use and zoning changes, the military can provide comments or analysis to the board of commissioners (board) regarding the compatibility of

the proposed changes with the military operations at the base. If the board does not receive a response from the military within 30 days of issuing the notice of proposed changes, the military is deemed to have waived the comment period.

Expands the proposed changes that require notice to the military to include changes relating to telecommunications towers or windmills, changes to proposed new major subdivision preliminary plats, and an increase in the size of an approved subdivision by more than fifty percent. Also makes organizational changes.

Intro. by Glazier, Lewis.

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

[View summary](#)

[Land Use, Planning and Zoning, Military and Veteran's Affairs](#)

H 497 (2013-2014) [DISTRIBUTE SOME CRIMINAL PENALTIES STATEWIDE](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE STATEWIDE DISTRIBUTION OF A PORTION OF THE CLEAR PROCEEDS OF CRIMINAL PENALTIES IN CERTAIN CASES.*

Current law provides that the clear proceeds of all penalties, forfeitures and fines collected in the General Court of Justice in each county are remitted by the clerk of superior court of that county to the county finance officer, and apportioned based on projected average daily membership (ADM) by the county finance officer to the finance officer of each local school administrative unit (LEA) in that county.

Amends GS 115C-452 to create an exception to current law in cases in which (1) the criminal offense was committed in multiple counties, and (2) the Attorney General prosecuted the case in Wake County as required by law. Provides that the clear proceeds of all penalties, forfeitures, and fines collected in those cases be distributed to LEAs across the state and authorizes the clerk of superior court to determine what portion of the total collected is due to each LEA. Directs the clerk of superior court to remit the appropriate amount to the finance officer of each LEA.

Makes a conforming change to GS 7A-304(d)(1).

Effective July 1, 2013 and applies to the clear proceeds of penalties, forfeitures, and fines collected on or after that date.

Intro. by Richardson, Turner.

[GS 115C, GS 7A](#)

[View summary](#)

[Criminal Justice, Education](#)

H 498 (2013-2014) [AUTISM HEALTH INSURANCE COVERAGE \(NEW\)](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS, INCLUDING THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, TO PROVIDE COVERAGE FOR THE TREATMENT OF AUTISM SPECTRUM DISORDERS.*

Adds new GS 58-3-192 requiring health benefit plans, to provide coverage for autism spectrum disorders, that may be subject to the same deductibles, co-payments and coinsurance terms that apply to substantially all other covered medical services under the health benefit plan. Prohibits every health benefit plan, including the State Health Plan for Teachers and State Employees (State Plan), from terminating coverage or refusing coverage to an individual solely because the individual is diagnosed with one of the autism spectrum disorders or has received treatment for autism spectrum disorders. Provides that there will be no limits on the number of visits an individual may make to an autism services provider.

Prohibits denying coverage because the treatments are habilitative or educational in nature. Directs that coverage under these provisions must not be construed as limiting benefits that are otherwise available to an individual under a health benefit plan. Allows for a maximum annual benefit of \$75,000 for behavioral therapy for autism spectrum disorders.

Requires the Commissioner of Insurance, after December 31, 2014, to adjust the maximum benefit for inflation. Prohibits applying payments made by the insurer on behalf of the individual for any care, treatment, intervention, service, or item unrelated to behavioral health treatment toward the maximum benefit. Provides that if an individual is receiving treatment

for an autism spectrum disorder, with the exception of inpatient services, a health benefit plan has the right to request a review of the treatment no more than once every 12 months unless the individual's licensed medical doctor or licensed psychologist agrees that a more frequent review is needed. Requires the insurer to pay any costs for the review. Includes applicable definitions in proposed GS 58-3-192. Provides that the statute does not apply to a qualified health plan offered on a health benefit exchange operating in the state and that is established pursuant to specified regulations to the extent that this statute requires benefits that exceed the essential health benefits. Provides that the statute is not to be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan.

Amends GS 90-270.4 to provide that nothing in the Psychology Practice Act is to be construed to prevent a Board Certified Behavior Analyst (BCBA) or a Board Certified Assistant Behavior Analyst (BCaBA) from offering services within the scope of practice authorized by the Behavior Analyst Certification Board, in accordance with professional standards, if (1) the BCBA or BCaBA is certified and in good standing with the Behavior Analyst Certification Board; and (2) the BCBA or BCaBA does not hold himself or herself out to the public by any title or description stating or implying BCBA or BCaBA is a psychologist or is licensed, certified, or registered to practice psychology in the state.

Makes conforming and technical changes to GS 135-48.51.

Provides that the act becomes effective October 1, 2013, and applies to all insurance contracts issued, renewed, or amended on or after that date.

Intro. by McGrady, Murry, Cotham, Shepard.

[GS 58, GS 90, GS 135](#)

[View summary](#)

Health Insurance

H 499 (2013-2014) [INCREASE FINE FOR TEXTING WHILE DRIVING](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE FINE FOR OPERATING A MOTOR VEHICLE WHILE TEXT MESSAGING OR READING ELECTRONIC MAIL.*

Amends GS 20-137.4A to increase the fine, as the title indicates, from \$100 to \$200. Effective December 1, 2013, and applies to offenses committed on or after that date.

Intro. by Pierce.

[GS 20](#)

[View summary](#)

Transportation, Motor Vehicle

H 502 (2013-2014) [TRANSYLVANIA/POLK MAGISTRATE FUNDS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REESTABLISH MAGISTRATE POSITIONS FOR TRANSYLVANIA AND POLK COUNTIES.*

Amends GS 7A-133 to increase the number of magistrates in Polk County and in Transylvania County from three to four.

Appropriates \$58,104 for 2013-14 and \$55,669 for 2014-15 to the Judicial Department to reestablish a magistrate position for Transylvania County.

Appropriates \$58,104 for 2013-14 and \$55,669 for 2014-15 to the Judicial Department to reestablish a magistrate position for Polk County.

Effective July 1, 2013.

Intro. by Whitmire.

[Polk, Transylvania, APPROP, GS 7A](#)

[View summary](#)

Court System, Budget/Appropriations

H 505 (2013-2014) [EXTEND DSWC ANIMAL WASTE INSPECTIONS \(NEW\)](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE PROGRAM FOR INSPECTIONS OF CERTAIN ANIMAL OPERATIONS BY THE DIVISION OF SOIL AND WATER CONSERVATION.*

Repeals SL 1997-443, Section 15.4(a), as amended, dealing with certain animal operations.

Amends GS 143-215.10F, making a conforming change. Provides for an alternative inspections program by the Division of Soil and Water Conservation, with a focus on inspecting animal operations subject to a permit under GS 143-215.10C, with an inspection occurring at least once a year. The inspection will determine if the animal operations are causing a violation of water quality standards or whether the operations are in compliance with its animal waste management plan, as well as any other condition of the permit. This alternative program will be located in up to four counties with specified criteria.

Specifies how previous inspection programs and practices will be transitioned and continued.

Intro. by Waddell, Millis, Iler, McElraft.

[GS 143](#)

[View summary](#)

[Agriculture, Environment](#)

H 507 (2013-2014) [HONOR NEWLAND'S CENTENNIAL](#). Filed Apr 2 2013, *A HOUSE RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF NEWLAND ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.*

As title indicates.

Intro. by Dobson.

[Avery, HOUSE RES](#)

[View summary](#)

H 508 (2013-2014) [HONOR FOUNDERS OF MECKLENBURG COUNTY](#). Filed Apr 2 2013, *A HOUSE RESOLUTION HONORING THE FOUNDERS OF MECKLENBURG COUNTY WHILE OBSERVING THE COUNTY'S TWO HUNDRED FIFTIETH ANNIVERSARY.*

As title indicates.

Intro. by Earle, W. Brawley, Cotham, Jeter.

[Mecklenburg, HOUSE RES](#)

[View summary](#)

H 510 (2013-2014) [FOSTER CARE CHILDREN'S BILL OF RIGHTS](#). Filed Apr 2 2013, *AN ACT TO PROVIDE FOR THE FOSTER CHILDREN'S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE.*

Enacts new GS 131D-10.2A to declare that it is the policy of the state that the core elements of the Foster Care Children's Bill of Rights include 11 specified items, including right of first priority to be placed in a home with siblings, right to remain enrolled, if possible, in the school the child attended before being placed in foster care, and the right to participate in a transition plan for those phasing out of foster care.

Intro. by Cotham, Hardister, Avila, Jackson.

[GS 131D](#)

[View summary](#)

[Child Welfare](#)

H 511 (2013-2014) [NONCOVERED VISION SERVICES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPTOMETRIST.*

Enacts new GS 58-50-295 to prohibit an agreement between an insurer or an entity writing vision insurance and an optometrist for the provision of vision services on a preferred or in-network basis to plan members or insurance subscribers in connection with specified types of plans, from requiring that an optometrist provide services or materials at a fee that is limited or set by the plan unless the contract provides the reimbursement for services or materials as covered services. Defines covered services for purposes of the statute. Effective October 1, 2013, and applies to contracts entered into, amended, or renewed on or after that date.

Intro. by Stone, Murry, Jeter, Collins.

GS 58

[View summary](#)

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

H 513 (2013-2014) [CLARIFY DEALER PLATES LAW](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW A DEALER LICENSE PLATE TO BE DISPLAYED ON A MOTOR VEHICLE DRIVEN BY CERTAIN PERSONS EMPLOYED BY AN INDEPENDENT CAR DEALER OR RELATED TO A PERSON EMPLOYED BY AN INDEPENDENT CAR DEALER.*

As title indicates.

Intro. by Stone, Torbett.

GS 20

[View summary](#)

[Transportation](#)

H 514 (2013-2014) [HONOR PETE CUNNINGHAM](#). Filed Apr 2 2013, *A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "PETE" CUNNINGHAM, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

Intro. by Cunningham.

JOINT RES

[View summary](#)

[General Assembly](#)

H 515 (2013-2014) [AMEND CREDIT UNION LAWS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CREDIT UNIONS.*

To be summarized.

Intro. by J. Bell, L. Hall, Wells, Jordan.

GS 54

[View summary](#)

[Banking and Finance](#)

H 515 (2013-2014) [AMEND CREDIT UNION LAWS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CREDIT UNIONS.*

Amends GS 54-109.57A by creating a new subsection GS 54-109.57A(e), which provides that payable on death accounts created under GS 54-109.57, as it existed prior to October 1, 2011, will be governed by the provisions of this section on or after October 1, 2011. References to GS 54-109.57 in any document concerning the account are now deemed to refer to this section.

Amends GS 54-109.58, establishing that a credit union is not liable to joint tenants for complying in good faith with a writ of execution, garnishment, attachment, levy, or other legal process which appears to be issued by a court or other authority of competent jurisdiction. Provides further instruction for joint accounts with right of survivorships, requiring language that states their choosing of the right of survivorship in the account can be on a signature card or in an explanation of the account that is set out in a separate document. Provides that any joint tenant may terminate a joint account and that an individual who is a joint tenant can be removed from the account without terminating the account. After being removed, the joint account will continue in the names of the remaining tenant(s). Joint tenants that are removed from the account remain liable for any debts incurred during the period in which the individual was a named joint tenant.

Enacts new GS 54-109.60A (*Minors*), establishing that a credit union can issue and operate a share or deposit account in the name of a minor or in the names of two or more individuals, one or more of which are minors. A minor with such accounts is bound by the terms and agreement as if the minor were of full age and legal capacity. Provides that if a minor with a shared account, other than a joint account with right of survivorship or a payable on death account, dies, a parent or legal guardian of the minor can access and withdraw funds. These provisions do not affect the law governing transactions with minors in cases outside the scope of this section.

Creates GS 54-109.60B (*Accounts opened by adults for minors*), providing that one or more adults can open and maintain a custodial share account for a minor. Sets out the terms that apply to such accounts, including that beneficial ownership of the account vests exclusively in the minor.

Creates GS 54-109.62 (*Payment of balance of deceased person or person under disability to personal representative or guardian*), establishing the processes and procedures for paying the balance on deposit of deceased or people declared incompetent or legally disabled, including the proof needed to receive the balance on deposit and the protections the credit union has for acting in good faith under the authority of this section.

Creates new GS 54-109.62A (*Powers of attorney; notice of revocation; payment after notice*), providing that credit unions can continue to recognize acts of an attorney-in-fact or other agent until the credit union receives actual notice of the principal's death or other official revocation signed by the principal or satisfactory evidence of the revocation in cases dealing with companies. Notwithstanding the receipt of written notice of revocation of authority, the credit union can still proceed with transactions on the account until 10 days after the date of the receipt of the notice.

Amends GS 54-109.63(a), establishing that a person can open a personal agency account by written contract, using the language required and included in this section, and that the language can be on a signature card or in an explanation of the account that is set out in a separate document, acknowledged by the person(s) establishing the account.

Amends GS 54-109.82 (*Investment of funds*), providing that the capital, deposits, undivided profits, and reserve fund of the corporation can be invested in corporate bonds with a minimum rating of A+, rated as such by at least one nationally recognized rating service. Also requires credit unions to monitor overall credit exposure by setting corporate bond investment limits as a percentage of assets.

Effective July 1, 2013, with Sections 2 (concerning joint accounts) and 4 (amending GS 54-109.63(a)) of this act applying to accounts established as of that date and accounts created on or after that date.

Intro. by J. Bell, L. Hall, Wells, Jordan.

[GS 54](#)

[View summary](#)

Banking and Finance

H 516 (2013-2014) [NAME/ADDRESS OF LOTTERY WINNER CONFIDENTIAL](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO TREAT AS CONFIDENTIAL THE NAME AND ADDRESS OF A LOTTERY WINNER EXCEPT WITH THE CONSENT OF THE WINNER OR IN CERTAIN DEFINED CIRCUMSTANCES.*

Amends GS 18C-133 to provide that the name and address of a lottery prize winner is confidential except in one of the following circumstances: (1) the winner consents to the release; or (2) to the extent required to notify the Department of Revenue to comply with 18C-133(l), to notify the IRS, to notify the tax authorities of the state of residence of the winner, to comply with the debt set-off program, or to comply with laws concerning supplemental proceedings against a judgment debtor.

Effective December 1, 2013.

Intro. by Jackson, McGrady.

GS 18C

[View summary](#)

Lottery and Gaming

H 518 (2013-2014) [SECOND AMENDMENT PROTECTION ACT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT RELATING TO FIREARMS AND THE PRESERVATION OF THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION.*

To be summarized.

Intro. by Jones, Holloway, R. Brown, Millis.

GS 14

[View summary](#)

Constitution

H 519 (2013-2014) [PROPERTY INSURANCE RATE-MAKING REFORM](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE THE FAIRNESS AND EQUITY OF THE PROPERTY INSURANCE RATE-MAKING PROCESS BY PROVIDING FOR GREATER TRANSPARENCY REGARDING THE ROLE OF CATASTROPHE MODELING IN PROPERTY INSURANCE RATE FILINGS; AND BY PROVIDING THAT MODELED LOSSES IN A PROPERTY RATE FILING BE PROPERLY ALLOCABLE TO NORTH CAROLINA; AND BY REQUIRING THE RATE BUREAU TO DESIGNATE IN A FILING THAT PORTION OF THE RATE IN EACH TERRITORY ALLOCABLE TO WIND AND HAIL.*

Identical to [S 690](#), filed 4/2/13.

Amends GS 58-36-10 changing "may" to "shall," requiring consideration to be given to the experience of property insurance business during the most recent five-year period for which that experience is available in the case of property insurance rates under this Article.

Amends GS 58-36-10 to add the requirement that if the Rate Bureau presents any modeled hurricane losses with a property insurance rate filing, the Bureau must present data from more than one such model.

Amends GS 58-36-15, adding subsections (d2) and (d3). Subsection (d2) requires a minimum amount of supporting data to be included in any property insurance rate filing where a catastrophe model is used. Subsection (d3) requires the Rate Bureau, no later than January 1, 2015, to transition to a two-tier system for property insurance rate filings for policies issued or renewed after that date. A policy holder's total rate for property insurance will then be the sum of the two rate tiers meeting all of the enumerated requirements in (d3)(1-2).

Effective July 1, 2013.

Intro. by Tine, Dockham, Hamilton, Iler.

GS 58

[View summary](#)

Insurance

H 520 (2013-2014) [CONVERT AIR CARRIER FUEL REFUND TO EXEMPTION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CONVERT THE SALES TAX REFUND FOR CERTAIN FUEL PURCHASES OF AN INTERSTATE PASSENGER AIR CARRIER INTO A SALES TAX EXEMPTION.*

Identical to [S 414](#) filed on 3/26/13.

Amends GS 105-164.14A, concerning sales tax refunds, and GS 105-164.13, concerning exemptions from the retail sales and use tax, as the title indicates. Effective July 1, 2013, and applies to sales made on or after that date.

Intro. by Jeter, W. Brawley.

[GS 105](#)

[View summary](#)

Tax

H 521 (2013-2014) [GOVERNANCE OF DEP'T OF PUBLIC INSTRUCTION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO CHANGE THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION, TO CHANGE THE TERMS OF MEMBERS OF THE STATE BOARD OF EDUCATION, TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION A MEMBER OF AND CHAIR OF THE STATE BOARD OF EDUCATION, TO AUTHORIZE THE GOVERNOR TO APPOINT THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.*

To be summarized.

Intro. by Holloway, Blackwell, Malone, Elmore.

[GS 115C](#), [CONST](#), [GS 143A](#), [GS 147](#), [GS 163](#)

[View summary](#)

Constitution, Education

H 522 (2013-2014) [FOREIGN LAWS/PROTECT CONSTITUTIONAL RIGHTS \(NEW\)](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTION IN THE APPLICATION OF FOREIGN LAW.*

Identical to [S 545](#) filed on 4/1/13.

Amends GS 143-151.42, as the title indicates.

Intro. by Avila.

[GS 143](#)

[View summary](#)

Property and Housing, Public Enterprises and Utilities

H 528 (2013-2014) [MASS LAYOFFS/DISPLACED WORKER ASSISTANCE](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PAYMENT OF BENEFITS TO DISPLACED WORKERS IN THE EVENT OF MASS LAYOFFS DESIGNATED BY THE GOVERNOR AS A MAJOR DISTRESS EVENT.*

Identical to [S 579](#) filed on 4/2/13.

Establishes the Workforce Displacement Benefit Program (Program) to provide uniform payments to workers displaced due to a mass layoff that the Governor has identified as a major distress event. The payments are to be made only after exhausting unemployment benefits. The Program is to be administered by the Governor's office and must include the following: (1) benefits that are triggered when the Governor designates a mass layoff (affecting at least 500 employees from a single facility or business entity within a locality within a 20 week period) as a major distress event; (2) a uniform payout amount that is set as the standard benefit for all displaced workers participating in the program; (3) a uniform period of eligibility for payments that is set for all displaced workers participating in the program; and (4) General Fund funding.

Intro. by Pierce.

UNCODIFIED

[View summary](#)**Employment and Retirement**

H 532 (2013-2014) [NO DRINKING IN EMS & LAW ENFORCEMENT VEHICLES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIME TO OPERATE AN AMBULANCE, EMS VEHICLE, FIREFIGHTING VEHICLE, OR LAW ENFORCEMENT VEHICLE UPON ANY HIGHWAY, STREET, OR PUBLIC VEHICULAR AREA WITHIN THE STATE WHILE CONSUMING ALCOHOL OR WHILE ALCOHOL REMAINS IN THE PERSON'S BODY.*

As title indicates.

This act becomes effective December 1, 2013, and applies to offenses committed on or after that date.

Intro. by Elmore, McNeill, Jackson.

GS 20

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

PUBLIC/SENATE BILLS

S 208 (2013-2014) [EFFECTIVE OPERATION OF 1915\(B\)/\(C\) WAIVER](#). Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER.*

Senate amendment #1 makes the following changes to the 2nd edition.

Deletes liability clauses in GS 122C-124.2(b) and (c) which provided that nothing in these subsections will be construed to make the Department liable for any debts of the noncomplaint LME/MCO.

Intro. by Tucker, Barringer.

GS 122C

[View summary](#)**Public Assistance**

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.*

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

Provides for an effective date of October 1, 2013.

Intro. by Meredith, Newton, Ford.

GS 66

[View summary](#)**Banking and Finance**

S 439 (2013-2014) [AMEND & RESTATE NC LIMITED LIABILITY CO. ACT](#). Filed Mar 26 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND AND RESTATE THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT AND TO MAKE OTHER CONFORMING CHANGES.*

Repeals GS Chapter 57C, the "NC Limited Liability Company Act" and enacts a new GS Chapter 57D, also to be known as the "North Carolina Limited Liability Company Act" (Act) to amend, restate, and make conforming changes to the Act as the title indicates.

Provides that new Chapter 57D and any other applicable state laws govern the internal affairs of every Limited Liability Corporation (LLC) and any liability that interest owners, managers, or other company officials may have for the liabilities of the LLC. Declares that North Carolina's superior courts have jurisdiction to enforce the provisions of this Chapter. Reserves the power to amend or repeal all or any part of this Chapter at any time to the General Assembly. Provides that the scope of any amendments to this Chapter applies to all LLCs, foreign LLCs, interest owners, managers, and other company officials and includes LLCs and foreign LLCs in existence, or persons having such interests and status, at the time any amendments are enacted. Makes each provision of this Chapter severable, so that if any provision or application of this Chapter is held to be invalid, its invalidity will not affect other provisions or applications of the Chapter that can be given effect without the invalid provision or application.

Sets out definitions of terms as they apply in this Chapter, including: (1) defines LLC as an entity formed under new Chapter 57D or former Chapter 57C that has not become another entity or form of entity by merger, conversion, or other means; (2) defines Limited liability company to mean an LLC or a foreign LLC; (3) defines person to mean an individual or an entity, and defines individual to mean a human being; and (4) provides that liabilities, debts, and obligations have the same meaning and are used interchangeably through this Chapter.

Specifies requirements for the filing of documents under this Chapter. Requires that a document filed by the Secretary of State of North Carolina (Secretary) must be filed as provided in GS Chapter 55D. Identifies persons who are authorized to file documents on behalf of an LLC under specified circumstances.

Authorizes the Secretary to make the use of certain application forms mandatory and provides that the Secretary may promulgate and furnish other forms for documents required or permitted to be filed under this Chapter, but their use is not mandatory.

Delineates fees to be collected by the Secretary (1) for filing documents with the Secretary, (2) for service of process on the Secretary (if the serving party prevails then the party may recover the process fee), and (3) for copying and certifying a copy of any filed document related to an LLC.

Provides that any person adversely affected by the failure or refusal of any person to execute and deliver any document to the Secretary that required to be filed under this Chapter may petition the superior court with appropriate jurisdiction as specified in this Chapter to direct the filing and execution of the document. If the court finds that it is proper for the document to be executed and delivered to the Secretary and the applicable company official has refused or failed to do so, then the court must order the Secretary to make the filing.

Permits anyone to apply to the Secretary for a certificate of existence for an LLC or a certificate of authorization for a foreign LLC. Specifies the information that the certificate of existence or authorization must contain. Provides that a certificate of existence or authorization issued by the Secretary may be relied upon as conclusive evidence as to the accuracy of its contents.

