



## The Daily Bulletin: 2013-05-08

### PUBLIC/HOUSE BILLS

H 26 (2013-2014) [STRENGTHEN LAWS/VEHICLE THEFT](#). Filed Jan 30 2013, *A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS PROTECTING AGAINST THE THEFT OF VEHICLES FOR DISASSEMBLY AND RESALE OF PARTS AND TO ASSIST LAW ENFORCEMENT IN THE INVESTIGATION OF ORGANIZED CRIMINAL ACTIVITY ASSOCIATED WITH THE THEFT OF VEHICLES.*

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

Amends GS 20-62.1 as follows. Allows a secondary metals recycler or salvage yard to purchase a motor vehicle without a certificate of title if the vehicle is 12 (was, 20) model years old or older and they comply with specified requirements. Amends those requirements as follows. Requires the record of purchase transactions also include the following: contact information of the secondary metals recycler or salvage yard; the year of the vehicle; a written statement that the motor vehicle will be scrapped or crushed for disposal or dismantled for parts only; the driver's license number of the person from whom the vehicle is purchased; and a written statement signed by the seller certifying that the the seller has the lawful right to sell and dispose of the vehicle, the vehicle is at least 12 years old, and the vehicle is not subject to any security interest or lien. Also adds that the requirement that the secondary metals recycler or salvage yard verify with the Division of Motor Vehicles (DMV) whether the vehicle has been reported stolen, requires the DMV to develop an online method for making such a verification, and sets out actions to be taken based on whether or not the DMV says that the vehicle has been reported stolen.

Adds new (a1) requiring a secondary metals recycler or salvage yard purchasing a vehicle under the statute to submit, within 72 hours of each day's close of business, information from the records of purchase transactions to the National Motor Vehicle Title Information System along with other required information.

Requires information obtained by the DMV under the statute to be made available to law enforcement agencies only. Provides that the information is confidential is not considered a public record.

Provides that any person who knowingly and willfully violates the statute or who falsifies the required seller's statement is required to pay a minimum fine of \$1,000. Adds that a court may order a defendant seller to make restitution to the lien holder as well as to the secondary metals recycler or salvage yard.

Makes clarifying changes to the effective date provisions. Provides that prosecutions for offenses committed before the effective date of the act are not abated or affected by the act and the statutes that would be applicable but for the act remain applicable to those prosecutions.

**Intro. by T. Moore.**

[GS 14, GS 20](#)

[View summary](#)

[Criminal Law and Procedure](#)

H 92 (2013-2014) [GSC TECHNICAL CORRECTIONS 2013](#). Filed Feb 12 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.*

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

Amends GS 13-1 to clarify that a convicted person's rights are automatically restored upon the unconditional discharge by the agency of the state having jurisdiction of that person (was, by the Division of Adult Correction of the Department of Public Safety).

Amends GS 15A-145.5 to provide that a person may file a petition for expunction of a nonviolent conviction if the person has no other misdemeanor or felony convictions, other than a traffic violation [was, and was also convicted of a nonviolent misdemeanor or nonviolent felony that is eligible pursuant to (b)].

Amends GS 20-183.2(a1) to exempt from safety inspection historic vehicles described in GS 20-79.4(b)(88) [was, defined in GS 20-79.4(b)(63)].

Amends GS 28A-2-6(e) to make a technical correction to a rule number.

Amends GS 115D-12 to make a clarifying change.

Amends GS 122C-22 to make a technical format change.

Amends GS 143B-1100 to provide that the Governor's Crime Commission of the Department of Public Safety consists of 37 (was, 36) members and five (was, six) nonvoting members.

#### Intro. by Blust.

[GS 13](#), [GS 14](#), [GS 15A](#), [GS 20](#), [GS 28A](#), [GS 74](#), [GS 90B](#), [GS 115D](#), [GS 120](#), [GS 122C](#), [GS 136](#), [GS 143B](#), [GS 163](#)

[View summary](#)

**Civil Law, Transportation, Criminal Justice, Criminal Law and Procedure, Corrections (Sentencing/Probation), Education, Energy, Local Government, Cultural Resources and Museums, Elections, Health Care Facilities and Providers, Social Services**

H 204 (2013-2014) [UPDATE/MODERNIZE/MIDWIFERY PRACTICE ACT](#). Filed Mar 4 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES TO STUDY WHETHER CERTIFIED NURSE MIDWIVES SHOULD BE GIVEN MORE FLEXIBILITY IN THE PRACTICE OF MIDWIFERY.*

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

Adds a whereas clause.

Amends GS 90-18.7, *Limitations on nurse-midwives*, making conforming changes, inserting "certified" before "nurse-midwife" throughout the section.

Amends GS 90-178.2, *Definitions*, to reinstate the term "interconceptional care" and delete "family planning" from the definition for *interconceptional care*. Expands the same definition, including gynecologic care and management of common health problems as types of interconceptional care. Amends the definitions for the terms *intrapartum care*, *midwifery*, *newborn care*, *postpartum care*, and *prenatal care*. Deletes the term and definition for *primary care* from the section.

Amends GS 90-178.3, *Regulation of midwifery*, providing that certified nurse-midwives (CNMs) must consult, collaborate with, or refer to other providers licensed under this Article if indicated by the health status of the patient (previously, section required CNMs to practice within a health care system that provided for consultation, collaborative management, or referral. Also required midwifery standards to be consistent with the standards of care established by the American College of Nurse-Midwives, as well as requiring certified nurse-midwives to provide each patient with information regarding or referral to other providers and services at the request of the patient or when required care is outside the scope of the midwife's practice). Also deletes provision that provided that individuals engaging in the practice of midwifery without a license are in violation of this Article and Article 1 of GS Chapter 90.

Amends GS 90-178.4(a), making technical and clarifying changes, replacing "pursuant" with "under" throughout the subsection.

Amends GS 90-178.4, deleting the provisions of the previous edition and adding two new subsections as follows. Deletes proposed language and provisions for GS 90-178.4(a1), found in the previous edition, replacing them with two new subsections, GS 90-178.4(a1) and (a2), requiring CNMs attending planned births outside a hospital setting to obtain written informed consent from the patient, which must include (1) risk information, (2) assumption of risk by the patient, (3) patient

agreement to transfer to a health care facility if deemed necessary by the CNM, and (4) a disclosure if the CNM is not covered by liability insurance. Also requires a CNM attending a planned birth outside a hospital setting to provide the patient a specific, detailed transfer plan to a hospital.

Amends GS 90-178.4(b), making technical and clarifying changes and deleting the requirement that the joint subcommittee must adopt rules for establishing physician supervision of the CNM. Provides that rules will be adopted regarding the form and contents of applications, which will include information regarding the applicant's education and certification by the American Midwifery Certification Board (was, American College of Nurse Midwives).

Amends GS 90-178.5, making a technical change.

Amends GS 90-178.7(b) to provide that any person practicing midwifery without being approved and registered under Article 10A of GS Chapter 90 will not collect a fee for services provided. Any person practicing without being duly approved will be guilty of a Class 3 misdemeanor. Also establishes that any person practicing midwifery without proper approval and who holds himself or herself out as being approved as such will be guilty of a Class I felony.

Amends GS 90-178.8, making clarifying and technical changes, and providing that physicians, physician assistants, or nurses will not be held liable for civil damages arising from any medical care or treatment in specified situations; however, each will remain liable for his or her own independent negligent acts. Similarly, provides that no health care facility licensed under GS 122C or 131E is liable for any civil damages arising from medical care or treatment it provides in specified situations; however, the facility will remain liable for its own independent negligent acts.

**Intro. by Stevens, Burr, Glazier, Hamilton.**

[GS 90](#)

[View summary](#)

[Health Care Facilities and Providers](#)

H 269 (2013-2014) [CHILDREN W/DISABILITIES SCHOLARSHIP GRANTS](#). Filed Mar 11 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE SPECIAL EDUCATION SCHOLARSHIP GRANTS FOR CHILDREN WITH DISABILITIES*.

House committee substitute to the 2nd edition makes the following changes. Provides in Section 7 that a child who is otherwise eligible to receive a scholarship grant for the spring semester of the 2013-14 school year is deemed to have met the requirements of GS 115C-112.2(2)f. if the child is a dependent child for whom a taxpayer is allowed a credit for the fall semester of the 2013-14 school year under GS 105-151.33 and the taxpayer affirms, under oath, that the taxpayer will claim the credit for that semester.

**Intro. by Jordan, Brandon, Jones, Stam.**

[GS 105, APPROP, GS 115C](#)

[View summary](#)

[Budget/Appropriations, Education](#)

H 281 (2013-2014) [RECORD OF EXCUSALS FROM JURY DUTY](#). Filed Mar 12 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS EXCUSED FROM JURY DUTY SHALL BE RETAINED BY THE CLERK OF SUPERIOR COURT FOR NOT LESS THAN TWO YEARS*.

House amendment to the 1st edition makes the following changes. Amends proposed GS 9-6.2 to require retention of the name and address of each person who requests to be excused from jury duty on the basis that he or she is not qualified to serve as a juror along with the reason for the request (was, of each person requesting and granted an excusal, deferral, or exemption from jury duty along with the reason for such). Provides that such records are public record, except that medical information submitted to establish that an individual is not physically or mentally competent does not need to be retained and is not to be made public.

Make a conforming change to GS 9-6.

**Intro. by Cleveland.**

GS 9

[View summary](#)**Court System, Public Records and Open Meetings**

H 311 (2013-2014) [REPEAL LITERACY TEST](#). Filed Mar 13 2013, *A BILL TO BE ENTITLED AN ACT TO REPEAL THE LITERACY TEST FOR VOTERS.*

House committee substitute to the 1st edition makes the following changes. Provides that the repeal of Section 4 of Article VI of the NC Constitution is to be submitted to the voters at a statewide election held on the date of the first primary in 2014 (was, on the date of the statewide general election in November 2014).

