



The Daily Bulletin: 2013-04-16

PUBLIC/HOUSE BILLS

H 272 (2013-2014) [DOT/DMV CHANGES #2](#) Filed Mar 11 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO LAWS AFFECTING THE DEPARTMENT OF TRANSPORTATION AND THE DIVISION OF MOTOR VEHICLES.*

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

Deletes provision that amended GS 136-119 to specify that reasonable attorneys' fees are not to be awarded in excess of the prevailing hourly rate in the jurisdiction where the matter is tried, and instead provides that the attorneys' fees awarded are not to exceed one-third of the difference between the judgment award, plus interest, and the initial deposit.

Intro. by Stam, Jackson, Bryan.

[GS 136](#)

[View summary](#)

[Transportation, Property and Housing, Department of Transportation](#)

H 811 (2013-2014) [AMEND PRACTICE OF FUNERAL SERVICE LAWS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE.*

Deletes (d) of GS 58-58-97 (Provision of life insurance information upon notification of insured's death), which deemed a licensee or employee of a licensed funeral establishment unfit for practice for making a false request for information under this section or failing to do actions required by the statute.

Amends GS 90-210.23 to provide that the reinspection fee for funeral establishments or embalming facilities that fail to meet the article's requirements is to be based on the actual costs of reinspection after considering the salary of any employees involved and any expenses incurred during the reinspection.

Amends GS 90-210.25 to require applicants for licensure for the practice of funeral directing, for the practice of embalming, and for the practice of funeral services to have passed an exam that also includes the standards set forth in the most recent version of the Funeral Industry Practices. Allows resident trainees granted an extension of time under GS 105-249.2 to file a tax return to be given an extension of time for renewing a certificate of resident traineeship equal to the number of days that the trainee engaged in active service in the US Armed Forces is on active deployment. Allows charging a late fee of up to \$50 for each work report filed after the due date. Allows the North Carolina Board of Funeral Services (Board) to revoke, suspend, or refuse to issue or renew a certificate of resident traineeship or place a trainee on probation for violations of the article or Board rules. Requires renewal of Board-issued licenses before January 1 (was, February 1) of the calendar year for which the license is to be renewed. Allows the Board to suspend, revoke, or refuse to issue or renew the permit, place the permittee on a term of probation, or accept a civil penalty not to exceed \$5,000 in conjunction with a term of probation or in lieu of other disciplinary action when it finds that any person permitted to transport dead bodies has engaged in any of the 11 acts, including false or misleading advertising, failing to treat a dead body with respect, and practicing funeral directing, funeral services, or embalming without a license. Deletes the timing requirement for filing applications for funeral establishment permits. Also requires the renewal application and fee for funeral establishment permits be submitted by January 1 (was, February 1).

Prohibits issuing more than one funeral establishment permit to the same building or property. Adds to the offenses for which the Board may deem an applicant for licensure or a licensee unfit to practice to include (1) failure to refund any insurance proceeds received as consideration in excess of the funeral contract purchase price within 60 days, (2) failure to provide the purchased funeral goods and services or a refund of the purchase price within a reasonable time, and (3) violation of GS 58-58-97 (Provision of life insurance information upon notification of insured's death). Makes it a Class 2 misdemeanor for any person to knowingly, willfully, or carelessly neglect, abuse, mutilate, or fail to treat with reasonable care and concern a dead body in a person's custody. Gives the Board the authority to determine the length and conditions of any period of revocation,

suspension, refusal to issue or renew, or probation for resident traineeship for those allowed to transport human bodies, funeral establishment permittees, and licensees. Makes clarifying and conforming changes.

Amends GS 90-210.27A to allow suspending the requirements for preparation rooms in funeral establishments if the preparation room is damaged by fire, weather, or other natural disaster. Allows suspension for a period not to exceed 90 days, provided the establishment complies with other specified requirements and laws. Sets a chapel registration to expire on December 31 of each year, after which a late fee is also required. Allows the Board to suspend, revoke, refuse to issue or renew, or place on probation any funeral chapel registration for violations of the Article or Board rules and allows the board to determine the length and conditions of the punishment.

Amends GS 90-210.28 to make a conforming change by deleting the \$100 establishment and embalming facility reinspection fee.

Amends GS 90-210.29B to provide that documents containing information collected or compiled by the Board or its inspectors or employees as a result of a complaint, investigation, audit, or interview in connection with a license application is not considered public record until the Board has taken final action.

Amends GS 90-210.61 to provide that the preneed funeral fund requirements in (a)(2), allowing up to 10% of any payments to be retained, apply to those contracts executed before January 1, 2014.

Amends GS 90-210.63(a) to provide that for preneed funeral contracts executed on or after January 1, 2014, the licensee may retain an administrative fee not to exceed 10% of the funds on deposit at the time of transfer, if the amount is agreed upon in writing. Requires any funeral establishment holding a permit that accepts the transfer of a preneed funeral contract after the death of the contract beneficiary to either (1) promptly furnish to the original contracting preneed licensee information necessary to complete the certificate of performance or (2) file the certificate of performance with the Board if a copy is concurrently mailed to the contracting preneed licensee.

Enacts new GS 90-210.63B allowing cancellation of a preneed funeral contract by a preneed licensee if specified conditions apply, including that the value of all insurance policies does not exceed \$500.

Amends GS 90-210.64(d) to increase the reference preneed funeral fund balances to \$500 or less (was, \$100 or less).

Amends GS 90-210.67 to allow preneed licensees to sell preneed funeral contracts, prearrangement insurance policies and make funded funeral prearrangements and requires obtaining a preneed sales license at each establishment at which the licensee sells preneed funeral contracts, preneed insurance policies, or makes funded funeral arrangements. Makes clarifying changes. Allows funeral establishments to purchase the required bond from any company authorized to sell bonds in this state or deposit \$50,000 with the clerk of superior court in the county where the preneed funeral establishment maintains its facility that is licensed or applying for licensure. Provides that the bond requirement does not apply for failure to timely renew the license. Requires licenses to be renewed before January 1 (was, on or before the first day of February).

Amends GS 90-210.68 to base the reinspection fee for preneed licensees on the actual cost of the reinspection after considering the salary of any employees involved and any expenses incurred.

Amends GS 90-210.69 to allow the Board to determine the length of and conditions of any period of probation, revocation, suspension, or refusal to issue or renew a preneed license.

Amends GS 90-210.73 providing that financial information used to demonstrate solvency in connection with a required bond are not public records.

Repeals GS 90-210.80 through GS 90-210.107 (Article 13E concerning Mutual Burial Associations). Effective January 1, 2015.

Amends GS 90-210.81 deleting the provision making it the duty of the Board of Funeral Services to take charge of the books of the association that fails to comply with the specified requirements.

Enacts GS 90-210.108 prohibiting, on or after January 1, 2015, owing or operating a burial association unless the association complies with the requirements imposed on an insurance company or insurer. Violations are a Class 1 misdemeanor.

Amends GS 90-210.123 to require crematory licenses to be renewed before January 1 (was, on or before the first day of February). Allows the suspension, revocation, refusal to issue or renew a crematory license for violating the most

recent version of the Funeral Industry Practices. Allows the Board to determine the length and conditions of punishment. Requires reinspection fees to take into consideration the salary of any employees involved and expenses incurred during the reinspection. Allows Board inspectors (was, Board members) to serve notice, subpoenas, and papers.

Amends GS 90-210.129 to specify that (a) applies to deaths occurring in the state. Provides that for deaths occurring outside of the state, a crematory licensee may not cremate a body without first obtaining a copy of a burial-transit permit issued by the jurisdiction where the death occurred and either (1) a death certificate from the other jurisdiction that meets the same requirements as in (a) or (2) any document or certificate required to authorize cremation in the jurisdiction where the death occurred that is signed by a physician, medical examiner, or other authorized person that contains all of the required information.

Amends GS 90-210.132 to add hydrolysis to the crematory fee schedule and removes the \$100 reinspection fee. Enacts new GS 90-210.136 to require licensure before hydrolyzing human remains. Provides that except as otherwise provided, the license for the hydrolysis of human remains has the same requirements and fees as licensing of crematories, and the Board has the same powers over hydrolysis licensees as over the practice of cremation. Provides for the disposal of remaining residue or remains, and for the containment of remains.

Amends GS 130A-415 to provide that a body is deemed unclaimed if either (1) no person notifies the person in possession of the dead body within 10 days form the date of death that he wishes to dispose of the body, or (2) all persons expressing interest in arranging for disposition of the body have ceased communicating with the person in possession of the body for five days, at least 10 days have passed from the date of death, and the person in possession of the body has used reasonable efforts to contact all persons interested in arranging final disposition. Make conforming changes. Provides that when the Commission of Anatomy declines to receive a body, the person in possession of the body must verify that (1) the body is unclaimed, (2) the person has made reasonable efforts to inform relatives or others of the death, and (3) the Commission has declined to take possession. Provides that no person, corporation, or other business enterprise, county or municipality, or any employee or agent thereof, is liable in damages for failing to comply with the requirements of the statute, except in cases involved fraud, deceit, or gross negligence.

Amends GS 130A-420 to provide that the guardian of the person has the authority to direct the final disposition of the remains of the ward through authorized methods, if executed before the death of the ward, unless expressly prohibited by the order of appointment. Provides that once the burial of an individual is completed, the method and location of disposition may not be changed unless otherwise authorized by law or by a court order showing good cause.

Effective January 1, 2014.

Intro. by Boles.

[GS 58, GS 90, GS 130A](#)

[View summary](#)

Health

H 880 (2013-2014) [ROOFING CONTRACTORS/CONSUMER PROTECTION](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO LICENSE ROOFING CONTRACTORS AND TO PROVIDE CONSUMER PROTECTIONS RELATED TO ROOFING CONTRACTORS.*

Article 8. Enacts new Article 8, *Roofing Contractors*, in GS Chapter 75. Provides that the Article is to be in addition to, not in lieu of, a required licensure. Requires registration under Article 1B (*Roofing Contractors*, also created in the act) of GS Chapter 87 before acting as a roofing contractor or bringing suit related to the person's business or capacity as roofing contractor. Makes it a Class 2 misdemeanor, subject to a fine of up to \$500, to act as a roofing contractor without being registered, or while the registration is revoked or suspended, or to violate any provision of GS Chapter 87, Article 1B. Makes it Class 2 misdemeanor to register, or attempt to do so, under another person's name while the contractor's registration is suspended or revoked.

Prohibits roofing contractors from performing specified acts, including providing anything of value in exchange for allowing the contractor to display advertisement on the consumer's premises. Requires written contracts for roofing repairs and specifies

items to be included in those contracts, including a specific notice of cancellation. Allows a consumer who has entered into a written contract with a roofing contractor for goods or services to be paid from the proceeds of a property and casualty insurance policy to cancel the contract prior to midnight of the third business day after the consumer receives notice that all or part of the claim or contract is not covered under the insurance policy. Provides further requirements for such a cancellation.

Provides that every registration applicant who is a nonresident appoints the Secretary of State and their agent for service of process. Makes an exception for registered foreign corporations and partnerships that have a current registered agent and registered address on file. Specifies further requirements for service of process.

Requires a roofing contractor to supply the permit issuing official with their registration certificate number when applying for a permit for engaging in roofing related work. Also provides for noting subcontractor registration numbers on permits and displaying contractor numbers. Requires verification of a roofing contractor registration number, upon request, to city, county, and state enforcement officials, and to the public. Requires the registrar to establish a verification system for confirming roofing contractor registration certificates and registration status. Specifies items to be included in the system.

Creates the NC Roofing Contractor Registration Revolving Fund consisting of monies collected under the registration act. Allows fund monies to be expended by the NC Licensing Board for General Contractors for implementation and administration of the registration act. Makes violation of the Article an unfair and deceptive trade practice.

Effective October 1, 2013.

Article 1B. Enacts new Article 1B (Roofing Contractors) in GS Chapter 87. Authorizes the State Licensing Board for General Contractors (Board) to administer and enforce the article. Specifies the Board's powers and duties. Specifies individuals and entities that are exempt from the Article. Sets out requirements for registration as a roofing contractor, including paying required fees and maintaining a certificate of liability insurance. Requires issuing registration when an applicant meets all of the requirements. Requires registration to be renewed on or before June 30 of each year. Specifies further requirements for registration renewal and for renewal of a revoked registration. Requires a registration not renewed by August 30 to be suspended for failure to renew, and one not renewed by January 1 to be revoked. Specifies fees. Requires notification in changes to contractor's name, address, legal service agent, or cease of business.

Entitles registration holders to engage in the roofing business, subject to specified limitations, including having a valid registration number and being in good standing at the time of soliciting a project and during subsequent job performance and prohibiting a registration from being shared or used by another.

Requires the Board to maintain an indexed record of roofing contractor registrations and information maintained on individual roofing contractors. Allows for disposal of inactive files after three years. Provides for furnishing copies of information. Allows the Board to deny, restrict, suspend, or revoke a registration or refuse to issue or renew a registration in specified circumstances, including if the registrant or applicant commits an act of gross malpractice or incompetence, has been declared incompetent, or has failed to pay taxes. Allows the applicant to appeal the Board's decision. Requires the Board to read each complaint and to make a notation in the roofing contractor's recording showing the date the complaint was received and the nature of the complaint. Requires the Board to notify the contractor of the complaint. Matters must be referred to the Attorney General's Consumer Protection Division. Provides for punishment based on the outcome of the complaint referral.

Requires applicants for registration to consent to a criminal history record check and specifies further requirements related to the record check and reviewing any convictions. Provides that convictions are not an automatic bar to registration and provides factors to be considered.

