



## The Daily Bulletin: 2013-05-09

### PUBLIC/HOUSE BILLS

H 74 (2013-2014) [REGULATORY REFORM ACT OF 2013 \(NEW\)](#). Filed Feb 5 2013, *AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.*

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

Amends GS 150B-21.2(c) to require the notice of proposed text of a rule to include the text of the proposed rule, unless the rule is a readoption without substantive change to the existing rule proposed in accordance with GS 150B-21.3A (was, readoption without substantive changes to the existing rule proposed to keep a permanent rule from expiring).

Amends proposed GS 150B-21.3A by deleting the language proposed in the 1st edition and replacing it with the following. Provides that any rule for which the agency that adopted the rule has not conducted a review in accordance with the statute will expire on the date set in the schedule established by the Rules Review Commission (Commission) pursuant to the statute. Requires each agency subject to Article 2A to conduct a review of the agency's existing rule at least once every ten years in accordance with the following specified process. Requires the agency to analyze each existing rule and decide whether the rule is necessary with substantive public interest, necessary without substantive public interest, or unnecessary. The determination is to be posted and open to public comment. After reviewing and assessing the merits of the public comments, the agency must report to the Commission. The Commission must review the reports and if there is a comment on a rule the agency has determined to be necessary and without substantive public interest or unnecessary, the Commission must decide whether the comment has merit; if the comment does have merit, the rules must be designated as necessary with substantive public interest. Requires the Commission to report final determinations to the Joint Legislative Administrative Procedure Oversight Committee (Committee) for consultation. Provides that the final determination report does not become effective until that agency has consulted with the Committee. Provides for when the Committee does not hold the consultation meeting within 60 days and for the role of the General Assembly when the Committee disagrees with a determination.

Requires the Commission to establish a schedule for the review of existing rules according to the statute on a decennial basis by assigning each title of the Administrative Code a date by which the review must be completed. Provides that if the agency does not conduct the review by the set date, the rules in that title will expire.

Allows an agency to subject a rule that it determines to be unnecessary to review under the statute at any time by notifying the Commission that it wants to be placed on the schedule for the current year.

Repeals GS 150B-19.2 (review of existing rules).

**Intro. by Murry, Moffitt, Samuelson, Bryan.**

**GS 150B**

[View summary](#)

[APA/Rule Making](#)

H 94 (2013-2014) [AMEND ENVIRONMENTAL LAWS 2013](#). Filed Feb 12 2013, *AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL*

MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE DIRECTION TO THE MINING ENERGY COMMISSION CONCERNING ADOPTION OF RULES GOVERNING DISCLOSURE OF INFORMATION PERTAINING TO HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) AMEND THE DEFINITION OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (29) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (30) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (31) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (32) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (33) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; AND (34) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES; AND (36) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO CLARIFY ITS RULES THAT IMPLEMENT THE PROHIBITION ON SMOKING IN BARS AND RESTAURANTS AND (37) LIMIT REVIEW OF ENGINEERING WORK.

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

Repeals GS 143-215.108(g), which required holders of air pollution permits to submit a written description of plans to reduce emissions of air contaminants by source reduction or recycling.

Amends GS 130A-22 to require consideration of 11 specified factors in determining the amount of a solid waste penalty, including the type of waste involved, potential effect on public health and the environment, and damage to private property.

Amends Section 11.6(a) of SL 2011-394 to provide that all underground storage tank systems installed after January 1, 1991, and before April 1, 2001, are not required to provide secondary containment until January 1, 2020.

Amends GS 87-97 to add that the Commission for Public Health must adopt rules governing permits for private drinking water wells for circumstances where the local health department has determined that the proposed well site is located within 1,000 feet of a known source of release of contamination. The rules must provide for notice and information of the known source of release and any known risk of issuing a permit.

Makes organizational changes to the act and amends the act's title.

**Intro. by <p>McElraft, Samuelson, McGrady.</p>**

[GS 87](#), [GS 113A](#), [GS 130A](#), [GS 143](#)

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**Environment**

H 219 (2013-2014) [UPDATE REFERENCES/CHILD BORN OUT OF WEDLOCK \(NEW\)](#). Filed Mar 5 2013, *A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE WAYS CHILDREN BORN OUT OF WEDLOCK ARE REFERENCED IN THE GENERAL STATUTES BY REMOVING REFERENCES TO "ILLEGITIMATE" WHEN USED IN CONNECTION WITH AN INDIVIDUAL AND TO "BASTARDY", TO ALLOW A CHILD BORN OUT OF WEDLOCK TO INHERIT FROM A PERSON WHO DIED PRIOR TO OR WITHIN ONE YEAR AFTER THE BIRTH OF THAT CHILD IF PATERNITY CAN BE ESTABLISHED BY DNA TESTING, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO THE STATUTES BEING AMENDED.*

House committee substitute to the 1st edition deletes all provisions of the 1st edition and replaces it with the following.

Amends language throughout statutes in the following GS Chapters to replaces the terms illegitimate and bastardy with born out of wedlock: GS Chapter 6, 8, 14, 15, 29, 30, 31, 49, 50, 97, 130A, and 143. Makes other technical and clarifying changes.

Updates the act's titles.

**Intro. by Glazier, Stam, Faircloth, Michaux.**

[GS 6](#), [GS 8](#), [GS 14](#), [GS 15](#), [GS 29](#), [GS 30](#), [GS 31](#), [GS 49](#), [GS 50](#), [GS 97](#), [GS 130A](#), [GS 143](#)

[View summary](#)

**Civil Law, Family Law, Criminal Justice**

H 247 (SL 2013-46) (2013-2014) [FREEDOM TO NEGOTIATE HEALTH CARE RATES](#). Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS.*

A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS. Enacted May 8, 2013. Effective October 1, 2013.

**Intro. by Burr, Starnes, Avila, McElraft.**

[GS 58](#)

[View summary](#)

**Health Insurance, Health Care Facilities and Providers**

H 359 (2013-2014) [RETIREMENT ADMINISTRATIVE CHANGES ACT OF 2013](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS THAT WILL EXTEND THE TRANSFER BENEFIT OPTION TO PARTICIPANTS IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN, CLARIFY THE TIMING OF THE*

*SOCIAL SECURITY OFFSET FOR LONG-TERM DISABILITY BENEFITS, ESTABLISH A 415(M) BENEFITS PRESERVATION ARRANGEMENT AS ALLOWED UNDER FEDERAL LAW, AND PROVIDE THAT DOMESTIC RELATIONS ORDERS DIVIDING INTERESTS UNDER THE RETIREMENT SYSTEM MUST BE SUBMITTED ON APPROVED FORMS, AND TO CORRECT AN OVERSIGHT IN THE DISABILITY INCOME PLAN, AND TO AMEND THE PROVISIONS FOR ALLOWANCE OF RETROACTIVE MEMBERSHIP SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.*

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

Changes long title.

Amends GS 135-106(b), making clarifying changes to provisions dealing with long-term disability, providing that the amounts payable are to be reduced by Social Security disability benefits to which the beneficiary may be entitled, effective as of the first of the month following the month of initial entitlement.

Amends title of GS Chapter 135, Article 7, changing it to *Qualified Excess Benefit Arrangement*.

Amends GS 135-150, *Definitions*, deleting a reference to GS 128-28 in the definition of *Board of Trustees*. Amends the definition of *Retirement Systems* to only refer to the Teachers' and State Employees' Retirement System; deletes references to the NC Local Government Employees' Retirement System, the Consolidated Judicial Retirement System, and the Legislative Retirement System.

Amends GS 135-151, *Qualified Excess Benefit Arrangement*, making clarifying and conforming changes. Enacts new GS 135-151(j), establishing a sunset provision for participation in QEBA, which provides that no member of the Teachers' and State Employees' Retirement System retiring on or after January 1, 2015, will be eligible to participate in the QEBA.

Enacts new GS 128-38.10, *Qualified Excess Benefit Arrangement*, which amends the Retirement System for counties, cities, and towns to address QEBA. Establishes QEBA, effective January 1, 2014, and places it under the management of the Board of Trustees, with the sole purpose of providing part of the retirement allowance or benefit that would otherwise be payable by the NC Local Government Employees' Retirement System, except for the limitations under section 415(b) of the Internal Revenue Code (IRC). Sets out other provisions and regulations for the QEBA that apply to the NC Local Government Employees' Retirement System, which are identical to the provisions for the QEBA for the Teachers' and State Employees' Retirement System, including the above added sunset provision.

Amends GS 135-9, *Exemption from garnishment, attachment, etc.*, and GS 128-31, *Exemptions from execution*, providing that an Application for System approval of a domestic relations order dividing a person's interest under the Retirement System must be accompanied by an order consistent with the system-design template order provided on the System's website.

**Intro. by Moffitt.**

[GS 128, GS 135](#)

[View summary](#)

[Employment and Retirement](#)

H 433 (2013-2014) [LAND USE SURROUNDING MILITARY INSTALLATIONS](#). Filed Mar 26 2013, *A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE.*

Senate committee substitute makes the following changes to the 4th edition.

