



The Daily Bulletin: Wednesday, June 18, 2014

PUBLIC/HOUSE BILLS

H 712 (2013-2014) [CLARIFY EXPERT WITNESS COMPENSATION \(NEW\)](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY EXPERT WITNESS COMPENSATION AND ALLOWANCES.*

The Senate committee substitute to the 2nd edition is to be summarized.

Intro. by Glazier, Stam, Jackson.

[View summary](#)

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

Senate committee substitute completely deletes the 1st edition and replaces it with AN ACT TO IMPROVE SOURCE WATER PROTECTION PLANNING.

Amends GS 130A-320 to include provisions regarding local source water protection planning. Identifies any person operating a public water system and furnishing water as a *supplier of water*. Creates a new subsection (c) to require every supplier of water to create and implement a source water protection plan (SWPP). Directs the Commission of Public Health (Commission) to adopt rules that provide all of the following: (1) a standardized format for suppliers of water to use in creating their SWPP; (2) schedules for suppliers of water to follow in creating a SWPP, implementing mandatory provisions of a SWPP, and updating their SWPP; and (3) reporting requirements to be used by the Department of Health and Human Services (DHHS) to monitor the creation, implementation, and revision by suppliers of water of their SWPP.

Directs the Commission to submit an interim report to the Environmental Review Commission no later than April 1, 2015, on its progress in implementing the requirements of this act and a final report within six months of adopting final rules implementing the requirements of this act.

Intro. by Catlin, Hamilton, Moffitt.

[GS 130A](#)

[View summary](#)

[Health and Human Services, Health, Public Health](#)

H 1036 (2013-2014) [NO REVOLVING DOOR EMPLOYMENT](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE STATE FROM CONTRACTING WITH CONTRACTORS WHO UTILIZE FORMER STATE EMPLOYEES IN THE ADMINISTRATION OF STATE CONTRACTS WITHIN A SIX-MONTH WAITING PERIOD AFTER A STATE EMPLOYEE HAS TERMINATED EMPLOYMENT WITH THE STATE.*

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

Changes the short and long titles.

Deletes all of the provisions from the previous edition in their entirety.

Enacts new GS 143-59.5, Contracts with vendors that hire former State employees, providing that the Secretary of Administration as well as all other entities subject to the Article cannot contract for goods or services with a vendor that employs or contracts with a former State employee if that former employee is involved with the administration of a contract with North Carolina.

Directs the Secretary of Administration to require each vendor that is submitting a bid or contract to certify that it will not use a former state employee in the administration of a contract with the state. Anyone submitting the required certification, knowing it to be false, will be guilty of a Class I felony. Also provides that any violation of these provisions will void the contract. Sets out definitions for use in the proposed section of *administration of a contract* and *former state employee*.

Effective October 1, 2014, applying to contracts entered into on or after that date.

Intro. by Howard, Hurley, Moffitt, Lucas.

GS 143

[View summary](#)

Employment and Retirement, Government, State Government, State Personnel

H 1043 (2013-2014) **PREQUALIFICATION UPDATE**. Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUTES RELATED TO THE USE OF PREQUALIFICATION IN PUBLIC CONSTRUCTION CONTRACTING, AS STUDIED BY THE JOINT PURCHASE AND CONTRACT STUDY COMMITTEE.*

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

Increases the membership of the Blue Ribbon Commission to Study the Building and Infrastructure Needs of the State, established in this act, from 17 to 20 members. Permits the appointing authorities (the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor) to each make one additional appointment for a total of seven members appointed by the Speaker, seven by the President Pro Tem, and six appointed by the Governor. Requires that the appointees meet new prescribed standards and criteria.

Makes additional technical corrections for clarity and accuracy.

Repeals Chapter 183 of the 1979 Session Laws, which created a supplemental retirement fund for firemen in the town of Mebane and modified application of existing retirement law to Mebane.

Intro. by Arp.

Alamance, Orange, GS 143

[View summary](#)

Development, Land Use and Housing, Building and Construction

H 1057 (2013-2014) **DENR STUDY OF IBT/EMC ECO FLOW STUDY**. Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE STATUTES AND RULES GOVERNING INTERBASIN TRANSFERS AND TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY THE STATE'S POLICY FOR ESTABLISHING THE QUANTITY OF SURFACE WATER TO BE PROTECTED FOR ECOLOGICAL INTEGRITY AND TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON THE STATUS OF HYDROLOGIC MODELS PROPOSED FOR USE IN ESTABLISHING THE WATER QUANTITY TO BE RESERVED FOR ECOLOGICAL FLOW.*

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

Changes the short and long titles.