Intro. by R. Brawley.

[GS 75, GS 87, GS 114](#)

[View summary](#)

[Building and Construction](#)

H 883 (2013-2014) [EDUCATION REQUIRED/COMMUNITY ASSOC BD MEMBERS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS TO REQUIRE THE BOARD*

MEMBERS OF A COMMUNITY ASSOCIATION TO COMPLETE EDUCATION ON THE LAWS, MANAGEMENT, AND FUNCTIONS OF COMMUNITY ASSOCIATIONS AS PROVIDED BY THE NORTH CAROLINA REAL ESTATE COMMISSION.

Enacts GS 93A-14 requiring newly elected board members to a community association's board of directors to complete a minimum of four hours of education on the laws related to community associations within sixty days after election. The community association must pay a fee of \$75 to the North Carolina Real Estate Commission for each member taking the course. Authorizes recodification of GS 93A-14.

Intro. by R. Moore, Alexander.

GS 93A

[View summary](#)

Property and Housing

H 884 (2013-2014) [DROPOUT PREV./RECOVERY PILOT CHARTER SCHOOL \(NEW\)](#). Filed Apr 11 2013, *AN ACT TO PROVIDE FOR A DROPOUT PREVENTION AND RECOVERY PILOT PROGRAM WITH A CHARTER SCHOOL AND TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON UTILIZATION OF PERSONNEL CONTRACTS.*

Amends SL 2011-259, providing that the State Board of Education (Board) will implement a Dropout Prevention and Recovery Pilot Program in New Hanover County Schools and three other local school administrative units selected by the Board. The Board will also select four charter schools approved by the Board under GS 115C-238.29D, providing that at least one will be located in Mecklenburg County, to implement the programs (previously, there was only a three-year Dropout Recovery Pilot Program in the New Hanover County Schools and three other local school administrative units). Makes conforming changes to reflect the additional characteristics.

Provides that the participating schools must be accredited by the Southern Association of Colleges and Schools. Expands minimum educational related criteria that the pilot program must provide, including, but not limited to, instructional models that are self-paced and mastery-based and individualized graduation plans to guide students to graduation with a standard high school diploma.

Deletes Section 5 of SL 2011-259, which provided for the collection and compilation of data and student performance results. Enacts a new Section 5A of SL 2011-259, which provides for the gathering of student performance data in order to be analyzed in accordance with Board policies on the accountability model provided for alternative learning programs. Provides that this data will also be used as a basis to report on the success of the pilot program to the Joint Legislative Education Oversight Committee (Committee) as well as for future funding decisions about the pilot program.

Directs the Board to provide funds available in the ADM Contingency Reserve for an additional per pupil funding allotment to local school administrative units to transfer schools in the pilot program or to participating charter schools in the program that demonstrate an average daily membership which is at least 30% higher than the average daily membership of the first month of the school year. The allotments will be made on a non-discretionary basis and will be based on the December average daily membership. If the Board does not have sufficient funds available, the Board can use funds appropriated to the State Aid for Public Schools.

Provides that the pilot program will be operated through the Board, a charter school authorized by the Board, or as a program of the contracting local school administrative unit. Provides that SL 2011-259 will be effective July 1, 2013.

Directs the Board to report to the Committee on the implementation and success of the pilot programs on or before March 15, 2014.

Appropriates from the General Fund to the Board \$1 million in recurring funds to provide additional funds for the ADM Contingency Reserve.

Act is effective when it becomes law and applies to schools selected by the Board on or after July 1, 2013.

Intro. by Jeter, R. Moore, Blackwell, Cotham.

APPROP

[View summary](#)**Budget/Appropriations, Education**

H 887 (2013-2014) **PUBLIC CONTRACTS/PUBLIC-PRIVATE PARTNERSHIPS**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNMENTAL ENTITIES TO ENTER INTO AGREEMENTS WITH PRIVATE DEVELOPERS FOR THE OPERATION AND DEVELOPMENT OF FACILITIES AND INFRASTRUCTURE FOR PUBLIC PURPOSES.*

Enacts GS 143-128.1A allowing a governmental entity (Entity) to participate in the operation of a public-private project, including the making of loans and grants of moneys if the Entity determines it will benefit from such participation. The contract must specify (1) the property interest of the Entity and all other participants in the project, (2) the responsibilities of all participants involved in the project, and (3) the responsibilities of all participants with respect to financing of the project. To finance its share of the project, the Entity may apply for federal or state funds. The Entity may select a private developer based on the qualifications package submitted by that developer. The Entity must advertise the terms of the proposed contract to be entered into by the Entity and the private developer in a newspaper having general circulation within the county in which the Entity is located at least 10 days prior to a regularly scheduled meeting at which the contract is to be considered.

Intro. by Moffitt.

GS 143

[View summary](#)**Local Government, State Government**

H 888 (2013-2014) **STUDY DRUG LAWS/ELLISON V. TREADWAY (NEW)**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE POSSESSION OF CERTAIN PRESCRIPTION DRUGS AND THE CRIMINAL PENALTY FOR THAT OFFENSE.*

Amends GS 90-95(h) adding a new subdivision (4c) to govern the illegal sale, delivery, transportation, or possession of an FDA approved prescription drug consisting of a controlled substance containing an opiate combined with a noncontrolled substance. Provides that prescription drugs meeting this criteria are governed by new subdivision (4c) and by GS 90-95(b) and (d) and are not governed by GS 90-95(h)(4). Makes a conforming change to GS 90-95(h)(4). Provides that a person who sells, delivers, or possesses less than 200 pills, tablets, or capsules of a controlled substance as described in this subdivision is not guilty of trafficking in pharmaceuticals but may be punished under GS 90-95(b) and (d). Provides that a person who sells, delivers, or possesses 200 or more pills, tablets, or capsules as described in this subdivision is guilty of the felony of trafficking in pharmaceuticals. Sets out felony classifications, sentences, and fines based on the number of pills, tablets, or capsules possessed that equal or exceed 200. Effective December 1, 2013, and applies to offenses committed on or after that date.

Intro. by Glazier.

GS 90

[View summary](#)**Criminal Justice, Health**

H 889 (2013-2014) **NCEMPA/DUKE ENERGY NEGOTIATIONS**. Filed Apr 11 2013, *A JOINT RESOLUTION ENCOURAGING THE NORTH CAROLINA EASTERN MUNICIPAL ELECTRIC POWER AGENCY TO EXPLORE POSSIBLE WAYS IN WHICH THE AGENCY MAY SELL OR TRANSFER ITS ELECTRIC GENERATION ASSETS TO AN INVESTOR-OWNED UTILITY.*

Encourages the North Carolina Eastern Municipal Electric Power Agency (NCEMPA) to explore feasible options with investor-owned utilities to aid NCEMPA member cities in (1) divesting their ownership interest in five specified electric generating assets and (2) reducing electric rates to their residential and business customers.

NCEMPA must submit results of its efforts to the Joint Legislative Commission on Governmental Options and the Utilities Commission no later than December 31, 2013.

Intro. by Martin, Collins.

JOINT RES

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

H 890 (2013-2014) **LANDFILL FEE USE**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A COUNTY THAT ACCEPTS SOLID WASTE FROM ANOTHER CITY OR COUNTY TO USE FEES FOR THE USE OF DISPOSAL FACILITIES PROVIDED BY THE COUNTY FOR PUBLIC SCHOOL AND OTHER COUNTY PURPOSES BY LEVYING A SURCHARGE ON THE FEE, AND TO AUTHORIZE A COUNTY TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE COUNTY GENERAL FUND UPON CERTAIN FINDINGS.*

Amends GS 153A-292(b) allowing a fee charged by a board of county commissioners for the use of a disposal facility to exceed the cost of operating the facility if (1) the county enters into a contract with another county or city to accept the other entity's solid waste and (2) the county by ordinance levies a surcharge on the fee which may be used for public school purposes or other purposes for which the county may appropriate funds.

Amends GS 159-13(b)(14) adjusting the directions and limitations binding the governing board of a county in adopting a budget ordinance to include the ability of a county to use surplus funds from a fund balance in a utility or public service enterprise fund to support schools and other services supported by the county's general fund.

Intro. by Jones, Holloway.

GS 153A, GS 159

[View summary](#)**Education, Local Government, Public Health**

H 891 (2013-2014) **EXPLOITATION OF SRS/FREEZE DEFENDANT'S ASSETS**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE DISTRICT ATTORNEY TO PETITION THE COURT TO FREEZE THE ASSETS OF A DEFENDANT CHARGED WITH FINANCIAL EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO ESTABLISH A PROCEDURE TO PETITION FOR THE FREEZING OR SEIZURE OF THE DEFENDANT'S ASSETS.*

Amends GS 14-112.2 (exploitation of an elder or disabled adult) adding subsection (f) allowing a district attorney to file a petition in superior court to freeze the funds, assets, or property of the defendant in an amount equal to but not greater than the alleged value of the funds, assets, or property in the pending criminal proceeding for the purpose of restitution to the victim when a person is charged with violating the statute and the property involved is valued at more than \$5,000.

Enacts GS 14-112.3 requiring a superior court judge to issue an order to freeze or seize assets of the defendant in the amount calculated pursuant to GS 14-112.2(f) upon the showing of probable cause in the ex parte hearing that the defendant used, is using, is about to use, or is intending to use assets in a way that violates GS 14-112.2. Within 30 days after service of the order, the defendant may file a motion to release the assets. A hearing on the motion must take place no later than 10 days after it was filed. Allows for a separate civil proceeding.

Applies to criminal proceedings filed on or after December 1, 2013.

Intro. by Glazier, McGrady.

GS 14

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

H 892 (2013-2014) **NO FISCAL NOTE FOR RULE REPEAL**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE.*

As title indicates. Applies to all proposed rules published in the North Carolina Register on or after the date that the act becomes law.

Intro. by Catlin, W. Brawley.[GS 150B](#)[View summary](#)[APA/Rule Making](#)

H 893 (2013-2014) [STUDY NONPROFIT COMPENSATION](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO STUDY COMPENSATION FOR OFFICERS AND EMPLOYEES OF NONPROFITS RECEIVING PASS-THROUGH STATE FUNDS.*

Creates the 10-member Study Commission on Nonprofit Compensation (Commission) to study (1) the impacts of a requirement prohibiting use of state funds for salaries and requiring that all state pass-through appropriations to nonprofits be dedicated to services, (2) the impacts of a cap on the percentage of state pass-through appropriations to state agencies that can be committed to salaries, (3) the impacts of a cap of \$100,000 in salary for any single employee that can be funded by state pass-through appropriations to nonprofits, and (4) overlaps and duplications of services between nonprofits receiving state funds and other nonprofits or state agencies.

The Commission will terminate upon filing its final report or upon the convening of the 2015 Regular Session of the General Assembly, whichever is earlier.

Intro. by Catlin, Bumgardner, Millis.[STUDY](#)[View summary](#)[General Assembly, Nonprofits](#)

H 894 (2013-2014) [SOURCE WATER PROTECTION PLANNING \(NEW\)](#) Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO IMPROVE SOURCE WATER PROTECTION PLANNING.*

Amends GS 160A-459 (stormwater control for cities) and GS 153A-454 (stormwater control for counties) as the title indicates. Indicates that "redevelopment project" has the same meaning as in GS 160A-503(19). Provides that the allocation authorized under the respective sections may be used instead of on-site storage requirements.

Intro. by Catlin, Hamilton, Moffitt.[GS 153A, GS 160A](#)[View summary](#)[Development, Land Use and Housing, Environment, Local Government](#)

H 895 (2013-2014) [UNC/MAHEC/HONOR REP. MARY NESBITT](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO RENAME THE BILTMORE CAMPUS OF THE MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE MARY CORDELL NESBITT CAMPUS.*

As title indicates.

Intro. by Fisher, Ramsey, Moffitt.[UNCODIFIED](#)[View summary](#)[Education, Health](#)

H 896 (2013-2014) [SUPERINTENDENT DESIGNEE/EMPLOYMENT HEARINGS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SUPERINTENDENT, WITH THE CONSENT OF THE SCHOOL BOARD, TO DESIGNATE A DESIGNEE TO APPEAR BEFORE THE LOCAL BOARDS OF EDUCATION FOR TEACHER EMPLOYMENT HEARINGS.*

As title indicates. Effective July 1, 2013, and applies to hearings conducted on or after that date.

Intro. by Blackwell.

GS 115C

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

H 897 (2013-2014) **EXPANDED WEST. CRIME LAB/EXISTING STATE BLDG.** Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO DIRECT AND APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A WESTERN CRIME LABORATORY FACILITY IN MORGANTON AND TO APPROPRIATE FUNDS TO PROVIDE STAFFING FOR THE LABORATORY.*

Directs the Department of Justice (DOJ) to establish a Western Regional Crime Laboratory on underutilized state property on either the Broughton Hospital campus or the North Carolina School for the Deaf in Morganton. Appropriates \$2.9 million from the General Fund to the DOJ for the 2013-14 fiscal year for use in renovating property to establish the Western Regional Crime Lab. Appropriates \$1.9 million from the General Fund to the DOJ for the 2013-14 fiscal year and \$1.9 million from the General Fund to the DOJ for the 2014-15 fiscal year to establish 19 staff positions at the Western Regional Crime Laboratory. Effective July 1, 2013.

Intro. by Blackwell, Hager, Starnes, Dobson.

APPROP

[View summary](#)**Criminal Justice, Budget/Appropriations**

H 898 (2013-2014) **HONOR WALTER CHURCH.** Filed Apr 11 2013, *A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WALTER GREENE CHURCH, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

Intro. by Blackwell, Wilkins, Starnes, L. Hall.