Declares that the Secretary has the power necessary to perform the duties required by this Chapter. Authorizes the Secretary to present written interrogatories to any LLC to enable the Secretary to determine if the LLC has complied with all applicable provisions of this Chapter. Indicates timelines (30 days from the request by the Secretary or within an additional time frame set by the Secretary) for a response from the LLC and requires that the answers to the Secretary's interrogatories must be full and complete, and made in writing and under oath. Makes it a Class 1 misdemeanor for a manager or other company official of an LLC to fail or refuse to respond within the prescribed time to answer truthfully and fully the interrogatories proposed by the Secretary. Provides that the interrogatories and the answers are not open to public inspection. Prohibits the Secretary from disclosing any facts or information gained from the interrogatories except to the extent applicable law requires the Secretary to disclose the information publicly, or the interrogatories or the answers are required as evidence in any proceedings by the state. Directs the Secretary to certify to the state Attorney General all interrogatories and answers that disclose a violation of any provisions under this Chapter which require or permit action by the Attorney General. Provides that the Secretary may impose penalties on an LLC for failing to answer interrogatories. Penalties include the suspension of an LLC's articles of organization or its certificate of authority to do business in this state. Requires the Secretary to immediately notify an LLC of its suspension by mail. Sets out criteria under which the Secretary is to reinstate a suspended LLC. Requires the LLC to fully comply with its obligations under new GS 57D-1-31, pay all state taxes, fees, and penalties that are due, and pay a \$25.00 fee to the secretary to cover the cost of reinstatement. Directs the Secretary to immediately notify the LLC of the reinstatement by mail. Also provides criteria for disposing of the assets of an LLC when its articles of organization or certificate of authority have been suspended and the LLC has ceased to operate, but property remains in the name of the LLC or there remain future interests that may accrue to the LLC, its successor, or its interest owners.

Provides that an LLC is an entity distinct from its interest owners; has perpetual duration; and continues its existence after its dissolution subject to wind up under the provisions of new GS 57D-6-07. Provides that an LLC may engage in any lawful business but provides that an LLC engaging in a business subject to regulation under another North Carolina statute may be formed under this Chapter if not precluded by the provisions of the other statute. Provides guidelines regarding an LLC rendering professional services. Except as otherwise indicated in subsection (a) of new GS 57D-2-02, limits an LLC to rendering professional services only to the extent that it would be able to provide those services if it were a corporation, including complying as applicable with GS Chapter 55B and the statutes referenced in the definition of "professional service" in GS 55B-2(6). Provides rules of construction for applying the provisions of GS Chapter 55B and the statutes referenced in Chapter 55B to LLCs that render professional services, unless the context specifically requires a different construction. Asserts that nothing in new GS Chapter 57D alters or abolishes North Carolina's law applicable to the professional relationship and liabilities between a provider of professional services and the person receiving the professional services, the standards of professional conduct in rendering the professional service, or any responsibilities, obligations, or sanctions imposed by applicable licensing statutes. Provides criteria regarding the question of liability of a member or manager or other company official of a professional LLC.

Unless provided otherwise under this Chapter or limited under the operating agreement, an LLC has the same powers as an individual or a domestic corporation to do everything necessary to carry out its business.

Provides that one or more persons may form an LLC by delivering executed articles of organization to the Secretary for filing in accordance with this Chapter and Chapter 55D. Also provides for the formation of an LLC through the conversion of another eligible entity into an LLC under Part 2 of Article 9 of GS Chapter 57D. Declares that an LLC is formed at the time that the articles of organization filed by the Secretary become effective. Provides additional guidelines regarding the formation of an LLC.

Specifies the required content of the articles of organization, and indicates the process of amending the articles of organization. Permits an LLC to restate its articles of organization at any time. Requires that the restated articles of organization must be delivered to the Secretary for filing and indicates the required elements of the restatement to be filed with the Secretary.

Requires each LLC and each foreign LLC, except for professional LLCs governed by new GS 57D-2-02, to file annual reports with the Secretary on a form and in a manner as prescribed by the Secretary. Specifies information that must be included in each annual report. Directs the Secretary to notify LLCs of the annual report filing requirement. Provides schedule for submitting the annual report.

Provides for the scope, function, and limitations of the operating agreement that governs the internal affairs of an LLC, and the rights, duties, and obligations of (1) the interest owners, and the rights of any other persons to become interests owners, in relation to each other, the LLC, and their ownership interests or rights to acquire ownership interests, and (2) the company officials in relation to each other, the LLC, and the interest owners. Provides that the provisions of the operating agreement are severable and each provision will apply to the extent that it is valid and enforceable. Declares that the operating agreement may not supplant, vary, disclaim, or nullify specified provisions of this Chapter or the application of those provisions. Provides that except as otherwise provide in this Chapter or other applicable law, the laws of agency and contract govern the administration and enforcement of operating agreements.

Identifies persons deemed to be a party to the operating agreement and other persons subject to or having rights under the operating agreement. Provides that a person does not have to be an interest owner to be a party to the operating agreement. Provides that any person bound by the operating agreement is also bound by any adopted amendment to the operating agreement. Indicates that an operating agreement may contain specified remedies applicable to the breach of the operation agreement or the occurrence of a specified event. Provides that unless otherwise specified in the operating agreement, an interest owner or other person, who is a party or bound by the operating agreement, will not be liable to the LLC, an interest owner, or a party to the operating agreement for that person's reliance on the provisions of the operating agreement.

Requires each LLC to maintain a registered office and registered agent as required under Article 4 of GS Chapter 55D and provides that each LLC is subject to service on the Secretary under that Article.

Provides criteria for the admission of members to an LLC and for becoming an economic interest owner. Also provides criteria for ceasing to be a member of an LLC, including death and a declaration of incompetence.

Requires the approval of all members to (1) adopt or amend an operating agreement, (2) admit any person as a member, (3) transfer in one transaction or series of related transactions all or substantially all of the assets of the LLC prior to the

dissolution of the LLC, other than in the ordinary course of business, (4) dissolve the LLC under circumstances other than those for which an LLC may be dissolved under Article 6 of this Chapter, (5) convert the LLC into a different eligible entity under Article 9 of this Chapter, or (6) merge the LLC with or into another eligible entity under Article 9 of this Chapter.

Specifies the rights of members to inspect and review information including the articles of organization, tax returns, and other information from which the status of the business and financial condition of the LLC may be ascertained. Permits the inspection rights and rights to copy LLC records to be exercised through a member's agent.

Provides standards of conduct for managers in the discharge of their duties in managing the LLC and conducting its business. Provides that the management of an LLC and its business is vested in the managers, and that all members are managers of the LLC, as well as any person or persons designated as a manager in the operating agreement. However, the operating agreement may provide that members are not managers by virtue of their status as members and may also designate that the LLC is to be managed by company officials who are not managers. Provides additional criteria regarding terms of service as a manager and the duties of company officials. Directs managers to manage the LLC and conduct its business in accordance with the operating agreement and asserts that a manager acting in compliance with this section is not liable to the LLC for any act or omission as a manager.

Attaches no liability to a person who is an interest owner, manager, or other company official for the obligations of the LLC solely because of their position in the LLC. Provides criteria for when indemnification is required for an LLC member, manager, or other company official and criteria when the LLC must reimburse a person who is or was a member for any payment made by that person, in the authorized conduct of the LLC's business or preservation of the LLC's business or property.

Also provides criteria for contributions by an interest owner in any form including money or other property, or services rendered, for interim distribution to interest owners before the dissolution and winding up of an LLC, and restrictions on making distributions. Provides additional information on liability for contributions, liability for wrongful distributions distribution in kind, and the right to distribution.

Categorizes an ownership interest as personal property. States that an economic interest may be transferred in whole or part; however, the transfer, in whole or part, of an economic interest does not entitle the recipient of the transfer to become a member or exercise any rights of a member other than to receive the economic interest. Provides for the rights of a judgment creditor of an interest owner. Provides additional criteria regarding the transfer of ownership interests with respect to an LLC. Declares that there is no right for an interest owner to voluntarily withdraw capital or terminate obligations except as may be required by this Chapter or other applicable law.

Specifies occurrences which dissolve an LLC. Provides the grounds and procedure for a judicial dissolution of an LLC. Authorizes the court in a proceeding to dissolve an LLC, to create a receivership pending the court's decision on dissolution, and provides specifications regarding a decree of judicial dissolution and the court's authority to direct the winding up of the LLC. Also provides acts or omissions that serve as grounds to permit the Secretary to administratively dissolve an LLC. Allows an LLC dissolved under this section to apply to the Secretary for reinstatement.

Directs an LLC to wind up after its dissolution and provides that the winding up may include continuing the business of the LLC for a period of time. Elaborates on the process of winding up an LLC after its dissolution, identifying the process for determining the person or persons charged with winding up the LLC. Provides that during the winding up of an LLC, the LLC's assets are to be applied first to creditors and the balance to the interest owners as distributions made in the manner provided in GS 57D-4-03.

Requires the LLC to deliver articles of dissolution to the Secretary for filing upon the dissolution of the LLC. Specifies that the articles of dissolution must contain (1) the name of the LLC, (2) the effective date of the dissolution, and (3) any other information the LLC elects to provide.

Permits a dissolved LLC with articles of dissolution, a certificate of dissolution, or an effective decree of dissolution filed by the Secretary, to dispose of known claims against it by providing claimants with a written notification of the dissolution with specified content. Also provides for the publication of notice of an LLC's dissolution to request that persons with claims against the LLC present those claims as prescribed in the notice. Provides for the content requirements of the notice.

Provides criteria for the enforcement of claims against a dissolved LLC under new GS 57D-6-10 or GS 57D-6-11, and provides that neither of the proposed statutes extends any applicable period of limitation. Describes the procedures for court

proceedings for contingent claims against a dissolved LLC.

GS 57D-7-01, (*Authority to transact business*), establishes that a foreign LLC may only transact business in NC after obtaining a certificated of authority (certificate) from the Secretary. Provides a list of 12 activities, which when done are not considered to be the transaction of business by a foreign LLC, including selling property or services through independent contractors and owning real or personal property.

Enacts GS 57D-7-02, (*Consequences of transacting business without authority*), providing that no foreign LLC may maintain a proceeding in any court of NC without first obtaining a certificate of authority. Such an issue must be raised by motion and determined by the trial judge before trial begins. Provides that a foreign LLC failing to obtain a certificate is liable to NC for any amount of fees and taxes that would have been imposed by law had the foreign LLC properly applied for and received permission to transact business in NC. A civil penalty of \$10 for each day that a foreign LLC transacts business will be assessed, not to exceed \$1,000 per year. Such penalty funds are to be sent to the Civil Penalty and Forfeiture Fund. Establishes that a failure of the LLC to obtain a certificate does not otherwise impair or invalidate its acts or prevent it from defending any proceeding in NC. Provides that the Secretary requires every foreign LLC transacting business in NC to comply with the provisions of this Chapter. Authorizes the Secretary to undertake investigations necessary to determine compliance of this Chapter.

GS 57D-7-03, (*Application for certificate of authority*), states that a foreign LLC may apply for a certificate by submitting an application to the Secretary. Provides what information must be provided in the application, including, the name of the foreign LLC, the jurisdiction under whose law it is organized, and the names, titles, and business addresses of the principal company officials. The foreign LLC will also submit with the application for certificate, a certificate of existence, or a similar document, authenticated by the secretary of state or other proper official who has custody of LLC records in the jurisdiction where the foreign LLC is organized. When the Secretary deems the application as conforming to law and all applicable taxes and fees have been paid, the application and certificate of existence will be filed, and a certificate will be issued to transact business in NC and sent to the foreign LLC.

GS 57D-7-04, (*Amended certificate of authority*) provides that a foreign LLC must amend its certificate if its name or jurisdiction of organization changes. A foreign LLC can apply for an amended certificate by submitting an application to the Secretary that sets forth the name, organizing jurisdiction, the date it was originally authorized to transact business in NC, and a statement of the change(s) being made. Provides that the requirements of GS 57D-7-03 are applicable when applying for an amended certificate.

GS 57D-7-05, (*Effect of certificate of authority*), establishes that a certificate authorizes the foreign LLC to transact business in NC and to qualify as an executor, administrator, guardian, or trustee under the will of any person. If qualifying as a testamentary trustee or executor the foreign LLC must appoint a process agent and file that appointment with the court per GS 28A-4-2. Provides that an LLC is held to the same duties, restrictions, penalties, and liabilities as LLCs of like character.

GS 57D-7-06, (*Registered office and registered agent of foreign LLC*), provides that each authorized foreign LLC must maintain a registered office and agent pursuant to GS 55D, Article 4.

GS 57D-7-20, (*Withdrawal of foreign LLC*), requires a foreign LLC to obtain a certificate of withdrawal from the Secretary before being able to withdraw from NC. In order to obtain a withdrawal certificate, the foreign LLC must submit an application to the Secretary stating, among other things, that the foreign LLC revokes its authority of its registered agent to accept service of process and that it is not transacting business in NC and it surrenders its authority to transact business in NC. When the Secretary deems the application for withdrawal as conforming to law, the application and certificate of withdrawal will be filed and sent to the foreign LLC. Provides for the service of process after the withdrawal of the foreign LLC is effective.

GS 57D-7-21, (*Withdrawal of foreign LLC by reason of a merger, consolidation, or conversion; qualification of successor*), provides that if a foreign LLC ceases to exist as a result of merger, consolidation, or other reorganization, the resulting entity must apply for a certificate of withdrawal for the foreign LLC. If the resulting entity is not authorized to transact business in NC, the application for withdrawal must state and otherwise modify the described information required pursuant to GS 57D-7-20(b). When the Secretary deems the information submitted by the resulting entity conforms to law, the application and certificate of withdrawal will be filed and sent to the foreign LLC. Provides for the service of process after the withdrawal of the foreign LLC is effective.

GS 57D-7-22, (*Authority of Attorney General*), establishes that the Attorney General (AG) can maintain an action to restrain a foreign LLC from transacting business in NC, in violation of this Article.

GS 57D-7-30, (*Grounds for revocation*), provides that the Secretary can commence a proceeding to revoke the certificate of a foreign LLC in certain situations, including, the foreign LLC is delinquent in delivering its annual report, or the foreign LLC is exceeding the authority conferred upon it by this Chapter. Provides that the Revenue Act, relating to the suspension of the certificate, is not preempted by this section.

GS 57D-7-31, (*Procedures for and effect of revocation*), provides that if the Secretary determines that one or more grounds exist for revocation under GS 57D-7-30, the Secretary will mail to the foreign LLC a written notice of that determination. If the grounds for revocation are not corrected to the satisfaction of the Secretary within 60 days after having received notice, the Secretary can revoke the foreign LLCs certificate, filing the revocation and sending a copy of it to the foreign LLC. After which, the authority of the foreign LLC to transact business in NC ceases. Such revocation results in the Secretary becoming the agent for service of process for the foreign LLC; however the authority of the registered agent of the foreign LLC is not terminated by the revocation. A new certificate will not be granted until the grounds for revocation have been substantially corrected to the satisfaction of the Secretary.

GS 57D-7-32, (*Appeal from revocation*), enacts that a foreign LLC can appeal the Secretary's revocation of its certificate to the Superior Court of Wake County within 30 days after the revocation is mailed to the foreign LLC. The foreign LLC must file a petition with the court and with the Secretary, requesting to set aside the revocation. Provides the further process and procedure of the appeal. States that any final decision by the court can be appealed as in other civil proceedings.

GS 57D-7-33 (*Inapplicability of Administrative Procedure Act*), states that the Administrative Procedure Act does not apply to proceedings or appeals provided for in GS 57D-7-30 through GS 57D-7-32.

GS 57D-8-01, (*Member derivative actions*), establishes the reasons and conditions by which a member may bring a derivative action. Defines, for the purpose of this article, the terms "derivative action" and "derivative proceeding".

GS 57D-8-02, (*Stay of proceedings*), provides that if the LLC commences an inquiry into the allegations in the derivative suit, the court can stay the derivative proceeding.

GS 57D-8-03, (*Dismissal*), provides the processes and procedures for the dismissal of a derivative proceeding, including, a court appointed panel composed of one or more independent persons tasked with determining whether the derivative proceeding is in the best interest of the LLC. The plaintiff bears the burden of proving that the suit is in the interest of the LLC.

GS 57D-8-04, (*Discontinuance or settlement*), establishing that a derivative proceeding cannot be discontinued or settled without the court's approval. On the court's determination that a proposed discontinuance or settlement will substantially affect the interest of the LLC's members, a notice will be given to the members who would be affected. The manner, form of the notice, and who will bear the cost of the notice, will be determined by the court.

GS 57D-8-05, (*Payment of expenses*), provides what the court may do on the termination of the derivative proceeding, including, but not limited to, ordering the LLC to pay the plaintiff's expenses, including attorney's fees.

GS 57D-06, (*Applicability to foreign LLCs*), provides that except for the matters governed by GS 57D-8-02, GS 57D-8-04, and GS 57D-8-05, the matters of any derivative proceeding in the right of a foreign LLC will be governed by the law of the jurisdiction of the LLC.

GS 57D-8-7, (*Privileged communications*), provides that in any derivative proceeding, no member is entitled to access to any communication within the scope of the LLC's attorney-client privilege that is not otherwise accessible in a proceeding other than on behalf of the LLC.

GS 57D-9-01, (*Definitions*), provides the terms and definitions to be used in this article, including Articles of organization and conversion, converting entity, converting LLC, eligible entity, merging entity, merging LLC, and surviving entity.

GS 57D-9-20, (*Conversion*), provides the requirements by which an eligible entity, other than an LLC, may convert to an LLC.

GS 57D-9-21, (*Plan of conversion*), establishes that a converting entity must approve a written plan of conversion which includes specified information such as, but not limited to, the terms and conditions of the conversion and the name the entity will have after an effective conversion. Provides that certain provisions of the plan can be made on facts objectively

ascertainable outside the plan of conversion. Plans of conversions must be approved in accordance with the law governing the organizations and internal affairs of the converting entity. Provides when the plan of conversion can be amended or abandoned.

GS 57D-9-22, (*Filing articles of organization and conversion by the converting entity*), establishes that after the plan of conversion has been approved by the converting entity, the entity must deliver articles of organization and conversion to the Secretary for filing. Specifies the information the articles must contain. Details what must happen if a plan of conversion is abandoned after delivery to the Secretary but before the conversion is effective. Requires certificates of conversion to be registered, pursuant to GS 47-18.1.

GS 57D-9-23, (*Effective date; Effects of conversion*), provides when the conversion is final and takes effect as well as what occurs when the conversion is final, including, but not limited to, the converting entity ceases its prior form or organization and continues as the surviving entity and all liabilities of the converting entity continue as liabilities of the surviving entity.

GS 57D-9-30, (*Conversion*), provides the requirements by which a LLC may convert to a different eligible entity.

GS 57D-9-31, (*Plan of conversion*), establishes that a converting LLC must approve a written plan of conversion which includes specified information such as, but not limited to, the terms and conditions of the conversion and the name the entity will have after an effective conversion. Provides that certain provisions of the plan can be made on facts objectively ascertainable outside the plan of conversion. The converting LLC must provide a copy of the plan of conversion to each member of the converting LLC prior to its approval; all members must approve the plan of conversion. Provides when the plan of conversion can be amended or abandoned.

GS 57D-9-32, (*Articles of conversion*), establishes that after the plan of conversion has been approved by the converting entity, the entity must deliver articles of organization and conversion to the Secretary for filing. Specifies the information the articles must contain. Describes what must happen if a plan of conversion is abandoned after delivery to the Secretary but before the conversion is effective. Requires certificates of conversion to be registered, pursuant to GS 47-18.1.

GS 57D-9-33, (*Effects of conversion*), provides what occurs when the conversion is final, including, but not limited to, the converting entity ceases its prior form or organization and continues as the surviving entity, and the title to all real estate and other property owned by the converting LLC continues to be vested in the surviving entity without reversion or impairment. The surviving entity, if not a domestic corporation or a domestic limited partnership, is deemed to consent to being served with process in this State for enforcement of specified obligations and rights and as having appointed the Secretary as its agent for service of process in any such proceeding.

GS 57D-9-40, (*Merger*), establishes that an LLC may merge with one or more eligible entities if specified requirements are met.

Gs 57D-9-41, (*Plan of merger*), establishes that a merging entity must approve a written plan of merger which includes specified information such as, but not limited to, the terms and conditions of the merger and the name of the surviving entity. Provides that certain provisions of the plan can be made on facts objectively ascertainable outside the plan of merger. Plans of merger must be approved in accordance with the law governing the organizations and internal affairs of the converting entity. The merging entity must provide a copy of the plan of merger to each member of the merging entity prior to its approval; all members must approve the plan of merger. Provides when the plan of conversion can be amended or abandoned.

GS 57d-9-42, (*Articles of merger*), establishes that after the plan of merger has been approved by the merging entity, the entity must deliver articles of merger to the Secretary for filing. Specifies the information the articles must contain. Details what must happen if a plan of merger is amended or abandoned after delivery to the Secretary but before the merger is effective. Merger becomes effective when the articles of merger filed by the Secretary of State become effective. Requires certificates of merger to be registered, pursuant to GS 47-18.1.

GS 57D-9-43, (*Effects of merger*), provides what occurs when the merger is final, including, but not limited to, the merging entity ceases its prior form or organization and merges into the surviving entity and the title to all real estate and other property owned by the merging entity continues to be vested in the surviving entity without reversion or impairment. The surviving entity, if not a domestic eligible entity, is deemed to consent to being served with process in this State for enforcement of specified obligations and rights and as having appointed the Secretary as its agent for service of process in any such proceeding.

GS 57D-10-01, (*Purpose; public policy*), states that the purpose of this Chapter is to provide a flexible framework under which one or more person may organize and manage one or more businesses. Provides that the policy of this Chapter is to give maximum effect to the principle of freedom of contract and the enforceability of operating agreements.

GS 57D-10-02, (*Rules of construction; coordination with other law*), establishes that the rule of law and equity supplement this Chapter. Statutes in derogation of the common law are not to be strictly construed, in regards to this Chapter. Provides that this Chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, with specified limitations. Provides the limitations of this Chapter and issues of applicability. Establishes the applicable rules of construction for the Chapter.

GS 57D-11-01, (*Applicability of act*), provides that this Chapter applies to every LLC, regardless of time of formation, and the interest owners of every LLC, unless otherwise excepted by this Chapter.

GS 57D-11-02, (*Application to qualified foreign LLCs*), provides that a foreign LLC that was authorized to transact business in this State immediately before the repeal of GS Chapter 57C is subject to this Chapter but is not required to obtain a new certificate of authority.

GS 57D-11-03, (*Saving provisions*), provides that LLCs formed before January 1, 2014, will not be impaired by the repeal of GS Chapter 57C or the enactment of any part of this Chapter. Provides the procedures for dealing with proceedings commenced before January 1, 2014, as well as dissolutions of LLCs that occurred before that date. Provides that any references in articles of organizations or operating agreements of LLC made before January 1, 2014 concerning GS Chapter 57C are deemed, where possible, to be made to the corresponding provisions of GS Chapter 57D.