Adds new Sections 3 through 6 to the act, directing the Environmental Management Commission (EMC) to study how North Carolina establishes the quantity of surface water set aside for protection of ecological integrity in order to determine if the set-aside exceeds the required amount for ecological integrity and is interfering with other essential water uses, pursuant to GS Chapter 143, Article 38. Directs the EMC to study various considerations, including how to establish the minimum amount of water necessary to satisfy federal and NC law as well as considering the provisions of SL 2010-143, existing means for determining ecological flow, and recommendations of the Department of Environment and Natural Resources for establishing specified policies. Specifies that the EMC must report its findings and recommendations to the Environmental Review Commission (ERC) on or before January 1, 2016.

Provides that the EMC can create a science advisory board to help prepare the Commission's report to the ERC. Sets out processes and procedures for the appointing of the board if it is created, providing that the board will consist of five members, all of whom must be scientists, with varying backgrounds. Provides that state employees are ineligible to serve on the board but can be staff and provide technical assistance.

Provides a clarifying provision that nothing in the act prevents the EMC or DENR from exercising its authority pursuant to GS 143, Articles 21 and 38, or GS Chapter 143B, Article 7.

Requires the EMC to defer approval of or modification to any basinwide hydrologic models submitted to the EMC for consideration while the study required by this act is underway and until the General Assembly has adjourned the session following the submission of the EMC's report to the ERC.

Intro. by Hager.

STUDY

[View summary](#)

Environment, Environment/Natural Resources, Government, State Agencies, Department of Environment and Natural Resources

H 1094 (2013-2014) **MEDIATED SETTLEMENTS/DISTRICT CT.** Filed May 15 2014, *AN ACT TO PROVIDE FOR MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT CIVIL ACTIONS AND TO MAKE A TECHNICAL CORRECTION TO THE RULES OF CIVIL PROCEDURE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON JUDICIAL EFFICIENCY AND EFFECTIVE ADMINISTRATION OF JUSTICE.*

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

Changes the long title.

Deletes proposed GS 7A-38.4A(b1), which directed the chief district court judge of a judicial district court to order either a mediated settlement or another settlement procedure, as provided under subsection (g) of this section, when the amount in controversy is more than \$10,000.

Changes the caption of GS 7A-38.4A to Settlement procedures in family financial actions (previously, Settlement procedures in district court actions), clarifying that the section applies only to family financial actions. Deletes proposed changes to GS 7A-38.4A(c) and makes a clarifying change.

Enacts new GS 7A-38.4B, Settlement procedures in district court general civil actions, permitting mediated settlement conferences in all other district court civil actions. Allows the chief district court judge, or designee, to order parties in a civil action to participate in mediated settlement conferences or other settlement procedures. Excludes actions

involving family issues covered by GS 7A-38.4 and issues exempted by Supreme Court rules. Provides that local rules can be adopted for the procedures as long as they are not inconsistent with any rules adopted by the Supreme Court.

Sets out processes and procedures for interested parties including procedures for attendance, designation of a mediator, and assignment of associated costs. Also limits the admissibility and discovery, in future court proceedings, of communications made during the conferences with four exceptions, including proceedings for specified sanctions and proceedings to enforce or rescind a settlement of the action. These provisions are closely modeled after and similar to existing statutes for mediated settlement conferences in family financial actions, namely GS 7A-38.4A (District Court) and GS 7A-38.1 (Superior Court).

Amends the act's titles.

Intro. by Davis, Burr.

[GS 1A, GS 7A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Civil Procedure](#)

H 1105 (2013-2014) [LOCAL EROSION PRGRMS/TAKEOVER EXISTING PLANS](#). Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SEDIMENTATION CONTROL COMMISSION TO TRANSFER ITS RESPONSIBILITY FOR ADMINISTERING AND ENFORCING SOIL EROSION AND SEDIMENTATION CONTROL PLANS TO LOCAL GOVERNMENTS WHEN APPROVING LOCAL EROSION AND SEDIMENTATION CONTROL PROGRAMS, AS RECOMMENDED BY THE LRC COMMITTEE ON LAND DEVELOPMENT.*

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

Amends GS 113A-60(b) to clarify that the transfer of any local erosion and sedimentation control plan approved under GS 113A-54(d)(4) is not limited to "soil" erosion. Makes a conforming change to the title.

Intro. by Torbett, Brody.