JOINT RES

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

H 899 (2013-2014) **LOCAL AUTHORITY/LARGE-SCALE CHICKEN FARMS.** Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES AND CITIES WITH LIMITED ZONING AUTHORITY OVER CERTAIN LARGE-SCALE POULTRY FARMS.*

Amends GS 160A-360(k) expanding the type of property located in the geographic area that is subject to the municipality's extraterritorial jurisdiction to include property that contains an agricultural operation described by subdivisions (3) and (4) of GS 153A-340(b).

Amends GS 153A-340(b)(1) referencing subdivisions (3) and (4) regarding regulations that may affect property used for bona fide farm purposes.

Amends GS 153A-340(b) adding subsection (4) allowing a county to adopt zoning regulations governing poultry farms with an animal waste management system having a capacity of 150,000 or more confined poultry as long as the regulations do not have the effect of excluding these poultry farms from the entire zoning jurisdiction.

Applies to poultry farms constructed on or after July 1, 2013.

Intro. by Blackwell, Wells.

GS 153A, GS 160A

[View summary](#)**Agriculture, Land Use, Planning and Zoning, Local Government**

H 900 (2013-2014) [EXEMPT CONTINUING CARE FACILITIES FROM CON.](#) Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT EXEMPTING FROM CERTIFICATE OF NEED REVIEW CONTINUING CARE RETIREMENT COMMUNITIES THAT PROVIDE HOME HEALTH SERVICES TO INDIVIDUALS RECEIVING LODGING WITHIN THESE COMMUNITIES.*

As title indicates. Amends GS 131E-184, providing that the NC Department of Health and Human Services will exempt continuing care retirement communities licensed under GS 58 Article 6, who have contracted to receive continuing care services with lodging from certificate of need review. Provides that *continuing care* and *lodging* are defined for use in this subsection as found in GS 58-64-1. Applies to continuing care retirement communities engaged in the direct provision of home health care services on or after the date that the act becomes law.

Intro. by Avila, Samuelson, Boles, Burr.

[GS 131E](#)

[View summary](#)

[Adult Services](#)

H 901 (2013-2014) [ADJOURNMENT RESOLUTION \(NEW\)](#). Filed Apr 11 2013, *A JOINT RESOLUTION PROVIDING FOR ADJOURNING THE 2013 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING AND PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2013 REGULAR SESSION OF THE GENERAL ASSEMBLY.*

As title indicates.

Intro. by Stevens.

[STUDY](#)

[View summary](#)

[Property and Housing](#)

H 902 (2013-2014) [EDUCATION AND WORKFORCE INNOVATION ACT.](#) Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE THE EDUCATION AND WORKFORCE INNOVATION ACT.*

Creates the Education and Workforce Innovation Act designed to stimulate economic activity through quality education. Grants provided through this act will be used to create innovative education programs to reshape classrooms, allow high school students to earn industry credentials or up to two years of college credit, provide comprehensive teacher professional development, and create scalable models of success in education.

Creates the 11-member North Carolina Education and Workforce Innovation Commission (Commission) to make awards of grants from the Education and Workforce Innovation Program (Program), work closely with new schools administering the program, publish an annual report on the Program, and conduct a study to determine the most efficient way to fund dual enrollment for high school students in college coursework.

Establishes the Program to foster innovation in education to lead more students graduating career- and college-ready. Funds must be used to award competitive grants to an individual school, local school administrative unit, or regional partnership of more than one local school to advance education. All applicants must meet specified requirements before receiving a grant. Specifies factors to be considered in awarding grants. All funds appropriated by the state must be matched by a combination of private and local funds. Grant recipients must submit an annual report to the Commission for the preceding grant year describing academic progress no later than March 1 each year.

Intro. by Johnson.

[UNCODIFIED](#)

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[Education](#)

H 903 (2013-2014) [UNC & COMM. COLLEGE CREDIT TRANSFERS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO FULLY ADHERE TO THE COMPREHENSIVE ARTICULATION AGREEMENT WITH THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM REGARDING THE TRANSFER OF COURSES AND ACADEMIC CREDITS BETWEEN THE TWO SYSTEMS AND THE ADMISSION OF TRANSFER STUDENTS AND TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO REPORT BIANNUALLY REGARDING THE AGREEMENT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.*

Amends GS 116-11, providing that the Board of Governors of the University of North Carolina (Board) will require each constituent institution to fully adhere to the transfer agreement between the University of North Carolina and the NC Community College System, ensuring that it is applied consistently among the constituent institutions. Directs the two institutions to conduct biannual joint reviews of the transfer agreement to ensure that the agreement is fair, current, and relevant to all students and institutions. The institutions will report their findings, including revisions and reports of noncompliance, to the Joint Legislative Oversight Committee. Directs the institutions to jointly develop an articulation agreement advising tool for use by students, parents, and faculty to simplify the transfer and admissions processes.

Intro. by Johnson.

[GS 116](#)

[View summary](#)

[Higher Education](#)

H 904 (2013-2014) [IN-STATE TUITION/SOME N.C. IMMIGRANT YOUTH](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN IMMIGRANT YOUTH TO RECEIVE IN-STATE TUITION AT THE UNIVERSITY OF NORTH CAROLINA AND COMMUNITY COLLEGES IN THIS STATE.*

Amends GS 116-143.1, providing that, notwithstanding any other provisions of this section, a person who meets all of the following qualifications will be accorded resident tuition status: (1) the person received a high school diploma from a NC school or a GED within NC; (2) the person attended a NC school for at least two consecutive years immediately prior to high school graduation; (3) if the person does not have lawful immigration status, they must file an affidavit with the constituent institution where they are enrolled that states they have filed or will file an application to legalize their immigration status as soon as they are eligible; and (4) the person satisfies the admission standards for the constituent institution or community college and has secured admission and enrolled as a student.

Provides that any information obtained as part of this process will be confidential and is not considered a public record.

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

Intro. by Luebke, Glazier, Cotham, C. Graham.

[GS 116](#)

[View summary](#)

[Higher Education, Immigration](#)

H 905 (2013-2014) [HOG LAGOON PHASE OUT/LIVESTOCK TREATMENT](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PHASE OUT TRADITIONAL ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE FARMS AND TO ESTABLISH MINIMUM HUMANE STANDARDS FOR THE TREATMENT OF COWS, POULTRY, AND SWINE.*

Phases out permits and "deemed permitted" status for swine waste management systems that are currently operated under the moratorium for swine farms enacted in 2007. Requires closure of swine operations with lagoon and sprayfield waste systems by the later of September 1, 2018, or twelve years from the date the operation was first permitted or deemed permitted. Creates a new Article 49I in GS 106 that requires the Board of Agriculture, in consultation with the state veterinarian, to set minimum humane standards for cows, poultry, and swine, including restrictions on tethering and confinement, kill methods, and transfer of sick cows. Makes violations of the minimum humane standards a Class 2

misdemeanor. Provisions on minimum standards for livestock effective January 1, 2014; otherwise effective when the act becomes law.

Intro. by Luebke, Harrison.

GS 106

[View summary](#)

Agriculture, Environment/Natural Resources

H 906 (2013-2014) **N.C. PUBLIC CONTRACTOR SAFETY ACT**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PREQUALIFICATION OF BIDDERS ON PUBLIC CONSTRUCTION PROJECTS AS TO OCCUPATIONAL HEALTH AND SAFETY COMPLIANCE.*

Amends GS 143-135.8 requiring the North Carolina Department of Labor (NCDOL) to develop a standardized questionnaire and rating system to assess bidders on objective metrics of occupational safety and health performance for the purpose of prequalifying bidders and their subcontractors on construction contracts. Requires the questionnaire and system to be effective January 1, 2014, and specifies items that must be included. Each bidder must provide the awarding authority a list of all subcontractors that will perform construction work for the contract. Subcontractors that have not been prequalified are not permitted to perform work under the contract. A bidder is ineligible to submit a bid or be awarded a construction contract if: (1) that bidder does not furnish proof of current workers' compensation coverage or (2) an awarding authority has determined in the preceding five years that a company officer, agent, or person with substantial ownership in the company provided false or misleading information.

Intro. by Luebke.

GS 143

[View summary](#)

Building and Construction

H 907 (2013-2014) **PERMANENT PLATES/NONPROFIT TRANSP. AGENCY**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES TO CERTAIN NONPROFIT AGENCIES THAT PROVIDE TRANSPORTATION SERVICES.*

Amends GS 20-84(b) adding subsection (18) allowing the Division of Motor Vehicles to issue permanent plates for a motor vehicle owned by a nonprofit agency that is (1) a subrecipient of federal funds from the Nonurbanized Area Formula Program and (2) used for providing public transportation services.

Intro. by Shepard, Hurley.

GS 20

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Transportation, Department of Transportation

H 908 (2013-2014) **WHITE COLLAR CRIME INVESTIGATION (NEW)**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE GRAND JURY CAN BE CONVENED.*

Amends GS 14-100 (*Obtaining property by false pretenses*), establishing different levels of punishment for the offense of obtaining property by false pretense for property of certain values as follows:

- (1) If the value of the money, goods, property, services, chose in action, or other thing of value is \$100,000 or more, a violation is a Class C felony.
- (2) If the value is between \$80,000 and \$100,000, a violation is a Class D felony.
- (3) If the value is between \$60,000 and \$80,000, a violation is a Class E felony.
- (4) If the value is between \$40,000 and \$60,000, a violation is a Class F felony.

(5) If the value is between \$20,000 and \$40,000, a violation is a Class G felony.

(6) If the value is less than \$20,000, the violation is a Class H felony.

Provides that a person who is convicted of a second or subsequent offense under this section will have the minimum term of imprisonment to which the person is sentenced for that felony increased by 60 months and the maximum term will be the maximum term that corresponds to the minimum term after it is increased by 60 months, as specified in GS 15A-1340.17(e) and (e1).

Sets out the requirements for indictments and pleadings that allege the offense of obtaining property by false pretenses. Establishes a beyond a reasonable doubt standard of proof for the State in proving specified issues during the same trial in which the defendant is tried for the offense. If the defendant pleads guilty or no contest to the specified issues a jury will be impaneled to determine the issues.

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

Intro. by Murry, S. Ross, Glazier.

GS 14

[View summary](#)

Criminal Law and Procedure

H 909 (2013-2014) **STUDY/INCREASE ASSISTED LIVING IN RURAL AREAS**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXAMINE STRATEGIES FOR INCREASING THE NUMBER OF ASSISTED LIVING RESIDENCES IN RURAL AREAS OF THE STATE*.

Directs the Department of Health and Human Services (Department) to examine strategies to increase the number of assisted living residences in the rural areas of North Carolina. This examination must include the advantages and disadvantages of exempting adult care homes from certificate of need review. Provides that for use in this section, the term *assisted living residences* is defined pursuant to GS 131D-2.1.

Directs the Department to report its findings and recommendations to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division by February 1, 2014.

Intro. by Tine, Collins, G. Graham, Whitmire.

STUDY

[View summary](#)

Department of Health and Human Services, Adult Services

H 910 (2013-2014) **INDEPENDENT REDISTRICTING COMMISSION**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO HANDLE REDISTRICTING AFTER THE 2020 CENSUS AND THEREAFTER*.

Amends Article II of the NC Constitution to create a new Independent Redistricting Commission (IRC) that, beginning with the return of the 2020 national census, will have the authority to adopt redistricting plans for state Senate districts, state House of Representative districts, and US House of Representatives districts that would have the same force and effect as acts of the General Assembly. The General Assembly will no longer adopt redistricting plans. The IRC will consist of nine members, two from different political parties appointed by the Chief Justice of the NC Supreme Court, three (of which no more than two may be from the same political party) appointed by the Governor, and one each appointed by the Speaker of the NC House of Representatives, the leader in the House of Representatives from the political party with the next highest or equal number of members as the party of the Speaker, the President Pro Tempore of the NC Senate, and the leader in the Senate of the political party with the next highest or equal number of members as the party of the President Pro Tempore. Appointees to the IRC may not have held elective office or been a candidate for elective office for a period of four years prior to and after their service on the IRC. The IRC must adopt its plans no later than October 1 of the year following a national decennial census. Requires districts be created to satisfy as much as possible three goals:

compactness, to avoid irregularly shaped districts; one person, one vote; and minimizing the number of split counties, municipalities, and other communities of interest. Prohibits the IRC from considering as part of the plans the political affiliation of voters, voting data from past elections, location of incumbents' residences, or demographic data from sources other than the census. Racial and ethnic data may be used only to comply with the US Constitution and federal election laws. Proposed changes are subject to voter approval at the November 2014 general election.

If the constitutional amendments are approved, enacts new Article 12B (*Redistricting*) in GS Chapter 163, consisting of new GS 163-134. Requires the IRC to retain independent staff under contract to prepare redistricting plans. Prohibits providing the staff any instruction as to the content of the plans other than to follow the guidelines in Section 25 of Article II of the state constitution.

Intro. by Blust.

CONST, GS 163

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Constitution, Elections

H 911 (2013-2014) [ADJUST HIGHWAY EQUITY FORMULA](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO ADJUST THE DISTRIBUTION FORMULA FOR FUNDS EXPENDED ON THE INTRASTATE SYSTEM AND TRANSPORTATION IMPROVEMENT PROGRAM.*

Amends GS 136-17.2A, clarifying that funds expended for Intrastate System projects and state and federal aid funds expended under the Transportation Improvement Program, other than funds listed in new GS 136-17.2A(a1), will be distributed as specified. Enacts new subsection (a1) to list the funds previously included in subsection (a) and to add Surface Transportation Program/Direct Attributable federal funds to the funds exempted from the distribution requirement. Deletes provisions in GS 136-17.2A(b), which directed the Secretary of Transportation (Secretary) to calculate fund distribution based on specified calculations until 90% of the mileage of the Intrastate System projects is completed. Makes a conforming change and directs the Secretary to make calculations under current GS 136-17.2A(c). Effective July 1, 2013.