Amends GS 143-151.71, *Definitions*, deleting *Secretary* and *State Construction Office*. Adds and defines *Building Code Council* and *Commissioner*. Adds Air Route Surveillance Radar (ARSR-4) at Fort Fisher to the definition for *Major Military Installation*.

Deletes the occurrence of the words *State Construction Office* throughout the act, replacing them with *Building Code Council*. Makes related conforming changes.

Enacts new GS 143-151.75(e), providing that the Building Code Council can meet by telephone, video, or internet conference, so long as it is consistent with applicable law regarding public meetings, in order to make a decision on a request for an endorsement for the construction of a tall building or structure pursuant to subsection (d) of this statute.

Deletes the provisions and title of GS 143-151.77, *Injunctive relief*, of the previous edition, providing for new a section titled *Enforcement and penalties*. New section establishes civil penalties for violations of the rules adopted pursuant to this article. Provides the maximum civil penalty for a violation is \$5,000. Sets out the process and procedure for the Commissioner to determine the amount of the civil penalty. Provides for notice of the assessment and provides the process for instituting a civil action upon nonpayment.

Enacts new GS 13-138(j2), which establishes that, pursuant to Article 9G of GS 143, the Building Code Council is authorized to review and endorse proposals for the construction of tall buildings or structures in the areas surrounding major military installations, as those terms are defined.

**Intro. by J. Bell, Stam, McElraft, Whitmire.**

[GS 143](#)

[View summary](#)

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

H 473 (2013-2014) [NC CAPTIVE INSURANCE ACT](#). Filed Mar 28 2013, *A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT*.

House committee substitute to the 3rd edition makes the following changes. Amends proposed GS 58-10-455 to delete the specified taxation provisions and instead provides that a captive insurance company is taxed according to Article 8B of GS Chapter 105. Adds the term captive insurance company to GS 105-228.3. Enacts new GS 105-228.4A to levy taxes on a captive insurance company. Provides that captive insurance companies subject to the tax levied under the section are not subject to franchise taxes, income taxes, local privilege taxes, local taxes based on gross premiums, or the insurance regulator charge imposed by GS 58-6-25. Sets out the tax rate to be applied to assumed reinsurance premiums and the rates for tax on direct premiums. Sets both the floor and cap on the total tax liability. Sets out further requirements for the taxation of a captive insurance company that is a special purpose financial captive if it is under common ownership and control with one or more other captive insurance companies. Makes conforming changes to GS 105-228.5 and GS 58-6-25.

**Intro. by Dockham, Howard, Johnson, Tine.**

[GS 105, GS 58, GS 97](#)

[View summary](#)

[Insurance, Tax](#)

H 477 (2013-2014) [ALLISON'S LAW/USE OF GPS TRACKING DEVICE/DVPO](#). Filed Mar 28 2013, *A BILL TO BE ENTITLED AN ACT ALLOWING A COURT TO CONSIDER AS A TYPE OF RELIEF IN GRANTING A DOMESTIC VIOLENCE PROTECTIVE ORDER THE USE OF A GPS TRACKING DEVICE ON A PERSON WHO HAS COMMITTED ACTS OF DOMESTIC VIOLENCE AND REQUIRING THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY TO REPORT ON IMPLEMENTATION AND COST IMPACT*.

House committee substitute to the 1st edition makes the following changes. Amends proposed GS 50B-3(a)(9) to require the tracking device send a signal indicating the defendant's location when the defendant is at any prohibited location (was, is at or near any prohibited location). Amends the effective date of this section of the act to provide that it applies to protective orders granted on or after the July 1, 2014 effective date.

Adds a requirement, effective when the act becomes law, that the North Carolina Department of Public Safety, in consultation with the NC Sheriff's Association, report to the Joint Legislative Oversight Committee on Justice and Public Safety by April 1, 2014, with recommendations on implementation and on cost impacts of allowing a court to order electronic monitoring of a defendant who has committed domestic violence.

Makes conforming changes to the act's title.

**Intro. by Lambeth, S. Ross, Schaffer.**

GS 50B

[View summary](#)**Family Law, Department of Public Safety**

H 609 (2013-2014) [NC CANCER TREATMENT FAIRNESS ACT](#). Filed Apr 8 2013, *A BILL TO BE ENTITLED AN ACT RELATING TO HEALTH BENEFIT PLAN COVERAGE FOR ORALLY ADMINISTERED ANTICANCER DRUGS.*

House amendment to the 3rd edition makes the following changes.

Amends GS 58-3-282 to add that any insurer that limits the total amount paid by a covered person through all in-network, cost-sharing requirements to no more than \$300 per filled prescription for any oral anticancer drug will be considered in compliance with the statute. Provides for what is included in cost-sharing requirements.

**Intro. by Lewis, T. Moore, L. Hall, Burr.**

GS 58

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

H 612 (2013-2014) [CONFINEMENT OF ANIMALS IN MOTOR VEHICLES](#). Filed Apr 8 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO CONFIN ANIMALS IN MOTOR VEHICLES UNDER CIRCUMSTANCES THAT THREATEN THE ANIMALS' HEALTH.*

House committee substitute to the 1st edition makes the following changes. Amends proposed GS 14-362.4 to make it unlawful to willfully confine an animal (was, unlawful to confine an animal) in a vehicle under conditions that threaten the animal's life. Also removes lack of food or water from the list of endangering conditions. Adds that the section is not to be construed to apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock.

**Intro. by Harrison, Saine, R. Brown, Horn.**

GS 14

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

H 615 (2013-2014) [REMOVE REVOCATION FOR DWLR \(NEW\)](#). Filed Apr 9 2013, *A BILL TO BE ENTITLED AN ACT TO REPEAL THE PUNISHMENT OF REVOKING A PERSON'S DRIVERS LICENSE FOR COMMITTING CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES; TO MAKE DRIVING WHILE LICENSE REVOKED A NON-MOVING VIOLATION FOR CERTAIN PURPOSES; AND TO MAKE OTHER CONFORMING CHANGES.*

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

Amends GS 20-28(a) to delete provision that prohibited a person who violated the subsection (driving while license revoked) from receiving a prayer for judgment continued under any circumstances. Makes a conforming change to the title.

**Intro. by Ramsey, Baskerville, Turner.**

GS 20

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

H 675 (2013-2014) [AMEND PHARMACY LAWS](#). Filed Apr 9 2013, *A BILL TO BE ENTITLED AN ACT AMENDING LAWS PERTAINING TO THE REGULATION OF PHARMACY TECHNICIANS, PHARMACY AUDITS, AND PRESCRIPTIONS FOR SCHEDULE II SUBSTANCES.*

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

Amends GS 90-85.15A to require the training to be provided (was, conducted) by the supervising pharmacist-manager. Requires the pharmacist-manager to notify the NC Board within 21 days (was, 10 days in previous edition) of the date that the pharmacy technician began employment.

Amends GS 90-85.50(b), adding an additional provision regarding the rights of a pharmacy subject to an audit by any responsible party, providing that the recoupment of claims have to be based on the actual financial harm to the entity or actual overpayment or underpayment. Sets out procedures for calculating overpayments. Also adds that an entity conducting an audit may have access to a previous audit report only if it was prepared by that entity. Provides that if the audit is conducted by a vendor or subcontractor, that entity must identify the responsible party on whose behalf the audit is being conducted without having this information being requested. Provides that the pharmacist has the right not to be subject to recoupment on any portion of the reimbursement of dispensed product of the prescription (was, on any portion of the product costs of the prescription), except in causes of fraud or other misrepresentation evidenced by a review of the claims data, statements, physical review, or other investigative methods (was, except in cases of fraud or misrepresentation).

Amends GS 90-85.52, *Pharmacy audit recoupments*, deleting GS 90-85.52(d), regarding the amount of recoupment and the product cost of the prescription.

**Intro. by Murry, Martin, Wray, Wilkins.**

GS 90

[View summary](#)

**Occupational Licensing**

H 680 (2013-2014) [START-UPS ACT/NEW MARKETS TAX CREDIT ACT. \(NEW\)](#) Filed Apr 9 2013, *A BILL TO BE ENTITLED AN ACT TO ENACT THE JUMP-START OUR BUSINESS START-UPS ACT AND TO ENACT THE NEW MARKETS JOBS ACT OF 2014.*

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

Amends GS 78-17 to add a new exemption to the list of transactions that are exempt from the registration and filing requirements to include the offer or sale of securities conducted in accordance with proposed GS 78A-17.1, the Invest NC exemption.

Recodifies the Invest NC exemption as new GS 78A-17.1 (was, GS 78A-19). Clarifies that an offer or sale of a security by an issuer is exempt from registration requirements under GS 78-24 and filing requirements under GS 78A-49(d) providing that the offer or sale is conducted in accordance with specified requirements.