Amends GS 55-1-40 and GS 55A-1-40, making conforming changes.

Amends GS 55A-11-02(a), making technical and conforming changes.

Amends GS 55D-1, making clarifying and conforming changes.

Amends GS 55D-10, making conforming and clarifying changes.

Amends GS 55D-13(c), GS 55D-15, and GS 55D-17, making conforming changes.

Amends GS 55D-20, deleting the provision concerning and allowing "low-profit limited liability companies", as well as deleting the naming requirements for such companies. Provides an exception to the naming requirement that requires "limited liability company", "L.L.C.", "LLC", or other specified abbreviations to be used in the name, allowing any limited liability company whose name contained the words "low-profit limited liability company" or the abbreviation "L3C" pursuant to subdivision (6) prior to its repeal on January 1, 2014, may continue to use that name unless the limited liability company amends its articles of organization to change its name. Makes conforming changes.

Amends GS 55D-21(d), GS 55D-22(b), and GS 55D-31(c), making conforming changes.

Amends GS 59-32 and GS 59-102, making clarifying and conforming changes.

Amends GS 66-260(11)(n), GS 66-352(a), GS 66-353, making conforming changes.

Amends GS 87-10.1, GS 87-22.2, GS 87-44.2 and GS 89C-18.1, making clarifying and technical changes.

Amends GS 89F-6, making a conforming change.

Amends GS 105-114.1(a)(4), providing that the governing law is defined as the law under which a LLC is organized (was, LLC's governing law is determined under GS 57C-6-05 or GS 57C-7-01, as applicable).

Amends GS 105-122.1, GS 105-130.2(11), and GS 105-134.1(7a), making conforming changes.

Amends GS 105-163.1(8), making a technical and clarifying change.

Amends GS 117-18.1(a)(4), making a conforming change.

Amends GS 25-9-406(i), (*Inapplicability*), providing that this section does not apply to an assignment of a health-care-insurance receivable or an interest in a partnership or LLC.

Amends GS 25-9-408(f), (*Inapplicability*), providing that this section does not apply to an assignment of an interest in a partnership or LLC.

Except as otherwise provided, this act becomes effective January 1, 2014.

Intro. by Clodfelter, Barringer, Brunstetter.

[GS 105](#), [GS 25](#), [GS 55](#), [GS 55A](#), [GS 55D](#), [GS 57C](#), [GS 59](#), [GS 66](#), [GS 87](#), [GS 89C](#), [GS 89F](#), [GS 117](#), [GS 57D](#)

[View summary](#)

Corporation and Partnerships

S 580 (2013-2014) [EXPEDITE CLEANUP OF ORPHAN LANDFILL SITES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CONTAMINATION SOURCE REMOVAL AND DISPOSAL BOARD, AND TO DIRECT THE BOARD AND THE DIVISION OF WASTE MANAGEMENT OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY DEVELOPMENT AND IMPLEMENTATION OF A PILOT PROGRAM TO ALLOW A PUBLIC-PRIVATE PARTNERSHIP FOR THE STATE AND EXPEDITED REMEDIATION OF PRE-1983 LANDFILLS AT LITTLE OR NO COST TO THE STATE.*

Amends GS 130A-310.6, providing that the Secretary of Environment and Natural Resources will use portions of the funds allocated to the Department of Environment and Natural Resources (DENR) from the Inactive Hazardous Sites Cleanup fund to implement public-private partnerships for the cleanup of pre-1983 landfills. Makes a clarifying change.

Requires the Division of Solid Waste in DENR to develop and present for approval to the Environmental Management Commission, no later than October 1, 2013, a plan for establishing pilot public-private partnerships which provide for the cleanup of no less than nine pre-1983 landfill sites. Specifies certain aspects and requirements of the plan.

Intro. by Tarte.

[GS 130A](#)

[View summary](#)

Environment, Public Health

S 581 (2013-2014) [ESTABLISH HISTORICAL BOILERS LICENSING ACT](#) Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HISTORICAL BOILERS LICENSING ACT.*

Requires the Department of Labor (Department) to study the current standards for riveted or welded repairs or alternations to historical boilers and the establishment of licensure requirements for historical boiler operators. Requires that the Department report to the 2014 Regular Session of the 2013 General Assembly.

Appropriates \$20,000 for 2013-14 from the General Fund to the Department for conducting the study.

Intro. by Bingham.

[APPROP, STUDY](#)

[View summary](#)

Occupational Licensing, Budget/Appropriations, Department of Labor

S 582 (2013-2014) [PRIVACY/PROTECT LAW OFFICER PERSONAL INFO](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROTECT FROM DISCLOSURE AS A PUBLIC RECORD CERTAIN INFORMATION CONCERNING LAW ENFORCEMENT OFFICERS.*

Enacts new GS 134-1.14 as the title indicates. Provisions prohibiting disclosure of certain information apply to current or former law enforcement officers. Prohibits the disclosure of the (1) home address, (2) personal telephone number, (3) personal email address, and (4) information concerning an officer's family members without the officer's written consent. Also identifies the information about a law enforcement officer that may be released as a public record.

Intro. by Tucker.

GS 132

[View summary](#)**Public Records and Open Meetings, Public Safety and
Emergency Management**

S 583 (2013-2014) [METAL THEFT STATUTE AMENDMENTS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE STATUTES THAT REGULATE SECONDARY METALS RECYCLERS.*

Part 3 of GS Chapter 66, Article 45, applies to the Regulation of Sales and Purchases of Metals.

Amends GS 66-420 of Part 3 to modify the definition of "cash card system" to mean a payment system, which pays in cash or in a form other than cash, and when the payment is in cash, (1) takes a picture of the seller at the time the payment is received, and (2) uses an automated cash dispenser such as an Automated Teller Machine (was, a payment system that takes a photograph of the receipt regardless of whether payment was in cash or some other form).

Amends GS 66-424(a) to prohibit a secondary metals recycler from purchasing any central air conditioner condensers that are not attached to a unit. Provides an additional exception to the prohibited activities and transactions under this section to permit a secondary metals recycler to purchase central air conditioner evaporator coils or condensers not attached to a unit, or catalytic converters not attached to a vehicle, from a seller with a purchase receipt or other proof of ownership. Provides that "central air conditioner evaporator coils" as used in this subsection and in subdivision (11) of GS 66-421(b) does not include coils from a window air conditioning system if the coils are contained within the system itself or a coil from a vehicle condenser. Makes an additional conforming change to GS 66-421(b)(11).

Intro. by Tucker.

GS 66

[View summary](#)**Business and Commerce**

S 584 (2013-2014) [AMEND FALSE LIENS LAW](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO EXPAND THE PROTECTION AGAINST FALSE LIENS TO INCLUDE THE IMMEDIATE FAMILY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE.*

Amends GS 14-118.6(a), expanding the prohibition on filing false liens against the real or personal property of a public officer or public employee for the performance of their official duties to include immediate family members, defined as a spouse or child. Effective for offenses committed on or after December 1, 2013.

Intro. by Tucker.

GS 14

[View summary](#)**Criminal Law and Procedure**

S 585 (2013-2014) [AMEND DWLR LAW](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REPEAL THE PUNISHMENT OF REVOKING A PERSON'S DRIVERS LICENSE FOR COMMITTING CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES, TO MAKE DRIVING WHILE LICENSE REVOKED A NONMOVING VIOLATION FOR CERTAIN PURPOSES, AND TO MAKE OTHER CONFORMING CHANGES.*

Amends GS 20-28, establishing that any person who drives with their licensed revoked is guilty of a Class 1 misdemeanor. Except that in cases where a person satisfies the criteria of GS 20-28(a1) or whose drivers license was revoked pursuant to GS 20-24.1 is only guilty of an infraction. Other specified situations, including having a license revoked for an impaired driving license revocation as defined in GS 20-28.2(a), or pursuant to GS 20-16(a)(5), or the person was charged with violating any restriction of GS 20-179.3, as well as, any restriction relating to the installation or use of an ignition interlock, pursuant to GS 20-17.8, will result in the person's license being revoked for an additional period of one year for a first offense, two years for the second offense, and permanently for a third or subsequent offense (was, upon conviction of the Class 1 misdemeanor a

license was revoked for an additional one year period for a first offense, two years for the second offense, and permanently for a third). Provides that a violation of driving while license revoked, that does not result in an additional period of license revocation, will not be considered a moving violation. Provides that when a license is revoked where the license was originally revoked for impaired driving, license revocation, as defined in GS 20-28.2(a), or charged with violating 20-28(a) based on a violation of GS 20-179.3, or in regards to any restriction relating to the installation or use of an ignition interlock pursuant to GS 20-17.8, the license may be restored conditionally by the DMV pursuant to GS 20-28(c4).

Amends GS 20-28.1(a), setting out, for the purposes of this subsection, offenses which are not considered moving offenses, including a violation of GS 20-28(a1), a violation of GS 20-28(a) that does not require an additional period of license revocation, and a violation of GS 20-7 for operating a motor vehicle without an operator's license. Amends GS 20-20.1(b)(3), providing that a person is eligible for a limited driving privilege if certain specified conditions apply, including that the person's underlying offense is not an impaired driving license revocation under GS 20-28.2(a), a violation of a restriction of GS 20-179.3, or in regards to any restriction relating to the installation or use of an ignition interlock pursuant to GS 20-17.8. Makes clarifying changes.

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

Intro. by Clodfelter, Tarte.

GS 20

[View summary](#)

Transportation, Motor Vehicle

S 586 (2013-2014) **STANDARDIZATION OF SCHOOL BUILDING DESIGN**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION ACQUIRING SITES FOR SCHOOL FACILITIES OR ERECTING SCHOOL FACILITIES TO PLAN FOR THE FUTURE EXPANSION OF THOSE FACILITIES.*

Amends GS 115C-517, acquisition of sites for schools or school facilities, and GS 115C-521, erection of school buildings, as the title indicates.

Effective July 1, 2013. GS 115C-517, as amended, applies to sites acquired after the effective date and GS 115C-521, as amended, applies to school facilities designed and sited after the effective date.

Intro. by Rabin.

GS 115C

[View summary](#)

Education

S 587 (2013-2014) **OPTOMETRY EDUCATION GRANT PROGRAM**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA OPTOMETRY EDUCATION GRANT PROGRAM TO PROVIDE STATE GRANTS TO STUDENTS WHO ARE NORTH CAROLINA RESIDENTS ATTENDING CERTAIN APPROVED OUT-OF-STATE EDUCATIONAL INSTITUTIONS TO PURSUE A DOCTORATE OF OPTOMETRY DEGREE AND TO APPROPRIATE FUNDS FOR THE GRANTS.*

Amends GS Chapter 116 by adding a new Article 35, (*North Carolina Optometry Education Grant Program*). Provides the terms and definitions to be used in this Article, including, academic year, approved institution, authority, optometry education program.

Establishes the North Carolina Optometry Education Grant Program, with the purpose of providing grants to qualified NC students pursuing doctorates of optometry degrees. Provides criteria by which a student can become eligible for the grant, including, but not limited to, qualifying as a NC resident for tuition purposes under GS 116-143.

Establishes the administration of the grants and provides that the amount of the grant will be \$11,000 for each student per academic year. In cases of shortfalls in the program, students will receive a pro rata share of funds. Any remaining funds will revert to the General Fund. The number of eligible students enrolled in approved institutions and the State funds collected by those students will be documented and reported to the Senate and House of Representatives Appropriations Subcommittee on Education and the Joint Legislative Education Oversight Committee.

Appropriates from the General Fund to the State Education Assistance Authority \$825,000 for the 2013-14 fiscal year and \$825,000 for the 2014-15 fiscal year to fund the grant program.

Effective July 1, 2013, applying to the 2013-14 academic year and each subsequent academic year.

Intro. by Curtis.

GS 116

[View summary](#)

**Budget/Appropriations, Higher Education, Health Care
Facilities and Providers**

S 588 (2013-2014) **DISTRIBUTION OF LOTTERY PROCEEDS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ALLOCATION OF LOTTERY PROCEEDS FOR PUBLIC SCHOOLS ON A POINT OF SALE BASIS.*

Repeals GS 115C-546.2(d), which deals with how monies transferred into the Public School Building Capital Fund should be allocated.

Amends GS 18C-164(*Transfer of net revenues*), deleting GS 18C-164(c)(1), dealing with the distribution of remaining net revenue of the Education Lottery Fund for class size reduction. Provides that the remaining net revenue of the Education Lottery Fund, after transferring the required 5% to the Education Lottery Reserve Fund, will be distributed in a manner where a sum equal to 90% will go to the county school fund of each county on the basis of the point of sale of lottery tickets. These funds will be used to support public schools and will be allocated to local school administrative units on a per average daily membership average in relation to the average daily membership for the budget years as determined by the State Board of Education.

Amends GS 18C-164(e), deleting GS 18C-164(e)(1) and (2), which deals with the transfer and priority of monies from the Education Lottery Reserve Fund. Provides that if funds from the Education Lottery Reserve Fund are insufficient for a full appropriation, the Governor will transfer 50% of the available funds to provide financial aid for needy students to attend college and the other 50% of available funds to the county school fund of each county to be allocated and spent in accordance with this section. If net revenues exceed the amounts to be appropriated, then 50% of the excess revenues will be transferred to the county school fund of each county and 50% to the State Educational Assistance Authority.

Effective July 1, 2013, applying to funds transferred to the Education Lottery Fund on or after that date.

Intro. by Hartsell.

GS 115C, GS 18C

[View summary](#)

Lottery and Gaming

S 589 (2013-2014) **2013 SCHOOL SAFETY ACT**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFETY OF CHILDREN IN THE PUBLIC SCHOOLS BY INCREASING THE NUMBER OF SCHOOL RESOURCE OFFICERS, BY ENHANCING THE EFFECTIVENESS OF SCHOOL RESOURCE OFFICERS, AND BY IMPLEMENTING OTHER CRITICAL MEASURES TO ENHANCE CAMPUS SAFETY.*

Identical to [H 452](#) filed on 3/27/13.

Section 1 of this act appropriates \$10 million for the 2013-14 fiscal year and \$10 million for the 2014-15 fiscal year from the General Fund to the Department of Public Instruction to provide grants to local school administrative units (LEAs) for school resource officers (SROs) in elementary and middle schools. Permits LEAs to use the funds to employ or train SROs or to do both. Provides that the appropriated funds will be matched on the basis of \$2.00 in state funds for every \$1.00 in local funds

and must be used to supplement, not supplant, state, local, and federal funds for SROs. Requires the State Board of Education (SBE) to include need-based considerations in its criteria for awarding the grants to LEAs. Also directs the SBE to give lower priority to the LEAs that have received grants for additional school psychologists, guidance counselors, and social workers under Section 2 of this act.

Section 2 of this act appropriates \$5 million for the 2013-14 fiscal year and \$5 million for the 2014-15 fiscal year for grants to LEAs to fund additional school psychologists, guidance counselors, and social workers. Requires that these funds be matched on the basis of \$1.00 in state funds for every \$1.00 in local funds, and must be used to supplement, not supplant, state, local, and federal funds used for school psychologists, guidance counselors, and social workers. Requires the State Board of Education (SBE) to include need-based considerations in its criteria for awarding these grants to LEAs. Also directs the SBE to give lower priority to the LEAs that have received grants for additional SROs under Section 1 of this act.

Enacts new GS 115C-316.1. Subsection (a) requires that school counselors implement a comprehensive developmental school counseling program in their schools and spend at least 80% of their time providing direct services to their students. Specifies that coordination of standardized testing is not a direct service. Identifies activities, services, and interactions with students and parents that constitute direct services.

Subsection (b) directs counselors to spend the remainder of their work time on school counseling program support activities consisting of professional development, consultation, collaboration, training, and program management and operations. Declares that counseling support activities does not include the coordination of standardized testing. Does provide that school counselors may assist other staff with the coordination of standardized testing.

Directs each local board of education to develop a transition plan for implementing subsection (b) before the 2013-14 school year using existing resources and reassigning duties within its schools. Directs the SBE to distribute guidelines to all LEAs on the implementation of subsection (b) of this section.

Appropriates \$2 million for the 2013-14 fiscal year and \$2 million for the 2014-15 fiscal year to provide grants to LEAs for the costs of placing panic alarm systems in schools. Calls for these funds to be matched on the basis of \$1.00 in state funds for every \$1.00 in local funds, and requires that these funds be used to supplement and not to supplant state, local, and federal funds for panic alarm systems. Directs the SBE to include need-based considerations in its criteria for awarding these grants to LEAs. Requires every public school to have a panic alarm system that connects with the nearest local law enforcement agency in the school's emergency response plan, effective July 1, 2015.

All of the following provisions apply beginning with the 2013-14 school year.

Enacts new GS 115C-105.49, requiring that at least every two years, each LEA is to conduct a system-wide school safety and school lockdown exercise with the local law enforcement agencies that are apart of the LEAs safety plan. Enumerates the purposes of this exercise. Requires that each school hold a full, school-wide school safety and lockdown exercise with the local law enforcement agencies that are part of the school's safety plan.

Enacts new GS 115C-105.50 to require each LEA to prepare schematic diagrams of its school facilities and provide the diagrams and keys to the main entrance of each school to local law enforcement agencies before January 1, 2014. Requires the LEAs to supply local law enforcement agencies with updates when substantial modifications to their facilities are made. Directs the Department of Public Instruction (DPI) to develop, in consultation with the Department of Public Safety, standards and guidelines for the preparation and content of the schematic diagrams and any necessary updates. Declares that the schematic diagrams are not public records under GS Chapter 132.

Enacts new GS 115C-105.51 to require each LEA to develop and operate an anonymous tip line. Directs DPI to develop standards and guidelines for the development, operation, and staffing of tip lines in consultation with the Department of Public Safety. Directs DPI to provide information on grants available for this purpose.

Amends GS 115C-105.27. Provides that school improvement team meetings are open meetings under the open meeting requirements of Article 33C of GS Chapter 143; however, requires that the school safety components of the plan be in closed session in accordance with GS 143-318.11(a)(8) and directs the school principal to ensure this requirement is met.

Provides that although the school improvement plan is a public record subject to GS Chapter 132, the school safety components of the improvement plan are not a public record subject to GS Chapter 132. Requires that the school safety components of the school improvement plan be reviewed by the superintendent, and by the local board of education in closed

session before there is a vote to accept the school's improvement plan under GS 115C-105.25(d). Prohibits including the local board's findings on the safety components of the plan or the safety components of the plan in the minutes of the board.

Provides that any employee, parent, or other interested person or organization is encouraged to notify the superintendent of any concerns with compliance with this section. Provides that the superintendent will make a good faith effort to investigate the concern and provide a written response to the concern if so requested. Makes additional organizational and technical changes.

Makes a conforming change to GS 143-318.11(a)(8) to add the formulation and adoption of school safety components of a school improvement plan to those activities by a public body that may be conducted in a closed session.

Enacts new GS 115C-105.53 to direct DPI, in consultation with the Department of Public Safety through the NC Center for Safer Schools to adopt policies regarding the placement of school crisis kits in schools and on the content of those kits. Specifies the minimal contents of the kits. Requires the principal to coordinate with law enforcement agencies that are a part of the school's safety plan to determine appropriate placement of one or more crisis kits in the school.

Directs the Department of Public Safety, through the NC Center for Safer Schools, and in partnership with the Department of Justice and DPI, to develop school emergency training programs for school employees and provide them to schools as soon as practical.

This act becomes effective July 1, 2013.

Intro. by Stein.

[APPROP, GS 115C, GS 143](#)

[View summary](#)

[Budget/Appropriations, Education, Department of Public Safety, Public Records and Open Meetings, Department of Public Instruction](#)

S 590 (2013-2014) [UTILITIES/THE MILITARY GOOD NEIGHBOR ACT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING THAT A PERSON WHO CONSTRUCTS OR OPERATES AN ELECTRIC GENERATING FACILITY FOR THE PRIMARY PURPOSE OF PRODUCING ELECTRICITY, HEAT, OR STEAM FOR SALE TO OR FOR THE USE OF THE ARMED FORCES OF THE UNITED STATES IS NOT A PUBLIC UTILITY AND IS NOT SUBJECT TO REGULATION BY THE UTILITIES COMMISSION.*

Amends GS 62-3(23)a.1. to exclude from the definition for a "public utility," persons who construct or operate an electric generating facility for which the primary purpose is to produce electricity, heat, or steam for sale to or for the use of the Armed Forces of the United States (Armed Forces). Adds a definition to this section for "Armed Forces of the United States." Makes an organizational change to recodify three subdivisions of GS 62-3. Makes a conforming change to GS 62-110.1(g) to exempt an electric generating facility for which the primary purpose is to produce electricity, heat, or steam for sale to or for the use of the Armed Forces from the certification requirements of this statute.

Amends GS 62-110.2 to provide that nothing in this section prohibits the construction or operation of an electricity generating facility that is not a public utility under GS 62-3(23)a.1, as amended. Amends GS 62-140, adding new subsection (d) to prohibit an electric public utility from imposing any discriminatory monthly fee, standby charge, or equipment requirement on an electric generating facility with the primary purpose of producing heat, steam, or electricity for sale to or for use by the Armed Forces.

Directs the North Carolina Utilities Commission to submit a report on the activities of any person taken to construct or operate electricity generating facilities for the primary purpose of producing electricity, heat or steam for sale to or use by the Armed Forces, to the Governor and Joint Legislative Commission on Governmental Operations no later than October 1 of each year up to and including 2018. Directs the Commission to consult with electric suppliers and the Armed Forces in preparing the report and requires the report to contain an evaluation of the activities of the suppliers of electricity, heat, or steam on the operations of incumbent suppliers and the Armed Forces.

Intro. by Stein, Brunstetter.

[GS 62](#)

[View summary](#)**Military and Veteran's Affairs, Public Enterprises and Utilities**

S 591 (2013-2014) **AMEND ELIGIBILITY/CONDITIONAL DISCHARGE**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO EXCLUDE A PERSON WHO HAS BEEN CONVICTED OF A CLASS A1 MISDEMEANOR FROM ELIGIBILITY FOR A CONDITIONAL DISCHARGE FROM A GUILTY PLEA TO, OR A FINDING OF GUILT OF, A CONTROLLED SUBSTANCE OFFENSE.*

Amends GS 90-96(a), providing that whenever a person who has not been previously convicted of a Class A1 misdemeanor under GS 14 (Criminal Law) or a substantially similar offense involving assaultive conduct under federal law or another states' laws, pleads guilty to or is found guilty of either (1) a misdemeanor under this Article involving the possession of a controlled substance included within Schedules I through VI or by possessing drug paraphernalia, as prohibited by GS 90-113.22, or (2) a felony under GS 90-95(a)(3) (possession of a controlled substance), the court will, without entering a judgment of guilt and with the consent of the person, defer further proceedings and place the person on probation with reasonable terms and conditions as may be required.

Effective December 1, 2013, and applies to persons pleading guilty to, or found guilty of, offenses committed on or after that date.

Intro. by Allran.