Intro. by Blust.

GS 136

[View summary](#)

Transportation

H 912 (2013-2014) [VOLUNTARY CONTRIBUTIONS TO THE GENERAL FUND \(NEW\)](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER TO ACCEPT MONETARY CONTRIBUTIONS TO THE GENERAL FUND OF THE STATE OF NORTH CAROLINA FOR GOVERNMENTAL SERVICES.*

Enacts new GS 105-159.3 (*Contribution by individual for governmental support*), providing that state individual income tax returns must provide the opportunity and space to make a monetary donation to one or more of the specified state departments or the General Fund. Remitted funds become irrevocable upon filing the tax return for the taxable year and can be used for the provision of governmental services, spending, and appropriations.

Effective for taxable years beginning on or after January 1, 2013.

Intro. by Blust, Jones, Holloway, Jordan.

GS 105

[View summary](#)

State Government, Tax

H 913 (2013-2014) [VOTER INTEGRITY](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO BETTER ENSURE VOTER INTEGRITY.*

Eliminate same-day registration. Repeals GS 163-82.6A (In-person registration and voting at one-stop sites). Makes conforming changes to GS 163-82.6, GS 163-166.12, and GS 163-227.2.

Provisional ballots retrievable. Amends GS 163-166.11 to provide that a provisional ballot is retrievable, meaning that if it is counted and later determined that it should not have been counted, the ballot may be removed from the total.

Physical address required to vote. Amends GS 163-57 to provide that a vacant lot or business address is not considered a residence or used as a residential address unless a person uses that location as their usual sleeping area.

Enhanced voter list maintenance. Amends GS 163-33 to include in the county board of elections' duties, making forms available for reporting the status of deceased voters. Amends GS 163-82.14 to require the county board of elections to remove a person identified in a sworn statement as deceased from its voter registration records. Enacts new GS 90-210.25C to encourage funeral directors and funeral service licensees to make the reporting forms available to the deceased's near relative. Requires the State Board of Elections (State Board) to seek participation in any national or interstate efforts to share vital records data for the purpose of voter roll maintenance. Requires any state allowed access to North Carolina vital records for voter roll maintenance to allow reciprocal access by July 1, 2015, or they will no longer have access to North Carolina records. Also requires the Division of Motor Vehicles to exchange information with the State Board.

Compensation for voter registration limited. Amends GS 163-274 to make it a Class 2 misdemeanor for any person to be compensated for assisting persons in registering to vote, unless the person is conducting voter registration for a governmental agency as required by GS Chapter 163, or by federal law.

Election observer rights specified. Amends GS 163-45 to allow observers to be present and to move about the voting place before, during, and following the closing of the polls until the chief judge and judges have completed their duties. Allows observers to observe officials checking registration from a position that allows the observer to clearly hear and understand voter responses. Requires a chief judge or judges of a precinct that limit the movement of, or expel, an observer to specify the reasons in writing, witnessed by at least one of the other precinct judges. If it is found that the action was without cause, requires the chief judge or judge to be fined the sum of the wage paid to the judge for that election, and permanently bars them from serving as a chief judge or judge upon committing a second offense.

Enhance delivery of military and overseas absentee ballots for presidential election when presidential nominating conventions conclude after Labor Day. Amends GS 163-227.3 and GS 163-258.9 to provide that in a presidential election year, the board of elections must provide general election ballots no later than three days after the nomination of the presidential and vice presidential candidates if the nomination occurs later than 57 days before the statewide general election and makes compliance with the 60-day deadline impossible.

Effective January 1, 2014.

Intro. by Blust.

[GS 163](#)

[View summary](#)

[Elections](#)

H 914 (2013-2014) [PUBLIC SAFETY/GUN TRANSFER/BACKGROUND CHECK](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER PROTECTION FOR THE PUBLIC BY REQUIRING THAT A BACKGROUND CHECK AND PERMIT BE OBTAINED PRIOR TO THE TRANSFER OF A FIREARM UNLESS THE TRANSFER IS BETWEEN IMMEDIATE FAMILY MEMBERS, TO PROVIDE THAT THE SHERIFF MAY REVOKE A PERMIT IN CERTAIN CIRCUMSTANCES, AND TO STRENGTHEN THE LAW REQUIRING SAFE STORAGE OF A FIREARM TO PROTECT MINORS.*

Amends GS 14-402 to provide that the section prohibits the transfer or receipt of firearms without the proper permit. Clarifies that the provisions govern any firearm (was, pistol). Defines *firearm* as a handgun, shotgun, rifle, or other weapon of any description from which any shot, bullet, or other missile can be discharged. Provides that this section does not apply to the transfer or receipt of a firearm between immediate family members, as defined in this section.

Amends GS 14-403 to require that a license or permit to purchase or receive any weapon mentioned in Article 52A of GS Chapter 14 expires three years (was, five) from the date it was issued.

Makes conforming changes to GS 14-404 to provide that the section applies to a firearm (was, handgun and weapon). Authorizes a fee of \$25 (was, \$5) for the sheriff's services in issuing a license or permit.

Enacts new GS 14-405.1 to allow the sheriff of the county where the permit was issued or the county where the permit holder resides to revoke a permit subsequent to a hearing for any of the specified reasons. Provides for an appeal of the revocation to the district court for the district in which the permit was issued or in which the permit holder resides.

Amends GS 14-406 to require that every dealer in firearms keep an accurate record of all sales (was, every dealer in pistols and other weapons mentioned in this article).

Enacts new GS 14-406.2 to require any person who transfers a firearm to keep an accurate record of the transaction that includes identifying information for the person or entity receiving the transfer. Directs the person or entity receiving the transfer to give the permit obtained from the sheriff to the person making the transfer to retain as part of the record of the transaction.

Amends GS 14-407.1 to provide for the sale of firearms (was, pistols) suitable for firing blank cartridges. Makes a conforming change to GS 14-408.1, deleting the definition for *firearm*.

Amends GS 14-315.1 to provide that a person who resides in the same premises as a minor, owns or possesses a firearm, and leaves the firearm out of the person's immediate possession or control without having securely locked the firearm away or used a safety locking device to render the firearm incapable of being fired is guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the lawful permission of the minor's parents or a person in charge of the minor and the minor engages in any of the specified behaviors or actions.

Amends GS 14-315.2(b) to edit the wording of the sign required to be conspicuously posted at any retail or wholesale shop, store, or sales outlet that sells firearms, concerning minors.

Makes this act effective December 1, 2013, and applies to any transfer or receipt of a firearm occurring on or after that date. Provides that a permit issued before December 1, 2013, remains valid until the date that is five years from the date the permit was issued and may be used for the transfer of a pistol or other firearm under this act.

Intro. by Earle, D. Hall, Michaux.

GS 14

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Criminal Law and Procedure

H 915 (2013-2014) [ROAD SAFETY THROUGH DRIVERS LICENSE ACCESS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE ROAD SAFETY THROUGH FAIR ACCESS TO DRIVERS LICENSES*.

Amends GS 20-7 expanding the options of information set forth in subsection (7) that will satisfy subsection (b1) to include the driver's license applicant's social security number, valid documentation issued by the United States government that demonstrates the applicant's lawful presence in the United States, an Individual Taxpayer Identification Number, or a United States foreign passport.

Amends GS 20-7 deleting subsection (f3) and subsection (s) concerning licenses of limited duration.

Effective October 1, 2013.

Intro. by Fisher, Wray, Brisson, R. Moore.

GS 20

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Transportation

H 916 (2013-2014) [SURVEY EQUAL PAY PRACTICES IN PRIVATE SECTOR](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING THE NORTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION OF EMPLOYMENT SECURITY, TO DEVELOP A SURVEY TO ASSESS EQUAL PAY PRACTICES AMONG PRIVATE EMPLOYERS IN THIS STATE*.

Requires the Division of Employment Security (Division) of the Department of Commerce (Department) to develop a survey to assess employer practices with respect to payment of wages for men and women who perform substantially equal work by September 1, 2013. Defines *employer* to be one engaged in a private business that has at least 300 employees as of January 1, 2013, and had a net income in excess of \$3 million for the 2012 calendar year. Requires the Division to invite the state's 100 largest employers to complete the survey by November 1, 2013. Requires posting results of the survey after receiving 25 completed surveys on the Department's website by December 31, 2013, and requires posting the names of all employers that declined to participate in the survey.

Intro. by Cunningham, Earle, McManus.

UNCODIFIED

[View summary](#)

Employment and Retirement, Department of Commerce

H 917 (2013-2014) **ADOPT DUBLIN PEANUT FESTIVAL**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL*.

As title indicates.

Intro. by Brisson.

GS 145

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Cultural Resources and Museums

HB 918 (2013-2014) **ELECTIONEERING AND IE REPORTING CHANGES**. Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO ALTER THE REPORTING SCHEDULE FOR INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS TO PROVIDE INFORMATION IN A TIMELY FASHION*.

Amends GS 163-278.12 requiring an individual or entity incurring expenses in excess of \$300 for making independent expenditures but not otherwise required to report them, to file a statement of such expenditure with the appropriate board of elections with information meeting the new criteria set out in subsections (1-5).

Amends GS 163-278.12 deleting subsections (b) and (c). Amends GS 163-278.12(f), removing all references to subsection (c).

Amends GS 163-278.12(d) requiring the initial report of independent expenditures to be reported at the earliest of the following dates: (1) within 10 days of incurring expenses that exceed \$300 to further independent expenditures; (2) within 48 hours of incurring expenses that exceed \$300 to further initial independent expenditures that occur during the 30 days before an election the independent expenditures affect; (3) within 48 hours of incurring expenses or receiving donations that exceed \$1,000 to further independent expenditures.

Amends GS 163-278.12 adding subsection (d1) requiring an additional report to be filed within 48 hours of incurring expenses or receiving donations to further expenditures that aggregate to more than \$5,000 during a period not covered by a previous report.

Amends GS 163-278.12 adding subsection (d2) requiring an individual, person, or other entity required to report under this section to a county board of elections to file an additional report within 48 hours of incurring expenses to further independent expenditures that aggregate to more than \$1,000 during a period not covered by a previous report in the 30 days before an election.

Amends GS 163-278.12(g) to allow reports of reportable donations or expenses aggregating to more than \$5,000 to be filed electronically to the State Board of Elections.

Enacts GS 163-278.12B requiring special reporting of independent expenditures made by registered political committees.

Amends GS 163-278.12C(a) requiring every individual, person, or other entity that incurs expenses or receives donations in excess of \$5,000 for the direct costs of producing or airing electioneering communications to file a report with the board of elections containing information meeting the criteria set out in subsections (1-5).

Amends GS 163-278.12C(b) requiring the initial report to be filed with the appropriate board of elections within 48 hours of expenditure or receipt of the amount in subsection (a). An additional report must be filed within 48 hours of the entity incurring expenses or receiving donations to further electioneering communications that aggregate to more than \$5,000 during the period not covered by the report.

Amends GS 163-278.12C(c), removing the reference to subsection (a)(5).

Amends GS 163-278.12C(d), removing the reference to rules adopted by the State Board of Elections, and requires all reports required by this section to be filed electronically.

Applies to donations, contributions, and expenditures made on or after September 1, 2013.

Intro. by Lewis, D. Ross, Luebke.

GS 163

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[Elections](#)

H 919 (2013-2014) [CAMPAIGN FINANCE ELECTRONIC REPORTING](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE ELECTRONIC FILING OF CERTAIN CAMPAIGN FINANCE REPORTS BY CANDIDATE CAMPAIGN COMMITTEES.*

Amends GS 163-278.12(j), changing "five thousand dollars" to "the stated amount."

Amends GS 163-278.12(j)(1) requiring the treasurer of a candidate for statewide office to electronically file each report required by this section that shows a cumulative total for the election cycle in excess of \$5,000 in contributions, expenditures, or loans.

Amends GS 163-278.12(j) adding subsection (4) requiring the treasurer of all other political committees to electronically file each report required by this section that shows a cumulative total for the election cycle in excess of \$10,000 in contributions, expenditures, or loans.

Applies to reports filed on or after January 1, 2014.

Intro. by Lewis, D. Ross, Luebke.

GS 163

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[Elections](#)

H 920 (2013-2014) [FARMLAND PRESERVATION/DOT PROJECTS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO CREATE A PLAN TO PRESERVE AND PROTECT ACTIVE FARMLAND AND ALLUVIAL SOIL DEPOSITS DISTURBED BY ROAD CONSTRUCTION.*

Requires the Department of Transportation (DOT) and the Department of Agriculture and Consumer Services to devise a plan to minimize destruction and damage to farmland due to DOT projects through or adjacent to agricultural areas. Requires that the program (1) provide for mitigation of farmland destroyed or impacted by DOT projects and (2) place the highest priority on preservation of farmland containing alluvial soils that is located adjacent to the right-of-way of the DOT project.

Requires a report to the House Agriculture Committee, the House Transportation Committee, the Senate Agriculture/Environment/Natural Resources Committee, and the Senate Transportation Committee within one month of the convening of the 2014 Session of the 2013 General Assembly.

Intro. by Queen, Ramsey, McGrady.