Requires the issuer to file a notice with the Securities Administrator (Secretary of State) no less than 10 days before beginning to offer securities under the exemption. Requires the notice to include certain specified information including a disclosure statement to be provided to investors and an escrow agreement between the issuer and a North Carolina bank or depository institution. Requires that the funds received from investors be held until the minimum target offering amount is reached and that investors may cancel their purchase if the target is not reached. Directs the issuer to inform all purchasers under this section that the securities have not been registered under federal or state securities law. Expands the language that the issuer must conspicuously display words as specified in this section on the cover page of the document disclosing specified information as to making an investment decision.

Expands the list of requirements that must be met if the offer and sale of securities is made through an Internet web site to include provisions regarding notice, maintenance of records, and payments for the purchase of securities. Specifies requirements, which if met, exempts the website from the registration provisions of GS 78A-36. Also extends the exemption under GS 78A-36 to an executive officer, director, managing member, or person of similar status performing functions in the name of and on behalf of the issuer providing that such persons do not receive, directly or indirectly, any commission or remuneration for offering and selling the issuer's securities under this exemption.

Deletes provision that provides for a disqualification for the exemption allowed by this section if any of certain specifications apply to an issuer or a person affiliated with the issuer or offering within five years prior to the offering. Instead provides for disqualification for the exemption if an issuer or person affiliated with the issuer or offering is subject to any qualifications contained in 18 NCAC 06A. 1207(a)(1) through (a)(6) or contained in Rule 262 as promulgated under the Securities Act of 1933 (17 CFR 230.262).

Directs the Administrator to charge a nonrefundable filing fee of \$150 for filing the exemption notice.

Makes a conforming change to GS 78A-49(d) regarding the informational filing requirement.

Requires the Secretary of State (Administrator) to adopt rules to implement this act within 12 months. Provides for a 15-day notice and comment period and requires the Administrator to hold at least one public hearing on the rules. Provides that the rules become effective on the first day of the month following the date the rules are adopted and sent to the Codifier of Rules for entry into the Administrative Code. Provides that this provision expires 12 months after the effective date of this act.

Replaces references to the authority and actions of the "Commissioner" with "Administrator" or its equivalent under this act, the "Secretary of State," wherever it occurs. Makes conforming changes.

Provides that this act is effective when it becomes law and expires on July 1, 2017.

**Intro. by Murry, Moffitt, Shepard, Hastings.**

[GS 78A](#)

[View summary](#)

[Business and Commerce](#)

H 710 (2013-2014) [WATER UTILITY RECOVERY](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO PERMIT WATER UTILITIES TO ADJUST RATES FOR CHANGES IN COSTS BASED ON THIRD-PARTY RATES AND TO AUTHORIZE THE UTILITIES COMMISSION TO APPROVE A RATE ADJUSTMENT MECHANISM FOR WATER AND SEWER UTILITIES TO RECOVER COSTS FOR WATER AND SEWER SYSTEM IMPROVEMENTS.*

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

Makes technical changes.

Amends GS 62-133.13, defining *eligible sewer system improvements* to mean: (1) collection main extensions installed to implement solutions to wastewater problems, (2) improvements necessary to reduce inflow and infiltration to the collection system to comply with applicable laws and regulations, (3) unreimbursed costs of relocating facilities due to highway construction or relocation projects, and (4) mechanical equipment installed as in-kind replacements for customers.

**Intro. by Hager.**

[GS 62](#)

[View summary](#)

[Public Enterprises and Utilities](#)

H 773 (2013-2014) [LOCAL GOV'TS/BLDGS/STRUCTURES/INSPECTIONS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT REVISING THE CONDITIONS UNDER WHICH COUNTIES AND CITIES MAY INSPECT BUILDINGS OR STRUCTURES.*

House committee substitute to the 1st edition make the following changes. Provides that the definition of reasonable cause in GS 153A-364 and GS 160A-424 means the property (was, landlord or owner) has a history of more than two verified violations of the housing ordinances or codes within a 12-month period, or meets other specified conditions.

**Intro. by W. Brawley, Moffitt, Hardister, Brisson.**

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

[View summary](#)

[Building and Construction, Local Government](#)

H 802 (2013-2014) [LANDLORD/TENANT/SHORTEN EVICTION TIME](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD AND TENANT RELATIONSHIPS TO SHORTEN THE TIME PERIOD REQUIRED TO EVICT A TENANT.*



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

Amends GS 7A-222 to clarify that in a small claim action to evict a tenant, the magistrate is required to render judgment on the same day on which the evidence is concluded and submission of legal authorities occurs, except (1) when the parties agree on an extension of additional time for entering the judgment and (2) when the summary ejection (eviction) case is more complex. Provides examples of more complex summary ejection cases.

Deletes provision prohibiting a magistrate from continuing any summary ejection action for more than five days without the express consent of the plaintiff and requiring a magistrate to pay \$50 per day to the plaintiff, excluding weekends and legal holidays, for the number of days the magistrate continued the summary ejection action beyond the time periods specified in this section. Instead, provides that if either party in the action moves for a continuance, the magistrate must render a decision on the motion under Rule 40(b) of the Rules of Civil Procedure. (Rule 40(b) provides that a continuance may be granted only for good cause shown and upon such terms and conditions as justice may require.) Prohibits the magistrate from continuing an action for more than five days without the consent of both parties.

Amends GS 7A-228 to delete requirement that written notice of appeal in a summary ejection action under Article 3 of GS Chapter 42 must be filed with the clerk of superior court within five days after the judgment is entered and reverts to current law, which provides 10 days for the filing of an appeal in a summary ejection action. Makes conforming changes. Provides that if the appealing party petitions to qualify as an indigent and the petition is denied, the appealing party has an additional five days to perfect the appeal in the summary ejection action by paying the court costs. Makes conforming changes, deleting all amendments to subsection (b1) of GS 71-228 from the 1st edition. Amends subsection (c) of this section to identify actions required of the defendant in a summary ejection case and provides that a plaintiff may file a motion to dismiss if a defendant fails to adhere to the listed requirements.

Amends GS 42-25.9 to allow a landlord to dispose of personal property remaining on the premises seven business days (was, five days), after being placed in lawful possession by execution of a writ of possession. Deletes requirement for notice to the tenant three days before the landlord sells the tenant's property and reverts to current law, which requires seven days' notice. Requires surplus proceeds to be disbursed to the tenant, upon request, within seven business days (was, five days) after the sale. Makes conforming changes.

Deletes changes made in the 1st edition to GS 42-28 regarding the issuance of a summons by the clerk. Provides that in counties with a population of at least 300,000, the clerk, after the summons is issued, is to adhere to the wishes of the plaintiff to either (1) return the summons to the plaintiff or (2) forward the summons to the sheriff.

Amends GS 42-49 to provide that in counties with a population of at least 300,000, for the purposes of this section only, the term "officer" as used in subsection (a) of this section means (1) any person, over 21, who is not a party to the action and is employed by the plaintiff to serve the summons and complaint in summary ejection or (2) the sheriff of the county where the premises are located.

Deletes changes to GS 42-36.2, which shortened from ten days to five days the amount of time allowed for the release of property, storage of property, and for the tenant to request release of the property and reverts to current law, which provides for ten days for those actions. Provides that after a landlord has lawful possession of a tenant's property, if the landlord offers to release the tenant's property and the tenant fails to retrieve that property during the landlord's regular business hours within seven business days, the landlord may sell, throw away, or otherwise dispose of the property in accordance with the provisions of GS 42-25.9(g).

Directs the Administrative Office of the Courts to develop a form for parties in summary ejection actions in small claims court to inform them of the process and the time line in summary ejection actions.

**Intro. by Earle, T. Moore, W. Brawley, Cunningham.**

[GS 7A, GS 42](#)

[View summary](#)

[Civil Law, Property and Housing](#)

H 810 (2013-2014) [MODIFY CERTAIN CEMETERY REQUIREMENTS](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO MODIFY THE COUNTY POPULATION AND MINIMUM ACREAGE REQUIREMENTS IN CERTAIN TRACTS OF LAND USED AS*

*CEMETERIES.*

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

Amends GS 65-55 to provide that in counties with a population of less than 100,000 according to the latest federal ten-year census, the cemetery acreage tract needs to be only 15 acres, (was, 20 acres). Makes conforming and organizational changes to GS 65-69. Adds new subsection (e) to GS 65-69 to provide that a licensee with less than 30 acres of unencumbered land for use after the sale of lands under subsection (b), in a county with a population of less than 100,000 according to the latest federal ten-year census, must transfer an amount to the perpetual care fund equal to 3% of the gross sales price at fair market value of up to 15 acres sold within 60 days of the sale.

Amends the title.

**Intro. by Boles.**

GS 65

[View summary](#)

**Public Health**

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

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

Amends GS 90-210.23, *Powers and duties of the Board*, providing that the reinspection fee for funeral establishments or embalming facilities that fail to meet the article's requirements is to be based on the actual costs of reinspection, after considering the salary of any employees involved and any expenses incurred during the reinspection, but will not exceed \$300 per reinspection (previously, no fee limit was included). Creates new GS 90-210.23(e2), which provides that if, after any inspection, a funeral establishment is found to have required documents that are not in compliance, the Board can charge a reinspection fee, which cannot exceed \$25 per submission, to determine whether the documents are in compliance.