[GS 113A](#)

[View summary](#)

[Development, Land Use and Housing, Environment, Environment/Natural Resources, Government, Local Government](#)

H 1106 (2013-2014) [EROSION CONTROL DESIGNER CERTIFICATION](#). Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DESIGNER OF A RETAINING WALL OR SIMILAR EROSION CONTROL DEVICE HAVING A STRUCTURAL FOUNDATION REQUIRED TO BE INSTALLED UNDER A STATE-APPROVED EROSION AND SEDIMENTATION CONTROL PLAN TO CERTIFY THAT THE DEVICE HAS BEEN DESIGNED IN ACCORDANCE WITH APPLICABLE CODES AND SPECIFICATIONS AND WILL BE INSTALLED ACCORDING TO THE APPROVED EROSION AND SEDIMENTATION CONTROL PLAN.*

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

Amends GS 113A-54.1(a2) to require an applicant seeking approval for an erosion and sedimentation control plan that includes a retaining wall or other similar device requiring a structural foundation to provide written certification from the designer of the device that it is designed and installed in accordance with applicable codes and specifications (was, specified that the erosion and sedimentation control inspector must receive written certification from the designer that the device was designed in accordance with applicable codes and specifications). Directs the Sedimentation Control Commission to provide a copy of the plan approval, which includes the written certification, to the Chief Building

Code Enforcement Officer of the local government responsible for inspection and approval of the device (was, directed the Department of Environment and Natural Resources to provide the copy of the plan approval). Provides that the provisions in this subsection only apply to applicants seeking plan approval for land-disturbing activity in jurisdictions that do not administer or enforce erosion and sedimentation control plans.

Makes additional conforming changes. Amends the long title of this act.

Intro. by Torbett, Brody.

GS 113A

[View summary](#)

Development, Land Use and Housing, Building and Construction, Environment

H 1139 (2013-2014) **STATE NAT. & HIST. PRESERVE DELETIONS**. Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

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

Amends GS 143-260.10 to dedicate and accept certain properties as part of the State Nature and Historic Preserve (Preserve), and remove certain lands from the Preserve (was, the 1st edition solely indicated properties to be removed from the Preserve).

Includes additional "whereas" clauses which clarify the basis for the deletions and additions to the Preserve. Declares that more than 17,000 acres have been added to the State Parks System since the last dedication and acceptance of properties as part of the Preserve pursuant to a petition from the Council of State dated May 5, 2009. Provides that the Council of State again voted to petition the General Assembly in a petition dated May 6, 2014, to include properties in the Preserve and remove certain properties from the Preserve.

Makes technical changes to amend the date for identifying properties for addition or deletion from the Preserve from May 5, 2009, to May 6, 2014, throughout this act. Makes additional additions to and deletions from the State Nature and Historic Preserve. Makes additional technical corrections to this act.

Intro. by Samuelson.

GS 143

[View summary](#)

Environment, Environment/Natural Resources

H 1209 (2013-2014) **RETIREMENT INVESTMENT ACCOUNTABILITY**. Filed May 27 2014, *AN ACT TO ENHANCE THE ACCOUNTABILITY AND TRANSPARENCY OF THE STATE RETIREMENT SYSTEMS' INVESTMENT PROGRAMS BY PROVIDING FOR AUDITED FINANCIAL STATEMENTS, PERFORMANCE REVIEWS, EXPANDED AND MODERNIZED REPORTING, A SUNSET ON THE CONFIDENTIALITY OF PROPRIETARY INFORMATION, RESOURCE FLEXIBILITY FOR THE INVESTMENT MANAGEMENT DIVISION, AND OTHER MEASURES.*

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

Makes technical changes.

Amends new GS 132-1.14(b), Public records for Treasurer's investment programs, making a clarifying change, providing that notwithstanding GS 132-1.2(1) and subsection (d) of this section, the specified information is public record (previously, language stated notwithstanding any other provision of the section). Provides that six specified items will not be considered public record until five years (was, 10 years) after the termination of an investment

vehicle in which the State Treasurer has made an investment, including information regarding the portfolio positions in which the investment vehicle invests, capital call and distribution notices to investors of the investment vehicle, and the investment's contractual documents, to the extent stated in any clauses that place a duty of confidentiality on the State Treasurer. Deletes language that provided that any information described in these six items is to be available to the General Assembly and State Auditor at any time, even if it is not public record.

Deletes proposed changes to GS 126-5(c1), which included an exemption for employees of the Investment Management Division of the Department of State Treasurer from the provisions of GS Chapter 126.

Deletes proposed GS 147-69.12, Placement agents, which required that a person acting as a placement agent in connection with any Treasurer investment be registered as a lobbyist.

Enacts new GS 126-5(c12), which provides specified exemptions from provisions exempting employees of the Department of State Treasurer that possess specialized skills or knowledge necessary for the proper administration of investment programs from GS Chapter 126.

Amends new GS 147-69.3(h1), providing guidelines for what the investment policy statements should include.

Deletes proposed changes to GS 150B-2(8a), which provided that an investment policy statement adopted pursuant to GS 147-69.3(h1) is not included in the term "rule" for this section.

Makes conforming changes.

Intro. by Dollar, Collins, S. Ross.