**Intro. by Alexander, Michaux, Jeter, Warren.**

CONST

[View summary](#)**Constitution, Elections**

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

House committee substitute to the 1st edition makes the following changes. Amends proposed GS 105-129.16K to allow the credit for employing apprentices employed by the taxpayer for at least nine (was, seven) months of the taxable year. Sets the statute to expire for taxable years beginning on or after January 1, 2018.

Provides that the act applies to apprentices hired on or after the January 1, 2014, effective date.

**Intro. by Torbett.**

GS 105

[View summary](#)**Department of Labor, Tax**

H 364 (2013-2014) [TREAS.DEBT ISSUANCE ACCOUNTABILITY/PED STDY \(NEW\)](#). Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE ABILITY OF STATE AGENCIES OR STATE ENTITIES TO ENTER INTO DEBT OR DEBT-LIKE ARRANGEMENTS OUTSIDE OF THE PURVIEW OF THE GENERAL ASSEMBLY.*

House committee substitute to the 1st edition deletes the provisions of the 1st edition and replaces it with the following. Requires the Program Evaluation Division to include a study to evaluate the use of debt or debt-like arrangements outside of the purview of the General Assembly in its 2013-15 Work Plan. Specifies three items to be included in the study. Requires a report to the Joint Legislative Program Evaluation Oversight Committee and the House and Senate Finance Committees at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee. Updates the act's titles.

**Intro. by McGrady, Moffitt, R. Brown, Murry.**

STUDY

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

H 440 (2013-2014) [NORTH CAROLINA BENEFIT CORPORATION ACT](#). Filed Mar 26 2013, *A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA BENEFIT CORPORATION ACT.*

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

Amends GS 55-18-21, *Transition to benefit corporation status*, providing that an existing domestic corporation can become a benefit corporation after amending its articles of incorporation. Such an amendment under this subsection must be approved by the affirmative vote of 90% of the outstanding shares or each class and series of stock of the corporation, voting as separate voting groups, regardless of any limitation in the corporation's articles of incorporation or bylaws of the voting rights of such class or series (previously, only required such an amendment to be approved as required in GS 55-18-23). Similarly, if a corporation or other entity that is not a benefit corporation is a party to a merger, conversion, or share exchange, with the resulting entity to become a benefit corporation, the plan of merger, conversion, or share exchange must also be approved by the affirmative vote of 90% of the outstanding shares or each class and series of stock of the corporation, voting as separate voting groups, regardless of any limitation in the corporation's articles of incorporation or bylaws of the voting rights of such class or series (previously, only required such an amendment to be approved as required in GS 55-18-23).

Amends GS 55-13-02(a)(4), providing that the occurrence of an amendment to the articles of incorporation, changing the corporation into a benefit corporation, is a corporate action that entitles a shareholder to appraisal rights and payment of the fair value of that shareholder's shares.

**Intro. by McGrady, Daughtry, Harrison, Bryan.**

[GS 55](#)

[View summary](#)

[Corporation and Partnerships](#)

H 593 (2013-2014) [REGISTER OF DEEDS HOURS](#). Filed Apr 8 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS*.

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

Deletes all the provisions of the 1st edition.

Repeals GS 161-8, *Attendance at office*.

Enacts new GS 161-8.1, *Office hours; Notice of hours*, providing that the register of deeds office will be open for public business during county office workdays and hours, as set by the board of county commissioners (board), pursuant to GS 153A-94(b). The register of deeds can set the hours for registration of real estate instruments to begin not more than 30 minutes after the office opens to the public and end not more than 30 minutes after the office closes. Allows the office to be closed temporarily with the prior approval of the board or county manager. Specifies the reporting and posting requirements for alerting the public to the schedule of the office and any temporary changes to that schedule or temporary closings.

Directs the Secretary of State to establish a website and procedures for the posting of the workdays, holidays, and office hours of each county register of deeds office in the manner provided for in subsection (c) of the act.

Effective July 1, 2013.

**Intro. by Daughtry.**

[GS 161](#)

[View summary](#)

[Civil Law](#)

H 664 (2013-2014) [CELL TOWER DEPLOYMENT ACT](#). Filed Apr 9 2013, *A BILL TO BE ENTITLED AN ACT TO FACILITATE THE DEPLOYMENT OF MOBILE BROADBAND AND OTHER ENHANCED WIRELESS COMMUNICATIONS SERVICES BY STREAMLINING THE PROCESSES USED BY STATE AGENCIES AND LOCAL GOVERNMENTS TO APPROVE THE PLACEMENT OF WIRELESS FACILITIES IN THEIR JURISDICTIONS*.

Note: This act makes identical changes to GS Chapter 160A (pertaining to the local governments of cities and towns) and GS Chapter 153A (pertaining to county governments) establishing that the relevant statutes seek to ensure safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications.

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

Corrects cites to federal law in GS 160A-400.50 and GS 153A-349.50 and modifies each section to clarify that the placement, construction, or modification of wireless communications facilities must also be in conformity with section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 USC  1455(a) in addition to conforming with the Federal Communications Act and rules promulgated by the Federal Communications Commission (FCC).

Amends GS 160-400.51 and GS 153A-349.51 to add definitions for the following terms: (1) base station, and (2) eligible facilities request. Modifies the definitions for (1) collocation, (2) substantial modification, and (3) wireless facility. Replaces the term equipment enclosure with equipment compound.

Deletes changes to GS 160A-400.52(a) and GS 153A-349.52(a). Makes an organizational change, recodifying existing GS 160A-400.52(a) as new GS 160A-400.51A and GS 153A-349.52(a) as new GS 153A-349.51A to provide local authority to regulate the selection of location or modification of wireless support structures and wireless facilities in accordance with land development regulations and consistent with the provisions of new Part 3E of GS Chapter 160A and Part 3B of GS Chapter 153A.

Clarifies that the provisions of GS 160A-400.52 and GS 153A-349.52 do not apply to the substantial modification of a wireless facility and does apply to a new wireless support structure. Provides that a local authority may not require information concerning the need for the wireless support structure, or business information to justify the need for the new wireless support structure. Specifies items for which a fee for review of an application may not be used.

Deletes the requirement that a written decision approving or denying a collocation application be issued within 45 days when the application is entitled to streamlined processing; however, clarifies that a written decision to approve or deny a collocation application that is not an eligible facilities request must be rendered within 45 days of the application being deemed complete. Also requires the local authority to issue a written decision approving an eligible facilities request application within 45 days of the application being deemed complete.

Amends GS 160A-400.53 and GS 153A-349.53 to provide guidelines governing collocation and eligible facilities requests of wireless support structures (was, collocation and other nonsubstantial modifications of wireless facilities).

Increases the fee that a local authority may impose for technical consultation and review of a collocation application to \$1,000 (was, \$500).

Amends GS 146-29.2 to provide that the state may lease real property, or grant an easement or license with an interest in real property for use to (1) construct, install, and operate towers and equipment on state land, or to (2) install and operate equipment on towers, buildings, or ground area owned or leased by the state. Adds definitions for the following terms as used in this section: (1) antenna, (2) buildings, (3) collocation, (4) equipment, (5) ground area, (6) provider, and (7) tower. Provides requirements to which the Department of Administration (Department) is to adhere in constructing new towers on state land and encouraging the collocation of equipment on existing towers and buildings owned by the state, as long as the requirements are feasible and determined to be in the best interest of the state by the Department.

Provides that the Governor, pursuant to GS 143-341(4)f., and acting with the approval of the Council of State, may adopt rules authorizing the Department to enter into or approve classes of leases, easements, or licenses with an interest in real property for the purposes set out in this section. Prohibits leasing or conveying lands in the State Parks System, as defined in GS 113-44.9, for the purposes of this section except as provided in Article 2C of GS Chapter 113 (the State Parks Act). Deletes lease provisions for communication towers from this section.

Changes to GS Chapter 160A and GS Chapter 153A become effective October 1, 2013 and apply to applications received on or after that date. The remainder of this act is effective when it becomes law.

Amends the act's title.

[View summary](#)[Local Government, Public Enterprises and Utilities](#)

H 692 (2013-2014) [AMEND PREDATORY LENDING LAW](#). Filed Apr 9 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA ANTI-PREDATORY LENDING LAW, AND TO LIMIT THE PROVISIONS OF STATE MORTGAGE LENDING LAW TO BEING NO MORE RESTRICTIVE THAN FEDERAL LAW.*

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

Deletes the repeal of GS 24-1.1F, *Rate spread home loans*.

Instead, deletes GS 24-1.1F(a), (b), (c), and (d). Enacts new GS 24-1.1F(a1), (b1), (c1), and (d1). GS 24-1.1F(a1) provides that a rate spread home loan is a loan with an annual percentage rate (APR) that exceeds the limits set out in 15 USC 1639c(c) (1)(B)(ii) and any additional regulations promulgated thereunder. GS 24-1.1F(b1) provides that making a rate spread home loan that violates 15 USC 1639c(c) is declared as usurious in violation of the provisions of this Chapter. GS 24-1.1F(c1) provides that any prepayment penalty in violation of 15 USC 1639c(c) will be unenforceable. GS 24-1.1F(d1) provides that a borrower is not entitled to recover twice for the same wrong. Allows the Attorney General, Commissioner of Banks, or any party to a rate spread home loan to enforce the statute. Provides that a mortgage broker who brokers a rate spread home loan that violates the statute will be jointly and severally liable with the lender.