Amends GS 90-210.25, *Licensing*, making technical changes to statute citations and a typographical change.

Amends GS 90-210.25(a)(5)(a2), making technical changes. Adds new criteria to established criteria that allows a licensee to practice funeral directing or funeral service without owning, being employed by, or being an agent of a licensed funeral establishment, to include (1) obtaining and maintaining professional liability insurance with limits of at least \$1 million, with specified requirements for submitting proof of the insurance and notifying the Board of any change to such insurance and (2) providing funeral directing services to no more than two funeral establishments, with a requirement to submit identifying information of the establishments to the Board annually, with any changes due to the Board within 30 days of change.

Makes a clarifying change to GS 90-210.25(a)(5)(d)(5).

Creates new GS 90-210.25(a)(5)(d)(6), in regards to establishment permits, providing that a funeral establishment cannot contract or affiliate with more than two licensees which are permitted under GS 90-210.25(a2)(2). Also requires any funeral establishment that contracts with such a licensee to report specified information to the Board, with any changes to the submitted information due to the Board within 30 days of the change occurring.

Makes a clarifying change to GS 90-210.25(a)(5)(e)(p).

Amends GS 90-210.25(a)(5)(f), in regards to unlawful practices, providing that any person who knowingly or willfully abuses (previously, also included carelessly neglects), mutilates, or fails to treat with reasonable care (previously, also included concern) a dead human body in a person's custody will be guilty of a Class 2 misdemeanor.

Amends GS 90-210.27A, which allows the suspension of the requirements for preparation rooms in funeral establishments if the preparation room is damaged by fire, weather, or other natural disaster. Allows suspension for a period not to exceed 180 days (was, 90 days), provided the establishment complies with other specified requirements and laws. Establishes that in order to receive a suspension of more than 90 days, the applicant will have to show good cause for the additional time. Provides that, in regards to chapel registration, a registrant will have to, on or after January 1 for which the chapel is to be registered, pay a late fee in addition to the fee to register the chapel, if registration is not already paid. Also establishes liability insurance

requirements for funeral establishments, which must have limits of at least \$1 million. Sets out other requirements regarding the maintaining of liability insurance. Establishes that human remains must be stored in a licensed funeral establishment or licensed crematory when the remains are not in transit for visitation or funeral service.

Amends GS 90-210.28, *Fees*, establishing a Funeral Industry Practices document reinspection fee of \$25.

Amends GS 90-210.29B, *Exemptions from public records*, providing that documents containing information collected or compiled by the Board or its inspectors or employees as a result of a complaint, investigation, audit, or interview in connection with a licensee, permittee, or registrant or any application (previously, only included licensee) for a license, permit, or registration is not considered public record until the Board has taken final action.

Amends GS 90-210.63(a)(4), providing that any funeral establishment holding a permit that accepts the transfer of a preneed funeral contract after the death of the contract beneficiary must file the certificate of performance with the Board and mail a copy to the contracting preneed licensee. Sets out requirements in cases where the funeral contract is performed in another state.

Amends GS 90-210.64(d), increasing the applicable preneed funeral fund balances to \$1,000 or less (was, \$500 in previous edition).

Amends GS 90-210.67, providing that a preneed sales licensee may sell preneed funeral contracts, prearrangement insurance policies, and make funded funeral prearrangements only on behalf of one preneed funeral establishment licensee; provided, however, the preneed sales licensee may also sell preneed funeral contracts or preneed insurance policies at any preneed establishment owned by the same corporation or at two or more preneed establishments owned by different individuals, corporations, or business entities located within a 30-mile radius.

Enacts new GS 90-210.68(a2), establishing that in January 2015, and each subsequent January, preneed licensees must prepare and submit an annual report to the Board on its preneed funeral contract sales and performance of preneed funeral contracts.

Deletes GS 90-210.69(c)(3), which previously established that a conviction involving a crime of fraud or moral turpitude could be used by the Board as a basis to refuse to issue or renew a license, or to suspend or revoke a license.

Amends GS 90-210.123, *Licensing and inspection*, providing that an owner of a cremation facility must be a licensed funeral director or funeral service licensee. Establishes that any crematory inspected and found to not meet all of the requirements of this Article must pay a reinspection fee for each additional inspection. Reinspection fee cannot exceed \$300 per reinspection. Makes conforming and clarifying changes.

Enacts new GS 90-210.123(f1), providing that a crematory must sell or offer only cremation services, including the making of preneed cremation arrangements, or sell or offer containers, urns, and other cremation merchandise through a person licensed by the Board to practice funeral directing or funeral service who is an owner, employee, or agent of the crematory.

Amends GS 90-210.124(b), providing in what circumstances the director of social services becomes vested with all interests and rights to a dead body. Establishes that the director must authorize and arrange for disposition, including cremation, of the body.

Amends GS 90-210.129, providing that for any death occurring in North Carolina certified by the attending physician or other person authorized by law to sign a death certificate under the supervision of a physician, the body will not be cremated before the crematory licensee receives a death certificate signed by the person authorized to sign the death certificate. Provides exceptions to the prohibitions on cremating more than one person in the same cremation chamber.

Amends GS 90-210.132(a), making a clarifying change.

Amends GS 130A-415(a), exempting licensed funeral directors or funeral service licensees in North Carolina from the provisions of this subsection. Enacts new GS 130A-415(j), requiring funeral directors or funeral service licensees in North Carolina, with physical possession of a dead body, to make reasonable efforts to contact relatives of the deceased or other persons who might wish to claim the body for final disposition. Sets out procedures and responsibilities to follow if the body remains unclaimed. Makes conforming changes.

Enacts new GS 130A-420(b1), establishing that a person who does not exercise his or her right to dispose of the decedent's body under subsection (b) of this section within five days' notice or 10 days from the date of death, whichever is earlier, is

deemed to have waived his or her right to authorize disposition of the decedent's body or to contest disposition. Sets out who retains authority of decedent's body in the case of a waiver occurring.

Effective December 1, 2013 (was, Section 15 effective January 1, 2015, with the remainder effective January 1, 2014).

**Intro. by Boles.**

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

[View summary](#)

[Health](#)

H 818 (2013-2014) [UNIVERSITY ENERGY SAVINGS CONTRACTS \(NEW\)](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL QUALIFIED UNC INSTITUTIONS TO SELF-PERFORM ENERGY CONSERVATION MEASURES.*

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

Changes the short and long titles.

Deletes all the proposed provisions of the previous edition.

Amends GS 143-64.17L, *Board of Governors may authorize energy conservation measures at constituent institutions*, providing that the Board of Governors can authorize Appalachian State University, East Carolina University, North Carolina A & T State University, the University of North Carolina at Chapel Hill, the University of North Carolina at Charlotte, and the University of North Carolina at Greensboro, in addition to NC State, to implement an energy conservation measure without entering into a guaranteed energy savings contract pursuant to this section.

Effective July 1, 2013.

**Intro. by Hager, Ramsey.**

[GS 143](#)

[View summary](#)

[Higher Education, Energy](#)

H 820 (2013-2014) [JUDICIAL REFORM ACT](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO ABOLISH THE COURTS COMMISSION AND PROVIDE THAT THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY SHALL PROVIDE OVERSIGHT OF THE COURTS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO PROVIDE FOR THE BEST AND MOST EFFICIENT USE OF DISTRICT COURT RESOURCES BY ENSURING THAT MAGISTRATES ARE USED FULLY FOR TRAFFIC COURT AND OTHER MATTERS TO WHICH THEY MAY BE ASSIGNED SO THAT DISTRICT COURT JUDGES ARE AVAILABLE FOR SPECIALIZED CASES AND OTHER MATTERS MORE SUITED TO THE EXPERTISE OF A DISTRICT COURT JUDGE.*

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

Amends GS 7A-142 to delete changes to the 1st edition, which eliminated the nomination process for filling the unexpired term of a vacating judge. Reinstates provisions for current law calling for a nomination process with the appointment to be made by the governor, exceptstates that the Governor *may* select from the nominations submitted by the bar of the judicial district as defined in GS 84-19 with some specified exceptions (was, appointment by the Governor from the nominations submitted by the bar of the judicial district). Also provides that the bar of the judicial district has 30 days to submit nominations to the Governor. Does not reinstate provisions that directed the governor to fill the vacancy within 60 days after the district bar submitted its nominations, nor those providing that failure by the Governor to appoint a district bar nominee to fill the vacancy will result in the nominee with the highest number of votes from the district bar filling the vacancy, or that if the district bar fails to meet the 30-day deadline, the Governor may fill the vacancy without waiting for nominations.