GS 90

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

S 592 (2013-2014) **OK TO ALIGN SCHOOL & COMM. COLL. CALENDARS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT PERMITTING LOCAL BOARDS OF EDUCATION TO ALIGN THEIR SCHOOL CALENDARS WITH THOSE OF COMMUNITY COLLEGES SERVING THEIR COMMUNITIES.*

Amends GS 115C-84.2(d), establishing that, notwithstanding the required opening and closing dates under this subsection, a local board of education may align the school calendar of the local administrative unit with the calendar of a community college serving the city or county in which the school unit is located.

Effective when the act becomes law and applies beginning with the 2013-14 school year.

Intro. by Bryant, Hartsell, Barringer.

GS 115C

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

S 593 (2013-2014) **CIVIL LITIGATION COSTS REFORM ACT OF 2013**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW PRESIDING JUDGES IN CIVIL ACTIONS TO AWARD COSTS OR ATTORNEYS' FEES UPON ISSUANCE OF WRITTEN FINDINGS OF FACT.*

Enacts new GS 6-19.3 giving the presiding judge the discretion to award costs, reasonable attorneys' fees, or both, in any civil action. Requires that the determination to award either fees or costs be made in a written order including findings of fact detailing the basis for the award. Requires counsel of record in actions subject to the awarding of attorneys' fees to keep accurate, up to date records of the hours worked on the matter. Allows the court to decline to award fees to a prevailing defendant or to reduce the fee award, if the court finds that the defendant's costs are excessive, speculative, or not adequately document. Provides that the statute does not apply when a specific statute otherwise addresses an award of attorneys' fees, except GS 6-21.1 which applies concurrently. Makes conforming changes to GS 6-21.5 (attorney's fees in certain nonjusticable cases).

Applies to civil actions filed on or after October 1, 2013.

Intro. by J. Davis.

GS 6

[View summary](#)**Civil Law**

S 594 (2013-2014) **OMNIBUS JUSTICE AMENDMENTS**. Filed Apr 2 2013, *AN ACT TO REMOVE PROHIBITIONS ON CARRYING CONCEALED FIREARMS BY ADMINISTRATIVE LAW JUDGES, NORTH CAROLINA APPELLATE JUSTICES AND JUDGES, AND CERTAIN DEPARTMENT OF PUBLIC SAFETY EMPLOYEES; TO INCREASE THE PENALTY FOR CARRYING A CONCEALED FIREARM; TO INCREASE THE PENALTY FOR GIVING OR SELLING A CELL PHONE TO AN INMATE AND TO MAKE POSSESSION OF A CELL PHONE BY AN INMATE UNLAWFUL; TO AMEND THE OFFENSE OF MAKING THREATS AGAINST OR ASSAULTING LEGISLATIVE, EXECUTIVE, OR COURT OFFICERS; TO CREATE AN OFFENSE WHEN AN INMATE SOLICITS ANOTHER TO COMMIT A CRIMINAL OFFENSE; TO INCREASE PENALTIES FOR CERTAIN VIOLATIONS OF THE AMUSEMENT DEVICE SAFETY ACT; TO PROPERLY IMPLEMENT CURRENT EXPUNCTION PROVISIONS; TO ADD QUALIFIED RETIRED CORRECTIONAL OFFICERS TO OFFICERS EXEMPT FROM CONCEALED CARRY COURSE; TO CONFORM STATE LAW WITH THE UNITED STATES SUPREME COURT DECISION IN HALL V. FLORIDA; TO ADD THE UNFAIR USE OF CRIMINAL RECORD INFORMATION TO THE CONSUMER PROTECTION LAWS; TO DIRECT MERGERS AT THE DEPARTMENT OF PUBLIC SAFETY; AND TO AUTHORIZE REMOTE VIDEO TESTIMONY BY FORENSIC AND CHEMICAL ANALYSTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON JUDICIAL EFFICIENCY AND EFFECTIVE ADMINISTRATION OF JUSTICE.*

Current law requires that an applicant or recipient of Work First Program (WFP) benefits, (1) who has been identified as addicted to alcohol or drugs by a Qualified Professional in Substance Abuse or by a doctor certified by the Society of Addiction Medicine, and (2) who is found to be in need of professional substance abuse services, is required as a condition of receiving WFP benefits to satisfactorily participate in an appropriate treatment program.

Amends GS 108A-29.1 to delete the current requirements for identification and treatment and to instead require drug screening for each applicant or recipient of WFP assistance. Makes the person who is tested responsible for the cost of the drug screening. Directs the Department of Health and Human Services (DHHS) to provide notice of drug screening to each applicant or recipient and to advise the applicant or recipient that the drug testing is a condition of receiving WFP assistance. Also specifies that the applicant or recipient be advised that the drug screening may be avoided if the applicant or recipient does not apply for WFP assistance. Provides that dependent children under the age of 18 are exempt from the requirements of this section. Lists additional requirements which DHHS is to enforce under this section.

Provides that if an individual tests negative for controlled substances that DHHS is to increase the amount of the initial WFP assistance in an amount equal to the cost the applicant or recipient paid for the drug testing. Designates a person who tested positive for controlled substances as ineligible for WFP assistance for one year from the date of the positive drug test, except permits the ineligible person to reapply for WFP if the person can document the successful completion of a substance abuse treatment program offered by area mental health authorities and licensed by DHHS. Requires that the person reapplying pass a drug test. Provides that the cost of any drug testing and substance abuse program is the responsibility of the person being tested or receiving treatment. Provides additional guidelines regarding ineligibility for persons who test positive for controlled substances more than once.

Directs the Social Services Commission to adopt rules for the testing of applicants and recipients under this section.

Deletes provision that permitted the requirements of this section under current law to be waived or modified as necessary in the case of individual applicants or recipients to the degree necessary to comply with Medicaid eligibility provisions.

Intro. by J. Davis.

GS 108A

[View summary](#)**Public Assistance**

S 595 (2013-2014) **SCHOOL CALENDARS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CALENDARS FOR THE PUBLIC SCHOOLS AND COMMUNITY COLLEGES.*

Amends GS 115C-84.2 regarding the opening and closing dates for public schools. Sets the opening date for students to be no earlier than the first Tuesday following Labor Day and the closing date for students to be no later than the last Friday before Memorial Day. Provides that these opening and closing deadlines do not apply to year-round schools.

Requires that first semester coursework conclude and final exams for the first semester coursework be given before the students' winter break. Deletes provisions regarding waivers of calendar requirements to accommodate anticipated make-up days due to school closings. Deletes provisions regarding exemption from the required opening and closing dates for schools operating under a modified calendar.

Amends GS 115D-20 to require that the calendar devised by the trustees for each of the state's community colleges is to provide that all first semester coursework conclude and final exams be given before the students' winter break.

Effective when the act becomes law and applies beginning with the 2013-14 school year.

Intro. by Apodaca.

[GS 115C, GS 115D](#)

[View summary](#)

[Elementary and Secondary Education, Higher Education](#)

S 596 (2013-2014) [ESTABLISH STUDY COMMISSION ON TBI SERVICES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE SERVICE NEEDS OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY*.

Establishes the 19 member Joint Legislative Study Commission on the Service Needs of Individuals with Traumatic Brain Injury (Commission) to study and make recommendations about the service needs of those with traumatic brain injury. Specifies the membership of the commission, with some members appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Specifies issues to be studied by the Commission, including accessibility to traumatic brain injury services, service information, educational materials and family resources, and specific screening, assessment, triage, and service referrals and any deficiencies that need to be addressed. Requires the Commission to submit a final report to the 2014 Regular Session of the 2013 General Assembly. Terminates the Commission upon the earlier of the filing of the report or the convening of the 2014 Regular Session.

Intro. by Pate.

[STUDY](#)

[View summary](#)

[Health](#)

S 597 (2013-2014) [DROPOUT PREVENTION AND RECOVERY PILOT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DROPOUT PREVENTION AND RECOVERY PILOT PROGRAM FOR LOCAL BOARDS OF EDUCATION AND CHARTER SCHOOLS*.

Amends SL 2011-259 to direct the State Board of Education (SBE) to implement a Dropout Prevention and Recovery Pilot Program (pilot program) in New Hanover County Schools, Charlotte-Mecklenburg Schools, and two additional local school administrative units (LEAs) selected by the SBE (was, directed the SBE to implement a three-year Dropout Recovery Pilot Program in New Hanover County and three LEAs selected by the SBE). Directs the SBE to also select four charter schools, one of which is located in Mecklenburg County, at which to establish pilot programs. Makes conforming changes to reflect the addition of the charter schools to the pilot program. Requires the participating schools to be accredited by the Southern Association of Colleges and Schools as an indicator of quality instructional programming.

Adds to the minimal requirements for the pilot program that it must include (1) a focus on serving a defined population of at-risk students who have dropped out of school or are likely to dropout in the future; (2) support services including professionals trained to assist students in removing barriers to attending school and graduating; (3) instructional models that are self-paced and mastery-based; and (4) individualized graduation plans to guide students to high school graduation.

Amends the requirements for collecting student performance data to direct the SBE to develop and implement an alternative student performance accountability method to evaluate the performance effectiveness of the schools in the pilot program (was, collect data and student performance results from the pilot program and the participating LEA to use in evaluating the success of the pilot program as a whole). Directs the SBE to use the data and student results collected from the pilot program schools in developing an alternative accountability method to apply statewide and in evaluating the success of the pilot program as a whole. Specifies requirements to be included in the alternative accountability method developed by the SBE regarding the application of the method to eligible schools.

Directs the SBE to develop and implement the alternative method of accountability to assess the performance of pilot program schools to apply beginning with the 2014-15 school year.

Authorizes the SBE to provide, if available, an additional per pupil funding allotment to LEA to transfer to schools participating in the pilot program which demonstrate that the average daily membership (ADM) is at minimum 30% higher than the ADM of the first month of the school year. Requires that any additional allotments made before the end of the first semester of the school year are to be based on December's ADM.

Provides that a pilot program may be operated through a charter school authorized by the SBE, as well as through the SBE or as a program of the contracting LEA. Clarifies that the pilot program may be an alternative school within the LEA.

Amends the effective date of SL 2011-259 to July 1, 2013 (was, July 1, 2011).

Adds reporting requirement directing the SBE to report to the Joint Legislative Education Oversight Committee on the implementation of the pilot program and the alternative student performance accountability method required by Section 5A(a) of SL 2011-259, as amended by this act, on or before March 15, 2014.

Provides that this act is effective when it becomes law and applies to schools selected by the SBE on or after July 1, 2013.

Intro. by Tarte, Ford.

UNCODIFIED

[View summary](#)

Elementary and Secondary Education, State Board of Education

S 598 (2013-2014) **SPECIAL FORCES SPECIAL PLATE**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REAUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE SPECIAL FORCES ASSOCIATION.*

As title indicates.

Intro. by Meredith.

GS 20

[View summary](#)

Transportation, Military and Veteran's Affairs

S 599 (2013-2014) **RETIREMENT TECHNICAL CORRECTIONS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS.*

Amends GS 143-166.30(d), deleting the limit of how much a participant can contribute to the Supplemental Retirement Income Plan for State Law-Enforcement Officers (was, couldn't contribute more than 10% of compensation).

Amends GS 143-166.50(e), deleting the limit of how much a participant can contribute to the Supplemental Retirement Income Plan for Local Government Law-Enforcement Officers (was, couldn't contribute more than 10% of compensation).

Amends GS 128-26(a1), dealing with the credit allowed an individual who gave military service. Establishes that a member retiring on or after July 1, 1971, will be allowed credit for any period of qualifying service in the Armed Services, as defined for purposes of reemployment rights under federal law, provided that, the returning member is in service, with

the employer by whom the member was employed when the member entered military services, for a period of not less than 10 years after the member is separated or released from that military service under other than dishonorable conditions or the following are met:

- (1) The member did not, prior to leaving for military service, provide clear written notice of an intent not to return to work after military service.
- (2) The member was discharged from uniformed service and returned from the leave of absence for uniformed service to membership service in this system within the time limit mandated by federal law for reporting back to work.
- (3) The period of uniformed service, for which additional service credit is sought, has been verified by suitable documentation and is not eligible for receipt of benefits under any other retirement system or pension plan.
- (4) All service credit forfeited by a refund pursuant to the provisions of GS 128-27(f) has been purchased.

Limits the uniformed service credit allowed under this subsection to a maximum of five years unless specifically exempted by federal law. The salary or compensation of such an employee during qualifying military service will be considered to be that salary or compensation the employee would have received but for the period of service had the employee remained continuously employed. If the salary is not reasonably certain, the determination will be considered as an average rate of compensation during the 12-month period immediately preceding the period of service.

Amends GS 135-1(14), GS 128-21(14), GS 135-1, GS 128-21, and GS 135-53(16), making technical, conforming, and clarifying changes.

Amends GS 135-5.1(b), providing that the Optional Retirement Program will be permitted to file individual election forms with the Retirement System using electronic transmission.

Amends GS 135-106(d), clarifying that an early service retirement allowance is effective with the first day of the month following the end of the short-term period.

Amends GS Chapter 135 by adding a new section, GS 135-111.1 (*Improper receipt of decedent's Disability Income Plan allowance*). Provides that a person is guilty of a Class 1 misdemeanor if the person, with intent to defraud, receives money by cashing, depositing, or receiving a direct deposit of a decedent's Disability Income Plan allowance and knows he or she is not entitled to those funds and receives the benefit of such funds two months after the date of the beneficiary's death and does not attempt to inform the System of the beneficiary's death.

Amends GS 135-118.11, 128-38.5, 135-75.2, and 120-4.34, making technical and clarifying changes. Establishes that the provisions apply to the death of a retiree or death of a beneficiary.

Amends GS 143-166.2(d), making technical changes. Establishes that the North Carolina Association of Rescue and Emergency Medical Services must file a roster meeting the specified requirements with the State Treasurer before January 31 of each year. DHHS is also required to furnish a list of ambulance service members to the State Treasurer on or about January 31.

Effective July 1, 2013.

Intro. by Apodaca.

[GS 120, GS 128, GS 135, GS 143](#)

[View summary](#)

[Employment and Retirement, State Personnel](#)

S 600 (2013-2014) [STATE HEALTH PLAN/STATUTORY CORRECTION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CHANGE TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES.*

Amends GS 135-48.51 to make a technical correction, as the title indicates.

Intro. by Apodaca.

[GS 135](#)

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

S 601 (2013-2014) [CLARIFY TRANSPORTATION TOLLING STATUTES.-AB](#) Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY DEPARTMENT OF TRANSPORTATION TOLL CONTRACTING, COLLECTION, AND ENFORCEMENT.*

Amends GS 136-18 (*Powers of Department of Transportation*), providing in GS 136-18(39a) that the Department of Transportation (Department) can enter into partnership agreements with a private entity as provided under subdivision (39) of this section for one project, subject to the requirements of this subdivision (previously, the Department could only enter into an agreement for a pilot project that was a candidate for funding under the Mobility Fund and planned for construction through a public-private partnership).

Intro. by Rabon, Harrington.

GS 136

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

S 602 (2013-2014) [SUBMIT ACCIDENT REPORTS ELECTRONICALLY.-AB](#) Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY LAW ENFORCEMENT AGENCY REPORTING ONE HUNDRED OR MORE ACCIDENT REPORTS ANNUALLY TO THE DIVISION OF MOTOR VEHICLES SHALL SUBMIT THE REPORT TO THE DIVISION OF MOTOR VEHICLES BY ELECTRONIC MEANS.*

Amends GS 20-116.1(e), as the title indicates. Effective December 1, 2014.

Intro. by Rabon, Harrington.

GS 20

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

S 603 (2013-2014) [CLARIFY ISSUANCE OF PLATES/CERTIFICATES LAW.-AB](#) Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGISTRATION PLATES, REGISTRATION CERTIFICATES, AND CERTIFICATES OF TITLES CAN BE ISSUED DIRECTLY BY THE DIVISION OF MOTOR VEHICLES OFFICES LOCATED IN THE COUNTIES OF WAKE, CUMBERLAND, AND MECKLENBURG.*

Amends GS 20-63, as the title indicates. Effective July 1, 2013.

Intro. by Rabon, Harrington.

GS 20

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

S 604 (2013-2014) [AMEND LAWS PERTAINING TO MEDICAID.-AB](#) Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO MEDICAID.*

Identical to [S 551](#) filed on 3/28/13.

Amends GS 108A-70.5(b)(2) to clarify within the definition of *estate* that for the purposes of recovery under the statute and for individuals who have received benefits under a qualified long-term care partnership policy, estate also includes other specified property and assets.

Enacts new GS 28A-2A-24 to require the personal representative of the estate, before any probate estate may be closed, with respect to a decedent enrolled in the state's Medicaid program at the time of death, to file a release from the Division

of Medical Assistance (Division) with the clerk of court. Specifies information to be included in the release.

Enacts new GS 36C-8-118 to require any trustee with a duty or power to pay debts of a deceased trust beneficiary to give notice to the Division if the deceased trust beneficiary received assistance from the state's Medicaid program. Requires that notice be given within 90 days of the beneficiary's death. Allows the Division to make a claim against any trust deemed an available resource.

Amends GS 108C-3 to expand the types of providers that are designated as limited categorical risk and to expand those that are designated as moderate categorical risk.

Effective October 1, 2013.

Intro. by Hise, Pate.

[GS 28A, GS 36C, GS 108A, GS 108C](#)

[View summary](#)

[Civil Law, Public Assistance](#)

S 605 (2013-2014) [FUNDS/CHILD TREATMENT PROGRAM](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA CHILD TREATMENT PROGRAM.*

Appropriates \$1,818,750 for 2013-14 and \$1,818,750 for 2014-15 from the General Fund to the Department of Health and Human Services, Division of Medical Assistance, to be used to (1) provide clinical training and coaching to licensed Medicaid clinicians on an array of evidence based treatments and provide a statewide platform to assure accountability and outcomes; (2) maintain and manage a public roster of program graduates, linking high quality clinicians with children, families, and professionals; and (3) partner with state, LME/MCO, and private sector leadership to bring effective mental health treatment to children in juvenile justice and mental health facilities.

Appropriates \$250,000 for 2013-14 and \$250,000 for 2014-15 from the General Fund to the Division of Medical Assistance for costs incurred in developing a secure database for the NC CTP to track individual and aggregate level data with capability to work with existing state agency networks.

Effective July 1, 2013.

Intro. by Hise, Barringer.

[APPROP](#)

[View summary](#)

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

S 606 (2013-2014) [CHRONIC CARE COORDINATION ACT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE.*

Identical to [H 459](#) filed on 3/27/13.

Enacts a new Part 4A (*Chronic Care Coordination*) in GS Chapter 130A, Article 7. Requires the Divisions of Public Health and Medical Assistance and the Department of State Treasurer's Division responsible for the State Health Plan for Teachers and State Employees to collaborate to reduce chronic disease and improve the care coordination for such diseases by performing specified functions and developing wellness and prevention plans. Also requires reporting on each odd-numbered year to specified General Assembly committees and divisions on five specified items, including the financial impact and magnitude of the chronic health conditions in the state that are most likely to cause death and disability and detailed action plans for care coordination of multiple chronic health conditions in the same patient.

Intro. by Hise, Barringer.

[GS 130A](#)

[View summary](#)

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

State Treasurer, Health

S 607 (2013-2014) **EXEMPT CERTAIN COLUMBARIUMS/CEMETERY ACT**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN COLUMBARIUMS FROM THE NORTH CAROLINA CEMETERY ACT.*

Amends GS 65-47, providing that a columbarium that is built on the grounds of a private gated or a self-contained retirement community, funded only by the residents of that community and reserved for the residents' use, will be exempt from the provisions of the NC Cemetery Act.

Intro. by Hise.

GS 65

[View summary](#)

Public Health

S 608 (2013-2014) **DIVERSITY SCHOLARSHIP TAX CREDIT**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR CORPORATIONS MAKING DONATIONS TO FUND DIVERSITY SCHOLARSHIPS.*

Adds new Part 11, "Diversity Scholarships," to GS Chapter 115C, Article 16, establishing the Fund for Diversity Scholarships (Fund) as a special revenue fund consisting of monetary donations and under the control of the State Board of Education (SBE). Provides that interest and investment income earned by the Fund accrues to the Fund and that revenue in the Fund does not revert. Defines terms as applicable in new Part 11 as follows: (1) Department means the Department of Public Instruction (DPI), and (2) diversity scholarship means funds provided to local boards of education to pay tuition or transportation expenses of eligible students. Defines an eligible student as one who (a) is enrolled in or entering grades six through 12, and (b) will attend a public school located in a local school administrative unit (LEA) where the student does not reside and where during the preceding school year, less than 20% of the student body was comprised of students of the same race or ethnicity as the eligible student.

Directs the SBE to award annual diversity scholarships to pay the public school tuition of eligible students under the provisions of GS 115C-366.1(b), which prohibits the tuition charge for a student from exceeding the amount of per pupil local funding. Directs the SBE to make awards of the funds directly to the LEA where student will be enrolled no later than August 1, in the order in which the applications are received. Requires the SBE to make annual reports, beginning in October 2014, on the awards of supplemental academic scholarships and specifies the data regarding to be included in the report.

Makes the provisions of proposed Part 11 effective January 1, 2014.

Adds a new Article 3L, "Diversity Scholarship Tax Credit," to Subchapter I of GS Chapter 105 to provide a tax credit against the corporate income taxes levied in Part 1 of GS Chapter 105, Article 4 or the tax levied on insurance companies under Article 8B of GS Chapter 105. Provides that a qualifying taxpayer who makes and substantiates, as required in proposed GS 105-129.01, a monetary donation to the Fund established in new GS 115C-238.101 is allowed to take a tax credit equal to the amount of the donation to the Fund. Prohibits the taxpayer from claiming a double benefit by deducting this donation under any other provision of GS Chapter 105.

Requires any taxpayer claiming a credit under this section to make the taxpayer's records available to the Secretary of Revenue for examination to determine and verify the donation. Places the burden of proving eligibility for the tax credit on the taxpayer and provides that a taxpayer who fails to maintain adequate records to substantiate the donation will not qualify for the tax credit.

Makes the provisions of proposed Article 31 effective for taxable years beginning in or after January 1, 2014.

Intro. by Clark.

GS 105, GS 115C

[View summary](#)

Education, Tax

S 609 (2013-2014) [REGIONAL TRANSPORTATION AUTHORITIES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE STATUTES RELATING TO REGIONAL PUBLIC TRANSPORTATION AND TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO CREATE REGIONAL TRANSPORTATION FUNDING AGREEMENTS AND TO PROVIDE FOR FINANCING.*

Enacts new GS Chapter 136A for purposes indicated in title. Permits eligible local governments to constitute a joint agency for the financing, construction, and operation of regional transportation projects pursuant to a Regional Transportation Funding Agreement (RTFA) and defines permissible projects. Permits counties that are parties to an RTFA to levy a ½ percent sales and use tax and a tax of 5 cents per gallon on the retail sale of gasoline and diesel fuel. Requires that any such tax be levied by all counties who are members of the RTFA. Enacts new Article 47 of Chapter 105, Regional Transportation Funding Agreement Sales Tax, governing levy, collection, and distribution of the ½ percent sales and use tax. Recodifies in GS Chapter 136A various provisions of Articles 25, 26, and 27 of Chapter 160A.