UNCODIFIED

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[Agriculture, Transportation, Department of Agriculture and Consumer Services, Department of Transportation](#)

H 921 (2013-2014) [UTILITIES/ELECTRIC SMART METERS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING THAT EACH ELECTRIC UTILITY IN THE STATE SHALL EQUIP PREMISES WITHIN THE UTILITY'S SERVICE AREA WITH A SMART METER TO HELP ITS CUSTOMERS CONTROL THEIR ENERGY USAGE AND COSTS.*

Enacts new GS 62-110.8 requiring each electric utility regulated under GS Chapter 62 to equip each premises within its service area with a smart meter no later than January 1, 2016, to help customers control their energy usage and costs. Each electric utility must also submit an annual report of its activities under this section for the preceding year. Allows the utility to recover its costs through resale of power saved. Requires cost savings realized by the resale to be shared equally by the customer and the utility.

Intro. by Queen.

[GS 62](#)

[View summary](#)

[Public Enterprises and Utilities](#)

H 922 (2013-2014) [EXTEND FEDERAL EMERGENCY UI](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PROTECT THE UNEMPLOYED FROM THE UNNECESSARY LOSS OF FEDERAL EMERGENCY UNEMPLOYMENT COMPENSATION IN 2013.*

Amends Section 11 of SL 2013-2 (*UI Fund Solvency and Program Changes*) to change the effective date from July 1, 2013 to January 1, 2014.

Intro. by L. Hall.

[UNCODIFIED](#)

[View summary](#)

[Employment and Retirement, Public Assistance](#)

H 923 (2013-2014) [SPECIFY TIME/REINSTATE LICENSE/CHILD SUPPORT](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIFIC TIME FRAMES FOR THE REINSTATEMENT OF LICENSES THAT HAVE BEEN REVOKED FOR FAILURE TO PAY CHILD SUPPORT.*

Amends GS 50-13.12 (*Forfeiture of licensing privileges for failure to pay child support or for failure to comply with subpoena issued pursuant to child support or paternity establishment proceedings*), GS 93B-13 (*Revocation when licensing privilege forfeited for nonpayment of child support or for failure to comply with subpoena*), GS 110-142.1 (*IV-D notified suspension, revocation, and issuance of occupational, professional, or business licenses of obligors who are delinquent in court-ordered child support or who are not in compliance with subpoenas issued pursuant to child support or paternity establishment proceedings*), and GS 110-142.2 (*Suspension, revocation, restriction of license to operate a motor vehicle or hunting, fishing, or trapping licenses; refusal of registration of motor vehicle*) providing that, in regards to occupational, professional, business, driver's, hunting, fishing, and trapping licenses or motor vehicle registrations that have been revoked, suspended, or withheld because of delinquency in court-ordered child support or failure to comply with a subpoena issued for child support or paternity establishment proceedings, the court, granting authority, licensing board, department, or the Department of Motor Vehicles will, within three days of certifying or finding that the individual is no longer delinquent or non-compliant, reinstate the previously revoked license or registration or issue a certification to the granting authority or licensing board to reinstate the previously revoked license. The granting authority or licensing board will, within three days of receiving a certification that the individual is in compliance or no longer delinquent, reinstate the license or registration.

Effective October 1, 2013, and applies to reinstatements of licenses on or after that date.

Intro. by L. Hall.

[GS 50, GS 93B, GS 110](#)

[View summary](#)

[Family Law](#)

H 924 (2013-2014) [MULTICOUNTY ECONOMIC DEVELOPMENT COOP](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE CREATION OF DISTRICT ECONOMIC DEVELOPMENT INITIATIVES*.

Enacts new Part 4, *District Economic Development Initiatives*, in Article 16 of GS Chapter 153A, consisting of new GS 153A-317.30. Allows two or more counties to enter into and carry out an agreement to establish an economic development initiative. Allows (1) the financing and operating of an economic development initiative facility, (2) construction of such a facility or designation of an existing facility, and (3) entering into and carrying out agreements under which one unit may use the local economic development facility owned and operated by another. Requires the Department of Commerce to provide technical and other assistance.

Intro. by Ramsey.

[GS 153A](#)

[View summary](#)

[Community and Economic Development, Local Government](#)

H 925 (2013-2014) [LRC STUDY LIENS/NOTIFICATION OF PAYMENT](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY METHODS BY WHICH CONTRACTORS AND SUBCONTRACTORS WOULD GIVE NOTICE TO LIEN AGENTS UPON RECEIPT OF PAYMENT IN FULL*.

Requires the Legislative Research Commission to study mechanisms by which any potential lien claimant (PLC) who has provided a notice to the lien agent would be required to notify the lien agent within 10 days of receiving payment in full for the labor, materials, rental equipment, or professional design or surveying services furnished by the PLC.

Intro. by Bryan, Stevens.

[STUDY](#)

[View summary](#)

[Business and Commerce, General Assembly](#)

H 926 (2013-2014) [NOTARIES/PRIVATE RIGHT OF ACTION](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT CREATING A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT*.

Enacts new GS 10B-61 to give standing to any party to a transaction requiring a notarial certificate for verification and any state licensed attorney involved in such a transaction to bring a civil action in superior court against any commissioned public notary who violates the provisions of the Notary Public Act. Allows actions for damages or injunctive relief. Provides for awarding attorneys' fees to the prevailing party. Applies to notarial acts and omissions occurring on or after the date that the act becomes effective.

Intro. by Bryan, Jordan.

[GS 10B](#)

[View summary](#)

[Civil Law](#)

H 927 (2013-2014) [UNC/WILLIAM RICHARDSON DAVIE STATUE](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL DEVELOP A PLAN TO CONSTRUCT A STATUE OF WILLIAM RICHARDSON DAVIE, NORTH CAROLINA'S TENTH GOVERNOR AND THE FOUNDING FATHER OF THE UNIVERSITY OF NORTH CAROLINA*.

As title indicates. Requires the UNC Board of Governors to deliver a draft of its plan to the Joint Legislative Education Oversight Committee by February 1, 2014, and a final proposal by October 1, 2014.

Intro. by Lewis.

[UNCODIFIED](#)

[View summary](#)[UNC System](#)

H 928 (2013-2014) [CAROLINA FIELD OF HONOR/FUNDS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WAR MEMORIAL FOUNDATION, INC., TO COMPLETE CONSTRUCTION OF THE CAROLINA FIELD OF HONOR IN KERNERSVILLE.*

Appropriates \$350,000 for 2013-14 from the General Fund to the War Memorial Foundation Inc. to be used as title indicates. Effective July 1, 2013.

Intro. by Faircloth.[APPROP](#)[View summary](#)[Budget/Appropriations, Military and Veteran's Affairs](#)

H 929 (2013-2014) [STATE MOTOR FLEET/INCREASE FUEL EFFICIENCY](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE THE FUEL ECONOMY PURCHASING PREFERENCE FOR NEW MOTOR VEHICLES PURCHASED BY THE DEPARTMENT OF ADMINISTRATION FOR THE STATE MOTOR FLEET.*

Amends GS 143-341, as the title indicates. Requires that the vehicles have a fuel economy for the new vehicle's model year that is the best of its class of comparable non hybrid, non-electric automobiles (was, in the top 15% of its class of comparable automobiles).

Intro. by Hanes, Dobson, McGrady, Her.[GS 143](#)[View summary](#)[Transportation, State Government](#)

H 930 (2013-2014) [DOG BREEDING STDS./LAW ENFORCEMENT TOOLS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS OF CARE FOR LARGE COMMERCIAL DOG BREEDING FACILITIES AND TO PROVIDE LAW ENFORCEMENT WITH TOOLS TO ENSURE THAT DOGS AT THOSE FACILITIES ARE TREATED HUMANELY.*

Enacts new GS 14-362.4 requiring any person who has 10 or more female dogs over the age of six months who are capable of reproducing and kept primarily for breeding and selling the offspring as pets to provide 12 specified types of care, including access to fresh food and water, appropriate veterinary care, and protection from adverse or extreme weather conditions. Also requires bedding material to be clean and risk free. Sets requirements for the maintenance of the facility and primary enclosures. Failure to comply with the standards is a Class 3 misdemeanor punishable by a fine of no less than \$25 per animal, but no more than a total of \$1,000. Subsequent violations are a Class A1 misdemeanor. Provides that the statute does not place a limit on the number of dogs a person may own or regulate ownership of dogs when they are not used for breeding and selling the offspring; the statute also does not impact dogs used for hunting or other sporting purposes. The section does not apply to kennels operated for boarding dogs or for training dogs for hunting, sporting, field trials, or shows.

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

Intro. by Saine, Ramsey, McGrady, R. Brown.[GS 14](#)[View summary](#)[Animals, Criminal Law and Procedure](#)

H 931 (2013-2014) [HIGHWAY MEMORIAL STREAMLINING](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO LIMIT HIGHWAY MEMORIALIZATIONS TO PUBLIC SAFETY OR MILITARY PERSONNEL KILLED IN THE LINE OF DUTY AND TO*

DIRECT THE DEPARTMENT TO DISCONTINUE MAINTENANCE AND UPKEEP OF EXISTING MEMORIALIZING SIGNS ON HIGHWAYS NOT MEETING THE REQUIREMENTS OF THIS ACT.

As title indicates.

Intro. by Bumgardner, Ford, Pittman.

GS 136

[View summary](#)

**Transportation, Public Safety and Emergency Management,
Military and Veteran's Affairs**

H 932 (2013-2014) **FREEDOM OF MOVEMENT/SOUTHWESTERN NC.** Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE FREEDOM FROM TOLLS AND LIBERTY OF MOVEMENT FOR THE CITIZENS OF SOUTHWESTERN NORTH CAROLINA BY REMOVING THE AUTHORITY OF THE NORTH CAROLINA TURNPIKE AUTHORITY TO CONSTRUCT TOLL-SUPPORTED HIGHWAYS IN CERTAIN AREAS.*

Amends GS 136-89.183 to prohibit the NC Turnpike Authority from constructing any project located entirely or partially west of the Catawba River and south of the current route of US 74.

Intro. by Bumgardner.

GS 136

[View summary](#)

Transportation

H 933 (2013-2014) **INFORMED CONSENT FOR HIV/AIDS TESTING.** Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE PUBLIC HEALTH STATUTES PERTAINING TO HIV/AIDS TESTING AND TO UPDATE INFORMED CONSENT REQUIREMENTS FOR HIV/AIDS TESTING.*

Enacts Part 1B titled *Testing for HIV/AIDS*, adding a definitions section and making structural changes to the format of the text, including the division of former provisions in GS 130A-148 into the following new statutes: GS 130A-151.1 through GS 130A-151.9

Changes references to the "AIDS virus infection" to "HIV/AIDS" in the following statutes: GS 130A-151.1, GS 130A-151.2, GS 130A-151.3, GS 130A-151.4, GS 130A-151.5, GS 130A-151.6, GS 130A-151.7, GS 130A-151.8, and GS 130A-151.9.

Amends GS 130A-151.3, limiting civil and criminal liability for any facility or institution that obtains or transfuses, implants, transplants, or administers blood, tissue, semen, or organs to those that complied with the statute.

Amends GS 130A-151.5, requiring counseling for persons who test positive for HIV/AIDS. Specifies elements to be included in the counseling.

Amends GS 130A-151.6, authorizing a health care provider to order a test for HIV/AIDS to be performed (1) upon any person to whom the health care provider is rendering medical services when, in the reasonable medical judgment of the health care provider, the test is necessary for the appropriate treatment of the person and the provider ensures all of the enumerated criteria in subsections (1) through (4) are met prior to testing; (2) without the informed consent of the person tested if the person is incapable of providing such consent and testing is necessary for diagnosis or care of the person; or (3) upon an unemancipated minor without the consent of the parent when consent is refused by the parent but there is reasonable suspicion the minor has HIV/AIDS or has been sexually abused. Allows a facility other than a health care facility to order an HIV/AIDS test after ensuring specified steps are taken before administering the test.

Amends GS 130A-151.8, making organizational and conforming changes.

Enacts new GS 130A-151.10 requiring the health care provider or health care facility that provides prenatal care, labor, and delivery services for women to test for HIV/AIDS, act in good faith, and provide counseling services required by section (a) (4).

Effective October 1, 2013.

Intro. by Mobley, Farmer-Butterfield.

[GS 130A](#)

[View summary](#)

[Health, Public Health](#)

H 934 (2013-2014) [PREVENTIVE CARE AND PAYMENT REFORM ACT](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT CERTAIN STOP-LOSS INSURANCE FOR EMPLOYERS WITH FEWER THAN TWENTY EMPLOYEES, UNLESS THE EMPLOYER PROVIDES A MEDICAL HOME FOR ITS EMPLOYEES.*

Amends GS 58-50-130(a)(5), prohibiting insurers from issuing a specific stop-loss policy at an amount less than \$60,000 per covered life or any aggregate stop-loss policy to a self-insured small employer with 20 or fewer eligible employees unless the self-insured small employer (1) provides a medical home that provides health care screenings for its employees, (2) is focused on outcomes and key performance indicators, and (3) is reimbursed on an outcomes rather than fee-for-service basis.

Applies to stop-loss policy contracts entered into, amended, or renewed on or after October 1, 2013.

Intro. by Murry, Collins.