Amends GS 7A-146(b) to clarify that the chief district judge is to ensure the best and most efficient use of court resources by making the fullest use of magistrates for less complex cases and for administrative and other matters (was, for traffic court and for administrative and other matters) to which magistrates are assigned so as to leave district court judges available for matters more suited to the expertise of a district court judge.

**Intro. by Burr.**

GS 7A, GS 120

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

H 832 (2013-2014) [EXPAND PHARMACISTS' IMMUNIZING AUTHORITY](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.*

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

Amends GS 90-85.15B, *Immunizing pharmacists*, providing that except as provided in subsection (b), an immunizing pharmacist can administer vaccinations or immunizations only if the vaccinations or immunizations are recommended or required by the Centers for Disease Control (CDC) and administered to persons at least 18 years old pursuant to a specific prescription order. Sets out the specific vaccinations or immunizations that can be administered and the written protocols and regulations that must be adhered to in the administering of the vaccinations or immunizations. Also provides that the pharmacist cannot administer specified tetanus- or pertussis-related shots if the patient discloses that he or she has an open wound, puncture, or tissue tear. Makes clarifying changes.

Deletes proposed changes to GS 130A-154(a).

Deletes Section 7 of the act, which specified the rule that governs the administration of the flu, pneumococcal and zoster vaccines by an immunizing pharmacist.

Directs specified special interest groups to cooperate and collaborate on recommending minimum standards for screening questionnaires and safety procedures for written protocols for the administration of vaccinations or immunizations under GS 90-85.15B(b). Sets out the procedures and different time requirements for completing such.

**Intro. by Avila, Lewis, Foushee, Glazier.**

GS 90, GS 130A

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

H 834 (2013-2014) [MODERN STATE HUMAN RESOURCES MANAGEMENT/RTR \(NEW\)](#). Filed Apr 10 2013, *AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE'S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING AND TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO MAKE IT UNLAWFUL FOR HEALTH CARE PROVIDERS TO CHARGE FOR PROCEDURES OR COMPONENTS OF PROCEDURES THAT WERE NOT PROVIDED OR SUPPLIED; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO PROVIDE THAT HOSPITALS RECEIVING MEDICAID REIMBURSEMENTS PARTICIPATE IN THE NORTH CAROLINA HEALTH INFORMATION EXCHANGE NETWORK.*

House committee substitute makes the following changes. Deletes the provisions of the 1st edition and provides for the following.

#### **Organizational and Administrative Changes.**

Amends GS 126-3 to move the Office of State Personnel (OSP) to the Office of the Governor (was, in the Department of Administration). Amends GS 126-3(a)(8) to add to the OSP's duties developing standards to measure compliance with procedures and standards for performance management, development, and evaluation. Amends GS 126-4 to provide that the State Personnel Commission may not provide for more than 12 (was, 11) paid holidays per year, with three paid holidays given at Christmas (was, 11 days, with 12 given in years where Christmas falls on a Tuesday, Wednesday, or Thursday).

**State Personnel Commission Changes.**

Amends GS 126-2 to amend the appointment of members of the State Personnel Commission. Specifies that each member is to be appointed to a four-year term. Specifies dates on which the terms of members serving as of January 1, 2013, will expire.

**Probationary and Career State Employees.**

Amends GS 126-1.1 to provide that for the purposes of GS Chapter 126, probationary state employee means one who is in a probationary appointment and is exempt from the provisions of the State Personnel Act only because the employee has not been continuously employed by the state for the required time period. Provides that for the purposes of GS Chapter 126, a career state employee is a state or local entity employee covered by the chapter who (1) is in a permanent position and permanent appointment (was, permanent position and appointment) and (2) has been continuously employed by the state or local entity in a position subject to the State Personnel Act for the immediate 12 (was, 24) preceding months. Repeals GS 126-15.1 (*Probationary State employee defined*).

**Exempt Position Modifications.**

Amends GS 126-5 to allow the Governor to designate 1,500 (was, 1,000) positions as exempt from the State Personnel Act. Adds the Office of Information Technology Services, the Office of State Budget and Management, and OSP to those departments and offices from which the exempt positions are designated. Makes conforming changes to GS 147-33.77(a). Repeals GS 126-5(e) (allowing exempt employee to be transferred, demoted, or separated from his or her position by the department head authorized to designate the exempt position, with exceptions) and (f) (allowing a department head to use existing budgeted positions within his department to carry out the provisions of subsection (e)).

**Reduction in Force.**

Amends GS 126-7.1 to provide that if a state employee who has been separated due to reduction in force or who has been given notice of imminent separation because of such reduction accepts or rejects an offer of a state employee position equal to or lower in salary grade position, then the acceptance or denial satisfies and terminates the one-time 12-month priority consideration provided for in the statute.

Applies to reductions in force implemented on or after the date that the act becomes law.

**Employee Grievances.**

Amends Article 8, Employee Appeals of Grievances and Disciplinary Action, of GS Chapter 126. Enacts new GS 126-34.01 and GS 126-34.02 as follows. Requires any state employee that has an employment grievance to first discuss it with his or her supervisor (unless the problem is with the supervisor), then the employee must follow the procedure that has been established by the employee's agency and approved by the State Personnel Commission (Commission). Allows applicants for state employment, state employees, and former state employees to file a grievance with the Commission if the individual has followed the agency grievance procedure. States the duties of the Office of State Personnel in administering the grievance hearing process. Requires a decision be recommended to the Commission within 60 days of the hearing. If the recommended decision is rejected, the Commission must issue its own decision within 90 days. The Commission's decision is subject to review of the Office of Administrative Hearings (OAH), which must make a decision within 60 days. If no order is entered by OAH, the Commission's decision is final and subject to judicial review. The OAH decision is also subjected to judicial review. Specifies issues that may be grieved to the Commission after completing the agency grievance procedure, concerning discrimination or harassment, retaliation, just cause for dismissal, demotion, suspensions, veteran's preference, failure to post a position, and whistleblower. Provides that any issue for which appeal to the Commission has not been specifically authorized is not grounds for a grievance to the Commission or any other state forum. Places the burden of showing an employee was discharged, demoted, or suspended for just cause on the employer; with all other appeals, the burden of proof rests on the employee. Provides that a Commission decision is advisory for covered local government employees. Allows awarding attorneys' fees to an employee where reinstatement or back pay is ordered or when an employee prevails in a whistleblower grievance. Makes conforming changes to GS 126-7.2.

Amends GS 126-34.2 by deleting existing provisions and allowing the Commission to adopt alternative dispute resolution procedures for matters constituting and not constituting grounds for a grievance.

Enacts new GS 126-34.3 to allow a reviewing court to reverse or modify the Commission's decision if the decision is unreasonable or the award of witness or attorneys' fees is inadequate.

Deletes provisions in GS 126-34 (grievance appeal for career state employees), GS 126-34.1 (grounds for contested case under the State Personnel Act), GS 126-36 (appeal of unlawful state employment practice), GS 126-36.2 (appeal to OAH by career state employee denied notice of vacancy or priority consideration), GS 126-37 (ALJ's final decision), GS 126-38 (time limit for appeals), GS 126-39 (scope of the article), and GS 126-41 (attorney and witness fees).

#### **Other Modernizing and Conforming Changes.**

Amends GS 126-16 to extend the statute's provisions to state institutions as well as agencies and departments and local political subdivisions. Requires that equal opportunity for employment and compensation also be given without regard to disability or genetic information and removes references to creed.

Amends GS 126-60.1 to require all state agencies, departments, institutions, and UNC to enroll new supervisors or managers in the Equal Employment Opportunity training within one year of appointment.

Amends GS 126-19 to require Equal Employment Opportunity plans be submitted annually. Deletes the required Commission report to the General Assembly on the status of the Equal Employment Opportunity plans and programs. Requires the State Personnel Director to provide (was, maintain current) services related to Equal Employment Opportunity, including training and evaluation. Requires the services to be provided by qualified personnel and deletes further personnel requirements.

Amends GS 126-25 to remove the provision allowing appeal of an objection to materials in employee's file because it is inaccurate or misleading to the State Personnel Commission (SPC) and deletes provisions related to destroying the material. Makes language gender neutral. Amends GS 126-26 to refer to rules and policies instead of rules and regulations.

Amends GS 126-6.2 to add to the reporting requirement reporting on any other human resources functions or actions as may be required in order for the Office of State Personnel to evaluate efficiency, productivity, and compliance with policies. Deletes required reporting on the modification of position descriptions resulting in changes in position qualifications. Requires the Commission to report to the Joint Legislative Commission on Governmental Operations on the costs associated with the defense or settlement of lawsuits, and upon request, on the results of any other reports regarding human resources actions or functions (was, also on the use of position qualification equivalencies). Deletes the requirement that the Commission report on the outcomes concerning hirings, promotions, disciplinary actions, and compensation based on demographics.

Repeals the following: GS 126-14.4 (remedies) and GS 126-79 (report on the status of the Work Options Program).

Amends GS 126-8.3 to add state agencies and departments to those that must report on the voluntary shared leave program and requires that the report now be made to the OSP. Deletes the Commission reporting requirement.