Intro. by Clodfelter.

[GS 105, GS 136A](#)

[View summary](#)

[Transportation, Local Government, Tax](#)

S 610 (2013-2014) [PRESUMED SHARED PARENTING](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO CHILD CUSTODY TO INCORPORATE A PRESUMED SHARED PARENTING STANDARD.*

Amends GS 50-13.2, (*Who entitled to custody; terms of custody; visitation rights of grandparents; taking child out of State.*), changes section heading to *Who entitled to custody; presumed shared responsibility; terms of custody; visitation rights of grandparents; taking child out of State; visitation by electronic communication*. Makes reorganizational changes. Provides the policy and the mission of the State in regards to child custody by highlighting five focus areas, including encouraging focused, good faith, best interest, and child-centered joint parenting agreement development and encouraging both parents to share equitably in the rights and responsibilities of raising their child.

Provides the terms and definitions for the section, including joint parenting agreement and presumption of shared responsibility. Establishes that an order for the custody of a minor child entered pursuant to this section will award custody to the person, agency, organization, or institution that will best promote the interest and the welfare of the child. Provides that the court will consider all relevant factors in making the custody determination, including the six factors listed in the section, such as, that it is in the best interest of the child to presume both parents are fit, and fit parents act in their child's best interest. An order for custody must include findings of fact that support the determination of what is in the best interest of the child. Provides that only after considering the presumption of shared responsibility can an order for custody of a minor child grant joint custody to the parents.

Establishes that regarding any action or proceeding for custody of a minor child and in accordance with GS 50-13.2, within four months from the date this act becomes law, the Administrative Office of the Courts (AOC) will create a simple form for the purposes of capturing specified information, including the parties' case file number and the type of custody granted. This form is to be submitted to the clerk of court in the county where the action is filed, then to the AOC. The AOC must collect the data required and present it in a report to the Joint Legislative Commission on Governmental Operations. First report will be presented 14 months after the date this act becomes effective, covering the data collection for the first six-month period. After that, the AOC will issue interim reports and an annual report.

Effective when it becomes law and applies to cases pending on or after that date.

Intro. by Clodfelter.

[GS 50](#)

[View summary](#)

[Family Law](#)

S 611 (2013-2014) [PUBLIC CONTRACTS/PROJECT LABOR](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS.*

Identical to [H 110](#) filed on 2/14/13.

Enacts new GS 143-133.1, forbidding any governmental unit or entity awarding a government construction contract from requiring, prohibiting, or otherwise discriminating against a bidder or contractor for adhering to or not adhering to an agreement with a labor organization for the project. Forbids a governmental unit or entity from conditioning a grant, tax reduction, or credit on adherence or non-adherence to an agreement with a labor organization in a construction contract. Permits a governmental unit to exempt a particular project, contract, grant, tax reduction, or credit from such requirements if necessary to avert a public health or safety threat, as specified. Prohibits discrimination when awarding a contract, grant, reduction, or credit based on participation or non-participation with a labor organization. Provides that GS 143-133.1 does not (1) prohibit employers or others from engaging in activities protected by the National Labor Relations Act or (2) interfere with labor relations not regulated by the Act.

Intro. by Brown.

[GS 143](#)

[View summary](#)

[Building and Construction, State Government](#)

S 612 (2013-2014) [REGULATORY REFORM ACT OF 2013](#). Filed Apr 2 2013, *AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CREATING A FAST TRACK PERMITTING PROCESS FOR CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THAT THE DEFINITION OF 'BUILT-UPON AREA' INCLUDES ONLY IMPERVIOUS SURFACES; BY AMENDING THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE; BY REQUIRING THE REPEAL OR REVISION OF EXISTING ENVIRONMENTAL RULES MORE RESTRICTIVE THAN FEDERAL RULES PERTAINING TO THE SAME SUBJECT MATTER; BY ALLOWING MUNICIPALITIES TO LEASE REAL PROPERTY FOR A TERM OF UP TO TWENTY FIVE YEARS TO PRIVATE COMPANIES CONSTRUCTING RENEWABLE ENERGY FACILITIES; BY ALLOWING GOING OUT OF BUSINESS SALE LICENSES TO BE ISSUED BY ANY MUNICIPAL OFFICIAL DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; BY CLARIFYING THAT THE DEFINITION OF 'BUILT-UPON AREA' INCLUDES ONLY IMPERVIOUS SURFACES; AND BY REQUIRING MEMBERS OF ADVISORY BODIES TO STATE AGENCIES AND BOARDS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST PRIOR TO MAKING ANY RECOMMENDATION.*

Requires the Department of Environment and Natural Resources (DENR) to develop Minimum Design Criteria for stormwater runoff permits. Requires that the criteria include requirement for the siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary for issuing a stormwater permit.

Also requires DENR to develop Minimum Design Criteria for erosion and sedimentation control plans issued by DENR and local governments. Requires that the criteria include requirements for the siting, site preparation, design and construction, and post-construction monitoring and evaluation necessary to approve an erosion and sedimentation control plan.

Requires DENR to consult with a working group, with specified experts, in developing the criteria and requires that recommendations be submitted to the Environmental Review Commission (EMC) by March 1, 2014.

Enacts new GS 143-214.7B and GS 113A-68 requiring the EMC and the Sedimentation Control Commission to adopt rules to implement fast track permitting processes for stormwater management system permits and approval of erosion and sedimentation control plans, without a technical review when the applicant (1) complies with the Minimum Design Criteria, and (2) submits a permit application sealed by a professional engineer. Rules implementing these statutes must be adopted by February 1, 2014. Requires DENR to identify other permitting programs for which the fast track process would be appropriate and report by May 1, 2014 to the Environmental Review Commission.

Amends GS 160A-174 (city general ordinance-making power) to add that an ordinance is not consistent with state or federal law when it regulates a field that is also regulated by a state or federal statute or regulation and the ordinance is more stringent.

Enacts new GS 153A-121(a1) requiring that a county ordinance be consistent with state and federal constitutions and laws. Specifies six instances when an ordinance is not consistent with state or federal law, including when it regulates a field that is also regulated by a state or federal statute or regulation and the ordinance is more stringent. Provides that the fact that a state or federal law, standing alone, makes a given act, omission, or condition unlawful precludes county ordinances requiring a higher standard of conduct or condition.

Amends GS 130A-309.09B and GS 130A-294 to add demolition debris (and to expand the items that make up the inert debris or demolition debris to include brick and wood) to those items that may be used as fill and do not need to be disposed of in a landfill or solid waste disposal facility.

Amends GS 143-215.1 (control of sources of water pollution; permits required) to require any person who is required to obtain a permit under the statute for a disposal system to have a compliance boundary (as the Commission may establish) for various categories of disposal systems and beyond which groundwater quality standards may not be exceeded. Limits compliance boundaries to within property boundaries. Provides that when the operation of a disposal system results in exceeding the groundwater quality standards, the Commission must require the exceedances within the compliance boundary be remedied through clean-up, recovery, containment, or other response when three specified conditions are met. Provides that when the exceedances of the groundwater quality standards occur outside of the compliance boundary, the exceedances must be remedied through clean up, recovery, containment, or other response as directed by the Commission. Applies new GS 143-215.1(j) with respect to exceedances of groundwater quality standards within a compliance boundary and related remedies, in lieu of the restricted designation directives found in the specified rule until DENR has adopted revisions to the rule to comply with this act.

Amends GS 143-215.1 to extend the term of permits, other than those issued under (c) (applications for permits and renewals for facilities discharging to the surface waters), to a term not to exceed 10 years (was, not to exceed eight years). Also amends the statute to allow third parties who are dissatisfied with the Commission's permit decision to commence a contested case.

Amends GS 143-215.108 to extend the term of permits, other than those issued under Title V, to a term not to exceed 10 years (was, not to exceed eight years). Also amends the statute to allow third parties who are dissatisfied with the Commission's permit decision to commence a contested case.

Amends GS 143-151.42 to allow the use of a master meter for electric and natural gas service when the tenant and landlord have agreed in the lease that the cost of the services shall be included in the rental payments and the service shall be in the landlord's name.

Enacts new GS 143-214.18 to provide that specified temporary and permanent rules concerning the protection and maintenance of existing riparian buffers in the Neuse River and Tar-Pamlico River Basins to do not apply to any tract of land where: (1) the property is private property, (2) the property, prior to August 1, 2000, was private and platted and recorded in the register of deeds office where the property was located, and (3) with the exception of a specified rule, the use of the property complies with rules and laws applicable before August 1, 2000. If the property is converted to a use that does not comply with the specifications, then the specified rule does apply.

Enacts new GS 150B-21.14A to give the Rules Review Commission to review any existing rule, upon request or its own motion, that was adopted in accordance with Part 2 of the Article. Provides for notice before reviewing the rule and sets forth the standards for reviewing an existing rule. Prohibits the RRC from considering questions relating to the quality or efficacy of the rule. Requires, if the RRC disapproves a rule and the agency responds that it is not changing the rule, that

the RRC provide a report in 30 days to the Joint Legislative Administrative Procedure Oversight Committee and the Joint Legislative Commission on Governmental Operations.

Includes a severability clause applicable to the entire act.

Intro. by Brown, Jackson, Brock.

[GS 113A, GS 130A, GS 143, GS 150B, GS 153A, GS 160A](#)

[View summary](#)

[Environment, Local Government, APA/Rule Making](#)

S 613 (2013-2014) [CREATE MILITARY AFFAIRS COMMISSION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION.*

Abolishes the NC Advisory Commission on Military Affairs.

Amends GS Chapter 127 C to establish the NC Military Affairs Commission (Commission), to advise the General Assembly, State officials, and State agencies on specified matters concerning the military presence in the state, including supporting the long term goal of a viable and prosperous military presence in the state, and finding ways to coordinate the state's interest in future activities of the Department of Defense with the promotion of the state's economic interest in developing the state's natural resources. Specifies the naming of the Commission's 15 members and 17 ex officio members, with appointed members serving two year terms. Requires the initial Commission meeting to be within 30 days of the effective date the act.

Effective October 1, 2013.

Intro. by Brown.

[GS 127C](#)

[View summary](#)

[Military and Veteran's Affairs](#)

S 614 (2013-2014) [MILITARY LANDS PROTECTION ACT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT MILITARY LANDS, TO MAKE AMENDMENTS TO THE MILITARY AFFAIRS COMMISSION, AND TO PROTECT SENSITIVE MILITARY DOCUMENTS.*

Amends GS 58-36-105(b) providing that a notice of cancellation of workers' compensation insurance that is required to be sent by registered or certified mail is not effective until the method of providing notice has been employed (was, employed and completed). Effective when it becomes law and applies to workers' compensation insurance policies in effect on or after that date.

Amends GS 97-19.1 to provide that an individual in the interstate or intrastate carrier industry who operates a truck, tractor, or truck tractor trailer for a motor carrier as defined in GS 20-4.01(21b) (was, licensed by a governmental motor vehicle regulatory agency) may be an employee or an independent contractor depending on the application of the common law test for determining employment status. Makes an additional conforming change to this section. Provides that a principal contractor, intermediate contractor, or subcontractor who contracts with an independent contractor is not liable as an employer for the payment of compensation to the independent contractor if the independent contractor (1) owns or leases the vehicle providing service, (2) personally operates or is responsible for hiring and paying personnel to operate the vehicle, and (3) is covered under an occupational accident policy issued to the independent contractor or the motor carrier. Permits a motor carrier and independent contractor meeting specified criteria to mutually agree in writing that the independent contractor and any of the independent contractor's employees will be covered under the contractor's workers' compensation insurance. Provides additional details regarding the obligations of both parties under such an agreement. Defines "occupational accident insurance" for the purposes of this section. Deletes provisions permitting the contractor to insure all of the independent contractors and their employees under a blanket policy. Effective when it becomes law.

Amends GS 97-36 regarding out-of-state accidents and state reciprocity of claims. Provides for the applicability of a forum clause if one is contained in the employment contract; however, if there is no forum clause, provides that the other provisions of this section apply under circumstances where an employee temporarily leaves this state and incidental to the employee's

employment in another state is injured in the course of employment. Specifies conditions that must be met for an employee from another state and an employer from another state to be exempt from the provisions of GS Chapter 97. Provides that the out-of-state employee working temporarily for the out-of-state employer in this state is limited to benefits under the workers compensation insurance or similar laws of the other state as an exclusive remedy for any injury, even death, suffered while working for that employer in this state. Provides definitions for terms as used in this section. Addresses issues regarding jurisdiction, appeals, and litigation. Makes technical changes. Provides that this section is effective when it becomes law and applies to claims for workers' compensation insurance benefits made on or after that date regardless of the date of the accident.

Intro. by Brown.

[GS 58, GS 97](#)

[View summary](#)

[Insurance, Employment and Retirement](#)

S 615 (2013-2014) [PROPERTY INSURANCE FAIRNESS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE THE FAIRNESS AND EQUITY OF PROPERTY INSURANCE RATE MAKING IN NORTH CAROLINA BY REQUIRING THAT CERTAIN PROPERTY INSURANCE DATA BE MADE AVAILABLE TO THE PUBLIC; BY PROVIDING THE COMMISSIONER WITH THE AUTHORITY TO ORDER A DECREASE IN RATES IN A PROPERTY INSURANCE RATE-MAKING PROCEEDING; BY LIMITING THE COMMISSION ON POLICIES ISSUED UNDER THE BEACH PLAN TO TEN PERCENT; BY INCREASING THE BEACH PLAN'S NONRECOUPABLE ASSESSMENT CAP; AND BY EXEMPTING PREMIUMS PAID FOR BEACH PLAN POLICIES FROM THE GROSS PREMIUM TAX.*

Amends GS Chapter 58 by creating new Part 9 (Property Insurance Rate Clarity). Provides that each insurer authorized to conduct property insurance business in NC must annually submit to the Department of Insurance (Department) computations of the total amount of direct incurred losses, the number of policies in force, and the direct earned premiums for the prior calendar year. This information will be reported by rate territory. Provides that for this Part, property insurance also includes condo insurance, dwelling fire policies, renters or tenants insurance, and mobile home and manufactured housing property insurance.

Also requires each insurer authorized to conduct homeowners insurance in NC to annually submit to the Department the total amount of direct incurred losses and the number of policies in force, by rate territory, for the prior calendar year for perils including fire, wind and hail, and all other perils. Requires each insurer authorized to transact property insurance in NC to provide information required pursuant to GS 58-10-340(a) for calendar years 2007 through 2012. Based on this information the Department will compile aggregate totals and post such totals to the Department website no later than December 1, 2014. The Commissioner of Insurance (Commissioner) can waive, modify, or extend for an additional time period, for good cause, the reporting requirements imposed by this act. Describes what constitutes good cause and how to demonstrate it. Failing to timely comply with the reporting requirements triggers a notice by the Department and any delay in complying past the 90th day after notice and hearing will require an insurer to pay a civil penalty of \$2,500 per month to the Commissioner, until the date of compliance. Establishes that information reported to the Department pursuant to this act is considered a trade secret, as found in GS 66-152, and will be treated as confidential information.

The above changes are effective when the act becomes law and applies to the 2013 calendar year.

Amends GS 58-36-20, establishing that in the event the Commissioner finds that the proposed rates are excessive, the Commissioner will issue an order disapproving the filing and will specify the appropriate rate level that may be used (was, will specify the overall rates that may be used by the members of the Bureau instead of the rates proposed by the Bureau filing).

Amends GS 58-45-35 by adding a new subsection GS 58-45-35(f), providing that the North Carolina Insurance Underwriting Association (Association) will provide in its plan of operation that commission rates paid to agents/brokers for policies issued under this section will not exceed 10% of the written premium. Plans of operation must be amended to meet this statute by October 1, 2013.

Amends GS 58-45-47, raising the nonrecoupable assessment cap to \$1.2 billion (was, \$1 billion).

Amends GS 58-45-1, excluding gross premium taxes from the stated intent of the General Assembly to exempt fire and lightning taxes from State and federal taxation to the fullest extent permitted by law. Amends GS 58-45-80, (*Premium taxes to be paid through the Association*), changing the title to *Exemption from premium taxes*. Reorganizes section to exempt

insurance written under this Article from the gross premium tax levied in GS Chapter 105, Article 8B. Amends GS 105-228.5, making technical changes and providing that this section does not apply to insurance policies written under GS Chapter 58 Article 45. Changes noted in this paragraph are effective for taxable years beginning on or after July 1, 2013.

Includes a severability clause.

Section 1 of this act is effective when it becomes law and applies to the 2013 calendar year. Part V of this act is effective for taxable years beginning on or after July 1, 2013. The remainder of this act becomes effective July 1, 2013.

Intro. by Brown.

[GS 58](#)

[View summary](#)

[Insurance, Property and Housing](#)

S 616 (2013-2014) [VOLUNTEER SERVICE IN RETIREMENT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.*

Identical to [H 391](#) filed on 3/20/13.

Amends GS 135-1(20), as the title indicates. Effective July 1, 2013.

Intro. by Brown.

[GS 135](#)

[View summary](#)

[Employment and Retirement](#)

S 617 (2013-2014) [PUBLIC RECORDS/MINIMAL COST RECOVERY](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ADDRESS THE COSTS OF REPRODUCING PUBLIC RECORDS BY ALLOWING THE RECOVERY OF PERSONNEL COSTS ASSOCIATED WITH PROVIDING COPIES.*

GS 132-1 allows people to obtain copies of their public records and public information free or at minimal cost. Amends the definition of minimum cost to also include the personnel costs associated with the amount of time spent reproducing the record or information, computed based on the minimum wage.

Intro. by Tucker.

[GS 132](#)

[View summary](#)

[Public Records and Open Meetings](#)

S 618 (2013-2014) [MODERNIZE STATE PERSONNEL ACT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE STATE PERSONNEL ACT.*

Renames GS Chapter 126, the State Personnel Act, as the North Carolina Human Resources Act. Renames the: (1) State Personnel Commission as the North Carolina Human Resources Commission, (2) the Office of State Personnel as the North Carolina Office of State Human Resources, and (3) the State Personnel Director as the Director of the North Carolina Office of State Human Resources.

Requires the Revisor of Statutes to replace references to the State Personnel Act, State Personnel Commission, State Personnel Director, or the Office of State Personnel with the updated terms. Specifies a list of statutes that are affected.

Provides that the terms of the members of the State Personnel Commission in effect on June 30, 2013 continue on as terms on the State Human Resources Commission.

Provides that actions or proceedings pending on July 1, 2013 brought by or against the State Human Resources Commission, the Director of the Office of State Human Resources, or the Office of State Human Resources are not affected by the act and provides for the necessary party substitutions. Allows business and other matters to be conducted and completed by the new entities in the same manner and under the same terms and conditions and with the same effect as if under the former entities.

Effective July 1, 2013.

Intro. by Tucker, J. Davis, Curtis.

UNCODIFIED

[View summary](#)

State Personnel

S 619 (2013-2014) **STUDY/WATER QUALITY COST SHARE**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON WATER QUALITY COST SHARE.*

Establishes the 18 member Legislative Study Commission on Water Quality Cost Share, with specified membership, including members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, to study the costs and benefits of improving water quality in reservoirs, rivers, and other water resources shared by local governments. Sets out issues to be considered by the Commission. Allows an interim report to the 2013 Regular Session of the General Assembly when it convenes in 2014 and requires a final report before the convening of the 2014 session. Terminates the Commission upon the earlier of filing of the report or January 1, 2015.

Appropriates \$50,000 for 2013-14 from the General Fund to the General Assembly, to be allocated to the Legislative Services Office for the study.

Effective July 1, 2013.

Intro. by McKissick.

APPROP, STUDY

[View summary](#)

Budget/Appropriations, Environment, Local Government, General Assembly

S 620 (2013-2014) **ALLOW MORE THAN ONE EXPUNCTION**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT, IN ITS DISCRETION, MAY ALLOW A PERSON WHO WAS CHARGED WITH A NONVIOLENT CRIME WHEN THE PERSON WAS LESS THAN 26 YEARS OLD AND LATER HAD THE CHARGES EXPUNGED AND WHO IS CHARGED WITH A SUBSEQUENT NONVIOLENT CRIME THAT WAS DISMISSED OR FOR WHICH THERE ARE FINDINGS OF NOT GUILTY TO EXPUNGE THE SUBSEQUENT CRIMINAL CHARGES.*

To be summarized.

Intro. by McKissick, Daniel.

GS 15A

[View summary](#)

Criminal Justice

S 621 (2013-2014) **PROHIBIT EMP. DISC./POOR CREDIT HISTORY**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT EMPLOYMENT DISCRIMINATION ON THE BASIS OF CREDIT HISTORY OR CREDIT RATING.*

Amends GS Chapter 95 by creating a new section GS 95-28.1B, (*Discrimination against persons based on credit history or credit rating prohibited*), establishing that no person, firm, corporation, unincorporated association, State agency, unit of local government, or any public or private entity can deny or refuse employment to someone because of the person's credit history or credit rating. Provides that an employer can request a prospective employee to submit to a credit history background check, as

part of the application process, if creditworthiness or credit standing is directly related to the ability to perform the essential functions of the position.

Effective October 1, 2013.

Intro. by McKissick, Daniel.

GS 95

[View summary](#)

Employment and Retirement

S 622 (2013-2014) **DRIVERS LICENSES FOR ITIN HOLDERS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INDIVIDUALS WITH AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER TO OBTAIN A DRIVERS LICENSE; AND TO IMPOSE A FEE FOR A DRIVERS LICENSE OBTAINED BY SUCH AN APPLICANT.*

Amends GS 20-7, establishing that if an applicant for an identification card, learners permit, or drivers license from the DMV does not have a valid social security number (SSN) and is ineligible to obtain one, the applicant will swear to or affirm that fact under penalty of perjury. In such a case, the applicant can provide a valid Individual Taxpayer Identification Number issued by the IRS. The DMV will not issue an identification card, learners permit, or drivers license to an applicant who fails to provide either a valid SSN or a valid Individual Taxpayer Identification Number.

Provides that when a drivers license is issued to an applicant that provided an Individual Taxpayer Identification Number, in no event will the license issued to such an individual expire later than four years from the date of issuance. Establishes that the fee for obtaining a regular drivers license with an Individual Taxpayer Identification Number rather than a valid SSN is \$50, multiplied by the number of years in the period for which the license is issued. Makes a conforming change.

Effective October 1, 2013.

Intro. by McKissick, Bingham.

GS 20

[View summary](#)

Transportation

S 623 (2013-2014) **AUTOMATIC LICENSE PLATE READERS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS.*

Enacts new Article 3D, Automatic License Plate Reader System, in GS Chapter 20 making it illegal to use an automatic license plate reader system, defined as a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to covert images of license plates into computer readable data, excluding traffic control photographic systems. Sets out purposes for which an automatic license plate reader system may be used, including electronic toll collection. Prohibits data captured for the allowable purposes from begin used or shared for any other purpose and it cannot be preserved for more than 10 days except pursuant to specified requests or warrants. Allows an investigative or law enforcement officer to apply for a court order compelling disclosure of captured plate data and sets out steps to be taken by a person using the system to preserve data, once a disclosure order has been issued. Sets out additional provisions concerning and restrictions on individuals capturing data under one of the allowed uses, including reporting requirements.