**Intro. by Szoka, Hanes, Dockham, Samuelson.**

[GS 24](#)

[View summary](#)[Banking and Finance, Property and Housing](#)

H 765 (2013-2014) [JURY INSTRUCTIONS FOR SCHOOL BUDGET DISPUTE](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY COMMISSIONERS.*

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

Amends GS 115C-431(c), deleting a provision that required the court to find the facts as to the amount of money necessary to maintain a system of free public schools, and the amount of money needed from the county to make up this total. Makes clarifying changes and provides that the required issues that the judge or jury must find regarding the maintenance of a system of free public schools are (1) the amount of money legally necessary from all sources and (2) the amount of money legally necessary from the board of county commissioners. In making the finding the judge or jury must consider the educational goals and policies of the state and local board of education, the budgetary request of the local board of education, the financial resources of the county and local board of education, and the fiscal policies of the board of county commissioners and board of education.

**Intro. by Dixon.**

[GS 115C](#)

[View summary](#)[Civil Law, Government, Education](#)

H 794 (2013-2014) [VOTER FREEDOM ACT OF 2013](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "POLITICAL PARTY," TO AMEND THE NOMINATION PROCESS, TO AMEND THE REQUIREMENTS FOR UNAFFILIATED AND WRITE-IN CANDIDATES, TO ALLOW NOMINATION BY CONVENTION BY SMALLER PARTIES, AND TO PROVIDE THAT SMALLER PARTIES ELECTING TO HAVE PRIMARIES WILL HAVE THE RESULTS DETERMINED BY PLURALITY.*

House committee substitute to the 1st edition makes the following changes. Deletes the provisions of the 1st edition and instead provides as follows. Requires the Joint Legislative Elections Oversight Committee to study amending the definition of *political party* and the nomination process, amending the requirements for unaffiliated and write-in candidates, allowing for nomination by convention by smaller parties, and providing that smaller parties electing to have primaries will have the results determined by plurality. Requires a report to the 2014 Regular Session of the 2013 General Assembly upon its convening. Makes conforming changes to the act's title.

**Intro. by Saine, Luebke, Lewis, R. Moore.**

STUDY

[View summary](#)

[Elections](#)

H 813 (2013-2014) [BAN SYNTHETIC CANNABINOIDS \(NEW\)](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE THE MANUFACTURE, POSSESSION, SALE, USE, AND DELIVERY OF ALL SYNTHETIC CANNABINOIDS UNLAWFUL.*

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

Changes the short and long titles.

Deletes the repeal of GS 90-94(3).

Deletes proposed new section GS 90-94.1, *Imitation controlled substances: prohibitions.*

Amends GS 90-94, *Schedule VI controlled substances*, changing the description of synthetic cannabinoids, providing that it is considered to be any quantity of any synthetic chemical compound that is (1) a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring substances or (2) has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is not listed as a controlled substance in Schedule I through V and is not an FDA-approved drug. Synthetic cannabinoids include, but are not limited to, the substances listed in subdivisions (a) through (j) of this subdivision. Provides further examples of substances deemed to be synthetic cannabinoids as well as chemical compounds that constitute a synthetic cannabinoid on their own.

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

**Intro. by Horn, Moffitt, Blust.**

GS 90

[View summary](#)

[Criminal Law and Procedure, Health](#)

H 817 (2013-2014) [STRATEGIC TRANSPORTATION INVESTMENTS \(NEW\)](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS.*

House committee substitute to the 3rd edition makes the following changes. Amends GS 136-189.11 to modify the distribution of funds subject to the Transportation Investment Strategy Formula to require that 30% (was, 40%) of the funds be used for Regional Impact Projects and 30% (was, 20%) of the funds be allocated in equal share to each of the Department of Transportation (DOT) divisions to be used for Division Need Projects. Makes other clarifying changes.

Amends GS 136-176(b2), decreasing the amount appropriated to the NC Turnpike Authority from the Highway Trust Fund from \$112 million to \$49 million and deletes the specified appropriation for the Mid-Currituck Bridge, and the Garden Parkway.

Amends GS 136-89.183 to modify the projects that the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain, to remove the Western Wake Freeway segment of the Triangle Expressway, the Garden Parkway, the Cape Fear Skyway, and a bridge of more than two miles in length going from the mainland to a peninsula bordering Virginia. Provides that in order to be selected for construction by the Turnpike Authority, before the letting of a contract for the project, only two of the projects (was, all of the projects) must be ranked in the top 35 based on total score on the Department's Mobility Fund Project Scores, Makes conforming changes.

Requires DOT to strive to expedite the federal environmental impact statement process to define the route for the Southeast Extension of the Triangle Expressway Turnpike Project by taking appropriate action, including those specified, to accelerate the environmental permitting process.

Requires the Joint Legislative Transportation Oversight Committee to closely monitor the progress of the Southeast Extension of the Triangle Expressway Turnpike Project.

**Intro. by W. Brawley, Torbett, Iler, Shepard.**

[GS 105, STUDY, GS 20, GS 136](#)

[View summary](#)

[Transportation, Department of Transportation](#)

H 817 (2013-2014) [STRATEGIC TRANSPORTATION INVESTMENTS \(NEW\)](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS.*

House amendment to the 4th edition makes the following changes. Amends GS 136-189.11 to require that the Department of Transportation publish the following information on its website, linked to directly from the homepage: (1) quantitative criteria used in each highway and nonhighway project scoring; (2) quantitative and qualitative criteria in each highway or nonhighway project scoring that is used in each region or division to finalize the local input score; (3) notifications of changes to the methods used to calculate quantitative criteria; (4) the final quantitative formulas used in each highway and nonhighway project scoring used to obtain project rankings in the statewide, regional, and division categories; and (5) the project scorings associated with the release of the draft State Transportation Improvement Program and final State Transportation Improvement Program.

**Intro. by W. Brawley, Torbett, Iler, Shepard.**

[GS 105, STUDY, GS 20, GS 136](#)

[View summary](#)

[Transportation, Department of Transportation](#)

H 850 (2013-2014) [POSSESSION OF NEEDLES/TELL LAW OFFICER](#). Filed Apr 11 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO ALERTS AN OFFICER OF THE PRESENCE OF A HYPODERMIC NEEDLE OR OTHER SHARP OBJECT POSSESSED BY THE PERSON PRIOR TO A SEARCH BY THE OFFICER SHALL NOT BE CHARGED WITH POSSESSION OF DRUG PARAPHERNALIA FOR POSSESSION OF THE NEEDLE OR OTHER SHARP OBJECT.*

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

Changes long title.

Amends GS 90-113.22(c), deleting any occurrence of the words "law enforcement officer" and replacing them with "officer." Adds new language providing that, for the purposes of this subsection, the term "officer" includes *criminal justice officers* as defined in GS 17C-2(3) and a *justice officer* as defined in GS 17E-2(3).

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

**Intro. by Faircloth.**

[GS 90](#)

[View summary](#)

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

H 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.*

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

Amends GS 163-278.12 to require that the statement of independent expenditure include whether the referendum to which the independent expenditure pertains is supported or opposed. Also deletes (e), requiring the State Board of Elections to require subsequent reporting of independent expenditures according to the same schedule required of political committees.

Amends GS 163-278.12B to make technical and organizational changes.

**Intro. by Lewis, D. Ross, Luebke.**

[GS 163](#)

[View summary](#)

[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.*

House committee substitute to the 1st edition makes the following changes. Corrects the number of the statute being amended to GS 163-278.9.

**Intro. by Lewis, D. Ross, Luebke.**

[GS 163](#)

[View summary](#)

[Elections](#)

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.*

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

Provides that the failure to comply with the specified 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 will be a Class 1 misdemeanor (was, Class A1 in previous edition).

Provides that the act does not apply to kennels operated for the purpose of (was, operated solely for the purpose of) boarding dogs or kennels used for (was, kennels exclusively used for) training dogs for hunting, sporting, field trials, or shows.

**Intro. by Saine, Ramsey, McGrady, R. Brown.**

[GS 14](#)

[View summary](#)

[Animals, Criminal Law and Procedure](#)

H 1011 (2013-2014) [GOVERNMENT REORG. AND EFFICIENCY ACT](#). Filed May 7 2013, *A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013.*

#### **Elimination of Certain State Boards and Commissions**

Repeals the Lottery Oversight Commission (GS 18C-172) and makes a conforming change to GS 18C-115.

Repeals Part 20 of GS Chapter 143B, Article 10 to eliminate the Small Business Contractor Act and the Small Business Contractor Authority.

Repeals the Committee on Dropout Prevention, Article 6B of GS Chapter 115C.

Eliminates the State Education Commission established in GS Chapter 143, Article 26. Repeals GS 116C-2 and makes a conforming change to GS 116C-1.

Terminates the National Heritage Area Designation Commission as of July 1, 2013.

Repeals Part 24 of GS Chapter 143B, Article 9, to eliminate the Governor's Management Council.

Repeals GS 90-171.7 to eliminate the Board of Directors of the North Carolina Center for Nursing and GS 90-171.72 to eliminate the North Carolina Center for Nursing.

Amends GS 143B-711 to eliminate the Board of Correction. Repeals GS 143B-715 (designating duties and responsibilities of the Board of Correction).

Eliminates the North Carolina Agency for Public Telecommunications and its governing board, the Board of Public Telecommunications Commissioners.

Repeals the Board of Directors of the Certifications Entity for the Phase II Settlement Funds which had oversight over the certification entity that coordinated payments to tobacco producers and allotment holders under the 1999 Phase II Settlement Agreement.

Terminates the following commissions: (1) Public Funding of Council of State Elections Commission, (2) Legislative Commission on Global Climate Change, and (3) Arts Education Commission.

Amends Section 4 of SL 2009-530 (NC Sustainable Local Food Advisory Council), as amended, to change the sunset date for the act to July 1, 2013 (was, July 31, 2015). Directs the Department of Agriculture and the state's land grant universities to continue their collaborative efforts to promote local food production and consumption in the state.