Repeals GS 126-7(b) (requiring the Commission to conduct annual compensation surveys) and enacts new GS 126-7.3 requiring the Commission to conduct annual compensation surveys. The survey results must be presented to the House and Senate Appropriations Committees no later than two weeks after the convening of the legislature in odd-numbered years and May 1 of even-numbered years.

#### **Reorganization Through Reduction Program.**

Allows the Governor to: (1) restructure and reorganize in the executive branch in a manner defined by the number of positions, employee skills, and employee qualifications; (2) direct that reorganization must be led by the units being reorganized; and (3) direct that organizations collaborate in planning and executing reorganization and restructuring across executive branch agencies and departments. Allows OSP, in conjunction with OSBM, to develop the Reorganization Through Reduction (RTR) Program, which is to be one option available for reorganization and restructuring. Specifies requirements of the SPC policy. Provides that if not enough employees volunteer for RTR, then selections for reduction in force from the current incumbent employees are authorized based on skills and qualifications for the positions needed. Employees separated from employment in a reduction in force conducted as part of the RTR are to be paid severance in accordance with the approved policy.

This part expires December 31, 2014.

#### **Renaming/State Human Resources Commission and Office of State Human Resources.**

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

Carolina Office of State Human Resources, and (3) the State Personnel Director as the Director of the North Carolina Office of State Human Resources.

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

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

Update the act's title.

**Intro. by Collins, Burr.**

[GS 126](#)

[View summary](#)

[State Personnel, Office of State Human Resources \(formerly Office of State Personnel\)](#)

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 amendment to the 2nd edition makes the following changes. Deletes proposed GS 14-362.4(e) and provides instead that the statute does not apply to kennels or boarding facilities in which the majority of the dogs are (1) being bred or trained primarily for hunting, sporting, field trials, or show; (2) being maintained primarily for hunting, sporting, field trials, or show; or (3) kept primarily for purposes other than the sale of offspring as pets.

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

[GS 14](#)

[View summary](#)

[Animals, Criminal Law and Procedure](#)

H 968 (2013-2014) [INCREASE SUCCESSFUL CTE PARTICIPATION](#). Filed Apr 17 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE SUCCESSFUL PARTICIPATION IN CAREER AND TECHNICAL EDUCATION COURSEWORK LEADING TO INDUSTRY CERTIFICATIONS AND CREDENTIALS TO ENHANCE THE EMPLOYABILITY OF HIGH SCHOOL STUDENTS BY IMPLEMENTING A BONUS PROGRAM AVAILABLE TO LOCAL SCHOOL ADMINISTRATIVE UNITS.*

House amendment to the 2nd edition makes the following changes. Deletes Section 2 of the act, stating the General Assembly's intent to appropriate specified sums to the Department of Public Instruction for costs of industry certifications and credentials, as well as bonus funding. Also deletes provision making the act's effectiveness contingent on funding.

**Intro. by Blackwell, Holloway, Johnson, Martin.**

[GS 115C](#)

[View summary](#)

[Education](#)

H 969 (2013-2014) [BROADEN SUCCESSFUL AP PARTICIPATION](#). Filed Apr 17 2013, *A BILL TO BE ENTITLED AN ACT TO BROADEN SUCCESSFUL PARTICIPATION BY STUDENTS IN ADVANCED COURSES TO HELP ELIMINATE ACHIEVEMENT AND ACCESS GAPS AND TO CREATE PERFORMANCE INCENTIVES FOR SCHOOLS AND TEACHERS FOR STUDENT EXCELLENCE IN ADVANCED COURSES.*



House amendment to the 2nd edition makes the following changes. Amends Section 4 of the act to provide that the State Board of Education is to use funds to perform the specified acts, to the extent that funds are appropriated to implement the provision of the act. Deletes the specified appropriations in Section 4 to the Department of Public Instruction to carry out the act.

**Intro. by Blackwell, Holloway, Johnson, Martin.**

GS 115C

[View summary](#)

**Elementary and Secondary Education**

## PUBLIC/SENATE BILLS

S 98 (SL 2013-45) (2013-2014) [REQUIRE PULSE OXIMETRY NEWBORN SCREENING](#). Filed Feb 18 2013, *A BILL TO BE ENTITLED AN ACT TO EXPAND THE NEWBORN SCREENING PROGRAM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCLUDE NEWBORN SCREENING FOR CONGENITAL HEART DISEASE UTILIZING PULSE OXIMETRY, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.*

A BILL TO BE ENTITLED AN ACT TO EXPAND THE NEWBORN SCREENING PROGRAM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCLUDE NEWBORN SCREENING FOR CONGENITAL HEART DISEASE UTILIZING PULSE OXIMETRY, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE. Enacted May 8, 2013. Effective May 8, 2013.

**Intro. by Brock, Pate, Stein.**

GS 130A

[View summary](#)

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

S 107 (2013-2014) [DECRIMINALIZE DIRECT ENTRY MIDWIFERY](#). Filed Feb 19 2013, *A BILL TO BE ENTITLED AN ACT ALLOWING CERTIFIED PROFESSIONAL MIDWIVES TO PROVIDE CERTAIN MIDWIFERY SERVICES WITHOUT BEING SUBJECT TO CRIMINAL PENALTY.*

Senate committee substitute to the 1st edition makes the following changes. Deletes proposed language in GS 90-178.10 and instead provides that any person who is certified as a Certified Professional Midwife by the North American Registry of Midwives may provide prenatal, intrapartum, postpartum, and newborn care in accordance with the Standards for Practice of the National Association of Certified Professional Midwives. Makes conforming changes to the act's title. Changes the effective date of the act to July 1, 2014 (was, when the act became law).

**Intro. by Goolsby, Clodfelter, Bingham.**

GS 90

[View summary](#)

**Health Care Facilities and Providers**

S 117 (SL 2013-47) (2013-2014) [LILY'S LAW](#). Filed Feb 20 2013, *A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW."*

A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND

TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW." Enacted May 8, 2013. Effective December 1, 2013.

**Intro. by Gunn, Daniel, Randleman.**

GS 14

[View summary](#)

**Criminal Law and Procedure**

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 amendment to the 1st edition makes the following changes. Amends proposed GS 115C-81(e)(4) to make clarifying changes and to expand upon the activities that students are taught are preventable causes of preterm birth in subsequent pregnancies to also include smoking, drinking alcohol, using illicit drugs, and inadequate prenatal care. Makes conforming changes to Section 2 of the act.

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

GS 115C

[View summary](#)

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

S 240 (SL 2013-43) (2013-2014) [DEVELOP RULES FOR RELEASE OF PATH MATERIALS](#). Filed Mar 7 2013, *A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS.*

A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS. Enacted May 8, 2013. Effective May 8, 2013.

**Intro. by Goolsby.**

UNCODIFIED

[View summary](#)

**Department of Health and Human Services**

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 amendment to the 2nd edition makes the following changes. Requires the Division of Medical Assistance (Division), Department of Health and Human Services, to work with the NC Association of County Commissioners (Association) to prepare for the change to GS 153A-225(a)(4). Requires the Division to use a uniform method, developed by the Association, which will allow all counties to interface with the Division to implement the act. Requires the Department of Public Safety to provide technical assistance as needed (under the previous version, the Department of Public Safety was to work with counties to prepare for the change).

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

[GS 153A](#)

[View summary](#)

**Criminal Justice, Health, Public Assistance**

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

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

Amends new sub-sub-subdivision (6) to the definition for *Motor vehicle dealer or dealer*, providing that the terms apply to a person who engages in any of the activities listed in sub-sub-divisions one through five of GS 20-286(11)a using a computer or other electronic communications means to transmit applications, contracts, or orders for motor vehicles purchased or leased by retail purchasers or lessees located in this state.

Clarifies that the licensing requirements of GS 20-287(a) apply to a license holder as defined in the new definition added in GS 20-286(11)a.

Amends GS 20-305(30), extending the deadline for certain established manufacturer programs that vary the price charged to its franchised dealers in the state, although the programs would otherwise be unlawful under GS 20-305, to continue in effect until June 30, 2018 (was, June 30, 2016). Deletes changes to GS 20-305(33) and (34). Makes technical changes to new subdivisions (44) and (45) of GS 20-305 and provides that (44) also applies to the display of sports memorabilia. Expands the provisions of subdivisions (45), (46) and (47) to clarify the types of unlawful acts of coercion and discrimination prohibited under this section.

Amends new GS 20-305.2(e) to provide that an unfair method of competition includes any physical or mechanical warranty repair (was, any warranty or nonwarranty fix, repair, update, or adjustment) made or provided directly by a manufacturer or distributor to any motor vehicle in this state requiring direct participation of a dealer franchised by the manufacturer or distributor and without such dealer receiving reasonable compensation. Adds new subsection (f) to declare that no claim or cause of action may be brought against a dealer in this state arising out of any warranty repair, fix, repair, or update that was provided by the manufacturer or distributor without the direct participation of the dealer. Requires any manufacturer or distributor who violates this provision to fully indemnify and hold harmless any dealer in this state for claims, judgments, damages, attorney's fees, litigation expenses and all other costs arising out of the actual or attempted fix, repair, update or adjustment.