Allows an aggrieved party to bring a civil action against a person violating the new Article. Specifies items that the court may award to the prevailing party. Makes a willful and knowing violation of GS 20-183.23(b) a Class 1 misdemeanor. Prohibits data or information captured in violation of the Article inadmissible as evidence in any criminal, civil, or administrative proceeding.

Applies to offenses committed on or after December 1, 2013.

Intro. by McKissick, Bingham.

GS 20

[View summary](#)

Transportation

S 624 (2013-2014) [STATE EMPLOYEE LEAVE/STATE OF EMERGENCY](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR OR THE GENERAL ASSEMBLY TO GRANT UP TO FIVE DAYS OF LEAVE ANNUALLY TO STATE EMPLOYEES AFFECTED BY EMERGENCIES.*

Enacts new GS 166A-19.76A providing that when a state of emergency is declared under GS 166A-19.20 (Gubernatorial or legislative declaration of state of emergency), the issuing authority may authorize up to five days of leave time for affected state employees. Requires the executive order or resolution declaring the state of emergency to include language authorizing the leave in order for the leave to be authorized. Provides for other terms that may be provided for in the declaration.

Prohibits the total amount of leave authorized under this section from exceeding the following annual limits for any state employee: (1) two days of uncompensated leave, (2) three days of compensated leave, and (3) five days of total leave.

Provides that leave authorized by this section is not subject to the provisions of GS Chapter 126 (State Personnel System); however, provides that leave taken under this section is subject to GS 126-8.6 as enacted in this act. Enacts new GS 126-8.6 to provide that when an issuing authority authorizes emergency leave time under proposed GS 166A-19.76A, the emergency leave (1) does not accrue towards the employee's leave balance, and (2) it does not count against the employee's accumulated earned leave balance or creditable service towards retirement.

Makes conforming changes to GS 166A-19.10(b) and GS 166A-19.76.

Intro. by McKissick, Daniel, Meredith.

[GS 126, GS 166A](#)

[View summary](#)

[State Personnel](#)

S 625 (2013-2014) [LIMIT CONFIDENTIALITY AGREEMENTS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF SECRECY ORDERS AND CONFIDENTIALITY AGREEMENTS IN CERTAIN CIVIL ACTIONS.*

Enacts new GS Chapter 7C, Concealment of Public Hazards. Provides that in actions alleging personal injury, wrongful death, or monetary or property damages caused by a public hazard, no confidentiality agreement may be entered into or enforced unless a final protective order regarding that information is entered. Defines public hazard as a release or threatened release of any substance that poses a threat to public health or safety by presenting a present or future danger of death, bodily injury, or physical or emotional disability to persons exposed to such substance. Requires the court to find that a confidentiality agreement is in the public interest before entering into a final protective order. Allows an interested party to appeal the grant or denial of a final protective order to the court of appeals. Provides that nothing in the act is deemed to limit a court's authority or discretion to prohibit the enforcement of a part or all of any confidentiality agreement, settlement agreement, stipulated agreement, or protective order in other cases. Also provides that the statute does not prohibit or compel the disclosure of the monetary amount of the settlement agreement or the entry of an enforcement order of that part of a confidentiality agreement, settlement agreement, or stipulated agreement between the parties which requires the nondisclosure of the amount of money paid in settling the claim.

Intro. by McKissick, Bingham.

[GS 7C](#)

[View summary](#)

[Civil Law](#)

S 626 (2013-2014) [RECODIFY ANIMAL SHELTER LAW](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT; AND TO ESTABLISH A CAP ON THE REIMBURSEMENT AMOUNT AVAILABLE FROM THE SPAY/NEUTER PROGRAM; AND TO PROVIDE FOR THE PROTECTION OF ANIMALS CONFINED IN MOTOR VEHICLES UNDER CIRCUMSTANCES THAT THREATEN THE ANIMALS' HEALTH.*

To be summarized.

Intro. by McKissick, Jackson, Meredith.

[GS 19A, GS 130A](#)

[View summary](#)

[Animals](#)

S 627 (2013-2014) [STUDY GRANDPARENT VISITATION RIGHTS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON GRANDPARENT VISITATION RIGHTS AND CHILD CUSTODY.*

Establishes the 10 member Joint Legislative Study Committee on Grandparent Visitation Rights and Child Custody (Committee) to study grandparent visitation rights and the use of health-related conditions as a factor in determining child custody. Specifies ten issues to be considered. Requires that five members of the Senate be appointed by the President Pro Tempore and five members of the House of Representatives be appointed by the Speaker to the Committee. Requires the Committee to make a final report to the 2014 Regular Session of the 2013 General Assembly before it convenes, at which time the Committee terminates.

Intro. by McKissick.

[STUDY](#)

[View summary](#)

[Family Law, General Assembly](#)

S 628 (2013-2014) [DMV BLOCK REGISTRATION/UNPAID PARKING FINES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO REFUSE REGISTRATION OR ISSUANCE OF A CERTIFICATE OF TITLE OR ANY TRANSFER OF REGISTRATION IF A CITY HAS NOTIFIED THE DIVISION OF MOTOR VEHICLES THAT THE OWNER OF THE MOTOR VEHICLE HAS UNPAID PARKING FINES OR PENALTIES.*

Amends GS 20-54 and GS 160A-301, as the title indicates. Requires the Division of Motor Vehicles to continue to refuse registration or issuance of a certificate of title or any transfer of registration until the city has notified DMV that the person has (1) demonstrated that the person is not the one charged with the offense, (2) paid the fine or penalty, or (3) demonstrated that failure to pay was not willful and that the person is making a good faith effort to pay.

Applies to fines or penalties imposed on or after December 1, 2013.

Intro. by Wade, Tillman, Barringer.

[GS 20](#)

[View summary](#)

[Transportation](#)

S 629 (2013-2014) [NC BACK-TO-WORK PROGRAM](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY ELIGIBILITY FOR UNEMPLOYMENT FOR PARTICIPANTS IN THE NORTH CAROLINA BACK-TO-WORK PROGRAM AND TO DIRECT THE DEPARTMENT OF COMMERCE, DIVISION OF EMPLOYMENT SECURITY, IN COLLABORATION WITH THE STATE BOARD OF COMMUNITY COLLEGES, TO DISSEMINATE INFORMATION ON THE PROGRAM.*

Amends GS 96-14.9 to provide that an individual has satisfied the work search requirements for unemployment benefits for any given week if for that week the individual is participating in the NC Back-to-Work initiative.

Requires the Division of Employment Security to collaborate with the North Carolina State Board of Community Colleges to develop an outreach plan to disseminate information to unemployed individuals regarding participating in the NC Back-to-Work program.

Effective July 1, 2013.

Intro. by Bingham.

GS 96

[View summary](#)**Department of Commerce, Public Assistance**

S 630 (2013-2014) **EVIDENCE & DNA EXPUNCTION LAWS.-AB** Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE AND DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST.*

Substantively identical to [H 386](#) filed on 3/20/13.

Amends GS 20-139.1 to provide that an agency that conducts a chemical analysis of blood or urine samples for the presence of alcohol, a controlled substance or its metabolite, or any impairing substance may destroy the samples 12 months after the agency issues its report on all the examinations conducted without further notice to the parties. Also provides that if either party files a motion to preserve the evidence then the evidence must remain in the custody of the analyzing agency or the agency that collected the sample until a court of competent jurisdiction enters an order regarding the disposition of the evidence.

Amends GS 8-58.20(f), 8-58.20(g)(5), 20-139.1(c1), 20-139.1(c3), 20-139.1(e1), 90-95(g), and 90-95(g1) to provide for the admissibility of reports and other evidence after notice and demand if the defendant's attorney of record, or if there is no attorney, the defendant, fails to file a written objection to the admissibility of the evidence, reports, samples, statement, or testimony.

Amends GS 15A-266.3A(k) to require the SBI to act within 90 days (was, 30) of receipt of the verification form to mail notice acting on a defendant's request for expunction of a DNA record and destruction of DNA and to provide notice to the defendant of the disposition of the request for expunction.

Effective December 1, 2013, and all provisions of this act, except the amendments to GS 20-139.1 and GS 15A-266.3A(k), apply to proceedings that occur on or after December 1, 2013.

Intro. by Newton.

GS 8, GS 15A, GS 20, GS 90

[View summary](#)**Court System, Evidence**

S 631 (2013-2014) **NCSC SPECIAL PLATE.** Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE NC SPORTSMEN'S CAUCUS.*

Amends GS 20-79.4(b) as the title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to the Congressional Sportsman's Foundation to support its mission of protecting and advancing the rights of hunters, recreational anglers, shooters, and trappers in North Carolina.

Effective July 1, 2013.

Intro. by Newton.

GS 20

[View summary](#)**Transportation, Department of Transportation**

S 632 (2013-2014) **ASSIGNED COUNSEL/AMEND AND CLARIFY.-AB** Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING ASSIGNED COUNSEL IN CASES OF PARTIAL INDIGENCY TO AUTHORIZE JUDGMENTS FOR*

ATTORNEYS' FEES TO BE DOCKETED UPON THE EXPIRATION OF PROBATION AND TO CLARIFY THE REQUIREMENT FOR A SOCIAL SECURITY NUMBER.

Identical to [H 388](#) filed on 3/20/13.

Amends GS 7A-455 (*Partial indigency; liens; acquittals*), providing that upon the termination, revocation, or expiration of the indigent person's probation, the judgment for court costs, as assessed by the court, becomes effective, docketed, and indexed pursuant to GS 1-233 (if later than the date on which the conviction becomes final if the person is not ordered to pay the state for representation).

In all cases where entry of judgment is authorized, whoever rendered services and incurred expenses must make reasonable efforts to obtain the Social Security number of each person against whom judgment has been entered. The Social Security number, a certification that the person has no Social Security number, or a certification that it cannot be obtained with reasonable efforts must accompany each fee application and request.

Intro. by Newton.

[GS 7A](#)

[View summary](#)

[Court System](#)

S 633 (2013-2014) [NO VOTING BY THOSE ADJUDICATED INCOMPETENT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR DISQUALIFICATION FROM VOTING OF THOSE ADJUDICATED INCOMPETENT AND WHO HAVE NOT BEEN RESTORED TO COMPETENCY.*

Subject to approval at a statewide election on November 4, 2014, amends Section 2 of Article VI of the NC Constitution to prohibit a person adjudicated incompetent who has not been restored to competency, from voting.

Intro. by Newton.

[CONST](#)

[View summary](#)

[Constitution, Elections](#)

S 634 (2013-2014) [INCREASE PENALTIES/UTILITIES THEFT \(NEW\)](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR INTERFERENCE WITH GAS, WATER, OR ELECTRIC LINES.*

To be summarized.

Intro. by Newton.

[GS 14](#)

[View summary](#)

[Criminal Law and Procedure](#)

S 635 (2013-2014) [TRANSMISSION LINE OWNERSHIP](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE.*

To be summarized.

Intro. by Newton.

[GS 62](#)

[View summary](#)

[Public Enterprises and Utilities](#)

S 636 (2013-2014) [WILDLIFE RESOURCES COMM. PENALTY CHANGES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT AND BY AMENDING THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS; TO AUTHORIZE 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; AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE, TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, AND TO MAKE SIMILAR STATUTORY CHANGES.*

To be summarized.

Intro. by Newton.

[GS 75A, GS 113](#)

[View summary](#)

[Environment](#)

S 637 (2013-2014) [THE BLIZZARD ACT](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT A LANDOWNER ENTERING INTO AN AGREEMENT UNDER THE CONSERVATION RESERVE PROGRAM MAY TERMINATE THE AGREEMENT UPON TAKING CERTAIN ACTIONS.*

Amends GS 113A-235 to allow a soil and water conservation district to agree to terminate a conservation easement if the landowner requests in writing to terminate the easement and agrees to (1) reimburse the district for the costs associated with termination, (2) refund the purchase price, plus interest, (3) pay liquidated damages if specified in the easement agreement, and (4) notify the county tax assessor of the termination.

Intro. by Jackson.

[GS 113A](#)

[View summary](#)

[Property and Housing](#)

S 638 (2013-2014) [NC FARM ACT OF 2013](#). Filed Apr 2 2013, *AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO (1) LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY PRODUCERS ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR PRODUCTS; (2) LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS, FARM ANIMAL PROFESSIONALS, AND AGRITOURISM OPERATORS AND CLARIFY THAT EQUINE RECREATION WHERE THE LANDOWNER RECEIVES NO COMPENSATION IS SUBJECT TO THE RECREATIONAL USE STATUTE AND NOT THE EQUINE ACTIVITY LIABILITY STATUTE; (3) ALLOW THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (4) DECREASE THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (5) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; (6) MAKE CONFORMING CHANGES TO THE NAME OF THE STRUCTURAL PEST CONTROL AND PESTICIDES DIVISION AND CLARIFY THE RESPONSIBILITIES OF THE DIVISION; (7) AMEND CERTAIN EGG LABELING REQUIREMENTS; (8) REPEAL THE INTERSTATE PEST CONTROL COMPACT; (9) REPEAL CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND COSMETIC ACT; (10) CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES; (11) REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE; (12) EXEMPT FORESTRY AND SILVICULTURE OPERATIONS FROM TEMPORARY DRIVEWAY PERMITTING; (13) ALLOW A FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO MAINTAIN ITS FARM BUILDING STATUS FOR PURPOSES OF THE STATE BUILDING CODE; (14) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (15) ALLOW RETAILERS TO DISPLAY MORE THAN FOUR HUNDRED SQUARE FEET OF NURSERY STOCK FOR SALE IN THEIR PARKING LOTS; (16) EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (17) ALLOW A LANDOWNER TO WITHDRAW WATER FOR AGRICULTURAL USE DURING WATER SHORTAGE EMERGENCIES UNDER CERTAIN CONDITIONS; (18) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND*

OPPORTUNITY TO PERFORM STREAM AND WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND (19) ACCELERATE THE SUNSET DATE OF THE PETROLEUM DISPLACEMENT PLAN AS A RESULT OF THE STATE HAVING SUBSTANTIALLY ACHIEVED ITS TWENTY PERCENT REDUCTION GOAL OF THE USE OF PETROLEUM PRODUCTS.

Provides that when any board, commission, or official within the Department of Agriculture and Consumer Services has the authority to assess civil penalties, the authority does not require the issuance of a monetary penalty when the entity determines that nonmonetary sanctions, education, or training are sufficient to address the violation.

Intro. by Jackson, Brock.

GS 106

[View summary](#)

[Agriculture](#)

S 639 (2013-2014) [BD. OF AGRICULTURE MODIFICATIONS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF AGRICULTURE OVER PLANTS.*

Enacts new GS 106-421.1 to give the Board of Agriculture the sole authority to prohibit the planting, cultivation, harvesting, disposal, handling, or movement of plants; does not prevent designating plants as noxious aquatic weeds or adopting or enforcing ordinances regulating the appearance of property or the handling and collection of solid waste.

Intro. by Jackson.

GS 106

[View summary](#)

[Agriculture](#)

S 640 (2013-2014) [NO INCOME TAX WITHHOLDING ON H2A WORKERS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO EXEMPT COMPENSATION PAID TO AN H-2A AGRICULTURAL WORKER FROM STATE INCOME TAX WITHHOLDING TO THE EXTENT THE COMPENSATION IS EXEMPT FROM FEDERAL INCOME TAX WITHHOLDING.*

Amends GS 105-163.3(b), providing that the withholding requirements of GS 105-163.3 do not apply to the amount of compensation paid to an alien that is not subject to federal income tax withholding under section 1441 of the Code.

Effective for taxable years beginning on or after January 1, 2014.

Intro. by Jackson, Brock.

GS 105

[View summary](#)

[Agriculture, Tax](#)

S 647 (2013-2014) [STOCK CAR RACING THEME PLATE PROCEEDS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL TRANSFER THE MONEY IN THE COLLEGIATE AND CULTURAL ATTRACTION PLATE ACCOUNT DERIVED FROM THE SALE OF STOCK CAR RACING THEME PLATES TO THE NORTH CAROLINA MOTORSPORTS FOUNDATION, INC., OR SPEEDWAY CHILDREN'S CHARITIES.*

Identical to [H 485](#) filed on 4/1/13.

Amends GS 20-81.12(b38), as the title indicates.

Intro. by Tillman.

GS 20

[View summary](#)

[Transportation](#)

S 654 (2013-2014) **SALARY INCREASE FOR SCHOOL EMPLOYEES**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE SALARY INCREASES FOR PUBLIC SCHOOL EMPLOYEES*.

Identical to [H 464](#) filed on 4/1/13.

Declares that it is the intent of the General Assembly to move salaries for North Carolina's teachers to the national average by the 2019-20 school year.

Teacher salary schedules 2013-14 fiscal year. Establishes the monthly salary schedules for the 2013-14 fiscal year for certified personnel of local school administrative units (LEAs) who are classified as teachers. The schedule contains 37 steps with each step corresponding to one year of teaching experience. Salaries range from \$3,172 for teachers with a class "A" certification and zero years of experience to \$5,478 for those with 36+ years of experience, and from \$3,553 for teachers that have National Board for Professional Teaching Standards (NBPTS) certification and three years of experience to \$6,135 for those with 36+ years of experience. Salaries range from \$3,489 for teachers with a class "M" certification and zero years of experience to \$6,026 for those with 36+ years of experience, and from \$3,908 for those who are NBPTS certified with three years of experience to \$6,749 for those with 36+ years of experience. Provides that teachers employed during the 2012-13 school year who did not work the required number of hours to acquire an additional year of experience do not receive a decrease in salary as otherwise required by the salary schedule. Directs that teachers obtaining a master's degree or receiving NBPTS certification are not to be prohibited from receiving the appropriate increase in salary.

Teacher salary schedules 2014-15 fiscal year. Establishes the monthly salary schedules for the 2014-15 fiscal year for certified personnel of LEAs who are classified as teachers. The schedule contains 38 steps with each step corresponding to one year of teaching experience. Salaries range from \$3,267 for teachers with a class "A" certification and zero years of experience to \$5,642 for those with 37+ years of experience, and from \$3,659 for teachers that have NBPTS certification and three years of experience to \$6,319 for those with 36+ years of experience. Salaries range from \$3,594 for teachers with a class "M" certification and zero years of experience to \$6,206 for those with 37+ years of experience, and from \$4,025 for those who are NBPTS certified with three years of experience to \$6,951 for those with 37+ years of experience.

Specifies the following annual longevity payment rates for teachers: (1) 1.5% of base salary for 10 to 14 years of state service, (2) 2.25% of base salary for 15 to 19 years of state service, (3) 3.25% of base salary for 20 to 24 years of state service, and (4) 4.5% of base salary for 25 or more years of state service. Provides that the longevity payment must be in a lump sum paid once a year.

Authorizes the following salary supplements: (1) for teachers with certification based on academic preparation at the six-year degree level, \$126 in addition to the compensation provided for certified personnel classified as "M" teachers and (2) for teachers with certification based on academic preparation at the doctoral degree level, \$253 per month in addition to the compensation provided for certified personnel who are classified as "M" teachers.

Specifies that the first step of the salary schedule for school psychologists for the 2013-14 fiscal year is equivalent to step 10 on the salary schedule for class "M" teachers and equivalent to step 11 on the salary schedule for class "M" teachers for the 2014-15 fiscal year. Directs that certified psychologists be placed on the salary schedule at an appropriate step based on their years of experience and receive longevity payments based on years of state service in the same manner as teachers. Authorizes the following salary supplements for school psychologists: (1) \$126 per month for certified psychologists with certification based on academic preparation at the six-year degree level and (2) \$253 per month for certified psychologists with certification based on academic preparation at the doctoral level.

Specifies that speech pathologists who are certified as speech pathologists at the master's degree level and audiologists who are certified as audiologists at the master's degree level and who are employed in the public schools as speech and language specialists and audiologists must be paid on the school psychologist salary schedule. Authorizes the following salary supplements: (1) \$126 per month for speech pathologists and audiologists for certified speech pathologists and audiologists with certification based on academic preparation at the six-year degree level and (2) \$253 per month for speech pathologists and audiologists for certified speech pathologists and audiologists with certification based on academic preparation at the doctoral degree level.

Directs that certified school nurses who are employed in the public schools as nurses be paid on the "M" salary schedule. Specifies that, as used in this section, the term "teacher" also includes instructional support personnel.

School-based administrator salary schedule 2013-14 fiscal year. Directs that the base salary schedule for school-based administrators applies only to principals and assistant principals. Establishes the base salary schedule for the 2013-14 fiscal year, commencing July 1, 2013, for principals and assistant principals. Provides that school-based administrators (1) who were employed during the 2012-13 school year, (2) did not work the required number of months to acquire an additional year of experience, and (3) who were employed during the 2013-14 school year in the same classification do not receive a decrease in salary as would otherwise be required by the salary schedule. Sets out the salary schedule.

School-based administrator salary schedule 2014-15 fiscal year. Also establishes the base salary schedule for the 2014-15 fiscal year, commencing July 1, 2014, for principals and assistant principals. Provides that school-based administrators (1) who were employed during the 2013-14 school year, (2) did not work the required number of months to acquire an additional year of experience, and (3) who were employed during the 2013-14 school year in the same classification do not receive a decrease in salary as would otherwise be required by the salary schedule. Sets out the salary schedule.

Provides a schedule for placement of principals and assistant principals on the salary schedule based on number of teachers supervised. Specifies that the number of teachers supervised includes teachers and assistant principals paid from state funds only; it does not include teachers or assistant principals paid from non-state funds or the principal or teacher assistants.

The beginning classification for principals in alternative schools and in cooperative innovative high school programs is the Principal III level. Principals in alternative schools who supervise 33 or more teachers are classified according to the number of teachers supervised.

Directs that a principal be placed on the step on the salary schedule that reflects total number of years of experience as a certificated employee of the public schools and an additional step for every three years of experience as a principal. Specifies that a principal or assistant principal also continue to receive any additional state-funded percentage increases earned for the 1997-98, 1998-99, and 1999-2000 school years for improvement in student performance or maintaining a safe and orderly school.

Directs that principals and assistant principals with certification based on academic preparation at the six-year degree level shall be paid a salary supplement of \$126 per month and at the doctoral degree level shall be paid a salary supplement of \$253 per month.

Directs that longevity pay for principals and assistant principals must be as provided for state employees under the State Personnel Act.

Specifies that if a principal is reassigned to a higher job classification because the principal is transferred to a school within a local school administrative unit with a larger number of state-allotted teachers, the principal must be placed on the salary schedule as if the principal had served the principal's entire career as a principal at the higher job classification. If a principal is reassigned to a lower job classification because the principal is transferred to a school within a local school administrative unit with a smaller number of state-allotted teachers, the principal must be placed on the salary schedule as if the principal had served the principal's entire career as a principal at the lower job classification. Applies to all transfers on or after the effective date of this section except transfers in school systems created by merging two or more school systems. Transfers in these merged systems are exempt from the provisions of this subsection for one calendar year following the date of the merger.