[GS 58](#)

[View summary](#)

[Insurance, Health](#)

H 935 (2013-2014) [NC PRE-K LAW CHANGES](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT RENAMING THE CHILD CARE COMMISSION THE EARLY CHILDHOOD CARE AND EDUCATION COMMISSION, EXPANDING THE SCOPE OF THE COMMISSION TO ENCOMPASS ISSUES RELATING TO EARLY CHILDHOOD EDUCATION PROGRAMS, AND MAKING OTHER CONFORMING STATUTORY CHANGES; REQUIRING THAT LOCAL PARTNERSHIPS SHALL BE THE SOLE CONTRACT ADMINISTRATORS FOR THE PREKINDERGARTEN (NC PRE-K) PROGRAM; AND CLARIFYING THE DEFINITION OF "AT-RISK" AS RELATED TO ELIGIBILITY FOR PARTICIPATION IN NC PREKINDERGARTEN PROGRAM.*

Amends GS 143B-168.3 to rename the Child Care Commission of the Department of Health and Human Services, as the Early Childhood Care and Education Commission (Commission) of the Department of Health and Human Services (DHHS). Directs the Commission to adopt rules in collaboration with appropriate agencies to establish policies and procedures to ensure coordination among early childhood care and education programs, including completing necessary memoranda of agreement among federal and state-funded programs.

Amends the definition for "Commission" in GS 110-86 to mean the Early Childhood Care and Education Commission (was, the Child Care Commission). Makes conforming changes to replace references to the Child Care Commission with Early Childhood Care and Education Commission in the following statutes: GS 110-91(4), GS 120-123(44), GS 143B-138.1, GS 143B-147(a), and GS 143B-168.5.

Amends GS 143B-138.1(a)(11) to rename the Division of Child Development, as the Division of Child Development and Early Education, and amends subsection (b)(8) to rename the Child Day Care Commission as the Early Childhood Care and Education Commission.

Amends GS 143B-168.4 to reduce the members of the Commission to 11 (was, 17) with five appointments by the governor, and six by the General Assembly. Amends requirements for the composition of the Commission to reflect the decreased number of members. Deletes provision that only after the initial appointees' terms have expired, all members are to be appointed to serve two-year terms and simply declares that all members are to be appointed for two-year terms.

Provides that members serving on the renamed Early Childhood Care and Education Commission on the effective date of this act, may complete the terms for which they were appointed. Provides that the terms of the two appointees by the governor, and the four appointees by the General Assembly, two on the recommendation of the Speaker of the House of Representatives, and two on the recommendation of the President Pro Tempore of the Senate, expire on the effective date of this act. Specifies that

these six current appointees are members of the public who are not employed in, or providing child care and have no financial interest in a child care facility and are currently serving on the Commission.

DirectsDHHS , Division of Child Development and Early Education to report no later than September 1, 2014, to the Joint Legislative Oversight Committee on Health and Human Services on the Commission's progress in establishing rules, policies, and procedures under GS 143B-168.3(a1)(3), as enacted in Section 6 of this act.

Directs local partnerships to serve as the sole contract administrators of the pre- kindergarten (NC Pre-K) program beginning July 1, 2013. Prohibits local school administrative units from serving as contract administrators for the NC Pre-K program.

Provides that the NC Pre-K program may continue to serve children identified as at-risk via existing "child find" methods. Identifies factors to be included in identifying a child as "at-risk" and therefore eligible for the Pre-K program. States that eligibility determinations for Pre-K participants may continue through local North Carolina Partnership for Children, Inc., partnerships.

Effective July 1, 2013.

Intro. by Burr, Avila.

[GS 110, GS 120, GS 143B](#)

[View summary](#)

Preschool

H 936 (2013-2014) [WILDLIFE POACHER REWARD FUND](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WILDLIFE POACHER REWARD FUND TO PAY REWARDS TO PERSONS WHO GIVE INFORMATION TO LAW ENFORCEMENT AUTHORITIES THAT RESULTS IN THE ARREST AND CONVICTION OF PERSONS WHO COMMIT SERIOUS WILDLIFE VIOLATIONS, TO AUTHORIZE THE USE OF COMPENSATION PAID TO THE WILDLIFE RESOURCES COMMISSION AS CONDITIONS OF OFFENDERS' PROBATION AS ASSETS OF THE FUND, TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT, AND TO AMEND THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS.*

Effective July 1, 2013, enacts new GS 113-294.1, *Wildlife Poacher Reward Fund*, as the title indicates. Effective December 1, 2013, and applying to persons placed on probation on or after that date,amends GS 15A-1343(b1) to provide that a court may, as a condition of probation, require a defendant to compensate an agency for any reward paid for information leading to the arrest and conviction of the defendant.

Intro. by Wray, Faircloth, Moffitt, J. Bell.

[GS 15A, GS 113](#)

[View summary](#)

Animals

H 937 (2013-2014) [AMEND VARIOUS FIREARMS LAWS](#). Filed Apr 11 2013, *AN ACT TO AMEND STATE FIREARMS LAWS.*

Amends GS 14-269 adding subsection (a2) excluding persons who have a concealed handgun permit from provisions in (a) and (a1) prohibiting concealed weapons, as long as the firearm is in a closed compartment or contained in the person's locked vehicle, which is parked in a state government parking lot.

Amends GS 14-269.2 adding subsection (i) excluding an employee of a public institution of higher education who resides on the campus of the institution at which the person is employed and has a concealed handgun permit and the gun is on the premises of the employee's residence or is in a locked container in the employee's locked car, which is parked in one of the institution's parking lots.

Amends GS 14-269.3(b) incorporating structural changes to the format of the statute and adding subsection (5) excluding a person carrying a handgun if the person has a valid permit from prohibition on carrying a handgun into assemblies and establishments where alcohol is sold and consumed.

Amends GS 14-316 incorporating structural changes to the format of the statute and adding subsection (a1) and (a2). Subsection (a1) provides that it is unlawful for any person to knowingly permit a child under 12 years of age to have access to or use a firearm of any kind, whether or not it is loaded, without the consent and supervision of the child's parent or guardian. Subsection (a2) designates a violation of (a1) as a Class 2 misdemeanor.

Amends GS 15A-1340.16A(c) adding subsections (1), (2), and (3) all identifying classes of felonies and corresponding imprisonment sentence ranges for persons who (1) committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and (2) the person actually possessed the firearm or deadly weapon on his or her person.

Amends GS 14-415.23(c) adding subsections (1), (2), and (3) to expand on the areas falling within the scope of "recreational facilities."

Amends GS 14-415.23 adding subsection (d) identifying areas that are not included within the scope of "recreational facilities."

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

Intro. by Schaffer, Burr, Faircloth, Cleveland.

[GS 14, GS 15A](#)

[View summary](#)

[Criminal Law and Procedure](#)

H 938 (2013-2014) [CLARIFY WETLANDS PERMITTING](#) Filed Apr 11 2013, *AN ACT TO PROVIDE THAT A WATER QUALITY PERMIT IS NOT REQUIRED FOR ACTIVITIES IN WETLANDS THAT ARE NOT WATERS OF THE UNITED STATES.*

As title indicates. Specifies reporting requirements.

Intro. by Lewis.

[UNCODIFIED](#)

[View summary](#)

[Government, Department of Environmental Quality \(formerly DENR\), Department of Transportation](#)

H 939 (2013-2014) [RESTRICT RAILROAD HEIGHT CHANGE AT CROSSINGS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO IMPROVE THE SAFETY OF RAILROAD CROSSINGS BY PROHIBITING RAILROADS FROM INCREASING THE HEIGHT OF EXISTING TRACKS AT CROSSINGS.*

Amends GS 136-192 to provide that whenever the works of any railroad corporation crosses established roads or ways, the corporation must reconstruct its work so that it does not impede the passage or transportation of persons or property along the same by changing the elevation of the tracks where they cross the road or way, unless the reconstruction is part of the construction of an overpass or underpass. Effective October 1, 2013.

Intro. by Rules, Calendar, and Operations of the House.

[GS 136](#)

[View summary](#)

[Transportation](#)

H 940 (2013-2014) [HONOR PHI BETA SIGMA FRATERNITY](#). Filed Apr 11 2013, *A HOUSE RESOLUTION CONGRATULATING PHI BETA SIGMA FRATERNITY, INC., FOR NINETY-NINE YEARS OF SERVICE TO COMMUNITIES THROUGHOUT THE UNITED STATES AND THE WORLD, AND COMMENDING PHI BETA SIGMA FOR UPHOLDING ITS CARDINAL PRINCIPLES OF BROTHERHOOD, SCHOLARSHIP, AND SERVICE.*

As title indicates.

Intro. by Rules, Calendar, and Operations of the House.

HOUSE RES

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

H 941 (2013-2014) [LRC STUDY/MEDICAL USE OF CANNABIS](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE MEDICAL USE OF CANNABIS.*

As title indicates. The Legislative Research Commission may make an interim report to the 2013 General Assembly when it convenes in 2014 and shall make its final report to the 2015 General Assembly when it convenes.

Intro. by Alexander, Lewis.

STUDY

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

H 942 (2013-2014) [DISCHARGE FIREARM WITH RECKLESS DISREGARD](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF DISCHARGING A FIREARM WITH RECKLESS DISREGARD.*

Enacts new GS 14-280.3 to make it a Class F felony to discharge a firearm in a reckless and wanton manner so as to manifest a mind utterly without regard for human life and social duty and causing serious injury to another person. If the person causes serious bodily injury, the person is guilty of a Class D felony. Applies to offenses committed on or after December 1, 2013.

Intro. by Farmer-Butterfield.

GS 14

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

H 943 (2013-2014) [THE NC SMALL BUSINESS TECH. & INNOVATION ACT](#). Filed Apr 15 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE AID TO SMALL BUSINESSES FOR RESEARCH AND DEVELOPMENT BY THE CREATION OF THE SMALL BUSINESS TECHNOLOGY AND INNOVATION PROGRAM.*

Amends GS 143B-437.71(b) adding subsection (iii) stating that monies in the One North Carolina Fund (Fund) may also be allocated to the One North Carolina Small Business Technology and Innovation Account (Account) created pursuant to subsection (d) of this section in an amount not to exceed \$10 million.

Amends GS 143B-437.71 adding subsection (d) creating the Account in the Fund as a special account to be used for the North Carolina Small Business Technology and Innovation Program (SBTI Program).

Enacts new GS 143B-437.84 creating and outlining the purpose of the SBTI Program. The SBTI Program will be administered by the North Carolina Board of Science and Technology (the Board) and will provide funds to assist eligible small businesses to (1) obtain government contracts for research and development, (2) obtain the benefits of research and development performed under government contracts or at government expense, and (3) coordinate with other state agencies a schedule for release of SBTI solicitations to maximize eligible small business opportunities to respond to solicitations. Specifies grant eligibility requirements. Provides an application and selection process. Specifies grant amounts based on the phase the business is in.

Enacts GS 143B-437.84 outlining program guidelines for the Board for administration of the Program.

Enacts GS 143B-437.85 requiring the Board to create, and the Department of Commerce to publish, a report on the use of funds in the SBTI Program on September 1 of each year until all of the funds have been expended. Requires the report to be submitted to specified General Assembly entities.

Appropriates \$4 million for 2013-14 and \$8 million for 2014-15 from the General Fund to the Department of Commerce to be allocated to the Board for the Program in the 2013-15 biennium. Allows up to 5% of the funds to be used for administering the program.

Intro. by Torbett.

[APPROP, GS 143B](#)

[View summary](#)

[Business and Commerce, Budget/Appropriations, Department of Commerce](#)

H 944 (2013-2014) [OPPORTUNITY SCHOLARSHIP ACT](#). Filed Apr 15 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE OPPORTUNITY SCHOLARSHIP GRANTS.*

Enacts new GS Chapter 115C, Article 39, Part 2A, *Scholarship Grants*, comprising new Sections GS 115C-562.1 through GS 115C-562.7.

GS 115C-562.1 (*Definitions*), providing the terms and definitions for use in this section, including *authority, eligible students, Division, local school administrative unit, nonpublic school, and scholarship grants*.

GS 115C-562.2 (*Scholarship grants*) provides that the State Education Assistance Authority (Authority) will, no later than June 1 of each year, make applications available to eligible students for the award of scholarship grants to attend any nonpublic school. Sets out the processes and procedures for the awarding of the scholarships. Establishes that scholarship grants will not exceed 90% of the required tuition and fees for the nonpublic school, up to \$4,200 per year per eligible student. Sets out what the required tuition and fees can include as well as the ability of an eligible student to enroll in a different nonpublic school and remain eligible or receive a pro rata share of the unexpended portion of the grant. Directs the Authority to establish rules and regulations for the administration and awarding of scholarship grants.

GS 115C-562.3 (*Verification of eligibility*) provides that the Authority can seek verification of information on any application from eligible students. A random sample of no less than 6% of applications will be selected and verified annually. Sets out the processes and procedures for carrying out the random verifications as well as the requirements of household members of the applicants for the scholarship grants.

GS 115C-562.4 (*Identification of nonpublic schools and distribution of scholarship grant information*) provides that the Division of Nonpublic Education (Division) will provide to the Authority, no later than June 1 of each year, a list of all nonpublic schools operating in North Carolina that meet the requirements of GS Chapter 115C, Article 39, Part 1 and Part 2. The Authority will be notified within five business days of the determination that a school on the list has become ineligible. Directs the Authority to provide information about the scholarship grant program to the Division, including applications and the obligations of nonpublic schools that accept eligible students receiving the grant.

GS 115C-562.5 (*Obligations of nonpublic schools accepting eligible students receiving scholarship grants*) sets out six requirements that nonpublic schools accepting eligible students receiving scholarship grants are required to comply with, including, but not limited to, that they provide the Authority with documentation for required tuition and fees charged to the student, and that they provide graduation rates of the students receiving scholarship grants in a manner consistent with nationally recognized standards. Provides that nonpublic schools that accept students with the scholarship grants cannot require any additional fees based on the status of the student as a grant recipient. Sets out other reporting requirements and the processes and procedures for cases of noncompliance with the requirements.