Makes clarifying and conforming changes to GS 20-305.7(g2). Amends GS 20-305.1 (automobile dealer warranty obligations) to amend the phrase "fair and reasonable" to read "reasonable" wherever it occurs and to amend the phrase "unfair and unreasonable" to read "unreasonable" wherever it occurs. Adds that if the manufacturer or distributor prevails at a protest hearing, the proposed rate is effective beginning 30 days following issuance of the final order.

**Intro. by Apodaca.**

[GS 20](#)

[View summary](#)

**Transportation**

S 369 (SL 2013-42) (2013-2014) [NAME CHANGE REQUIREMENTS FOR MINORS](#). Filed Mar 19 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME*

*CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD.*

A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD. Enacted May 8, 2013. Effective October 1, 2013.

**Intro. by Bingham.**

GS 101

[View summary](#)

[Civil Law, Family Law, Juvenile Law](#)

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

Senate amendment to the 2nd edition makes the following changes. Deletes the specified grievance steps in GS 115C-407.31(a)-(c) and instead allows the local board of education to establish or make available an existing formal grievance process to allow students or the parents or guardians to present allegations that a right established under the Article has been violated by a public school. Requires the process to include the right of appeal to the local board of education. Specifies the process to be followed if the local board of education does not provide a formal grievance process (this process is identical to the one deleted from subsections a through c).

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

GS 115C

[View summary](#)

[Education](#)

S 403 (2013-2014) [OMNIBUS ELECTION CLARIFICATIONS \(NEW\)](#). Filed Mar 25 2013, *AN ACT TO AMEND AND CLARIFY VARIOUS PROVISIONS OF THE ELECTION LAWS.*

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

Changes the long title.

Deletes Section 1 of the act, proposed changes to GS 36C-9-901(d)(1).

Amends GS 65-60.1(e), providing that trustees must invest and reinvest cemetery trust funds in accordance with GS Chapter 36C, Article 9 (was, GS 32-71).

Amends GS 90-210.61(a)(1) to provide that if a pre-need funeral contract purchaser chooses to fund the pre-need funeral contract by a trust deposit or deposits, then the pre-need licensee must deposit all funds with a financial institution, in trust, in the pre-need licensee's name as trustee and invest and reinvest funds in accordance with GS Chapter 36C, Article 9. Also provides that the pre-need licensee can establish an individual trust fund for each pre-need funeral contract, as well as being specifically authorized to establish commingled trust accounts for investment and reinvestment of pre-need funeral funds of multiple pre-need funeral contracts. Makes additional conforming changes to GS 90-210.6(a)(1) regarding pre-need funeral funds as related to trust funds.

**Intro. by Bingham.**

GS 36C, GS 65, GS 90

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

S 456 (SL 2013-44) (2013-2014) **DESIGNATE PRIMARY STROKE CENTERS**. Filed Mar 26 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGNATE QUALIFIED HOSPITALS AS PRIMARY STROKE CENTERS, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.*

A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGNATE QUALIFIED HOSPITALS AS PRIMARY STROKE CENTERS, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE. Enacted May 8, 2013. Effective October 1, 2013.

**Intro. by Pate, Bingham, Wade.**

GS 131E

[View summary](#)**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 amendment to the 2nd edition makes the following changes. Amends GS 131D-45 and GS 131E-114.4 to provide that while the adult care home/nursing home is to pay expenses related to controlled substance exam and screening, it does not have to pay for examinee-requested retests. Requires the examinee to pay expenses for retests of confirmed positive results.

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

GS 131D, GS 131E

[View summary](#)**Employment and Retirement, Adult Services**

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

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

Amends GS 19A-32.1(a) to provide that all animals received by an animal shelter are to be held for a minimum of 96 (was, 72) hours. Allows a shelter to hold an animal for a minimum holding period of 72 hours if the shelter posts at least one photo of the animal's head and face on the shelter's website or on any other website designed to facilitate the adoption of animals and the photo remains on the site until the animal is disposed of. Allows holding an animal for any longer minimum period established by a board of county commissioners before being euthanized or disposed of. Removes references to selling an animal.

Adds that if a dog owner surrenders the dog to a shelter, the owner must state in writing whether the dog has bitten anyone in the 10 days preceding the surrender date.

Amends GS 130A-192 to require (was, permit) an animal control officer with access at no or reasonable cost to a microchip scanner to scan the animal and use the microchip information to locate the owner.

**Intro. by McKissick, Jackson, Meredith.**

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

[View summary](#)

[Animals](#)

S 683 (2013-2014) [SAFE HARBOR/VICTIMS OF HUMAN TRAFFICKING](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT.*

Senate committee substitute to the 1st edition makes changes to be summarized.

**Intro. by Goolsby, Barringer, Kinnaird.**

[View summary](#)

## LOCAL/HOUSE BILLS

H 116 (2013-2014) [CARRBORO OFFICE OF ALDERMAN](#). Filed Feb 18 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS.*

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

Amends Section 2-2 of the Carrboro Town Charter (SL 1987-476, as amended by SL 2007-270), providing that if the resolution adopted by the board of aldermen for a special election sets the date of such election concurrent with an election other than the municipal general election, then the resolution must prescribe the filing period and the filing fee. If the resolution sets as the date of the election a date other than the same date as another election, then the resolution must prescribe the filing period, filing fee, and absentee voting period for such special election, including an alternative location for one-stop absentee voting within the corporate limits of the municipality, rather than the office of the board of elections, if no other elections are conducted within the county on the same date. Makes a technical change.

**Intro. by Insko, Foushee.**

[Orange](#)

[View summary](#)

H 314 (SL 2013-48) (2013-2014) [AYDEN CHARTER/TERMS OF OFFICE EXTENDED](#). Filed Mar 13 2013, *A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF ELECTIONS.*

A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF ELECTIONS.

Enacted May 9, 2013. Effective May 9, 2013.

**Intro. by Martin, B. Brown.**[Pitt](#)[View summary](#)

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

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

Amends Section 1 of the act, providing that Buncombe County can finance the construction of the specified community college buildings, in accordance with Article 8 of GS Chapter 159, and GS 160A-20.

Makes a technical deletion.

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

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

House committee substitute to the 1st edition makes the following changes. Adds that the act also applies to Forsyth, Gaston, Moore, and Watauga counties (and municipalities located wholly or partly within those counties) and to Raleigh and Zebulon; the act no longer applies to Guilford, Henderson, Mecklenburg and Wake counties.

Effective October 1, 2016, adds Henderson County (and those municipalities located wholly within the county) to those that fall under the act.

Deletes the repeal of Section 1 of SL 2003-161, SL 2007-86, and SL 2008-5.

**Intro. by McGrady, Stam, Jackson, Hardister.**[Buncombe, Forsyth, Gaston, Mitchell, Moore, Perquimans, Stanly, Surry, Wake, Watauga](#)[View summary](#)

H 533 (2013-2014) [DETENTION OF MENTALLY ILL IN FACILITY \(NEW\)](#). Filed Apr 3 2013, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMPANY POLICE OFFICERS IN CERTAIN COUNTIES TO USE APPROPRIATE AND REASONABLE FORCE TO KEEP A RESPONDENT AT THE FACILITY WHERE THE RESPONDENT IS TO OBTAIN AN EXAMINATION BY A PHYSICIAN OR PSYCHOLOGIST PURSUANT TO COURT ORDER.*

House committee substitute to the 1st edition makes the following changes. Deletes the provisions of the 1st edition and instead provides as follows. Amends GS 122C-263 to allow a law enforcement officer or company police officer employed by a hospital that is certified as a company police agency by the Attorney General and has been granted authority to commission company police officers to use appropriate and reasonable force and means to keep the respondent, who is to be examined by a physician or psychologist, at the facility or other detainment location, and to return the respondent to the location if there is pursuit. Applies only to Ashe County.

**Intro. by Jordan.**[GS 122C](#)

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

H 870 (2013-2014) **DUPLIN COUNTY BOARDS OF COMMS. AND EDUC. (NEW)**. Filed Apr 11 2013, *AN ACT TO DECREASE THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO A FIVE-MEMBER BOARD, TO ESTABLISH REVISED DISTRICTS FOR THOSE BOARDS, AND TO CONFIRM THAT REDISTRICTING REQUIREMENTS FOLLOWING EACH FEDERAL CENSUS APPLY TO THOSE BOARDS.*

House amendment to the 2nd edition makes the following changes. Amends GS 143-318.10 to add that the obligation to record a closed session also does not apply to one that is closed to (1) prevent the disclosure of information that is privileged or confidential under state or federal law; (2) pursuant to GS 143-318.11(a)(3), when closed session is required to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body; or (3) pursuant to GS 143-318.11(a)(9), when closed session is required to discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings on such activities.