[GS 126](#), [GS 128](#), [GS 132](#), [GS 147](#), [GS 150B](#)

[View summary](#)

[Courts/Judiciary](#), [Court System](#), [Employment and Retirement](#), [Government](#), [APA/Rule Making](#), [General Assembly](#), [Public Safety](#), [State Agencies](#), [Department of State Treasurer](#), [State Government](#), [State Personnel](#), [Local Government](#), [Military and Veteran's Affairs](#)

H 1268 (2013-2014) [HONOR JIM GULLEY](#). Filed Jun 18 2014, *A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES MONROE "JIM" GULLEY, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

Intro. by W. Brawley, Cleveland, Samuelson, Starnes.

[JOINT RES](#)

[View summary](#)

[Government](#), [General Assembly](#)

PUBLIC/SENATE BILLS

S 38 (2013-2014) [VARIOUS EMERGENCY MANAGEMENT CHANGES](#). Filed Jan 31 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT LAWS OF THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE.*

The House committee substitute to the 2nd edition is to be summarized.

Intro. by Jackson.

[View summary](#)

S 163 (2013-2014) [PROTECT LANDOWNERS' WATER RIGHTS](#). Filed Mar 4 2013, *A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS.*

The House committee substitute to the 2nd edition is to be summarized.

Intro. by Jackson, Cook, Rabin.

[View summary](#)

S 493 (2013-2014) [2014 REGULATORY REFORM ACT \(NEW\)](#). Filed Mar 27 2013, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY PROVIDING FOR VARIOUS ADMINISTRATIVE REFORMS, BY ELIMINATING CERTAIN UNNECESSARY OR OUTDATED STATUTES AND REGULATIONS AND MODERNIZING OR SIMPLIFYING CUMBERSOME OR OUTDATED REGULATIONS, AND BY MAKING VARIOUS OTHER STATUTORY CHANGES.*

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

Part I.

Prohibit Certain Headlights/Airbags

Retains the provisions from the 2nd edition concerning headlights but makes the provisions effective December 1, 2014 (was, 2013).

Adds a section amending GS 20-4.01, adding and defining the terms *counterfeit airbag* and *nonfunctional airbag*. Amends GS 20-71.4 to make it unlawful to transfer a motor vehicle when the transferor is a motor vehicle dealer who has knowledge that a counterfeit or nonfunctional airbag has been installed. Applies to offenses committed on or after December 1, 2014.

Unclaimed Life Insurance Benefits (new)

Adds a new Part 7 to Article 58 of GS Chapter 58, creating the Unclaimed Life Insurance Benefits Act. Requires an insurer to perform a comparison of in-force policies, annuities, and account owners that are available electronically against a death master file (DMF) on a semiannual basis. If the records are not available electronically, the insurer must perform a comparison of the policies, annuities, and account owners against a DMF on a semiannual basis using the records most easily accessible by the insurer. The Commissioner of Insurance is allowed to exempt an insurer from the DMF comparisons if the insurer demonstrates that compliance would result in hardship. These requirements do not apply to policies or annuities for which the insurer has received premiums from outside the policy value or by check, bank draft, payroll deduction, or any other similar method of active payment within the 18 months immediately preceding the death master file comparison. Specifies four actions that must be taken when the insurer learns of the possible death of a person, including determining whether benefits may be due and providing the beneficiary with the appropriate forms or instructions to make a claim and notifying the beneficiary of the actions needed to submit a valid claim. The actions must be taken within 90 days and documented. If an insurer is unable to confirm the death following a DMF match, the insurer may determine that no further good faith efforts are required. Prohibits charging any beneficiary, or others entitled to benefits, any fees or costs associated with a DMF search or verification. Requires that benefits, accrued interest, and interest payable under GS 58-58-110 be first paid to the beneficiaries or account owners; if those individuals cannot be found, the benefits and associated interest escheat to the state as unclaimed property. Enacts new GS 58-58-400 to provide that a pattern of failures to meet the Part requirements may

constitute an unfair claims settlement practice.

Bail Bond Shield Amendment (new)

Amends GS 58-71-40(d1) to modify the requirements for the bail bond shield carried by licensed bail bondsmen and runners, to allow the design to be altered by stamping, inlaying, embossing, or engraving to accommodate the license number.

Repeal Unnecessary Utilities Provision (new)

Repeals GS 62-36.1 and GS 62-36A (both concerning natural gas planning).

Merchant Exemption from Locksmith Licensing (new)

Amends GS 7F-16 to exempt from the Locksmith Licensing Act a merchant, or retail or hardware store, when the merchant or store does not purport to be a locksmith and lawfully duplicates a key, including duplicating a transponder type key that requires programming (was, excluded duplicating a transponder type key from the exemption).