GS 115C-562.6 (*Scholarship endorsement*) directs the Authority to remit, at least two times each school year, scholarship grant funds awarded to eligible students to the nonpublic school for endorsement by at least one of the student's parents or guardians. Provides additional requirements and limitations involving the endorsement of grant funds by the parents or guardians, as well as the penalty for failing to comply with the requirements, which results in a forfeiture of the scholarship grant.

GS 115C-562.7 (*Authority reporting requirements*) directs the Authority to report to the Department of Public Instruction (Department) each year by August 1 on the number of students who have received scholarship grants for the current school year and were enrolled the prior semester in a local school administrative unit or charter school by the previously attended

local school administrative unit or charter school. Establishes the standards and procedure for adjusting the allotments of local school administrative units and charter schools.

Directs the Authority to report each year by March 1 to the Joint Legislative Education Oversight Committee (Committee) on specified criteria, including, but not limited to, the total amount of scholarship grant funding awarded, and the nonpublic schools deemed ineligible to receive scholarships. Also directs the Authority to report to the Department and the Committee, no later than December 1 of each year, on the learning gains of students receiving scholarship grants. Sets out the standards and requirements of the report, such as being conducted by an independent research organization selected by the Authority.

Amends GS 110-86(2), the definition of *child care*, providing that nonpublic schools described in GS Chapter 115C, Article 39, Part 2, that are accredited by national or regional accrediting agencies with early childhood standards and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site, are not considered child care (was, accredited by the Southern Association of Colleges and Schools).

Amends GS 115C-555 (*Qualification of nonpublic schools*), providing that the provisions of GS 115C-555, Part 2, apply to any nonpublic school that has one or more of the following characteristics:

- (1) It is accredited by the State Board of Education.
- (2) It is accredited by a national or regional accrediting agency.
- (3) It is an active member of the North Carolina Association of Independent Schools.
- (4) It receives no funding from the state of North Carolina. For purposes of this article, scholarship grant funds awarded pursuant to Part 2A of this article to eligible students attending a nonpublic school are not considered funding from the state of North Carolina.

Amends GS 116-204 (*Powers of Authority*), expanding the powers of the Authority to include administering the awarding of scholarship grants to students attending nonpublic schools, as provided in GS 115C, Article 39, Part 2A.

Appropriates from the General Fund to the Authority \$40 million for the 2013-14 fiscal year and \$50 million for the 2014-15 fiscal year in recurring funds to be awarded to eligible students as scholarship grants. Provides that the Authority can retain up to 1% for administrative costs associated with the scholarship grant program. This section and appropriations are only effective if authorized by the General Assembly in the Current Operations and Capital Improvements Appropriations Act of 2013.

Provides that notwithstanding the requirements of GS 115C-562.1(2)b., for the 2013-14 school year, a student must reside in a household with an income level not in excess of 225% of the federal poverty level to qualify as an eligible student. Notwithstanding the requirement to make applications available by June 1 in GS 115C-562.2, applications for the 2013-14 school year shall be made available no later than August 1, 2013. The Authority will select an independent research organization, as required by GS 115C-562.5, beginning with the 2016-17 school year. The first financial review for a nonpublic school that accepts scholarship grant funds, as required by GS 115C-562.3, will not be required until the 2014-15 school year. The first learning gains report required by GS 115C-562.7 will not be due until December 1, 2017.

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

Intro. by Bryan, B. Brown, Brandon, Hanes.

GS 116, APPROP, GS 115C

[View summary](#)

Budget/Appropriations, Elementary and Secondary Education

H 945 (2013-2014) [FUNDS/ENFORCE ADULT PROTECTIVE SERVICES LAWS](#). Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, FOR ENFORCEMENT OF LAWS PERTAINING TO ADULT PROTECTIVE SERVICES.*

Appropriates \$2 million for 2013-14 and \$2 million for 2014-15 from the General Fund to the Department of Health and Human Services, Division of Aging and Adult Services, as title indicates. Effective July 1, 2013.

Intro. by Farmer-Butterfield.

[APPROP](#)

[View summary](#)

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

H 946 (2013-2014) [EXTEND QUALIFIED BUSINESS VENTURE TAX CREDIT](#). Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE QUALIFIED BUSINESS VENTURE TAX CREDIT.*

As title indicates, extends the sunset from January 1, 2014, to January 1, 2015.

Intro. by B. Brown, Moffitt, Jeter, Conrad.

[GS 105](#)

[View summary](#)

[Tax](#)

H 947 (2013-2014) [FUNDS FOR FUTURES FOR KIDS PROGRAM](#). Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA MIDDLE AND HIGH SCHOOL CAREER DEVELOPMENT AND NORTH CAROLINA EMPLOYER WORKFORCE DEVELOPMENT PARTNERSHIP INITIATIVE ACT.*

Appropriates \$500,000 for 2013-14 from the General Fund to the Department of Public Instruction for the Futures for Kids program to be used for equipment, staff development, and other costs of the implementation and maintenance of the program. Effective July 1, 2013.

Intro. by Lewis.

[APPROP](#)

[View summary](#)

[Budget/Appropriations, Education](#)

H 948 (2013-2014) [NOTICE FOR TAX LEVIES](#). Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE TO A LIEN HOLDER OF RECORD PRIOR TO WHEN PERSONAL PROPERTY IS LEVIED UPON.*

Enacts new GS 105-365.2, requiring the tax collector to provide notice of the intent to seize and levy upon property to satisfy the delinquent tax liability, after taxes are delinquent and at least 10 days before the collector may levy upon and sell tangible personal property. Specifies requirements for the content of the notice and serving the notice. Applies to levies upon property occurring on or after July 1, 2013.

Intro. by Lewis.

[GS 105](#)

[View summary](#)

[Property and Housing, Tax](#)

H 949 (2013-2014) [MARKET BASED RECYCLING](#). Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PRODUCER-DRIVEN MARKET-BASED STATEWIDE RECYCLING PROGRAM TO ENHANCE RECOVERY RATES OF VALUABLE*

MATERIALS IN A COST-EFFICIENT MANNER THEREBY ENCOURAGING ECONOMIC GROWTH OF BUSINESSES IN THE STATE THAT USE RECOVERED MATERIALS TO MANUFACTURE A VARIETY OF PRODUCTS.

Enacts a new Part 2I, *Market-Based Recycling Program for Packaging and Printed Paper*, in GS Chapter 130A, Article 9. Includes findings by the General Assembly setting out policy reasons for the state's support and advocacy for the reuse of material and energy resources.

Provides definitions for terms as used in this part, including definitions for *recycler*, *producer recycling program*, and *producer*, among others. Defines a *producer* as a person that (1) has legal ownership of a brand, brand name, or co-brand of a product sold, delivered, or distributed in the state that results in waste packaging or printed paper; (2) makes an unbranded product sold, offered, or distributed in the state resulting in waste packaging or printed paper; or (3) sells packaging and printed paper at retail, does not have legal ownership of the brand, and elects to fulfill the responsibilities of the producer for that product. Defines *recycler* to mean a person that recycles waste packaging and printed paper and *producer recycling program* to mean a requirement for a producer to provide for or finance the recycling of packaging and printed paper including education and collection and recycling of materials.

Requires each producer, acting individually or as a member of a joint producer recycling program, to implement a producer recycling program plan for collecting and recycling packaging and printed paper discarded by households in North Carolina that meets the requirements of proposed GS 130A-309.163 no later than June 1, 2016.

Requires a producer to register with the Department of Environment and Natural Resources (DENR) before offering products for sale in the state that would result in waste packaging or printed paper and to present a proposed producer recycling program plan to DENR within 90 days of registration. Provides specific requirements in new GS 130A-309.163 for the development of a producer recycling program plan (plan), including required plan content. Sets mandatory recycling rates to be met by June 1, 2020, and June 1, 2023. Requires a biannual update of the plan, and sets reporting requirements.

Exempts producers of packaging or printed paper with gross sales in North Carolina of less than \$250,000 from the requirements of new Part 2I of GS Chapter 130A, Article 9. Requires a producer with gross sales in this state between \$250,000 and \$500,000 to pay an annual fee to a producer recycling organization of no more than \$750 instead of payment of any other fees or compliance with any other requirements established under this part.

Confers immunity from liability on a producer or a group of producers acting under a joint producer recycling program for conduct that would otherwise be prohibited under state law relating to antitrust, restraint of trade, unfair trade practices, and regulation of trade to the extent that the conduct is necessary to develop, implement, and finance producers' responsibilities under this part.

Prohibits a producer or group of producers acting jointly from using funds collected under new GS 130A-309.163(g) (permits imposition of a fee on producers participating in a joint producer program) to (1) disparage or make false or misleading claims against packaging material types or (2) influence legislation or governmental action other than to amend a program plan. Also prohibits charging a visible fee to households, consumer, or businesses in order to comply with the requirements of this part.

Specifies the responsibilities of DENR in the review and approval of producer recycling program plans. Directs DENR to develop and implement a public education program on recycling and reuse of packaging and printed paper and on the methods available to consumers to comply with the laws set out under this part. Requires that this information be available on DENR's web site. Also includes annual reporting requirements for DENR. Directs DENR to consult with local governments to ascertain the impact of the producer recycling activities conducted under this part on reducing the recycling activities of units of local government.

Authorizes DENR to participate in establishing a regional multistate organization or compact to carry out the requirements of this part.

Prohibits sales or any distribution of a product in this state after June 1, 2016, that would result in waste packaging and printed paper unless the producer participates individually or jointly in an approved producer recycling program for packaging and printed paper. Provides that new Part 2I may be enforced as provided by Part 2 of Article 1 of GS Chapter 130A. Provides for a private right of action for a producer injured by a violation of the requirements of this part by another producer.

Prohibits a unit of local government from assessing a fee for collection and recycling services that it no longer provides or for collection and recycling costs for which it is reimbursed by producers. Provides that this part is not to be construed as voiding

or otherwise impairing any existing contracts between a unit of local government and any entity for collection and recycling services nor as limiting the authority of any local government to manage packaging and printed material that are solid waste. Authorizes a unit of local government to opt out of participating in a producer recycling program. Directs a producer to provide a local government with information about the producer's activities within the jurisdiction of the local government.

Establishes the Producer Recycling Management Account as a nonreverting account within DENR, consisting of revenue credited to the fund from the proceeds of the fee paid to DENR and imposed on the producers under new GS 130A-309.163(h). Limits the funds in the account to use by DENR for implementation, administration, oversight, and enforcement of the provisions of this part.

Amends GS 130A-309.03 to delete provision requiring counties to develop and implement recycling programs.

Provides that this act is effective July 1, 2014.

Intro. by Moffitt, McGrady, West.

[GS 130A](#)

[View summary](#)

[Business and Commerce, Environment](#)

H 950 (2013-2014) [UNC/SALARY INCREASES](#). Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT TO GIVE EMPLOYEES OF THE UNIVERSITY OF NORTH CAROLINA A THREE PERCENT RAISE FOR THE 2013-2014 FISCAL YEAR AND AN ADDITIONAL THREE PERCENT RAISE FOR THE 2014-2015 FISCAL YEAR.*

As title indicates. Also establishes the Reserve for Compensation Increases for The University of North Carolina System Employees (Reserve) to provide the salary increases. Appropriates \$80,208,246 for 2013-14 and \$162,822,739 for 2014-15 from the General Fund to the Reserve. Effective July 1, 2013.

Intro. by D. Ross, Insko, Harrison, Terry.

[APPROP](#)

[View summary](#)

[Budget/Appropriations, UNC System](#)

H 951 (2013-2014) [ELIMINATE TAX DESIGNATION FOR POLITICAL PARTY](#). Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DESIGNATION ON A TAX RETURN BY AN INDIVIDUAL FOR THE NORTH CAROLINA POLITICAL PARTIES FINANCING FUND.*

Repeals GS 105-159.1 (*Designation of tax by individual to political party*) and Article 22B (*Appropriations from the North Carolina Political Parties Financing Fund*) of GS Chapter 163. Effective for taxable years beginning on or after January 1, 2013.

Intro. by Riddell, Whitmire, Burr, Brody.

[GS 105](#)

[View summary](#)

[Elections, Tax](#)

H 953 (2013-2014) [MAKE CONSERVATION TAX CREDIT TRANSFERRABLE](#). Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE THE CONSERVATION TAX CREDIT TRANSFERRABLE.*

Amends GS 105-130.34, concerning corporations, and GS 105-151.12, concerning individuals, to allow the conservation tax credit to be transferred instead of claiming a credit. Requires a fee of 2% of the amount of the credit transferred to be paid upon the transfer, to be used to administer the section. Allows a taxpayer to whom the credit is transferred to make a subsequent transfer. Provides that if the value of the credit is reduced based on a determination of the actual fair market value, the credits are reduced proportionately and each is liable for any past taxes avoided as a result of the credit. Effective for taxable years beginning on or after January 1, 2013.

Intro. by Jordan, Moffitt.

GS 105

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

H 954 (2013-2014) **INCREASE WILDLIFE RESOURCES LICENSE FEES**. Filed Apr 16 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES CHARGED FOR CERTAIN HUNTING AND FISHING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION AND TO REPEAL THE RESIDENT COUNTY HUNTING LICENSE, THE RESIDENT COUNTY TRAPPING LICENSE, AND THE RESIDENT COUNTY INLAND FISHING LICENSE.*

Increases the fees for: the resident annual combination hunting and inland fishing license; annual sportsman license; resident state hunting license; controlled hunting preserve hunting license; resident annual comprehensive hunting license; nonresident state hunting licenses; resident and nonresident big game hunting licenses; nonresident bear hunting license; bonus antlerless deer license; game land license; migratory waterfowl hunting license; resident and nonresident hunting and fishing guide licenses; resident and nonresident state trapping licenses; resident annual comprehensive inland fishing license; resident and nonresident state inland fishing license; short term inland fishing licenses; special landholder and guest fishing licenses; special trout license; mountain heritage trout waters 3 day fishing license; all special device licenses; annual resident unified sportsman/coastal recreational fishing license; annual resident unified inland/coastal recreational fishing license; annual resident and nonresident coastal recreational fishing licenses; and ten day resident and ten day nonresident coastal recreational fishing licenses.