**Intro. by Dixon.**

GS 143

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

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 9: SPEAKER/PRO TEM TERM LIMITS.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

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

*Senate: Withdrawn From Cal*

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

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

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

#### **H 74: REGULATORY REFORM ACT OF 2013 (NEW).**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

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

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

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

#### **H 94: AMEND ENVIRONMENTAL LAWS 2013.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*



*Senate: Ref To Com On Finance*

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Finance*

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

*Pres. To Gov. 5/9/2013*

**H 168: DIVISION OF ATTY'S FEES IN WORKERS' COMP (NEW).**

*House: Withdrawn From Com*

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

**H 178: STUDY SAVINGS FOR ADMINISTRATION OF CLAIMS.**

*House: Reptd Fav*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

**H 182: ADJOURNMENT (NEW).**

*House: Serial Referral To Regulatory Reform Stricken*

*House: Serial Referral To Regulatory Reform Stricken*

**H 219: UPDATE REFERENCES/CHILD BORN OUT OF WEDLOCK (NEW).**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 243: LIENS/SELF-SERVICE STORAGE FACILITIES.**

*Senate: Withdrawn From Cal*

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

**H 274: TAXPAYER BILL OF RIGHTS.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

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

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

**H 311: REPEAL LITERACY TEST.**

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

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

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 343: COURTS/PROCEDURE AND FEE AMENDMENTS.-AB**

*House: Withdrawn From Com*

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

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

**H 359: RETIREMENT ADMINISTRATIVE CHANGES ACT OF 2013.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Withdrawn From Cal*

*House: Re-ref Com On Appropriations*

**H 374: RESCIND CONSTITUTIONAL CONVENTION CALLS.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

**H 381: RETIREMENT FISCAL INTEGRITY ACT OF 2013.-AB**

*House: Serial Referral To Finance Added*

**H 431: ANSON COUNTY/ECONOMIC DEVELOPMENT FUNDS.**

*House: Reptd Fav*

*House: Re-ref Com On Appropriations*

**H 433: LAND USE SURROUNDING MILITARY INSTALLATIONS.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

**H 442: MUNICIPAL INCORPORATION CHANGES.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

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

*Senate: Reptd Fav*

*Senate: Placed on Today's Calendar*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 473: NC CAPTIVE INSURANCE ACT.**

*House: Reptd Fav Com Sub 3*

*House: Cal Pursuant Rule 36(b)*

**H 475: FERRY TOLLING ALTERNATIVES.**

*House: Serial Referral To Finance Added*

**H 477: ALLISON'S LAW/USE OF GPS TRACKING DEVICE/DVPO.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

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

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

*House: Passed 2nd Reading*

**H 563: FOREIGN TRADE ZONE/EXPAND DEF OF PUB CORP.**

*House: Reptd Fav*

*House: Re-ref Com On Finance*

**H 585: PREA COMPLIANCE.**

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Judiciary II*

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

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

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

*House: Amend Adopted A2*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 612: CONFINEMENT OF ANIMALS IN MOTOR VEHICLES.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

**H 615: REMOVE REVOCATION FOR DWLR (NEW).**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 625: ZONING/HEALTH CARE STRUCTURE.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

**H 629: AMEND DEFINITION OF SPECIAL PURPOSE PROJECT.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

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

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Transportation*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

**H 675: AMEND PHARMACY LAWS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

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

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

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

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

**H 680: START-UPS ACT/NEW MARKETS TAX CREDIT ACT. (NEW)**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Commerce*

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

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Commerce*

**H 706: PRESERVE LANDFILL SPACE.**

*Pres. To Gov. 5/9/2013*

**H 710: WATER UTILITY RECOVERY.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Education/Higher Education*

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Education/Higher Education*

**H 722: CAPITAL PROCEDURE/SEVERE DISABILITY.**

*House: Reptd Fav*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

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

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

**H 773: LOCAL GOV'TS/BLDGS/STRUCTURES/INSPECTIONS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

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

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

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

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Judiciary II*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Transportation*

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

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

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

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

**H 810: MODIFY CERTAIN CEMETERY REQUIREMENTS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 811: AMEND PRACTICE OF FUNERAL SERVICE LAWS.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

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

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

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

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 818: UNIVERSITY ENERGY SAVINGS CONTRACTS (NEW).**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

**H 820: JUDICIAL REFORM ACT.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 832: EXPAND PHARMACISTS' IMMUNIZING AUTHORITY.**

*House: Serial Referral To Commerce and Job Development Stricken*

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

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

**H 834: MODERN STATE HUMAN RESOURCES MANAGEMENT/RTR (NEW).**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Appropriations*

**H 842: STUDY OF SPIRITOUS LIQUOR SALES-DISTILLERY (NEW).**

*House: Re-assigned To Commerce and Job Development*

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

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

**H 857: PUBLIC CONTRACTS/CONSTRUCTION METHODS/DB/P3.**

*House: Serial Referral To Finance Added*

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

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

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

*House: Added to Calendar*

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

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

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

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

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

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

*House: Amend Failed A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

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

*Senate: Withdrawn From Cal*

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

**S 73: LOCAL WORKFORCE DEV./DISLOCATED WORKERS.**

*Senate: Reptd Fav*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 91: PROHIBIT EXPUNCTION INQUIRY.**

*Pres. To Gov. 05/09/2013*

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

*House: Rec From Senate*

*House: Rec From Senate*

**S 107: DECRIMINALIZE DIRECT ENTRY MIDWIFERY.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

*Senate: Withdrawn From Com*

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

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

*Senate: Amend Adopted A1*

*Senate: Amendment Withdrawn A2*

*Senate: Passed 2nd Reading*

**S 174: DISAPPROVE INDUSTRIAL COMMISSION RULES.**

*Senate: Withdrawn From Com*

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

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

*House: Rec From Senate*

*House: Rec From Senate*

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

*House: Rec From Senate*

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

*House: Rec From Senate*

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

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

*Senate: Amend Adopted A1*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Engrossed*

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

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

*Senate: Withdrawn From Com*

*Senate: Re-ref Com On Commerce*

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

*House: Passed 1st Reading*

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

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

*Senate: Amend Adopted A1*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Engrossed*

**S 372: OMNIBUS COUNTY LEGISLATION.**

*House: Passed 1st Reading*

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

**S 393: CONSTRUCTIVE FRAUD/LIMITATIONS PERIOD.**

*Senate: Reptd Fav*

**S 399: CRIMINAL DEFENDANT MAY WAIVE JURY TRIAL.**

*Senate: Withdrawn From Com*

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

**S 403: OMNIBUS ELECTION CLARIFICATIONS (NEW).**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

*House: Rec From Senate*

*House: Rec From Senate*

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

*Senate: Passed 2nd Reading*

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

*House: Rec From Senate*

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

*Senate: Withdrawn From Com*

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

**S 468: ALIGN INSPECTIONS W/INSTALLER LICENSING.**

*Senate: Reptd Fav*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

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

*House: Rec From Senate*

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

*House: Rec From Senate*

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

*House: Rec From Senate*

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

*Senate: Amend Adopted AI*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Engrossed*

**S 553: LME/MCO ENROLLEE GRIEVANCES & APPEALS.**

*Senate: Reptd Fav*

**S 626: RECODIFY ANIMAL SHELTER LAW.**



*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

**S 630: EVIDENCE & DNA EXPUNCTION LAWS.-AB**

*Senate: Reptd Fav*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**S 664: CONSOLIDATE DV COMMISSION/COUNCIL FOR WOMEN.**

*Senate: Withdrawn From Com*

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

**S 683: SAFE HARBOR/VICTIMS OF HUMAN TRAFFICKING.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

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

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

**LOCAL BILLS**

**H 116: CARRBORO OFFICE OF ALDERMAN.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

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

*Ratified*

*Ch. SL 2013-48*

**H 501: BUNCOMBE CTY/COMMUNITY COLLEGE PROJECTS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

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

**H 504: LOCAL ELECTRONIC NOTICE.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**H 526: CHADBOURN VOLUNTARY ANNEXATION.**

*House: Passed 2nd Reading*

**H 530: BUNCOMBE MPO MEMBERSHIP.**

*House: Withdrawn From Com*

*House: Re-ref Com On Transportation*

**H 533: DETENTION OF MENTALLY ILL IN FACILITY (NEW).**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Education/Higher Education*

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

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**H 551: AMEND WILMINGTON FIREFIGHTERS' RELIEF FUND.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

**H 562: CRAMERTON CHARTER REVISAL.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

**H 567: LUMBERTON DEANNEXATION.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

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

*Senate: Rec From House*

*Senate: Passed 1st Reading*

*Senate: RefTo Com On Finance*

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

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**H 1001: REPEAL STATESVILLE CIVIL SERVICE BOARD.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

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

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

*House: Rec From Senate*

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

*House: Rec From Senate*

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

*House: Rec From Senate*

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

*House: Rec From Senate*

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