Clarify Professional Engineer Exemption (new)

Amends GS 89C-25 to provide that GS Chapter 89C (engineering and land surveying) does not prevent (in addition to those items listed in the statute): (1) the practice of architecture, as defined in GS Chapter 83A, landscape architecture as defined in GS Chapter 89A, or contracting as defined in Articles 1, 2, 4, and 5 of GS Chapter 87; (2) engaging in engineering or land surveying as an employee or assistant under the responsible charge of a professional (deletes employees or assistants of a nonresident professional provided that the work may not include responsible charge of design or supervision; and (3) the engineering or surveying activities of a person as defined in GS 89C-3(5) who is engaged in manufacturing, processing, producing, or transmitting and delivering a product, and which activities are reasonably necessary and connected with the primary services performed by individuals regularly employed in the ordinary course of business by the person, provided that the activity is not a holding out or an offer of engineering or surveying services (deletes current language concerning the internal engineering or surveying activities of a person, firm, or corporation engaged in manufacturing, processing, or producing a product, including activities of public service corporations, public utility companies, authorities, state agencies, railroads, or membership cooperatives, or the installation and servicing of the product in the field, etc.). Specifies what is included in activities reasonably necessary and connected with the primary service and requires activities performed under this third category to be under the responsible charge of a licensed professional engineer or licensed professional surveyor when the safety of the public is directly involved.

Amends GS 89C-19 to prohibit the state or its political subdivisions from engaging in engineering or land surveying involving public or private property where the safety of the public is directly involved without the project being under the direct supervision of a professional engineer or land surveyor.

Amends GS 143-64.31 to add that no work product or design may be solicited, submitted, or considered as part of the selection process under the Article; and no costs or fees, other than unit price information, may be solicited, submitted, or considered as part of the selection process under the Article. Allows examples of prior completed work to be solicited, submitted, and considered when determining demonstrated competence and qualification, and encourages discussion of concepts or approaches to the project.

Adjust the Utility Regulatory Fee (new)

Amends GS 62-302, Regulatory Fee, to reduce the fee imposed on retail revenues of local exchange companies that have elected to participate in the alternative forms of regulation found in GS 62-133.5(h) or GS 62-133.5(m).

Sets out definitions to be used in GS 62-302, including *noncompetitive jurisdictional revenues*, *subsection (h) competitive jurisdictional revenues*, and *subsection (m) competitive jurisdictional revenues*.

Provides that noncompetitive jurisdictional revenues are subject to a utility fee that is the greater of (i) a percentage rate of each public utility's noncompetitive jurisdictional revenues for each quarter or (ii) \$6.25 each quarter.

Provides that competitive jurisdictional revenues, either subsection (h) or subsection (m) competitive jurisdictional revenues, will have a public utility regulatory fee that is a percentage rate established by the General Assembly for each fiscal year for revenues for each quarter.

Establishes that the percentage rate to be used to calculate the public utility fee for subsection (h) revenues will be set at 0.06 percent of revenues earned during each quarter beginning on July 1, 2015, and on July 1, 2016, it will change to 0.04 percent.

Establishes that the percentage rate to be used to calculate the public utility fee for subsection (m) revenues will be set at 0.05 percent of revenues earned during each quarter beginning on July 1, 2015, and on July 1, 2016, it will change to 0.02 percent.

Further provides that, for the 2015-16 and 2016-17 fiscal years, the percentage rate used for the public utility regulatory fee for noncompetitive jurisdictional revenues will be adjusted to reflect the decrease in fees collected by the above rates in order to ensure that the cost of operations of the Utilities Commission and staff are defrayed. Effective July 1, 2015.

Summary Ejectment Service of Process (new)

Amends GS 42-28 to add that after issuance of the summons in an eviction proceeding, the clerk must either return the summons to the plaintiff or forward the summons to the sheriff, depending on what the plaintiff chooses. Amends GS 42-29 to add that the term *officer* means either (1) a person over the age of 21 who is not a party to the action and is employed by the plaintiff to serve the summons and the complaint in summary ejectment or (2) the sheriff of the county where the premises is located.

Effective October 1, 2014.

Clarify effective date of definition of discharge of waste (new)

Amends Section 17 of SL 2012-187 to provide that Section 11 of the act (which amended the term *discharge* to provide that it does not include an emission which is a release into the outdoor atmosphere of air contaminants) is effective when the act became law and applies to contested cases filed or pending on or after the date that the act became law.

Clarify membership under insurance guaranty association act (new)

Amends GS 58-48-20 to add that the term *covered claim* includes all claims incurred against a workers' compensation group self-insurer that merged with a member insurer on or after January 1, 1997.

Amends GS 97-131 to add that the membership in the NC Self-Insurance Security Association of an individual self-insurer or group self-insurer must terminate for purposes of another members' insolvency or any other purpose upon the merger of the individual self-insurer or group self-insurer to a mutual insurance company or a stock insurance company on or after January 1, 1997.