#### **Reorganization of Various Boards and Commissions**

Reorganizes or modifies the composition and/or membership terms and/or appointment authority for the following boards and commissions: (1) Coastal Resources Commission, (2) Coastal Resources Advisory Board, (3) Environmental Management Commission, (4) Wildlife Resources Commission (Provides that the terms of all appointed members serving as of January 1, 2013, terminate on June 30, 2013), and (5) North Carolina Turnpike Authority. Provides for the transition of membership of the Coastal Resources Commission and the Environmental Management Commission. Provides that members of the Coastal Resources Commission and the Environmental Management Commission are covered persons for the purposes of the State Government Ethics Act.

Reduces the terms of members of the Industrial Commission from six to four years and provides that the terms must be staggered. Requires the Commission to adopt by majority vote bylaws to govern the conduct of its business and provides that a quorum consists of a simple majority. Provides that the terms of the members serving terms established by Section 22 of SL 2011-287 terminate on June 30, 2013. Requires the Governor to appoint new members subject to confirmation by the General Assembly. Provides the staggered terms of the six new members. Repeals Section 22 of SL 2011-287 effective July 1, 2013.

Amends GS 115C-11(a) to designate that the Governor appoint the chair of the State Board of Education (SBE) from the SBE membership to serve at the pleasure of the Governor (was, the SBE elected a chair from its membership).

Ends the terms of all members serving on the North Carolina State Lottery Commission as of January 1, 2013, effective on the date that this act becomes law. Provides for two-year terms (was, five-year). Provides for appointment of five members by the Governor and two members appointed by the Senate upon the recommendation of the President Pro Tempore of the Senate, and two members appointed by the House of Representatives upon the recommendation of the Speaker of the House.

Repeals the Charter School Advisory Committee of the State Board of Education. Abolishes the North Carolina Charter School Advisory Council. Effective when the act becomes law.

Amends GS 143B-350, to add two at-large members to the Board of Transportation, one appointed upon recommendation of the President Pro Tempore and one upon recommendation of the Speaker. Specifies that the Board will have 21 members. Terms of members is for four years beginning beginning January 15, 2013, and quadrennially thereafter, except that the terms of the two at large members appointed by the General Assembly will be for two years beginning January 15, 2013, and biennially thereafter. Provides that the terms of the nine members appointed for terms expiring January 14, 2015, expire upon appointment of their replacements.

Amends GS 90-353, concerning the Board of Dietetics/Nutrition, to reduce the number of board members from seven to five, and makes revisions to the member qualifications and appointment process. Specifies that the terms of all members serving on the Board on January 1, 2013, will expire June 30, 2013. Effective July 1, 2013.

Provides that each administrative law judge (ALJ) appointed under GS 7A-753 is to serve a term of four years and amends GS 7A-760(a) to provide that ALJs appointed under GS 7A-753 are exempt from the provisions of the State Personnel Act. Effective when the act becomes law and applies to any ALJ appointed/serving on or after the effective date.

#### Effective Date

Except as otherwise noted, this act is effective when it becomes law. Provides that holding any provision of the act or the application of the act to be invalid does not affect the other provisions or application of the act. Also provides criteria regarding achieving the membership totals under this act. Directs the appointing authorities to determine by July 1, 2013, which terms to eliminate in order to achieve the membership totals under this act.

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

[GS 115C](#), [GS 7A](#), [GS 18C](#), [GS 90](#), [GS 97](#), [GS 113A](#), [GS 116C](#),  
[GS 136](#), [GS 143](#), [GS 143B](#)

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**[Business and Commerce](#), [Transportation](#), [Court System](#),  
[Corrections \(Sentencing/Probation\)](#), [Education](#), [Environment](#),  
[State Government](#), [Health](#), [Lottery and Gaming](#), [Public  
Enterprises and Utilities](#)**

H 1011 (2013-2014) [GOVERNMENT REORG. AND EFFICIENCY ACT](#). Filed May 7 2013, *A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013.*

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

Amends GS 18C-111, *Commission membership; appointment; selection of chair; vacancies; removal; meetings; compensation*, providing that the Governor will appoint five members to the State Lottery Commission to serve terms of four years (was, two years). Provides that the General Assembly, no later than July 1, 2013, with the recommendation of the President Pro Tempore of the Senate, will appoint two members to serve terms of two years, with subsequent appointments being for four years (previously, no provision for subsequent terms was provided). Also, with the recommendation of the Speaker of the House of Representatives, two members will be appointed to serve two year terms, with subsequent appointments being for four years (previously, no provision for subsequent terms was provided). Provides that initial terms will expire on June 30 of the year of expiration, and all succeeding appointments will be for terms of four years (was, two years in the previous edition).

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

[GS 115C](#), [GS 7A](#), [GS 18C](#), [GS 90](#), [GS 97](#), [GS 113A](#), [GS 116C](#),  
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[Education](#), [Environment](#), [State Government](#), [Health](#), [Lottery  
and Gaming](#), [Public Enterprises and Utilities](#)**

## PUBLIC/SENATE BILLS

S 78 (2013-2014) [LAW ENFORCEMENT PRIVACY/PUBLIC WEB SITES](#). Filed Feb 12 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA COURTS COMMISSION TO STUDY REQUIRING CITIES AND COUNTIES TO REMOVE*

*PERSONAL INFORMATION FROM RECORDS AVAILABLE ON INTERNET WEB SITES MAINTAINED BY COUNTIES AND CITIES WHEN REQUESTED BY CERTAIN LAW ENFORCEMENT PERSONNEL, PROSECUTORS, AND JUDICIAL OFFICERS.*

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

Changes the long title.

Amends GS 114-8.3, providing that the Attorney General (AG) or designee is responsible for reviewing all proposed contracts for services that exceed \$5 million (was, \$1 million). Requires the AG to provide established procedures for the review of contracts pursuant to this section to provide guidelines to any attorney designated under GS 143-49(3a) who will review contracts in excess of \$5 million. The AG is also required to advise and assist the Contract Management Section of the Division of Purchase and Contract, Department of Administration, in establishing procedures and guidelines for the review of contracts pursuant to GS 143-50.1. Makes conforming changes.

Enacts new GS 114-8.3(b1), directing the General Counsel of the Department of State Treasurer (Treasurer), or designee, to review all proposed investment and debt contracts, as defined in this section, or contracts entered into pursuant to the Treasurer's authority to contract for investment advisory services. The contracts are to be reviewed in order to confirm that they conform to specified statutory requirements. Exempts certain contracts from becoming voidable if not reviewed or signed as required by this subsection. Makes technical changes.

Deletes proposed GS 114-8.3(d).

Amends GS 143-49, providing that the AG can assign an attorney from the office of the AG, the Contract Management Section of the Division of Purchase and Contract, the Department of Administration, or other qualified counsel to assist in negotiation for the award of the contract. Provides that the Secretary of Administration (Secretary) is not required to notify the AG for appointment of a representative for contracts that are to be entered into by the constituent institutions of UNC, or for contracts to be entered into by the Department of the Treasurer, unless requested to do so by specified General Counsel. Requires contracts for services reviewed pursuant to this subdivision to include the signature of the AG or the designee. If no signature is obtained and the contract commences, the State has the right to terminate the contract, with the other parties entitled to receive the value of the services provided prior to the termination.

Enacts new GS 143-50.1, *Division of Purchase and Contract; Contract Management Section*, establishing the Contract Management Section (CMS) in the Division of Purchase and Contract, Department of Administration. Directs the CMS to review all proposed solicitations for supplies, materials, printing, equipment, or contractual services that exceed \$1 million, unless reviewed by another agency that has been designated by statute. Provides that CMS will be responsible for (1) participating and assisting in the preparation of all proposed solicitations, reviewing them with the goal of obtaining the most favorable contract for the state; (2) interpreting proposed contract terms and advising the Secretary or designee of the potential liabilities to the state; and (3) ensuring contracts are in proper form, contain all clauses requested by law, legally enforceable, and require performance that will accomplish the intended purposes. Provides that the legal counsel of the CMS would also be subject to appointment by the AG for review of contracts for services in excess of \$5 million. Sets out the duties and responsibilities of the CMS, including assisting other state agency legal staff, as requested, in matters related to contracting for goods and services. Directs the Department of Administration to adopt procedures for the record keeping of information provided by state agencies or received by the Secretary pursuant to GS 114-8.3(c).

Amends GS 143-52.1, *Award recommendations; State Purchasing Officer action* (was, *Board of Awards*), and GS 147-33.101, *Award recommendations; State Chief Information Officer Action* (was, *Board of Awards review*), transferring the authority to take action on contract award recommendations from the Board of Awards to the State Purchasing Officer or the State Chief Information Officer for contracts that exceed specified benchmarks. Requires the reporting of all contract awards that exceed \$25,000 to be reported to specified committees by respective procurement officers.

Amends GS 116-13, GS 120-36.6, GS 143-52(a), and GS 143-59(b), making conforming changes.

Repeals GS 143-318.18(10), to remove reference to the Board of Awards.

Adds the Department of Transportation to entities who are to establish procedures to implement the act.

Amends GS 143-49, *Powers and duties of Secretary*, changing the implementation date for (1) the quality management system to January 1, 2014 (was, September 1, 2013), (2) the report date for compliance progress with this subdivision to June 1, 2013

(was, September 1, 2012), (3) the contract specialist career path designation to September 1, 2013 (was, April 1, 2013), and (4) the contract management and training certification program to July 1, 2014 (was, September 1, 2015).

Provides that Sections 1 through 3 of the act become effective October 1, 2013, and apply to contracts entered into on or after that date. The remainder of this act is effective when it becomes law.