Deletes the resident county hunting license, the resident county trapping license, and the resident county inland fishing license.

Effective July 1, 2013.

Intro. by Moffitt.

GS 113

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

PUBLIC/SENATE BILLS

S 239 (2013-2014) **AMEND NC BUSINESS CORPORATION ACT**. Filed Mar 7 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT.*

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

Makes a correction to GS 55-11-03(b) to clarify the specified requirements of subdivisions (1) and (2) are applicable to approval of aplan of merger or share exchange.

Intro. by Clodfelter, Barringer, Brunstetter.

GS 55

[View summary](#)**Business and Commerce, Corporation and Partnerships**

S 378 (2013-2014) **ASSESS PROPANE DEALERS/DISTRIBUTORS**. Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REFERENDUM OF PROPANE DEALERS AND DISTRIBUTORS REGARDING A VOLUNTARY ASSESSMENT ON PROPANE TO PROVIDE FUNDING FOR PROMOTIONAL, EDUCATIONAL, AND OTHER PROGRAMS OF THE INDUSTRY.*

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

Makes technical changes.

Intro. by Jackson, Rabin, Walters.

GS 119

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

S 547 (2013-2014) **ENERGY SAVINGS CONTRACTING AMENDMENTS**. Filed Mar 28 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS.*

Senate committee substitute makes the following changes to the first edition.

Amends GS 143-64.17A (*Solicitation of guaranteed energy savings contracts*), deleting language from the 1st edition that provided that in the case of a governmental unit wishing to enter into additional performance contracts with the same qualified provider within five years of signing a performance contract, the unit may enter directly into a guaranteed energy savings contract with the same provider.

Amends GS 143-64.17A(b), providing that the evaluating report required to be submitted to the governmental unit, per this section, can include a recommendation for selection, but the governmental unit is not obligated to follow it (previously, the report could not make any recommendation for selection).

Repeals GS 143-64.17L (*Board of Governors may authorize energy conservation measures at constituent institutions*) and GS 143-64.17M (*Energy savings analysis required prior to implementation; post-implementation analyses required*).

Amends GS 143-64.17F(b), GS 143-64.17H, and GS 142-64, making conforming changes as required by the above repealed sections.

Amends GS 143-63 (*Authorization of financing contract*), making required conforming changes and deleting language that provided that specified entities were authorized to execute and deliver a financing contract for the costs of the energy conservation measure. Also deletes the requirement that aggregate outstanding amounts payable by the state, under financing contracts pursuant to this Article, must not exceed \$500,000 at any one time.

Provides that NC State University can continue to self-perform the Phytotron Energy Savings Performance Contract project and an energy conservation measure for which a request for proposal has been issued prior to December 31, 2013, with financing put in place by December 31, 2014. Projects are subject to the requirements of GS Chapter 143, Article 3B, Part 2, including any of the requirements in the statutes repealed or amended by this section.

Makes technical changes throughout.

Intro. by Hunt.

GS 142, GS 143

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

LOCAL/HOUSE BILLS

H 468 (2013-2014) **HIGH POINT ELECTIONS/TRYON CHARTER AMENDMENTS** Filed Mar 27 2013, *AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW AND TO AMEND THE CHARTER OF THE TOWN OF TRYON.*

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

Amends Section 3 of the act providing that if the changes affecting voting required by Section 1 of the act are subject to preclearance under section 5 of the Voting Rights Act of 1965, the municipal attorney for the City of High Point will submit

the conduct of the referendum under this act to the Attorney General of the U.S., within 30 days of the act becoming law (was, required to submit the date of the election to the Attorney General).

Intro. by Faircloth.

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

[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.*

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

Changes the short and long title.

Amends GS 13A-342(d), deleting requirements, in regards to designating portions of a territorial jurisdiction as a zoning area, that a zoning area must originally contain at least 640 acres and at least 10 separate tracts of land in separate ownership.

Provides that this section only applies to the County of Buncombe.

Intro. by Ramsey, Moffitt.

[Buncombe](#)

[View summary](#)

LOCAL/SENATE BILLS

S 311 (2013-2014) [APEX/CARY/RALEIGH ROW USAGE IN CBD](#). Filed Mar 13 2013, *A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND CARY AND THE CITY OF RALEIGH TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY.*

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

Recodifies GS 136-27.3, enacted in this act, as GS 136-27.4. Makes conforming changes accordingly. Amends new GS 136-27.4 to replace the term "sidewalk dining" with the term "sidewalk dining activities," the latter of which is defined in this section. Clarifies that the restaurant operator is to provide evidence of adequate liability insurance in an amount that is not less than the amount specified by the local government under GS 160A-485 as the limit of the local government's waiver of immunity or the amount of tort claim liability specified in GS 143-299.2, whichever is greater. Provides that a local government may impose additional requirements on sidewalk dining activities on a case-by-case basis (was, local government and the Department of Transportation). Adds provision that sidewalk dining activities must at minimum comply with any other requirements deemed necessary by the Department of Transportation either for a local government or a particular component of the state highway system. Clarifies that nothing in this section requires a local government to issue or maintain any permit for sidewalk dining activities or the Department to give a local government the right to establish a permit program for sidewalk dining activities if in the local government's or the Department's opinion the activities cannot be conducted in a safe manner.

Intro. by Stein, Blue, Barringer.

[Wake](#)

[View summary](#)

[Local Government](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 75: KILAH'S LAW/INCREASE CHILD ABUSE PENALTIES.**

Senate: Reptd Fav

H 88: LIEN AGENTS/TECHNICAL CORRECTIONS (NEW).

Senate: Rec From House

Senate: Passed 1st Reading

Senate: RefTo Com On Judiciary I

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

Signed by Gov. 4/16/2013

Ch. SL 2013-27

H 240: INSURANCE TECHNICAL/CLARIFYING CHANGES.-AB

Senate: Rec From House

Senate: Passed 1st Reading

Senate: RefTo Com On Insurance

H 269: CHILDREN W/DISABILITIES SCHOLARSHIP GRANTS.

House: Serial Referral To Appropriations Added

H 272: DOT/DMV CHANGES #2

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/17/2013

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/17/2013

H 289: STATE COMPUTER EQUIPMENT/BUY REFURBISHED.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: RefTo Com On State and Local Government

H 321: AMEND LOCAL SOLID WASTE PLANNING.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: RefTo Com On Agriculture/Environment/Natural Resources

H 333: SEX OFFENDER RESIDENCY/REGIS. AMENDMENTS.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: RefTo Com On Judiciary II

H 390: STATE IT GOVERNANCE CHANGES.-AB

Senate: Rec From House

Senate: Passed 1st Reading

Senate: RefTo Com On Commerce

H 482: MEDIATION AMENDMENTS.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: RefTo Com On Judiciary I

H 488: REGIONALIZATION OF PUBLIC UTILITIES.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: RefTo Com On Finance

H 516: NAME/ADDRESS OF LOTTERY WINNER CONFIDENTIAL.

House: Withdrawn From Com

House: Re-ref Com On Judiciary Subcommittee B

H 585: PREA COMPLIANCE.

House: Withdrawn From Com

House: Re-ref Com On Judiciary Subcommittee A

H 591: REPORTING AND TERMS FOR LONG. DATA BOARD.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 667: HONOR US ARMY RESERVE.

House: Adopted

H 672: CHARTER SCHOOL ELECTION.

House: Withdrawn From Com

House: Re-ref Com On State Personnel

H 692: AMEND PREDATORY LENDING LAW.

House: Withdrawn From Com

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

H 721: TITLE PLEDGE AMENDMENTS.

House: Withdrawn From Com

House: Re-ref Com On Banking

H 725: YOUNG OFFENDERS REHABILITATION ACT.

House: Withdrawn From Com

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

H 784: WORTHLESS CHECK/PRESENT CASHED CHECK.

House: Withdrawn From Com

House: Re-ref Com On Banking

H 788: WATER/SEWER AUTHORITY/RATE FLEXIBILITY.

House: Withdrawn From Com

House: Re-ref Com On Government

H 885: BERTIE COUNTY TORNADO ANNIVERSARY.

House: Adopted

H 935: NC PRE-K LAW CHANGES.

House: Withdrawn From Com

House: Re-ref Com On Health and Human Services

H 940: HONOR PHI BETA SIGMA FRATERNITY.

House: Adopted

H 943: THE NC SMALL BUSINESS TECH. & INNOVATION ACT.

House: Passed 1st Reading

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

H 944: OPPORTUNITY SCHOLARSHIP ACT.

House: Passed 1st Reading

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

H 945: FUNDS/ENFORCE ADULT PROTECTIVE SERVICES LAWS.

House: Filed

H 946: EXTEND QUALIFIED BUSINESS VENTURE TAX CREDIT.

House: Filed

H 947: FUNDS FOR FUTURES FOR KIDS PROGRAM.

House: Filed

H 948: NOTICE FOR TAX LEVIES.

House: Filed

H 949: MARKET BASED RECYCLING.

House: Filed

H 950: UNC/SALARY INCREASES.

House: Filed

H 951: ELIMINATE TAX DESIGNATION FOR POLITICAL PARTY.

House: Filed

H 952: DELAY SALES TAX DISTRIB. CHANGE EFFECT. DATE.

House: Filed

H 953: MAKE CONSERVATION TAX CREDIT TRANSFERRABLE.

House: Filed

H 954: INCREASE WILDLIFE RESOURCES LICENSE FEES.

House: Filed

H 955: SCHOOL BOARD FISCAL ACCOUNTABILITY ACT.

House: Filed

H 956: REGULATE OWNERSHIP OF AGGRESSIVE DOG BREEDS.

House: Filed

S 29: NC RAILROAD COMPANY REPORTING AND DIVIDENDS.

Senate: Sequential Referral To Finance Stricken

Senate: Sequential Referral To Appropriations/Base Budget Added

S 91: PROHIBIT EXPUNCTION INQUIRY.

Senate: Rec To Concur H Com Sub

Senate: Placed On Cal For 04/17/2013

S 98: REQUIRE PULSE OXIMETRY NEWBORN SCREENING.

House: Passed 1st Reading

House: Ref To Com On Health and Human Services

S 117: LILY'S LAW.

Senate: Failed Concur In H Com Sub

S 122: SEX TRAFFICKING/SEX OFFENDER REGISTRATION.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 123: CLARIFY SEX OFFENDER RESIDENCE LAW.

Signed by Gov. 4/16/2013

Ch. SL 2013-28

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

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 175: BANKING LAWS CLARIFICATIONS/CORRECTIONS.

Signed by Gov. 4/16/2013

Ch. SL 2013-29

S 222: REVISE CONTROLLED SUBSTANCES REPORTING.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 228: HOAs/Lim. Com. Elements/Amend of Declaration (NEW).

Pres. To Gov. 04/16/2013

S 239: AMEND NC BUSINESS CORPORATION ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 336: COLLABORATION AMONG STATE DIABETES PROGRAMS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Withdrawn From Cal

House: Re-ref Com On Appropriations

S 344: VINTAGE AUTO INSPECTIONS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 04/18/2013

S 358: GUARANTEED ASSET PROTECTION WAIVERS.

House: Rec From Senate

S 378: ASSESS PROPANE DEALERS/DISTRIBUTORS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

S 426: CHANGE DEADLINE/AUDITEE RESPONSE.-AB

Senate: Reptd Fav

S 452: JURISDICTIONAL AMTS/ARBITRATION/SM CLAIMS CT.

Senate: Reptd Fav

S 470: NO BEER/WINE IF PERMIT REVOKED OR SUSPENDED.

House: Passed 1st Reading

House: Ref To Com On Commerce and Job Development Subcommittee on Alcoholic Beverage Control

S 547: ENERGY SAVINGS CONTRACTING AMENDMENTS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

S 603: CLARIFY ISSUANCE OF PLATES/CERTIFICATES LAW.-AB

House: Passed 1st Reading

House: Ref To Com On Transportation

S 635: TRANSMISSION LINE OWNERSHIP.

Senate: Reptd Fav

S 639: BD. OF AGRICULTURE MODIFICATIONS.

Senate: Reptd Fav

S 659: MAP 21 CONFORMING REVISIONS.-AB

House: Passed 1st Reading

House: Ref to the Com on Judiciary Subcommittee B, if favorable, Government, if favorable, Appropriations

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

House: Passed 1st Reading

House: Ref To Com On Transportation

S 712: ID CARD FOR HOMEBOUND PERSONS.

House: Rec From Senate

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

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 224: ASHEVILLE ETJ AND ANNEXATION.

Senate: Amend Failed A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 468: HIGH POINT ELECTIONS/TRYON CHARTER AMENDMENTS

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 506: WEDDINGTON/FIRE DEPT AGREEMENTS.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

H 544: WILMINGTON CHARTER/CIVIL SERVICE COMMISSION.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

H 546: ROANOKE RAPIDS GRADED SCHOOL DISTRICT.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 67: SURRY COMM. COLLEGE/YADKIN CTY. LAND TRANSFER (NEW).

House: Rec From Senate

S 290: WAYNESVILLE ANNEXATION.

House: Rec From Senate

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

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Transportation

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