Part II. (new)

Notify property owners of right-of-way transfers (new)

Amends GS 136-66.10 (dedication of right-of-way under local ordinances) to require local governments that require or accept right-of-way dedications in exchange for transferred density credits to notify the applicant and the property owner when the local government begins review of or negotiations for a right-of-way dedication and associated density credit transfer, whichever occurs first. Provides details for sending the notification and providing notification when the property owner is not the applicant. Applies to dedications occurring on or after October 1, 2014.

DOT Condemnation/corridor map changes (new)

Amends GS 136-113 to provide that interest on the damages awarded a DOT condemnation is calculated from the date of the taking to the date the judgment is paid (was, to the date of the judgment). Applies to condemnation actions filed on or after July 1, 2014.

Amends GS 136-119 to require the court to award the owner of the condemned property costs, disbursements, and expenses, including attorneys' fees, if the final judgment exceeds the amount of the initial deposit by 25 percent or more. Limits attorneys' fees to one-third of the difference between the judgment award, plus interest, and the initial deposit. Applies to condemnation actions filed on or after July 1, 2014.

Amends GS 136-44.51 to prohibit an application for a building permit issuance or subdivision plat approval for a tract subject to a valid transportation corridor official map from being delayed for more than one year (was, three years) from the date of its original submittal. Effective July 1, 2014.

Notice to chronic violators (new)

Repeals GS 160A-200 (city annual notice to chronic violators of overgrown vegetation ordinance).

Amends GS 160A-200.1 (annual notice to chronic violators or public nuisance ordinance) to add that cities may also give notice to a chronic violator of the municipality's overgrown vegetation ordinance in accordance with this statute.

Allow for differential treatment of fraternities and sororities in zoning (new)

Amends GS 153A-340 (applying to counties) and GS 160A-381 (applying to cities) to allow a zoning or unified development ordinance to differentiate, with respect to fraternities and sororities, in terms of the regulations applicable to fraternities or sororities between those that are approved or recognized by a college or university and those that are not, as follows: (1) the ordinance must allow a fraternity or sorority suspended or not recognized at least two years to reestablish approval or recognition, (2) the ordinance must allow a fraternity or sorority seeking approval or recognition at least three years to establish approval or recognition, and (3) the ordinance must require that a property may not be occupied successively by a fraternity or sorority seeking to reestablish approval or recognition and one seeking approval or recognition, and vice versa, unless the property is occupied by a fraternity or sorority approved or recognized for at least 12 successive months between the two.

Repeal protest petitions (new)

Repeals GS 160A-385(a) (stating the General Assembly's finding that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land use planning).

Repeals GS 160A-386 (protest petition; form; requirements; time for filing).

Makes conforming changes to GS 122C-403.

Provides that the section also repeals any local act authority for submission, review, or action by any city upon any zoning protest petition, whether or not enacted as a provision in a municipal charter.

Repeal obsolete Department of Insurance statutes (new)

Repeals GS 58-2-170 (Annual statements by professional liability insurers; medical malpractice claim reports), GS 58-3-191 (Managed care reporting and disclosure requirements), GS 58-36-3(c) (requiring the Department of Insurance to report annually to the President Pro Tempore of the Senate and the Speaker of the House of Representatives on the effectiveness of SL 2001-389 in assuring the provision of insurance coverage to motorcyclists at fair and economical rates), GS 58-40-130(e) (concerning a report that was to be made by July 1, 1988), and GS 58-50-95 (The Commissioner shall report annually to the Joint Legislative Oversight Committee on Health and Human Services

regarding the nature and appropriateness of reviews conducted under this Part). Makes conforming changes.

Post-Arrest photographic images not public (new)

Amends GS 15A-502 to add that a photo of a person charged with a misdemeanor or felony that is taken by a law enforcement officer or agency under the statute is confidential and exempt from disclosure as a public record. Allows the photo to be disclosed to the public if (1) the person is charged with a felony or (2) the officer or agency determines that release of the photo is reasonably necessary to secure the public's safety.

Effective when the act becomes law and applies as to persons charged with a misdemeanor or felony on or after that date.

Improve administrative program monitoring at DPI (new)

Specifies three actions that must be taken by the Department of Public Instruction (DPI) to increase the efficiency of school transportation services.

Amends GS 115C-522 to require DPI, in consultation with the Department of Administration (DOA), to establish term contracts for those school bus replacement parts with statewide annual sales exceeding \$100,000. Requires local boards of education to purchase replacement parts from these contracts unless the purchase price from noncertified sources is less than the costs under the state term contract and the replacement parts are the same or substantially similar. Effective January 1, 2015, and applies to purchases made on or after that date.