**Intro. by Hartsell.**

[GS 116](#), [GS 114](#), [GS 120](#), [GS 143](#), [GS 147](#)

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[State Government](#)

S 127 (2013-2014) [ENERGY/ECONOMIC DEVELOPMENT MODIFICATIONS \(NEW\)](#). Filed Feb 21 2013, *AN ACT TO (1) PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS; (2) MODIFY THE NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY; (3) CREATE COLLABORATION FOR PROSPERITY ZONES; (4) REQUIRE CERTAIN LIAISONS IN EACH COLLABORATION FOR PROSPERITY ZONE; (5) STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY; (6) MODIFY REPEAL OF CERTAIN REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS; (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER JULY 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; AND (8) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES.*

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

Amends the long title of this act. Changes the title of Part I of this act to *Creation of Collaboration for Prosperity Zones* (was, *Creation of Uniform Regional Divisions*). Adds a new section, GS 143B-28.1, to establish geographically uniform zones (was, geographically uniform administrative regions) to (1) facilitate collaborative and coordinated planning and use of resources; (2) improve cooperation among governmental and nonprofit entities at the local and regional level; and (3) establish, to the extent that it is feasible to do so, one-stop sources in each region for citizens and businesses seeking state services at a regional level. Divides the state into eight zones (was, seven regions) to create collaboration for prosperity zones. Identifies the eight zones as follows and specifies the counties included in each zone: (1) Western Region, (2) Northwest Region, (3) Southwest Region, (4) Piedmont-Triad (Central) Region, (5) North Central Region, (6) Sandhills (South Central) Region, (7) Northeast Region, and (8) Southeast Region. Amends Section 1.(c) to require agencies to report to the Joint Legislative Commission on Governmental Operations and the Study Commission on Inter-Agency Collaboration for Prosperity by January 1, 2014, as to how they plan to abolish regions and transform them into prosperity zones as defined by this act. Effective July 1, 2013.

Enacts a new Part II to abolish the regional economic development commissions, repealing GS 158-8.1, 158-8.2, 158-8.3, 158-8.4, 158-8.4A, 158-8.5, 158-8.6, 158-8.7, 158-8.8, and 158-8.12. Makes conforming changes, repealing Article 4, North Carolina Eastern Region Act, of GS Chapter 158 and GS 120-123(62). Makes a conforming change to GS 143-506.10. Allows the specified economic development commissions to either reorganize as nonprofit organizations carrying out the same purposes but without receipt of appropriations from the state or to wind up their affairs. Amends GS 143B-431, adding new subsection (c1) to transfer the functions of the regional economic development commissions abolished in this act to the Department of Commerce (Department). Specifies the required duties and responsibilities of the Department and requires the Department to make an annual report by February 15 of each year to the Joint Legislative Commission on Governmental Operations summarizing the preceding year's program activities, objectives, and accomplishments under this subsection. Directs the Department to use available funds to carry out the requirements of this Part. Effective July 1, 2013.

Deletes provisions requiring specified agencies to conduct self-studies, requiring the implementation of uniform regional divisions in programs administered by specified departments, and establishing the Study Commission on Regionalization Conformity.

Requires the departments of Commerce, Environment and Natural Resources (DENR), and Transportation (DOT) to physically maintain co-located liaison personnel within each zone and prescribes the duties of the liaisons. Also requires the Community College System Office to designate a liaison in each zone. Specifies reporting requirements. Effective July 1, 2013, and expires July 1, 2017.

Creates the eight-member Study Commission on Inter-Agency Collaboration for Prosperity (Commission) to review reports submitted by the following departments: Commerce, DENR, DOT, and the Community College System. Provides that the Commission may study and make recommendations to the 2014 Regular Session of the 2013 General Assembly on issues related to enhancing inter-agency collaboration, consolidating programs to streamline services, requiring the establishment of inter-agency one-stop shops in each zone, and reducing barriers faced by citizens and businesses in accessing services. Provides that the Commission terminates upon the filing of its report or on July 1, 2014, whichever is later.

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

**Intro. by Brown.**

[GS 120, GS 143, GS 143B, GS 158](#)

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**State Agencies, Community Colleges System Office, Department of Commerce, Department of Environmental Quality (formerly DENR), Department of Transportation**

S 132 (2013-2014) [HEALTH CURRICULUM/PRETERM BIRTH](#). Filed Feb 25 2013, *A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AND TO PROVIDE SUCH INFORMATION TO CHARTER, NONPUBLIC, AND HOME SCHOOL STUDENTS.*

Senate committee substitute to the 1st edition makes the following changes. Deletes proposed changes to GS 115C-81(e1)(1) and instead amends GS 115C-81(e1)(4) to require each local school administrative unit to provide a reproductive health and safety education program commencing in the seventh grade that also includes teaching about the preventable causes of preterm deliveries, including induced abortion as a cause of preterm birth in subsequent pregnancies.

**Intro. by Daniel, Tillman, Randleman.**

[GS 115C](#)

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**Elementary and Secondary Education, Department of Health and Human Services, Health**

S 193 (2013-2014) [MODIFY P3 ETHICS REPORTING REQUIREMENTS](#) Filed Mar 5 2013, *A BILL ENTITLED AN ACT TO MODIFY P3 ETHICS REPORTING REQUIREMENT IN S.L. 2014-18.*

Senate amendment to the 3rd edition makes the following changes. Deletes the requirement that the Department of Public Instruction report on the annual savings achieved through the increased participation of local school administrative units in the North Carolina Procurement Alliance.

**Intro. by Hartsell.**

[GS 115C](#)

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**Education**

S 321 (2013-2014) [INMATE COSTS/CT.APPT./NOTARIES](#). Filed Mar 13 2013, *AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT, FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR; AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT.*

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

Amends GS 153A-225(a)(4) to provide that the plan developed by each unit that operates a local confinement facility may use Medicaid coverage for inpatient hospitalization for eligible prisoners. Makes this section effective July 1, 2014 (was July 1,

2013).

Directs the Department of Public Safety to work with counties to prepare for the July 1, 2014, effective date, upon which Medicaid coverage can be utilized for inpatient hospitalization for eligible individuals.

Provides that the effective date for the remainder of this act remains July 1, 2013.

**Intro. by J. Davis, Newton, Goolsby.**

**GS 153A**

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**Criminal Justice, Health, Public Assistance**

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

Senate committee substitute to the 1st edition makes the following changes. Deletes the provisions of the 1st edition and replaces it with the following. Enacts new Article 29D, Student Prayer and Religious Activity, in GS Chapter 115C. Requires a student to be allowed to voluntarily perform six activities related to prayer and religious activity, including express religious viewpoints in a public school and possess or distribute religious literature in a public school (subject to reasonable time, place, and manner restrictions), to the same extent and under the same circumstances as permitted on nonreligious topics. Allows a student to be prohibited from engaging in those six actions if the actions would (1) infringe on the rights of the school to maintain order and discipline, prevent disruption of the educational process, and determine educational curriculum and assignments; (2) harass other persons or coerce other students to participate in the activity; or (3) otherwise infringe on the rights of the other persons.

Provides that if a student alleges that a right under the Article has been violated, a complaint is to be first made to the school's principal, and then to the superintendent if the student's concerns are not resolved by the principal. If the superintendent does not resolve the concerns within 30 days, the student, parent, or guardian may appeal to the local board of education. Allows the student to assert the violation as a cause of action or defense in a judicial proceeding for relief against the local board of education only after exhausting all of those administrative remedies. Requires the Attorney General to intervene and provide legal defense of the Article in an action that challenges the constitutionality of the Article.

Provides that the Article is not to be construed to support, encourage, or allow a teacher, administrator, or other local board of education employee to lead, direct, or encourage any religious or antireligious activity in violation of the First Amendment. Prohibits local boards from prohibiting school personnel from participating in religious activities on school grounds, initiated by students at reasonable times as long as it is voluntary and does not conflict with the personnel responsibilities. Allows school employees supervising extracurricular activities to be present when students exercise their right to pray and prohibits them from being disrespectful of the student's rights.

Repeals GS 115C-47(29b), which prohibited a local board of education from having a policy of denying, or that effectively prevents participation in, prayer in public schools by individuals on a voluntary basis, except when necessary to maintain order and discipline, and from encouraging or requiring participation in prayer or influencing the form or content of any prayer in public schools.

Includes a severability clause.

**Intro. by Bingham, Daniel, Hise.**

**GS 115C**

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**Education**

S 473 (2013-2014) **HEALTH COST TRANSP/SPEAKER AND PPT STANDING (NEW)**. Filed Mar 27 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF HOUSE BILL 834 RELATED TO HEALTH CARE COST REDUCTION AND*

*TRANSPARENCY AND FAIR HEALTH CARE BILLING AND COLLECTIONS PRACTICES; AND TO ALLOW THE SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE OF THE SENATE, AS AGENTS OF THE STATE, TO JOINTLY INTERVENE ON BEHALF OF THE GENERAL ASSEMBLY IN ANY JUDICIAL PROCEEDING CHALLENGING A NORTH CAROLINA STATUTE OR A PROVISION OF THE NORTH CAROLINA CONSTITUTION.*

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

Changes the long title.

Deletes proposed changes to GS 90-413.2, *Purpose*, and GS 90-413.9, *Disclosure of prices for most common episodes of care*.