Directs that participants in an approved full-time master's in school administration program receive up to a 10-month stipend at the beginning salary of an assistant principal during the internship period of the master's program. Specifies that for the 2006-07 fiscal year and subsequent fiscal years, the stipend may not exceed the difference between the beginning salary of an assistant principal plus the cost of tuition, fees, and books and any fellowship funds received by the intern as a full-time student, including awards of the Principal Fellows Program. The Principal Fellows Program or the school of education where the intern participates in a full-time master's in school administration program must supply the DPI with certification of eligible full-time interns.

During the 2013-15 fiscal biennium, the placement on the salary schedule of an administrator with a one-year provisional assistant principal's certificate must be at the entry-level salary for an assistant principal or the appropriate step on the teacher salary schedule, whichever is higher.

Provides the monthly salary range for assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers for the 2013-14 fiscal year, beginning July 1, 2013, and the 2014-15 fiscal year, beginning July 1, 2014. Directs the local board of education to determine the appropriate category and placement for each assistant superintendent,

associate superintendent, director/coordinator, supervisor, or finance officer within the salary ranges and within funds appropriated by the General Assembly. The category in which an employee is placed must be included in the contract of any employee.

Also provides the monthly salary ranges for superintendents employed by LEAs for the 2013-14 fiscal year, beginning July 1, 2013, and the 2014-15 fiscal year, beginning July 1, 2014. Directs the local board of education to determine the appropriate category and placement for the superintendent based on the average daily membership of the local school administrative unit and within funds appropriated by the General Assembly.

Directs that longevity pay for superintendents, assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers must be as provided for state employees under the State Personnel Act.

Directs that superintendents, assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers with certification based on academic preparation at the six-year degree level receive a salary supplement of \$126 per month. Directs that superintendents, assistant superintendents, associate superintendents, directors/coordinators, supervisors, and finance officers with certification based on academic preparation at the doctoral degree level receive a salary supplement of \$253 per month.

Prohibits the State Board of Education from permitting LEAs to transfer state funds from other funding categories for salaries for public school central office administrators.

Provides for a salary increase of 3% beginning July 1, 2013, and an additional 3% beginning July 1, 2014, for all permanent full-time personnel paid from the Central Office Allotment. Directs the State Board of Education (SBE) to allocate these funds to LEAs and directs local boards of education to establish guidelines for providing salary increases to these personnel.

Additionally provides for a 3% salary increase for permanent, full-time noncertified employees of LEAs whose salaries are supported from the state's General Fund beginning July 1, 2013, and by an additional 3% beginning July 1, 2014. Directs local boards of education to provide annual salary increases of 3% for fiscal years 2013-14 and 2014-15 for employees who were employed for all or part of those fiscal years and who continue their employment for the following fiscal year. Provides that the pay increase be pro rata for part-time employees, based on the number of hours worked. Authorizes the SBE to adopt salary ranges for noncertified personnel to support increases of 3% for the 2013-14 fiscal year and again in the 2014-15 fiscal year.

Requires that funds in the Reserve for Compensation Increases be used to increase annual salaries by 3% for the 2013-14 fiscal year and by an additional 3% for the 2014-15 fiscal year for employees of schools operated by DPI, DHHS, and the Department of Public Safety who are paid on the Teacher Salary Schedule or the School-Based Administrator Salary Schedule.

Appropriates \$214,793,331 from the General Fund to the Reserve for Compensation Increases for the 2013-14 fiscal year and \$436,030,461 for the 2014-15 fiscal year to implement the provisions of this act

This act is effective July 1, 2013.

Intro. by Parmon, Robinson.

APPROP

[View summary](#)

Budget/Appropriations, Education

S 655 (2013-2014) **PYROTECHNICS/UNC SCHOOL OF ARTS EXCEPTION**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PROHIBITIONS AND REQUIREMENTS REGARDING PYROTECHNICS DO NOT APPLY TO THEATRICAL PERFORMANCES, FILM PRODUCTIONS, AND OTHER THEATRICAL PRESENTATIONS PRODUCED, PRESENTED, OR SPONSORED BY THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS THAT ARE PRESENTED ON PROPERTY OWNED OR LEASED BY THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS.*

Identical to [H 382](#) filed on 3/21/13.

Amends GS 14-410, GS 14-413, and GS 58-82A-2 as the title indicates.

Intro. by Parmon.

GS 14, GS 58

[View summary](#)**Insurance, Criminal Law and Procedure, Higher Education,
Cultural Resources and Museums**

S 656 (2013-2014) **ESSENTIAL FUNDING FOR PUBLIC SCHOOLS--AB** Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ADDRESS FUNDING DEFICIENCIES AND NEEDED ENHANCEMENTS IN NORTH CAROLINA'S PUBLIC SCHOOLS.*

Identical to [H 393](#) filed on 3/21/13.

LEA Adjustment

Appropriates to the Department of Public Instruction (Department) \$100 million for the 2013-14 fiscal year to reduce the LEA adjustment.

Teacher Salaries

States that it is the intent of the 2013 General Assembly to provide a significant salary increase for teachers for the 2013-14 fiscal year.

Standardized Tests

Appropriates to the Department \$8 million for the 2013-14 fiscal year and another \$8 million for the 2014-15 fiscal year in order to provide recurring funding for all 8th graders to take EXPLORE tests, all 10th graders to take PLAN tests, and all 11th graders to take ACT tests.

Comprehensive Reading Initiative

Appropriates to the Department \$52,554,023 for the 2013-14 fiscal year and \$66,787,256 for the 2014-15 fiscal year to provide recurring funding support for (1) a wide variety of initiatives designed to work holistically to raise student reading achievement and (2) some math instruction. These initiatives must include a reading achievement plan, summer reading camps, extended reading opportunities, alternative reading assessments, a reading plan for parents, tutoring for retained third graders, and progress reports for retained third graders.

Kindergarten Entry Assessment

Appropriates \$750,000 to the Department for the 2014-15 fiscal year to provide recurring funding for kindergarten entry assessments, beginning with the 2014-2015 school year.

Kindergarten Developmental Screening

Appropriates to the Department \$754,588 for the 2014-15 fiscal year to provide recurring funding for developmental screening of early language, literacy, and math skills in kindergarten.

EVAAS

Appropriates to the Department \$850,000 for the 2013-14 fiscal year and \$850,000 for the 2014-15 fiscal year to provide recurring funding to support the development and implementation of the Education Value-Added Assessment System (EVAAS).

Classroom Technology

Appropriates to the Department \$60 million for the 2013-14 fiscal year and \$60 million for the 2014-15 fiscal year to provide recurring funding to accommodate technology needs in the public schools during implementation of the Instructional Improvement System. Funds will be used to supplement funding for textbooks and instructional materials used to acquire digital and hardcover classroom resources.

Transportation--Fuel Shortage

Appropriates to the Department \$23 million for the 2013-14 fiscal year and \$23 million for the 2014-15 fiscal year to provide recurring funding to address the gap between budgeted and actual fuel costs.

Additional NCVPA Staff and Operational Funding

Appropriates to the Department \$989,454 for the 2013-14 fiscal year and \$991,072 for the 2014-15 fiscal year for the North Carolina Virtual Public School Program.

Additional Charter Schools Staff

Appropriates to the Department \$320,000 for the 2013-14 fiscal year and \$320,000 for the 2014-15 fiscal year to provide recurring funding for additional charter schools staff and to increase the number of charter school consultants at the Department and to provide funding for the Charter School Advisory Council.

Special State Reserve for Children with Special Needs

Appropriates to the Department \$1.350 million for the 2013-14 fiscal year and \$1.350 million for the 2014-15 fiscal year to provide recurring funding for a special state reserve for children with special needs.

NC Teacher Corps

Appropriates to the Department \$1.8 million for the 2014-15 fiscal year to provide recurring funding for the NC Teacher Corps Program.

Statewide Instructional Improvement System

Appropriates to the Department \$612,125 for the 2013-14 fiscal year and \$4,071,000 for the 2014-15 fiscal year to provide recurring funding for the Statewide Instructional Improvement System.

Professional Development

Appropriates to the Department \$10.6 million for the 2014-15 fiscal year to provide recurring funding for professional development.

Turning Around the Lowest Achieving Schools

Appropriates to the Department \$11.9 million for the 2014-15 fiscal year to provide recurring funding to turn around the lowest achieving schools.

Incentives for Lowest Achieving Schools

Appropriates to the Department \$9 million for the 2014-15 fiscal year in recurring funds to fund rewards and retain effective educators in hard-to-staff schools.

Regional Leadership Academies

Appropriates to the Department \$8 million for the 2014-15 fiscal year in recurring funds to fund Regional Leadership Academies.

Induction Support in High-Need Schools

Appropriates to the Department \$11.9 million for the 2014-15 fiscal year to provide recurring funding for coaching and support for newly certified teachers in the lowest achieving schools.

Teach for America

Appropriates to the Department \$2.5 million for the 2014-15 fiscal year to provide recurring funding for the Teach for America program.

Student Survey of Teacher Performance

Appropriates to the Department \$1.5 million for the 2014-15 fiscal year in recurring funds to provide funding for a student survey of teacher performance.

Summer School Initiative

Appropriates to the Department \$413,904 for the 2013-14 fiscal year and \$337,754 for the 2014-15 fiscal year to fund the replacement of old, worn, unsafe, and damaged dorm furniture at the Eastern North Carolina School for the Deaf and recurring funds for a new summer school initiative.

Career Technical Education Program

Appropriates to the Department \$274,538 for the fiscal year 2013-14 and \$238,538 for the fiscal year 2014-15 in recurring funds to fund a career technical education program for students at the NC School for the Deaf in Morganton.

Technology for the Governor Morehead School

Appropriates to the Department \$318,073 for the 2013-14 fiscal year and \$506,068 for the 2014-15 fiscal year to provide recurring funding for school technology at the Governor Morehead School.

Safety Equipment for the Governor Morehead School

Appropriates to the Department \$858,000 for the 2013-14 fiscal year for the purchase of safety equipment for the Governor Morehead School and the Eastern NC School for the Deaf.

Preschool and Early Intervention Programs

Appropriates to the Department \$436,244 for the 2013-14 fiscal year and \$436,244 for the 2014-15 fiscal year to provide recurring funding for preschool and early intervention programs at the Governor Morehead School and the Eastern NC School for the Deaf.

All funds are appropriated from the General Fund.

Effective July 1, 2013.

Intro. by Parmon, Robinson.

[APPROP](#)

[View summary](#)

[Budget/Appropriations, Education, Department of Public Instruction](#)

LOCAL/HOUSE BILLS

H 224 (2013-2014) [ASHEVILLE ETJ AND ANNEXATION](#). Filed Mar 5 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO CHAPTER 160A OF THE GENERAL STATUTES WITH RESPECT TO THE CITY OF ASHEVILLE.*

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

Provides that Buncombe County will have the authority to continue to appoint residents of the County who reside within one mile of the municipal limits of the City of Asheville, as if GS 160A-362 (Extraterritorial representation) applied, with two appointees to serve on Asheville's planning board and two appointees to serve on Asheville's board of adjustment.

Intro. by Moffitt, Ramsey.

[Buncombe](#)

[View summary](#)

H 252 (2013-2014) [ASHEVILLE TRANSFERS](#). Filed Mar 6 2013, *AN ACT TO PROVIDE FUNDING FOR PLANNED STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF ASHEVILLE FOR THE 2012-2013 FISCAL YEAR AND TO REPEAL S.L. 2009-114.*

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

Provides a long title as follows: AN ACT TO PROVIDE FUNDING FOR PLANNED STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF ASHEVILLE FOR THE 2012-2013 FISCAL YEAR AND TO REPEAL S.L. 2009-114.

Provides that the repealing of SL 2009-114 is effective June 30, 2013, and applies to the 2013-14 fiscal year and thereafter. Provides that the City of Asheville may use utility revenues that were dedicated for a specific project under the authority of SL 2009-114 for street and sidewalk improvements associated with waterline improvements for the project.

Makes a clarifying change.

Intro. by Moffitt, Ramsey, McGrady.

[Buncombe](#)

[View summary](#)

H 500 (2013-2014) [KANNAPOLIS ANNEXATIONS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE CITY OF KANNAPOLIS.*

Repeals SL 2007-344 (removing restrictions on Kannapolis satellite annexations) and nullifies the special provisions of House Bill 842 of the 2007 Regular Session, which applied only to the city of Kannapolis. Provides that any annexation ordinance adopted by the city of Kannapolis under SL 2007-344 is repealed and has no force or effect.

Intro. by Pittman, Ford.

[Cabarrus, Rowan](#)

[View summary](#)

H 501 (2013-2014) [BUNCOMBE CTY/COMMUNITY COLLEGE PROJECTS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.*

Authorizes Buncombe County (County) to construct community college buildings on the campuses of Asheville-Buncombe Technical Community College, by way of issuing limited obligation bonds. The bonds are to be paid for by the revenue from an earlier approved bond referendum in November 2011. Buncombe County will consult with the Board of Trustees (Board) of the College about programming requirements for the buildings as well as keep the Board informed on the construction process and progress.

To allow for the issuance of limited obligation bonds, the Board will transfer title to specified properties to the County. Upon satisfaction of the debt, title to the properties will be transferred back to the Board.

voids the memorandum of understanding (MOU) between the County and the Board executed on March 20, 2012. Also voids any other provision or interlocal agreement between the County and Board not consistent with the provisions of this act.

Intro. by Ramsey, Moffitt.

[Buncombe](#)

[View summary](#)

[Higher Education](#)

H 503 (2013-2014) [SCHOOL CALENDAR FLEXIBILITY/CERTAIN COUNTIES](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN COUNTY BOARDS OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR.*

Amends GS 115C-84.2(d) to set the opening dates for public schools, except for year-round schools, in Polk and Transylvania counties as no earlier than August 15 and the closing date no later than June 1. Applies beginning with the 2013-14 school year.

Intro. by Whitmire.

[Polk, Transylvania](#)

[View summary](#)

[Elementary and Secondary Education](#)

H 504 (2013-2014) [LOCAL ELECTRONIC NOTICE](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, AND ALL MUNICIPALITIES LOCATED WITHIN THOSE COUNTIES, TO GIVE ELECTRONIC NOTICE.*

Provides that the provisions of this act apply only to the following counties and any municipality located wholly or partly within those counties: Buncombe, Guilford, Henderson, Mecklenburg, Mitchell, Perquimans, Stanly, Surry, and Wake.

Enacts new GS 153A-52.2 as the title indicates. Authorizes the governing boards of the specified counties and the municipalities within those counties in whole or part, to adopt an ordinance permitting any notice required by law to be published or advertised under any general law or under local act, to be published electronically instead of or in addition to the required publication or advertisement. Provides that the ordinance may cover all notices or selected classes of notice. Provides additional criteria governing the publication of notice via electronic means.

Enacts new GS 160A-81.2 to authorize a city to adopt an ordinance, under proposed GS 153A-52.2, to permit electronic notice.

Makes conforming changes to GS 160A-1(7), GS 153A-1(6), and GS 159-1(b)(5).

Amends GS 163-33 to authorize the county boards of elections to adopt a policy under proposed GS 153A-52.2 to provide for electronic notices, advertisements, and publications.

Repeals Section 1 of SL 2003-161, SL 2007-86, and SL 2008-5 (which allowed for electronic notice in various cities and towns in Wake County), but provides that any ordinance adopted under any of those acts remains valid until it is amended or repealed under proposed GS 160A-81.2. Declares that this act prevails over any local act pertaining to publication of notice by a city or county.

Effective October 1, 2013 and applies to notice given on or after that date by a county or a city.

Intro. by McGrady, Stam, Jackson, Hardister.

[Buncombe, Guilford, Henderson, Mecklenburg, Mitchell, Perquimans, Stanly, Surry, Wake](#)

[View summary](#)

H 506 (2013-2014) [WEDDINGTON/FIRE DEPT AGREEMENTS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WEDDINGTON TO ENTER INTO LONG-TERM AGREEMENTS WITH VOLUNTEER FIRE DEPARTMENTS TO PROVIDE FIRE PROTECTION SERVICES TO THE CITIZENS OF THE TOWN.*

As title indicates.

Intro. by Horn.

[Mecklenburg, Union](#)

[View summary](#)

[Public Safety and Emergency Management](#)

H 509 (2013-2014) [SCHOOL CALENDAR FLEX/CHARLOTTE-MECK SCHOOLS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR.*

Amends GS 115C-84.2 to allow the Charlotte-Mecklenburg board of education to determine the dates for opening and closing public schools. Applies beginning with the 2013-14 school year.

Intro. by Cotham, Jeter, W. Brawley, Carney.

[Mecklenburg](#)

[View summary](#)

[Elementary and Secondary Education](#)

H 512 (2013-2014) [CENTRAL CAROLINA COM. COLL. TRUSTEE ELECTIONS \(NEW\)](#). Filed Apr 2 2013, *AN ACT TO CORRECT ELECTIONS MADE OUTSIDE OF STATUTORY AUTHORITY TO THE BOARD OF TRUSTEES OF CENTRAL CAROLINA COMMUNITY COLLEGE.*

Amends GS 115D-12(a) to provide that Group One consists of four trustees residing in Lee County, elected by the county's board of commissioners. Prohibits more than one trustee from the group from being a member of the board of county commissioners. Applies only to Central Carolina Community College. Applies to appointments to terms beginning on or after July 1, 2013.

Intro. by Stone.

[Lee](#)

[View summary](#)

[Higher Education](#)

H 517 (2013-2014) [ROCKINGHAM/NO RIGHT-OF-WAY SPOTLIGHTING](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WITH ARTIFICIAL LIGHT IN ROCKINGHAM COUNTY.*

Makes it a Class 2 misdemeanor in Rockingham County for a person to shine a light intentionally on a wild animal from the right of way of any public road, street, or highway between the hours of one-half hour after sunset and one half hour before sunrise. Does not apply to shining lights by motorists engaged in normal highway travel or to those who are not attempting to attract or immobilize wildlife with the lights. Provides for enforcement.

Applies to Rockingham County only. Applies to offenses committed on or after October 1, 2013.

Intro. by Jones, Holloway.

[Rockingham](#)

[View summary](#)

[Animals](#)

H 523 (2013-2014) [PITT CO. BD. OF EDUCATION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE.*

To be summarized.

Intro. by B. Brown, Martin.

[Pitt](#)

[View summary](#)

[Education](#)

H 524 (2013-2014) [GREENSBORO CHARTER AMENDMENTS](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM AND TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER.*

To be summarized.

Intro. by Harrison, Hardister, Adams, Brandon.

[Guilford](#)

[View summary](#)

H 525 (2013-2014) [CITY OF GREENSBORO/MOTOR VEHICLE TAX](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO INCREASE ITS MOTOR VEHICLE TAX BY UP TO FIVE DOLLARS.*

As title indicates. Requires the proceeds of the taxes derived from any levy above \$5 and up to \$15 to be used for local transportation purposes.

Intro. by Harrison.

[Guilford](#)

[View summary](#)

[Transportation](#)

H 526 (2013-2014) [CHADBOURN VOLUNTARY ANNEXATION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN.*

Adds described property to the Town of Chadbourn's corporate limits.

Intro. by Waddell.

[Columbus](#)

[View summary](#)

H 527 (2013-2014) [HIGH POINT MPO](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE HIGH POINT METROPOLITAN PLANNING ORGANIZATION SHALL NOT HAVE TO COMPLY WITH SECTION 24.16(A) OF S.L. 2012-142.*

As title indicates.

Intro. by Dockham.

[Davidson, Forsyth, Guilford, Randolph](#)

[View summary](#)

H 529 (2013-2014) [EDGECOMBE COUNTY OCCUPANCY TAX AUTHORIZATION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EDGECOMBE COUNTY TO LEVY AN OCCUPANCY TAX.*

Authorizes the Edgecombe County Board of Commissioners to levy a room occupancy tax of up to 6%. Provides that both taxes must be levied, administered, collected, and repealed as provided in GS 153A-155 (Uniform provisions for room occupancy taxes). Requires the Edgecombe County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the county and the remainder for other tourism-related expenditures. Mandates that at least one-third of the TDA's members must be affiliated with businesses that collect the tax in the county and at least one-half must be currently active in the county's travel and tourism promotion. Makes conforming changes to GS 153A-155.

Intro. by Tolson.[Edgecombe](#)[View summary](#)**Tax**

H 530 (2013-2014) [BUNCOMBE MPO MEMBERSHIP](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY APPOINTMENTS BY BUNCOMBE COUNTY TO A METROPOLITAN PLANNING ORGANIZATION TO PROVIDE FOR GEOGRAPHIC REPRESENTATION OF THE COUNTY.*

As title indicates.

This act becomes effective July 1, 2013, and applies to any appointments made on or after that date.

Intro. by Ramsey, Moffitt.[Buncombe](#)[View summary](#)

H 531 (2013-2014) [WEAVERVILLE, BUNCOMBE & HENDERSON](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF THE TOWN OF WEAVERVILLE, TO MAKE A SIMILAR TECHNICAL CORRECTION AS TO THE CITY OF ASHEVILLE, TO ALLOW THE COUNTY OF BUNCOMBE TO ZONE CERTAIN DONUT HOLES, TO REPEAL THE BUNCOMBE COUNTY CULTURE AND RECREATION AUTHORITY, AND TO ALLOW THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO STANDARDIZE THE CEILING ON FIRE DISTRICT TAXES IN HENDERSON COUNTY.*

Amends GS 160A-360 (territorial jurisdiction) to provide that the Town of Weaverville has no authority to exercise any power under the statute. Provides that upon relinquishment of the jurisdiction over an area that the Town is regulating under GS Chapter 160A, Article 19 (planning and regulation of development), the regulations and powers of enforcement remain in effect until the sooner of the following: (1) Buncombe County has adopted the regulation, or (2) a period of 120 days has elapsed following the effective date of the act. Gives Buncombe County the authority to continue to appoint residents residing within one mile of the Weaverville municipal limits, as if GS 160A-362 applied. Applies to Weaverville only. Effective July 1, 2013.

Intro. by Ramsey, Moffitt.[Buncombe](#)[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 11: SPECIAL ELECTION DATES.

House: Passed 2nd Reading

H 21: JOINT SESSION/STATE BD OF ED CONFIRMATION.

House: Placed On Cal For 04/03/2013

H 89: DENR SUPPORT FOR REGIONAL WATER SUPPLY SYSTEM.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 139: ADOPT UNIFORM DEPLOYED PARENT CUST/VISIT. ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 146: BACK TO BASICS.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

H 211: WEIGHT LIMITS/ANIMAL FEED TRUCKS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2013

H 243: LIENS/SELF-SERVICE STORAGE FACILITIES.

House: Amend Adopted A2

House: Amend Adopted A3

H 254: ZONING CHANGES/NOTICE TO MILITARY BASES.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2013

H 259: HONOR EDWARD L. WILLIAMSON.

House: Placed On Cal For 04/03/2013

H 313: DOT SALES OF UNUSED PROPERTY.