Requires DPI to revise the state inspection process for county school bus maintenance operations by incorporating school bus inspection, maintenance, and utilization information from the school bus fleet management system to identify noncompliant county school bus maintenance facilities and improve its oversight of local school bus operations. Requires DPI to report the revised inspection process and implementation schedule to the Joint Legislative Education Oversight Committee by December 31, 2014.

Requires DPI to reduce the operational requirements of the Textbook Services program by eliminating specified positions. Effective June 30, 2014.

Requires DPI and DOA to develop a plan to reallocate unneeded textbook warehouse space to other state agencies. Requires the plan to be submitted to the Joint Legislative Education Oversight Committee and to the Fiscal Research Division by December 31, 2014.

Requires DPI to develop and implement a process for monitoring time and resources required for the services provided by these sections and collect and compile information during fiscal year 2014-15 from local school boards to measure the benefits the local boards receive from the services provided. Requires DPI to report its findings to the Joint Legislative Education Oversight Committee and to the Fiscal Research Division by September 1, 2015.

Requires DPI to develop model loss prevention and return-to-work programs to be adopted by the State Board of Education to be used by local school boards. Effective January 1, 2015, makes conforming changes to GS 115C-47 by giving local boards of education the duty of implementing loss prevention and return-to-work programs based on those models. Amends GS 115-12 to add to the Board of Education's duties creating a performance management system. Amends GS 115C-21 to require the Superintendent of Public Instruction to report to the Joint Legislative Education Oversight Committee by December 31, 2014, and annually thereafter on the performance of each administrative support program in the performance management system. Enacts new GS 115C-23 requiring DPI to report to the Joint Legislative Education Oversight Committee by December 31, 2014, and annually thereafter on the performance of each strategic objective identified by the State Board of Education. Specifies items to be included in the report. Requires DPI to develop a performance management system for administrative support programs to include processes for identifying and monitoring 3 specified items.

Compliance with building code inspection requirements (new)

Amends GS 153A-360 (county inspections of work in progress) to provide that the statute's provisions are subject to

GS 153A-235(a) (which provides that a county may not adopt a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council).

Amends GS 160A-420 (city inspections of work in progress) to provide that the statute's provisions are subject to GS 160A-412(b) (a city may not adopt a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council).

Ethics requirements for certain city officials (new)

Enacts new GS 160A-88 requiring all members of governing boards of cities and consolidated city-counties to complete a statement of economic interest as if those members were public servants. Prohibits all members of governing boards of cities and consolidated city-counties from mentioning or allowing another person to mention the member's public position in nongovernmental advertising that advances the private interest of the member or others. Prohibits a member from using or allowing the use of public funds for any advertisement or public service announcement in a newspaper, on the radio, on television, in magazines, or on billboards that contains that member's name, picture, or voice, except in the case of emergency, and only if the announcement is reasonably necessary to the member's official function; does not apply to fund-raising on behalf of and aired on public radio or public television. Prohibits a member from using or disclosing nonpublic information gained in the course of, or by reason of, the member's official responsibilities in a way that would affect a personal financial interest of the member or any other person. Applies only to cities and city-counties with a population of more than 75,000 according to the last federal decennial census. Effective October 1, 2014. The statement of interest must be filed on or before January 1, 2015.

Building code survey (new)

Requires the NC Building Code Council to study the authority given to local building inspectors in those counties and cities where building plans are reviewed and approved before the issuance of a building permit pursuant to specified statutes. Requires a report to the 2015 General Assembly.

Animal euthanasia requirements (new)

Amends GS 19A-24 to add that a certified euthanasia technician must correctly calculate chemical agent dosage based on the animal species, age, weight, and condition and record specified identifying information as well as the dosages for drugs administered and the amounts for drugs wasted. Specifies how an animal must be weighed when a certified euthanasia technician uses any chemical agent having instructions directing that the dosage be determined based on weight. If the dose must be adjusted from the recommended amount, requires recording the amount administered and the reasons for administering a different amount. Effective July 1, 2015.

BRAC related discussion and documents (new)

Amends GS 132-1.2 to add that nothing in the Chapter requires or authorizes a public agency or its subdivision to disclose information that reveals documents related to the federal process to determine closure or realignment of military installations until a final decision has been made.

Amends GS 143-318.11(a)(4) to provide that a public body may hold a closed session and exclude the public only when a closed session is required to discuss matters relating to military installation closure or realignment.

Applies to meetings held on or after October 1, 2014.