Enacts new Article 1B, Transparency in Health Care Costs, in GS Chapter 131E. Provides that the intent of the Article is to improve transparency in health care costs by providing information to the public on the costs of the most frequently reported diagnostic related groups (DRG) for hospital inpatient care and the most common surgical procedures and imaging procedures in hospital outpatient settings and ambulatory surgical facilities. Requires the Department of Health and Human Services (DHHS) to make available on its website the most current price information it receives from hospitals and ambulatory surgical facilities; sets out minimum requirements for that information. Requires each hospital, beginning with the quarter ending March 31, 2014, to provide DHHS six specified pieces of information about the 100 most frequently reported admissions by DRG for inpatients, including the total amount of Medicare reimbursements, and the total amount of payments made by the State Health Plan for Teachers and State Employees. Requires the NC Medical Care Commission (Commission) to adopt rules to ensure implementation of this requirement by January 1, 2014, and specifies information to be included in the rules. Requires each hospital and ambulatory surgical facility to provide DHHS information on the total costs for the 20 most common surgical procedures and the 20 most common imaging procedures along with related codes. Requires the Commission to adopt rules to ensure implementation of this requirement by March 31, 2014, and specifies information to be included in the rules. The information required may be provided to a patient upon request. Requires a hospital or ambulatory surgical facility required to file a Schedule H, federal form 990, to provide the public with access to its financial assistance policy and its annual financial assistance costs. Requires the information to be reported to DHHS annually and to be reported on the DHHS website and at the organization's place of business.

Directs the Department of Health and Human Services (DHHS) to communicate, not later than July 1, 2013, the requirements of Section 2 of the act to all hospitals licensed pursuant to Article 5 of GS 131E and Article 2 of GS 122C, as well as to all ambulatory surgical facilities licensed pursuant to Part 4 of Article 6 of GS 131E.

Amends GS 131E-97.3, providing that competitive health care information does not include the information that hospitals and ambulatory surgical facilities are required to report under GS 131E-214.6.

Amends GS 131E-99, excluding information a hospital or an ambulatory surgical facility is required to report under GS 131E-214.6 from the confidentiality requirements for health care contracts.

Enacts new GS 131E-273, *Certain charges/payments prohibited*, providing that it is unlawful for any provider of health care services to charge or accept payment for a health care procedure that was not actually performed or supplied.

Deletes Section 9 of the previous edition, which proposed a new section, GS 131E-91.3, *Duplicate charges for certain radiology services prohibited*.

Amends GS 131E-91, *Fair billing and collections practices for hospitals and ambulatory surgical facilities*, making organizational changes. Provides that a hospital or ambulatory surgical facility has 45 (was, 60) days from the time notice of overpayment is received to refund an overpayment resulting from specified circumstances. Amends GS 131E-91(d)(5), providing that for debts arising from the provision of care by a hospital or ambulatory surgical facility, the doctrine of necessities as it existed at common law will apply equally to both spouses, with specified exceptions. Provides further rules or regulations regarding debt owed to a hospital or ambulatory surgical facility. Also provides that hospitals or ambulatory surgical facilities that provide care to a minor cannot execute or force the sale of the principal residence of the custodial parent for a judgment obtained for the outstanding debt until the minor is either no longer residing with the parent or until the minor reaches the age of majority, whichever occurs first.

Repeals Article 2A of GS 131E, *Garnishment for Debts Owed Public Hospitals*.

Amends Part VI of the act, renaming it *Governance of Entities to Manage Care and Control Costs Statewide*, establishing that the governance of entities contracting with the state to provide centralized care coordination, cost containment, or management

of care on a statewide basis for the Medicaid program is of significant importance. Further finds that the public has a profound interest in ensuring the quality of internal governance in regards to this contracting. As such, DHHS will not enter into a new contract with an entity to provide cost containment or management of care on a statewide basis for the Medicaid program unless the entity adheres to certain specified governance provisions.

Amends the enactment clause, providing that Sections 4 and 5 of this act become effective January 1, 2014. Section 6 of this act becomes effective December 1, 2013, and applies to health care procedures and services rendered on or after that date. Section 7 of this act becomes effective January 1, 2014, and applies to tax refunds determined by the Department of Revenue on or after that date. Section 8 of this act becomes effective October 1, 2013, and applies to hospital and ambulatory surgical facility billings and collections practices occurring on or after that date. The remainder of this act is effective when it becomes law.

**Intro. by Rucho, Brown.**

[GS 58, GS 105A, GS 131E](#)

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**Department of Health and Human Services, Health, Health Care Facilities and Providers**

S 542 (2013-2014) [DRUG TESTING FOR LTC APPLICANTS & EMPLOYEES](#). Filed Mar 28 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES.*

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

Amends proposed GS 131D-45 (concerning adult care homes) and GS 131E-114.4 (concerning nursing homes) to require that the cost of the drug testing for applicants for employment be paid by the prospective employing entity.

**Intro. by Cook, Jackson, Rabin.**

[GS 131D, GS 131E](#)

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**Employment and Retirement, Adult Services**

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

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

Establishes the NC Military Affairs Commission (Commission) in the Office of the Governor (was, within the Department of Public Safety), with the Department of Commerce responsible for organizational, budgetary, and administrative purposes (was, responsibility of the Department of Public Safety). Expands the Commission's purposes to also include providing counsel and recommendations, in addition to advice, and expands on those to be advised by the Commission to also include the Governor and the Secretary of Commerce. Provides that the Commission is to advise on initiatives, programs, and legislation that will continue and increase the role that the state's military installations, the National Guard, and Reserves play in America's defense strategy and the economic health and vitality of the state (was, the Commission was to advise on five specified issues).

Specifies 11 activities that the Commission is authorized to perform, including identifying and supporting ways to promote quality of life for military members and their families, lead the state's initiative to prepare for the next round of Base Realignment and Closure, and share information and coordinate efforts with the state's congressional delegation and other federal agencies. Adds that the Commission must report to the Governor on military affairs at least every six months, and to the General Assembly before the start of legislative sessions, or as required by members. Allows priority actions or issues to be submitted at any time.

Provides that the Commission will consist of voting members who are either appointed by the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate or serve as nonvoting ex officio members. Specifies the

required qualifications of the ten members appointed by the Governor, the five appointed by the Speaker of the House of Representatives, and the five members appointed by the President Pro Tempore of the Senate. Removes reference to the Executive Committee. Amends the members listed as nonvoting ex officio members of the Commission to add the Commissioner of Agriculture and remove the Commanding General of the Marine Corps Base at Camp Lejeune and Cherry Point; Commander 4th FW, Seymour Johnson Airforce Base; Commander 43rd Airlift Wing, Pope Air Force Base; Commander of the US Coast Guard Support Center, Elizabeth City; and the Executive Director of the NC Association of County Commissioners. Specifies 10 commanding generals and officers who must be invited to serve as nonvoting ex officio members.

Requires that the Commission chair be appointed by the Governor from the voting members of the Commission (was, elected by a majority vote of the executive committee membership). Provides that the initial meeting is at a time and place to be determined by the Secretary of Commerce (was, Secretary of Public Safety), with the first order of business being the adoption of bylaws and establishment of committees (was, the election of a chair).

Makes conforming changes to GS 127C-3.

Changes the effective date of the act from October 1, 2013, to July 1, 2013.

**Intro. by Brown.**

[GS 127C](#)

[View summary](#)

[Military and Veteran's Affairs](#)

S 638 (2013-2014) [NC FARM ACT OF 2013](#). Filed Apr 2 2013, *AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO (1) LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY PRODUCERS ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR PRODUCTS; (2) LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS, FARM ANIMAL PROFESSIONALS, AND AGRITOURISM OPERATORS AND CLARIFY THAT EQUINE RECREATION WHERE THE LANDOWNER RECEIVES NO COMPENSATION IS SUBJECT TO THE RECREATIONAL USE STATUTE AND NOT THE EQUINE ACTIVITY LIABILITY STATUTE; (3) ALLOW THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (4) DECREASE THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (5) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; (6) MAKE CONFORMING CHANGES TO THE NAME OF THE STRUCTURAL PEST CONTROL AND PESTICIDES DIVISION AND CLARIFY THE RESPONSIBILITIES OF THE DIVISION; (7) AMEND CERTAIN EGG LABELING REQUIREMENTS; (8) REPEAL THE INTERSTATE PEST CONTROL COMPACT; (9) REPEAL CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND COSMETIC ACT; (10) CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES; (11) REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE; (12) EXEMPT FORESTRY AND SILVICULTURE OPERATIONS FROM TEMPORARY DRIVEWAY PERMITTING; (13) ALLOW A FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO MAINTAIN ITS FARM BUILDING STATUS FOR PURPOSES OF THE STATE BUILDING CODE; (14) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (15) ALLOW RETAILERS TO DISPLAY MORE THAN FOUR HUNDRED SQUARE FEET OF NURSERY STOCK FOR SALE IN THEIR PARKING LOTS; (16) EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (17) ALLOW A LANDOWNER TO WITHDRAW WATER FOR AGRICULTURAL USE DURING WATER SHORTAGE EMERGENCIES UNDER CERTAIN CONDITIONS; (18) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM STREAM AND WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND (19) ACCELERATE THE SUNSET DATE OF THE PETROLEUM DISPLACEMENT PLAN AS A RESULT OF THE STATE HAVING SUBSTANTIALLY ACHIEVED ITS TWENTY PERCENT REDUCTION GOAL OF THE USE OF PETROLEUM PRODUCTS.*

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

Creates new Part 2, Farm Animal Activity Liability, in Article 1 of GS Chapter 99E. Provides that a farm animal activity sponsor, a farm animal professional, or any other person engaged in a farm animal activity is not liable for an injury to or the

death of a participant resulting from the inherent risks of farm animal activities and no participant or representative thereof will maintain an action against or recover from a farm animal sponsor, a farm animal professional, or any other person engaged in a farm animal activity for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of farm animal activities. Defines *farm animal activity* as an activity in which participants observe, engage with, or learn about one or more farm animals, including specified activities. Does not prevent or limit liability if the farm animal activity sponsor, professional, or person engaged in a farm animal activity (1) provides the equipment or tack and knew or should have known that the equipment or tack was faulty and the faulty equipment proximately caused the injury, damage, or death; (2) provides the farm animal and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the farm animal activity or to safely manage the particular farm animal; (3) commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission proximately caused the injury, damage, or death; or (4) commits another act of negligence or omission that proximately caused the injury, damage, or death. The statute also does not prevent or limit liability under liability provisions as set forth in the products liability laws. Requires all farm animal activity sponsors and every farm animal professional to post and maintain warning notices that include specified language. Also requires every written contract to include the warning. Amends GS 99E-31 to provide that the statute does not prevent or limit the liability of an agritourism professional if the professional (1) commits an act or omission that constitutes gross negligence (was, negligence) or willful or wanton disregard for the safety of the participant and that act or omission proximately causes injury, damage, or the death of the participant; or (2) has actual knowledge or reasonably should have known if an existing dangerous condition (was, known of of a dangerous condition) on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such activity and does not make the danger known to the participant and the danger proximately causes injury, damage, or death to the participant. Effective July 1, 2013.