House: Reptd Fav

House: Re-ref Com On Finance

H 399: AMEND LAWS PERTAINING TO DHHS.-AB

House: Serial Referral To Appropriations Stricken

House: Serial Referral To Judiciary Subcommittee C Stricken

House: Serial Referral To Judiciary Subcommittee B Added

H 444: CONFIRM ANDREW T. HEATH TO INDUSTRIAL COMM.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 484: PERMITTING OF WIND ENERGY FACILITIES.

House: Serial Referral To Commerce and Job Development Subcommittee on Energy and Emerging Markets Stricken

House: Serial Referral To Public Utilities and Energy Added

H 487: HONOR THE STATE'S VETERANS.

House: Adopted

H 488: REGIONALIZATION OF PUBLIC UTILITIES.

House: Passed 1st Reading

House: Ref To Com On Finance

H 489: CLARIFY ELECTRIC LOAD CONTROL PROCESS.

House: Passed 1st Reading

House: Ref To Com On Commerce and Job Development

H 492: SAFEGUARD QUALIFIED INDIVIDUALS-MEDICAID PCS (NEW).

House: Passed 1st Reading

House: Ref to the Com on Health and Human Services, if favorable, Appropriations

H 494: ROWAN COUNTY DEFENSE OF RELIGION ACT OF 2013.

House: Passed 1st Reading

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

H 495: MODIFY NC HUMAN TRAFFICKING COMM. MEMBERSHIP.

House: Passed 1st Reading

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

H 497: DISTRIBUTE SOME CRIMINAL PENALTIES STATEWIDE.

House: Filed

H 498: AUTISM HEALTH INSURANCE COVERAGE (NEW).

House: Filed

H 499: INCREASE FINE FOR TEXTING WHILE DRIVING.

House: Filed

H 502: PENNSYLVANIA/POLK MAGISTRATE FUNDS.

House: Filed

H 505: EXTEND DSWC ANIMAL WASTE INSPECTIONS (NEW).

House: Filed

H 507: HONOR NEWLAND'S CENTENNIAL.

House: Filed

H 508: HONOR FOUNDERS OF MECKLENBURG COUNTY.

House: Filed

H 510: FOSTER CARE CHILDREN'S BILL OF RIGHTS.

House: Filed

H 511: NONCOVERED VISION SERVICES.

House: Filed

H 513: CLARIFY DEALER PLATES LAW.

House: Filed

H 514: HONOR PETE CUNNINGHAM.

House: Filed

H 515: AMEND CREDIT UNION LAWS.

House: Filed

H 516: NAME/ADDRESS OF LOTTERY WINNER CONFIDENTIAL.

House: Filed

H 518: SECOND AMENDMENT PROTECTION ACT.

House: Filed

H 519: PROPERTY INSURANCE RATE-MAKING REFORM.

House: Filed

H 520: CONVERT AIR CARRIER FUEL REFUND TO EXEMPTION.

House: Filed

H 521: GOVERNANCE OF DEP'T OF PUBLIC INSTRUCTION.

House: Filed

H 522: FOREIGN LAWS/PROTECT CONSTITUTIONAL RIGHTS (NEW).

House: Filed

H 528: MASS LAYOFFS/DISPLACED WORKER ASSISTANCE.

House: Filed

H 532: NO DRINKING IN EMS & LAW ENFORCEMENT VEHICLES.

House: Filed

S 11: ESTABLISH ORGAN DONATION MONTH.

Pres. To Gov. 04/02/2013

S 20: GOOD SAMARITAN LAW/NALOXONE ACCESS.

Senate: Rec To Concur H Com Sub

Senate: Placed On Cal For 04/03/2013

S 24: CONSTRUCTION/DEMOLITION LANDFILL SITING.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 33: USE OF CRIMINAL HISTORY RECORDS BY LIC. BDS.

Senate: Concurred In H Amend S33v2

Senate: Ordered Enrolled

S 159: REQUIRE CERTAIN GENERAL REAPPRAISALS.

House: Passed 1st Reading

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

S 208: EFFECTIVE OPERATION OF 1915(B)/(C) WAIVER.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

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

House: Passed 1st Reading

House: Ref To Com On Homeland Security, Military, and Veterans Affairs

S 316: PRETRIAL RELEASE/REBUTTABLE PRESUMPTION.

Senate: Passed 2nd Reading

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

House: Passed 1st Reading

House: Ref to the Com on Agriculture, if favorable, Transportation

House: Passed 1st Reading

House: Ref to the Com on Agriculture, if favorable, Transportation

S 358: GUARANTEED ASSET PROTECTION WAIVERS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Commerce

S 445: ABC PERMIT ISSUANCE.

Senate: Reptd Fav

S 543: HONOR THE STATE'S VETERANS.

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Adopted

S 563: NC INFRASTRUCTURE DEVELOPMENT ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 564: EDUCATION IMPROVEMENT ACT OF 2013.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 565: GRAND JURY INVEST./PROSECUTOR TRAINING STUDY.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 566: TEEN COURT/DRUG COURT JUSTICE ACT.

Senate: Passed 1st Reading

Senate: RefTo Com On Appropriations/Base Budget

S 567: REDUCE REPEAT CRIMES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 568: BIOPTIC LENSES FOR DRIVERS LICENSE TESTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Transportation

S 569: ACCESS TO SPORTS/EXTRACURR. FOR ALL STUDENTS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 570: STANDARDS FOR ELECTRONIC PRESCRIPTIONS.

Senate: Passed 1st Reading

Senate: RefTo Com On Health Care

S 571: AUTHORIZE VARIOUS SPECIAL PLATES.

Senate: Passed 1st Reading

Senate: RefTo Com On Finance

S 572: NEWBORN SCREENING FOR KRABBE DISEASE.

Senate: Passed 1st Reading

Senate: Ref to Health Care. If fav, re-ref to Appropriations/Base Budget

S 573: MHDDSA PROVIDERS/GUARDIANSHIP ISSUES.

Senate: Passed 1st Reading

Senate: RefTo Com On Health Care

S 574: GROUNDWATER CONTAMINATION/MODIFY RESPONSE (NEW).

Senate: Passed 1st Reading

Senate: RefTo Com On Judiciary II

Senate: Passed 1st Reading

Senate: RefTo Com On Judiciary II

S 575: COUNTIES MAY FUND CHARTER SCHOOL CAPITAL.

Senate: Passed 1st Reading

Senate: Ref to Education/Higher Education. If fav, re-ref to Finance

S 576: HS CTE COURSE OPTIONS.

Senate: Passed 1st Reading

Senate: RefTo Com On Education/Higher Education

S 577: TAX RETURN SCHOOL DONATION TAX CHECKOFF.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 578: LABOR/MINIMUM WAGE/COVER COMPANIONS.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 579: MASS LAYOFFS/DISPLACED WORKER ASSISTANCE.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 580: EXPEDITE CLEANUP OF ORPHAN LANDFILL SITES.

Senate: Filed

S 581: ESTABLISH HISTORICAL BOILERS LICENSING ACT

Senate: Filed

S 582: PRIVACY/PROTECT LAW OFFICER PERSONAL INFO.

Senate: Filed

S 583: METAL THEFT STATUTE AMENDMENTS.

Senate: Filed

S 584: AMEND FALSE LIENS LAW.

Senate: Filed

S 585: AMEND DWLR LAW.

Senate: Filed

S 586: STANDARDIZATION OF SCHOOL BUILDING DESIGN.

Senate: Filed

S 587: OPTOMETRY EDUCATION GRANT PROGRAM.

Senate: Filed

S 588: DISTRIBUTION OF LOTTERY PROCEEDS.

Senate: Filed

S 589: 2013 SCHOOL SAFETY ACT.

Senate: Filed

S 590: UTILITIES/THE MILITARY GOOD NEIGHBOR ACT.*Senate: Filed***S 591: AMEND ELIGIBILITY/CONDITIONAL DISCHARGE.***Senate: Filed***S 592: OK TO ALIGN SCHOOL & COMM. COLL. CALENDARS.***Senate: Filed***S 593: CIVIL LITIGATION COSTS REFORM ACT OF 2013.***Senate: Filed***S 594: OMNIBUS JUSTICE AMENDMENTS.***Senate: Filed**Senate: Filed***S 595: SCHOOL CALENDARS.***Senate: Filed***S 596: ESTABLISH STUDY COMMISSION ON TBI SERVICES.***Senate: Filed***S 597: DROPOUT PREVENTION AND RECOVERY PILOT.***Senate: Filed***S 598: SPECIAL FORCES SPECIAL PLATE.***Senate: Filed***S 599: RETIREMENT TECHNICAL CORRECTIONS.***Senate: Filed***S 600: STATE HEALTH PLAN/STATUTORY CORRECTION.***Senate: Filed***S 601: CLARIFY TRANSPORTATION TOLLING STATUTES.-AB***Senate: Filed***S 602: SUBMIT ACCIDENT REPORTS ELECTRONICALLY.-AB***Senate: Filed***S 603: CLARIFY ISSUANCE OF PLATES/CERTIFICATES LAW.-AB***Senate: Filed***S 604: AMEND LAWS PERTAINING TO MEDICAID.-AB***Senate: Filed***S 605: FUNDS/CHILD TREATMENT PROGRAM.***Senate: Filed***S 606: CHRONIC CARE COORDINATION ACT.***Senate: Filed***S 607: EXEMPT CERTAIN COLUMBARIUMS/CEMETERY ACT.***Senate: Filed*

S 608: DIVERSITY SCHOLARSHIP TAX CREDIT.*Senate: Filed***S 609: REGIONAL TRANSPORTATION AUTHORITIES.***Senate: Filed***S 610: PRESUMED SHARED PARENTING.***Senate: Filed***S 611: PUBLIC CONTRACTS/PROJECT LABOR.***Senate: Filed***S 612: REGULATORY REFORM ACT OF 2013.***Senate: Filed***S 613: CREATE MILITARY AFFAIRS COMMISSION.***Senate: Filed***S 614: MILITARY LANDS PROTECTION ACT.***Senate: Filed**Senate: Filed***S 615: PROPERTY INSURANCE FAIRNESS.***Senate: Filed***S 616: VOLUNTEER SERVICE IN RETIREMENT.***Senate: Filed***S 617: PUBLIC RECORDS/MINIMAL COST RECOVERY.***Senate: Filed***S 618: MODERNIZE STATE PERSONNEL ACT.***Senate: Filed***S 619: STUDY/WATER QUALITY COST SHARE.***Senate: Filed***S 620: ALLOW MORE THAN ONE EXPUNCTION.***Senate: Filed***S 621: PROHIBIT EMP. DISC./POOR CREDIT HISTORY.***Senate: Filed***S 622: DRIVERS LICENSES FOR ITIN HOLDERS.***Senate: Filed***S 623: AUTOMATIC LICENSE PLATE READERS.***Senate: Filed***S 624: STATE EMPLOYEE LEAVE/STATE OF EMERGENCY.***Senate: Filed***S 625: LIMIT CONFIDENTIALITY AGREEMENTS.***Senate: Filed*

S 626: RECODIFY ANIMAL SHELTER LAW.*Senate: Filed***S 627: STUDY GRANDPARENT VISITATION RIGHTS.***Senate: Filed***S 628: DMV BLOCK REGISTRATION/UNPAID PARKING FINES.***Senate: Filed***S 629: NC BACK-TO-WORK PROGRAM.***Senate: Filed***S 630: EVIDENCE & DNA EXPUNCTION LAWS.-AB***Senate: Filed***S 631: NCSC SPECIAL PLATE.***Senate: Filed***S 632: ASSIGNED COUNSEL/AMEND AND CLARIFY.-AB***Senate: Filed***S 633: NO VOTING BY THOSE ADJUDICATED INCOMPETENT.***Senate: Filed***S 634: INCREASE PENALTIES/UTILITIES THEFT (NEW).***Senate: Filed***S 635: TRANSMISSION LINE OWNERSHIP.***Senate: Filed***S 636: WILDLIFE RESOURCES COMM. PENALTY CHANGES.***Senate: Filed***S 637: THE BLIZZARD ACT.***Senate: Filed***S 638: NC FARM ACT OF 2013.***Senate: Filed***S 639: BD. OF AGRICULTURE MODIFICATIONS.***Senate: Filed***S 640: NO INCOME TAX WITHHOLDING ON H2A WORKERS.***Senate: Filed***S 641: AG ED PROGRAM/12-MONTH TEACHERS.***Senate: Filed***S 642: MODIFICATIONS/CERTAIN FARM BUILDINGS.***Senate: Filed***S 643: RAISE FEE CEILINGS/PSYCHOLOGY PRACTICE ACT.***Senate: Filed***S 644: PROHIBIT INSURANCE CO. FIXING OPTOMETRY FEES.**

Senate: Filed

S 645: UI/WORK SHARING OPTIONS FOR EMPLOYERS.

Senate: Filed

S 646: HIGHER ED PLAN FOR STUDENTS W/DISABILITIES.

Senate: Filed

S 647: STOCK CAR RACING THEME PLATE PROCEEDS.

Senate: Filed

S 648: NC COMMERCE PROTECTION ACT OF 2014 (NEW).

Senate: Filed

Senate: Filed

S 649: COMMODITIES PRODUCER PROTECTION.

Senate: Filed

S 650: REQUIRE DRUG SCREENING/WORK FIRST BENEFITS.

Senate: Filed

S 651: CRITICAL ECONOMIC OPPORTUNITY PROJECTS.

Senate: Filed

S 652: SMART GRID TAX CREDIT.

Senate: Filed

S 653: CLARIFY DEALER PLATES (NEW).

Senate: Filed

S 654: SALARY INCREASE FOR SCHOOL EMPLOYEES.

Senate: Filed

S 655: PYROTECHNICS/UNC SCHOOL OF ARTS EXCEPTION.

Senate: Filed

S 656: ESSENTIAL FUNDING FOR PUBLIC SCHOOLS.-AB

Senate: Filed

S 657: STOP METHAMPHETAMINE PRODUCTION.

Senate: Filed

S 658: UNC/DORMITORY RULES.

Senate: Filed

S 659: MAP 21 CONFORMING REVISIONS.-AB

Senate: Filed

S 660: UNIFORM FERRY TOLLING.

Senate: Filed

S 661: PUBLIC UTILITY/HOA EXEMPTION.

Senate: Filed

S 662: LABOR/FARMWORKERS' HEALTH & SAFETY AMENDMENTS.

Senate: Filed

S 663: BLUE RIBBON COMM. RECS./SUPPORTIVE MH HOUSING.

Senate: Filed

S 664: CONSOLIDATE DV COMMISSION/COUNCIL FOR WOMEN.

Senate: Filed

S 665: STUDENT SAFETY/HEAT ILLNESS.

Senate: Filed

S 666: ELECTION LAW CHANGES.

Senate: Filed

S 667: EQUALIZE VOTER RIGHTS.

Senate: Filed

S 668: RESTRICT MENTALLY INCOMPETENT FROM VOTING.

Senate: Filed

S 669: REDUCE THE INDIVIDUAL INCOME TAX RATE.

Senate: Filed

S 670: WORKERS' COMP FUND/SAFETY WORKERS ALLOCATION.

Senate: Filed

S 671: COMBINE LOBBYING AND ETHICS.

Senate: Filed

S 672: ECONOMICAL SCHOOL BUS REPLACEMENT CRITERIA.

Senate: Filed

S 673: STRUCTURED ENGLISH IMMERSION.

Senate: Filed

S 674: PROHIBIT COSTLY LOCAL GOVERNMENT LITIGATION.

Senate: Filed

S 675: ELIMINATE EXCEPTIONS/MED TREATMENT/MINORS.

Senate: Filed

S 676: 10 YR. MIN FOR 2ND GUN FELONY CONVICTION.

Senate: Filed

S 677: CORPORATE INCOME TAX REDUCTION & REFORM.

Senate: Filed

S 678: LAW ENFORCEMENT/APPOINTED OFFICES.

Senate: Filed

S 679: CAPACITY USE AREA/WATER REDUCTION RATE.

Senate: Filed

S 680: RETIREMENT PROTECTION ACT.

Senate: Filed

S 681: ADMISSIBILITY OF FORENSIC EVIDENCE.*Senate: Filed***S 682: EVIDENCE & DNA EXPUNCTION LAWS.-AB***Senate: Filed***S 683: SAFE HARBOR/VICTIMS OF HUMAN TRAFFICKING.***Senate: Filed***S 684: ELIMINATE DESIGNATION TO POLITICAL PARTY.***Senate: Filed***S 685: CONCEALED HANDGUN PERMIT/CERTAIN EXCEPTIONS.***Senate: Filed***S 686: PROTECT/REWARD PUBLIC EMPLOYEE WHISTLEBLOWER.***Senate: Filed***S 687: INVOLUNTARY COMMITMENT CUSTODY ORDERS.***Senate: Filed***S 688: ONLINE VOTER REG. W/LICENSE/ID.***Senate: Filed***S 689: AMEND TRAPPING LAW.***Senate: Filed***S 690: PROPERTY INSURANCE RATE-MAKING REFORM.***Senate: Filed***S 691: UNLAWFUL TO ASSIST ANOTHER TO COMMIT SUICIDE.***Senate: Filed***S 692: ESTABLISH A+ SCHOOLS SPECIAL FUND.-AB***Senate: Filed***S 693: EXEMPT DCR FROM UMSTEAD ACT.-AB***Senate: Filed***S 694: EXECUTIVE MANSION/SALE OF EXCESS PROPERTY.-AB***Senate: Filed***S 695: DCR/GENERATE REVENUE/VENDOR SERVICES.-AB***Senate: Filed***S 696: EXEMPT DCR FEE CHANGES/CHAPTER 150B.-AB***Senate: Filed***S 697: TITLE TO UNCLAIMED COLLECTIONS.-AB***Senate: Filed***S 698: SHORTEN REVIEW PERIOD/STATE PROPERTY SALES.-AB***Senate: Filed***S 699: JUDICIAL APPOINTMENT/VOTER RETENTION.**

Senate: Filed

S 700: EPI PENS IN SCHOOLS.

Senate: Filed

S 701: STATE IT/IP ASSETS.

Senate: Filed

S 702: CONSOLIDATE ELECTIONS, ETHICS, LOBBYING.

Senate: Filed

S 703: LIMIT LOCAL REGULATION OF OUTDOOR SMOKING.

Senate: Filed

S 704: STATE IT/CREATE ITAB

Senate: Filed

S 705: LOCAL CONDEMNORS ACCOUNTABILITY ACT.

Senate: Filed

S 706: EXTEND RENEWABLE ENERGY TAX CREDIT CARRYOVER.

Senate: Filed

S 707: FAMILY FARMS/CHILD LABOR AMENDMENT.

Senate: Filed

S 708: ELLA BAKER VOTER EMPOWERMENT ACT.

Senate: Filed

S 709: DOT STUDY 75 MPH SPEED/DEVELOP PILOT PROPOSAL (NEW).

Senate: Filed

S 710: FAIR SHARE CONTRIBUTION FOR ELECT. VEHICLES.

Senate: Filed

S 711: HIGHWAY TRUST FUND/FUNDING MECHANISMS.

Senate: Filed

S 712: ID CARD FOR HOMEBOUND PERSONS.

Senate: Filed

S 713: CLOSE ATM LOOPHOLE/COPPER PURCHASING SITES.

Senate: Filed

S 714: PERMANENT PLATES FOR RESCUE UNIT/SQUAD.

Senate: Filed

S 715: INDIAN CULTURAL CENTER LEASE ADMINISTRATION.

Senate: Filed

S 716: REPEAL CERTAIN TRNPKE PROJTS. AUTH'N/FUNDING.

Senate: Filed

S 717: MV SAFETY INSPECTOR/MV LICENSING LAW CHANGES (NEW).

Senate: Filed

S 718: I.B.P.O.E.W. SPECIAL PLATE.

Senate: Filed

S 719: STUDENT ORGANIZATIONS/RIGHTS & RECOGNITION.

Senate: Filed

S 720: NCEMPA/DUKE ENERGY NEGOTIATIONS.

Senate: Filed

S 721: ELECTION OMNIBUS.

Senate: Filed

S 722: HORTON INDEPENDENT REDISTRICTING COMM.

Senate: Filed

S 723: LOCAL ACCOUNTABILITY ACT.

Senate: Filed

S 724: PROHIBITED IMITATION CONTROLLED SUBSTANCES.

Senate: Filed

LOCAL BILLS**H 68: ESTABLISH OMBUDSMAN/FOSTER CARE/GASTON COUNTY.**

House: Passed 2nd Reading

House: Passed 3rd Reading

H 222: BUNCOMBE COUNTY/USE DESIGN-BUILD METHODS.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

H 224: ASHEVILLE ETJ AND ANNEXATION.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2013

H 252: ASHEVILLE TRANSFERS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2013

H 270: RONDA RECALL.

Senate: Reptd Fav

H 294: AUTHORITY TO REMOVE ABANDONED VESSELS.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 302: REPEAL KANNAPOLIS ANNEXATION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2013

H 326: RUTHERFORD COUNTY CONDEMNATION CONSENT.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 490: LEE COUNTY ELECTIONS.

House: Passed 1st Reading

House: Ref To Com On Elections

H 491: SCHOOL RESOURCE OFFICERS/LEE COUNTY.

House: Passed 1st Reading

House: Ref To Com On Education

H 493: ROBBINSVILLE/GRAHAM OCCUPANCY TAX (NEW).

House: Passed 1st Reading

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

H 496: SCHOOL CALENDAR FLEXIBILITY/MOORESVILLE.

House: Passed 1st Reading

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

H 500: KANNAPOLIS ANNEXATIONS.

House: Filed

H 501: BUNCOMBE CTY/COMMUNITY COLLEGE PROJECTS.

House: Filed

H 503: SCHOOL CALENDAR FLEXIBILITY/CERTAIN COUNTIES.

House: Filed

H 504: LOCAL ELECTRONIC NOTICE.

House: Filed

H 506: WEDDINGTON/FIRE DEPT AGREEMENTS.

House: Filed

H 509: SCHOOL CALENDAR FLEX/CHARLOTTE-MECK SCHOOLS.

House: Filed

H 512: CENTRAL CAROLINA COM. COLL. TRUSTEE ELECTIONS (NEW).

House: Filed

H 517: ROCKINGHAM/NO RIGHT-OF-WAY SPOTLIGHTING.

House: Filed

H 523: PITT CO. BD. OF EDUCATION.

House: Filed

H 524: GREENSBORO CHARTER AMENDMENTS.

House: Filed

H 525: CITY OF GREENSBORO/MOTOR VEHICLE TAX.

House: Filed

H 526: CHADBOURN VOLUNTARY ANNEXATION.

House: Filed

H 527: HIGH POINT MPO.*House: Filed***H 529: EDGECOMBE COUNTY OCCUPANCY TAX AUTHORIZATION.***House: Filed***H 530: BUNCOMBE MPO MEMBERSHIP.***House: Filed***H 531: WEAVERVILLE, BUNCOMBE & HENDERSON.***House: Filed**House: Filed***S 258: ASHEBORO/CHARTER AMENDMENTS.***Senate: Reptd Fav***S 268: SUNSET BEACH/CANAL DREDGING/MAINTENANCE FEE.***House: Passed 1st Reading**House: Ref To Com On Finance*

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