Makes a clarifying change to proposed GS 106-22.6.

Amends GS 106-24 to require the Department of Agriculture and Consumer Services (Department) to require the biennial (was, annual) collection of information on water use by those who withdraw 10,000 gallons per day or more for agricultural activities. Specifies that the Department must report the results of the survey to the Environmental Review Commission no later than July 1 of each year in which the survey was collected.

Amends GS 106-24.1 to provide that information collected from farm operators for the purposes of its animal health programs including, but not limited to, certificates of veterinary inspection, animal medical records, lab reports, or other records that may be used to identify a person or private business activities subject to regulation by the Department must not be disclosed without the owner's permission unless the state Veterinarian decides that disclosure is necessary to prevent the spread of an animal disease or to protect the public health, or the disclosure is necessary in the implementation of these animal health programs.

Repeals Article 4E (*Pest Control Compact*) of GS Chapter 106, GS 106-246 (concerning sanitation of places where ice cream, milk shakes, milk sherbet, sherbet, water ices, and other similar frozen or semifrozen food products are made for sale, all creameries, butter and cheese factories), and GS 106-248 (concerning purity of cream, ice cream, butter, cheese, or other products).

Amends GS 106-942 to change the setback distance for burning flammable material resulting from ground clearing from 1,000 feet to 500 feet and amends the hours during which the burning is allowed.

Repeals GS 119-26.2 (sulfur content standards for gas).

Amends GS 143-138 (state building code) to provide that a farm building does not lose its status as such because it is used for public or private events that are taking place on the farm because of its farm or rural setting. Requires the Building Code Council to provide for an exemption from any requirements in the fire prevention code for installation of an automatic sprinkler system applicable to buildings that (1) have one floor, (2) meet the equipment of 29 CFR 1910.142, and (3) meet the requirements of GS Chapter 95, Article 19 (Migrant Housing Act) and the rules implementing the Article.

Amends GS 143-212 to amend the definition of the term *waters* to provide that wetlands classified as waters are restricted to waters of the United States. Amends GS 143-215.1 to provide that permit is not required for activities in wetlands that are not waters of the United States. Makes conforming changes.

Amends GS 143-215.25A to provide that the Part (dam safety law) does not apply to any dam that is constructed for and maintains the purpose of providing water for agricultural use when a licensed professional engineer or a person who is employed by the Natural Resource Conservation Service, county, or local Soil and Water Conservation District and has federal engineering job approval authority under GS Chapter 89C designed or approved plan for the dam, supervised its construction,

and registered the dam with the Division of Energy Mineral and Land Resources of the Department. Requires that the registration occur prior to construction.

Amends GS 143-355.3 (water shortage emergency powers) to provide that nothing in the statute limits a landowner from withdrawing water for use in agricultural activities when the water is withdrawn from: (1) surface water sources located wholly on the landowner's property, including impoundments constructed by or owned by the landowner and captured stormwater or (2) groundwater sources including wells constructed on the landowner's property, springs, and artesian wells.

Requires the Department of Environment and Natural Resources and the Department of Transportation to jointly petition the Wilmington District of the US Army Corps of Engineers no later than October 1, 2013, to allow for greater flexibility and opportunity to perform wetlands mitigation for public and private development outside of the eight digit Hydrologic Unit Code where development will occur. Requires a report to the Environmental Review Commission no later than January 1, 2014.

Makes conforming changes to the act's title.

**Intro. by Jackson, Brock.**

[GS 99E](#), [GS 106](#), [GS 119](#), [GS 143](#)

[View summary](#)

[Agriculture, Building and Construction, Environment](#)

S 719 (2013-2014) [STUDENT ORGANIZATIONS/RIGHTS & RECOGNITION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION AND TO PROHIBIT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES FROM DENYING RECOGNITION TO ORGANIZATIONS FOR EXERCISING THESE RIGHTS.*

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

Reorganizes proposed GS 116-40.12 and clarifies that a constituent institution of the University of North Carolina system (UNC) that grants recognition to a student organization is prohibited from then denying recognition to (was, could not discriminate against) the organization or denying the organization access to programs, funding, facilities, or other privileges based on the organization's exercise of its rights as set out in amended subsection (b) of this section.

Subsection (b) of this section permits a religious or political organization to do the following in conformity with the organization's established written doctrine expressing the organization's faith or mission, to the extent permitted by state and federal law: (1) hold that only persons professing the faith or mission of the organization and acting in that manner are qualified to serve as leaders of the organization, (2) order the internal affairs of the organization according to its written doctrines, and (3) resolve the organization's disputes according to its written doctrines.

Enacts new GS 115D-20.2 to apply identical provisions to the state's community college system.

Makes conforming changes to the long title.

**Intro. by Soucek.**

[GS 116](#), [GS 115D](#)

[View summary](#)

[Higher Education](#)

## ACTIONS ON BILLS

## PUBLIC BILLS

### H 9: [SPEAKER/PRO TEM TERM LIMITS.](#)

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 13: STATE AGENCY PROPERTY USE/BIENNIAL REPORT.**

*Senate: Passed 2nd Reading*

**H 26: STRENGTHEN LAWS/VEHICLE THEFT.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

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

*House: Postponed To 05/15/2013*

**H 92: GSC TECHNICAL CORRECTIONS 2013.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 101: SPECIAL LICENSE PLATE DEVELOPMENT PROCESS.**

*House: Passed 3rd Reading*

*House: Passed 3rd Reading*

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

*Ratified*

**H 179: JOINT AGENCIES SALES & EXCISE TAX EXEMPTIONS.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Finance*

**H 204: UPDATE/MODERNIZE/MIDWIFERY PRACTICE ACT.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Judiciary Subcommittee C*

**H 217: CRIMINAL LAW/PROCEDURE AMENDMENTS.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref to Judiciary II. If fav, re-ref to Appropriations/Base Budget*

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

*Signed by Gov. 5/8/2013*

*Ch. SL 2013-46*

**H 269: CHILDREN W/DISABILITIES SCHOLARSHIP GRANTS.**

*House: Reptd Fav Com Sub 2*

*House: Re-ref Com On Appropriations*

**H 281: RECORD OF EXCUSALS FROM JURY DUTY.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 311: REPEAL LITERACY TEST.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 336: CONTINUING BUDGET AUTHORITY (NEW).**

*House: Withdrawn From Com*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/09/2013*

**H 341: TAX CREDIT FOR DOL APPRENTICE HIRES.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Withdrawn From Com*

*House: Re-ref Com On Appropriations*

**H 357: RETIREMENT GOVERNANCE CHANGES ACT OF 2013.-AB**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 358: RETIREMENT TECHNICAL CORRECTIONS.-AB**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 364: TREAS.DEBT ISSUANCE ACCOUNTABILITY/PED STDY (NEW).**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Appropriations*

**H 402: TRICARE SUPPLEMENT FOR FLEX ACCOUNTS.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Pensions & Retirement and Aging*

**H 405: JUDGE AND CLERKS/CONCEALED HANDGUN PERMIT (NEW).**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

**H 440: NORTH CAROLINA BENEFIT CORPORATION ACT.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Commerce and Job Development*

**H 442: MUNICIPAL INCORPORATION CHANGES.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/09/2013*

**H 479: AMEND ELECTROLYSIS PRACTICE ACT/FEEES.**

*House: Withdrawn From Com*

*House: Re-ref Com On Finance*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

**H 514: HONOR PETE CUNNINGHAM.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

**H 552: REMOVE AREA FROM COUNTY SERVICE DISTRICT.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/09/2013*

**H 578: HONOR TOWN OF STEDMAN.**

*House: Adopted*

**H 585: PREA COMPLIANCE.**

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 593: REGISTER OF DEEDS HOURS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 609: NC CANCER TREATMENT FAIRNESS ACT.**

*House: Amendment Withdrawn A1*

*House: Passed 2nd Reading*

**H 610: MODIFY REQUIREMENTS FOR IN-STAND BEER SALES.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Commerce*

**H 611: SUSPENSION REMOVED WHEN ELIGIBILITY MET.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Judiciary II*

**H 628: PROTECT/PROMOTE LOCALLY SOURCED BLDG. MTRL'S (NEW).**

*House: Amend Failed A1*

*House: Amendment Withdrawn A2*

*House: Passed 2nd Reading*

*House: Withdrawn From Cal*

*House: Placed On Cal For 05/13/2013*

**H 656: FORFEITURE FOR SPEEDING TO ELUDE REVISIONS.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/09/2013*

**H 664: CELL TOWER DEPLOYMENT ACT.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

**H 665: INSPECTION REQUIREMENTS FOR SALVAGED VEHICLES.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 670: DSS STUDY/EXTEND FOSTER CARE TO AGE 21.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 677: CONSOLIDATION OF CERTAIN FIRE DISTRICTS (NEW).**

*House: Reptd Fav*  
*House: Cal Pursuant Rule 36(b)*  
*House: Reptd Fav*  
*House: Cal Pursuant Rule 36(b)*

**H 687: HOMELESS SHELTERS/REMOVE AGE LIMITS.**

*Senate: Rec From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Commerce*

**H 692: AMEND PREDATORY LENDING LAW.**

*House: Amend Adopted A1*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Ordered Engrossed*

**H 693: ELIMINATE EXCEPTIONS/MED TREATMENT/MINORS.**

*House: Withdrawn From Cal*  
*House: Re-ref Com On Judiciary*

**H 698: BACKGROUND CHECKS FOR FIREFIGHTERS.**

*House: Reptd Fav*  
*House: Cal Pursuant Rule 36(b)*  
*House: Placed On Cal For 05/09/2013*

**H 700: OMNIBUS STATE IT GOVERNANCE CHANGES.**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*

**H 706: PRESERVE LANDFILL SPACE.**

*Ratified*

**H 716: CLARIFY LAW/PROHIBIT SEX-SELECTIVE ABORTION.**

*Senate: Rec From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**H 718: STUDY ISSUES IN EDUCATION (NEW).**

*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*

**H 720: HONOR DAVIDSON COMMUNITY COLLEGE.**

*House: Adopted*

**H 734: INTERSTATE AGREEMENTS TO IMPROVE VOTER ROLLS.**

*Senate: Rec From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**H 765: JURY INSTRUCTIONS FOR SCHOOL BUDGET DISPUTE.**

*House: Reptd Fav Com Sub 2*  
*House: Cal Pursuant Rule 36(b)*

**H 779: LRC STUDY INFRASTRUCTURE/FORECLOSED PROPERTY (NEW).**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 784: WORTHLESS CHECK/PRESENT CASHED CHECK.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 785: COST-SHARING/TRANSPORTATION IMPROVEMENTS.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 794: VOTER FREEDOM ACT OF 2013.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 802: LANDLORD/TENANT/SHORTEN EVICTION TIME.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 813: BAN SYNTHETIC CANNABINOIDS (NEW).**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 817: STRATEGIC TRANSPORTATION INVESTMENTS (NEW).**

*House: Amend Adopted A1*

*House: Amend Failed A2*

*House: Passed 2nd Reading*

**H 820: JUDICIAL REFORM ACT.**

*House: Withdrawn From Com*

*House: Re-ref Com On Government*

**H 850: POSSESSION OF NEEDLES/TELL LAW OFFICER.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 853: SCHOOL FUNDING FORMULA CHANGES.**

*House: Withdrawn From Com*

*House: Re-ref Com On Appropriations*

**H 860: EXEMPT REAL PROPERTY FOR BURIAL PURPOSES.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

**H 918: ELECTIONEERING AND IE REPORTING CHANGES.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 919: CAMPAIGN FINANCE ELECTRONIC REPORTING.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 930: DOG BREEDING STDS./LAW ENFORCEMENT TOOLS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 935: NC PRE-K LAW CHANGES.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref to Health Care. If fav, re-ref to Education/Higher Education*

**H 937: AMEND VARIOUS FIREARMS LAWS.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

**H 951: ELIMINATE TAX DESIGNATION FOR POLITICAL PARTY.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

**H 968: INCREASE SUCCESSFUL CTE PARTICIPATION.**

*House: Withdrawn From Com*

*House: Placed On Cal For 05/09/2013*

**H 969: BROADEN SUCCESSFUL AP PARTICIPATION.**

*House: Withdrawn From Com*

*House: Placed On Cal For 05/09/2013*

**H 984: BUDGET AUTHORITY AMENDMENTS.**

*House: Reptd Fav*

*House: Re-ref Com On Appropriations*

**H 1009: FRATERNAL ORDER IMPROVEMENTS EXEMPTION.**

*House: Passed 1st Reading*

*House: Ref To Com On Finance*

**H 1010: HONOR LEANDER RESPASS.**

*House: Passed 1st Reading*

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

**H 1011: GOVERNMENT REORG. AND EFFICIENCY ACT.**

*House: Passed 1st Reading*

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

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/09/2013*

**S 32: PERIODIC REVIEW AND EXPIRATION OF RULES.**

*Senate: Passed 2nd Reading*

**S 58: CLARIFY STATUTE OF REPOSE (NEW).**

*House: Passed 1st Reading*

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

*House: Passed 1st Reading*

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

**S 78: LAW ENFORCEMENT PRIVACY/PUBLIC WEB SITES.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

**S 91: PROHIBIT EXPUNCTION INQUIRY.**

*Ratified*

**S 98: REQUIRE PULSE OXIMETRY NEWBORN SCREENING.**

*Signed by Gov. 5/8/2013*

*Ch. SL 2013-45*

**S 101: WC/INFLATION INDEXING FOR ORGAN INJURY/LOSS (NEW).**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

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

*Signed by Gov. 5/8/2013*

*Ch. SL 2013-47*

**S 127: ENERGY/ECONOMIC DEVELOPMENT MODIFICATIONS (NEW).**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Transportation*

**S 132: HEALTH CURRICULUM/PRETERM BIRTH.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

**S 193: MODIFY P3 ETHICS REPORTING REQUIREMENTS**

*Senate: Amend Adopted A1*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Engrossed*

*Senate: Amend Adopted A1*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Engrossed*

**S 199: ELECTRIC MEMBERSHIP CORPS/MEMBER CONTROL.**

*Senate: Withdrawn From Cal*

*Senate: Placed On Cal For 05/14/2013*

**S 240: DEVELOP RULES FOR RELEASE OF PATH MATERIALS.**

*Signed by Gov. 5/8/2013*

*Ch. SL 2013-43*

**S 252: INCREASE PENALTY/CONTROLLED SUBSTANCE CRIMES.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 264: ABATE NUISANCES/DRUG SALES FROM STORES.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

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

*House: Passed 1st Reading*

*House: Ref To Com On Judiciary Subcommittee C*

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

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

*House: Rec From Senate*

**S 354: REVISE AUDITOR'S RESPONSIBILITIES.-AB**

*House: Passed 1st Reading*

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

**S 369: NAME CHANGE REQUIREMENTS FOR MINORS.**

*Signed by Gov. 5/8/2013*

*Ch. SL 2013-42*

**S 370: RESPECT FOR STUDENT PRAYER/RELIGIOUS ACTIVITY (NEW).**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

**S 372: OMNIBUS COUNTY LEGISLATION.**

*House: Rec From Senate*

**S 420: UI LAWS ADMINISTRATIVE CHANGES (NEW).**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 443: DISPOSITION OF ABANDONED FIREARMS (NEW).**

*House: Passed 1st Reading*

*House: Ref To Com On Judiciary Subcommittee B*

**S 444: UNC/CHEROKEE LANGUAGE.**

*Senate: Reptd Fav*

**S 454: REGISTRATION OF PETROLEUM DEVICE TECHNICIANS.-AB**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 456: DESIGNATE PRIMARY STROKE CENTERS.**

*Signed by Gov. 5/8/2013*

*Ch. SL 2013-44*

**S 465: PROHIBIT USE OF TAX ZAPPER SOFTWARE.**

*Senate: Withdrawn From Cal*

*Senate: Re-ref Com On Appropriations/Base Budget*

**S 473: HEALTH COST TRANSP/SPEAKER AND PPT STANDING (NEW).**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

**S 476: NC CAPTIVE INSURANCE ACT.**

*House: Passed 1st Reading*

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

**S 483: DOJ LEASES/SETOFF DEBT (NEW).**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 489: CONSUMER FINANCE ACT AMENDMENTS.**

*House: Passed 1st Reading*

*House: Ref To Com On Banking*

**S 490: EXCLUDE CUSTOM SOFTWARE FROM PROPERTY TAX (NEW).**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 530: PROHIBIT E-CIGARETTE SALES TO MINORS.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 542: DRUG TESTING FOR LTC APPLICANTS & EMPLOYEES.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

**S 558: TREASURER'S INVESTMENTS.**

*House: Passed 1st Reading*

*House: Ref To Com On State Personnel*

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

*House: Passed 1st Reading*

*House: Ref To Com On Judiciary Subcommittee B*

*House: Passed 1st Reading*

*House: Ref To Com On Judiciary Subcommittee B*

**S 613: CREATE MILITARY AFFAIRS COMMISSION.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Rules and Operations of the Senate*

**S 634: INCREASE PENALTIES/UTILITIES THEFT (NEW).**

*House: Ref To Com On Judiciary Subcommittee C*

**S 635: TRANSMISSION LINE OWNERSHIP.**

*House: Withdrawn From Cal*

*House: Postponed To 05/14/2013*

**S 638: NC FARM ACT OF 2013.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

**S 719: STUDENT ORGANIZATIONS/RIGHTS & RECOGNITION.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

**LOCAL BILLS**

**H 133: CHARLOTTE AIRPORT COMMISSION CLARIFICATIONS.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

**H 314: AYDEN CHARTER/TERMS OF OFFICE EXTENDED.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 526: CHADBOURN VOLUNTARY ANNEXATION.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/09/2013*

**H 537: EDENTON-CHOWAN SCH. BD. TERMS.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 545: MODIFY HENDERSON CO. OCCUPANCY TAX.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/09/2013*

**H 567: LUMBERTON DEANNEXATION.**

*House: Reptd Fav*

*House: Re-ref Com On Government*

**H 671: MILLS RIVER/DEANNEXATION.**

*House: Passed 3rd Reading*

**H 870: DUPLIN COUNTY BOARDS OF COMMS. AND EDUC. (NEW).**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 05/09/2013*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 380: CHARLOTTE DOUGLAS INT'L AIRPORT COMMISSION**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

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