Part III. (new)

Autism health insurance coverage (new)

Enacts new GS 58-3-192 requiring health benefit plans to provide coverage for autism spectrum disorders for individuals 23 years of age and younger that may be subject to the same deductibles, co-payments, and coinsurance terms that apply to substantially all other covered medical services under the health benefit plan. Prohibits insurers from terminating coverage or refusing coverage to an individual solely because the individual is diagnosed with one of the autism spectrum disorders or has received treatment for autism spectrum disorders. Requires diagnosis of autism spectrum disorder before age 8 to qualify for the required coverage. Provides that there will be no limits on the number of visits an individual may make for treatment. Prohibits denying coverage because the treatments are habilitative or educational in nature. Directs that coverage under these provisions must not be construed as limiting benefits that are otherwise available to an individual under a health benefit plan. Allows for a maximum annual benefit of \$36,000 for behavioral health treatment. Provides that if an individual is receiving treatment for an autism spectrum disorder, with the exception of inpatient services, a health benefit plan has the right to request a review of the treatment no more than once annually unless the insurer and the individual's licensed medical doctor or licensed psychologist agrees that a more frequent review is needed. Requires the insurer to pay any costs for the review. Includes applicable definitions in proposed GS 58-3-192. Provides that the statute does not apply to a non-grandfathered health plan in the individual and small group markets that are subject to the requirements to cover essential health benefits package. Provides that the statute is not to be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education program, or an individualized service plan. Applies to insurance contracts issued, renewed, or amended on or after October 1, 2014.

Enacts new GS 58-3-305 requiring each health insurer that issues, sells, offers, or renews a health benefit plan in the state to submit a biennial report to the Commissioner of Insurance (Commissioner) on or before May 1 of each odd-numbered year. Specifies items to be included in the report. Requires the Commissioner to consolidate the information in the reports and report specified information to the General Assembly no later than October 1 of each odd-numbered year. Requires the Commission to adopt rules implementing these requirements and allows adopting temporary rules to ensure that the reports are received by May 1, 2015.

Behavior analyst licensure (new)

Enacts new Article 43 of GS Chapter 90 to require the licensure of behavior analysts and assistant behavior analysts. Creates a seven-member NC Behavior Analysis Board (Board) with authority to determine licensure qualifications and fees; issue, deny, or suspend any license; conduct background checks; and discipline licensees. Requires the initial Board members to be selected on or before August 1, 2014. Establishes minimum qualifications for licensure and maximum licensure fees. Provides for license renewal, temporary licensure, and reciprocity.

Enacts new GS 90-726.14 making it a Class 2 misdemeanor to practice behavior analysis without a license; each violation is a separate offense. Specifies nine conditions that must be met in order for a person to be exempt from the Article. Effective January 1, 2015.

Amends GS 90-270.4 to add that nothing in the Article is to be construed to prevent a behavior analyst or an assistant licensed under Article 43 from offering services within the scope of practice authorized by the Board. Effective January 1, 2015.

Pharmacy benefits management regulation (new)

Enacts new Article 56A, Pharmacy Benefits Management in GS Chapter 58. Prohibits a pharmacy benefits manager from setting a maximum allowable cost price if the prescription drug does not have three or more nationally available therapeutically equivalent drug substitutes. Requires a pharmacy benefits manager to remove a maximum allowable cost price for a prescription drug, or modify a maximum allowable cost price, as necessary for a cost of a prescription drug to remain consistent with changes in the national marketplace. Requires a review of the maximum allowable cost prices for removal or modification to be completed by the pharmacy benefits manager at least once every seven business days and any removal or modification to occur within seven business days. Specifies information that a pharmacy benefits manager must disclose to pharmacies with which it contracts. Requires a pharmacy benefits manager to provide an appeals procedure to reasonably allow a pharmacy to contest maximum allowable cost prices

and sets out requirements for the appeals procedure. Sets out guidelines and restrictions on the disclosure of information. Prohibits a pharmacy benefit manager from taking actions that would restrict a covered individual's choice of pharmacy from which to receive prescription medications. Prohibits providing any incentive to a covered individual to use a particular pharmacy.

Effective January 1, 2015, and applies to contracts entered into, renewed, or amended on or after that date.

Limited food services at lodging facilities (new)

Amends GS 130A-247 to add that limited food service establishments includes lodging facilities serving only reheated food that has been pre-cooked. Amends GS 130A-148 to add lodging facilities that serve only reheated food that has been pre-cooked to those establishments that may be issued a limited food service establishment permit. Requires the Commission for Public Health to adopt rules to conform to these provisions.

Youth skin cancer prevention (new)

Amends GS 104E-9.1 to prohibit allowing a person under age 18 (was, 13 without a written prescription) from using tanning equipment. Effective July 1, 2014.

Nursing home administrator act revision (new)

Amends GS 90-280 to remove the requirement that the exam for applicants for an administrator in training program and reciprocity endorsement be conducted by the State Board of Examiners for Nursing Home Administrators.

ADA requirements for private pools (new)

Requires swimming pools to be accessible only to the extent required by the Americans with Disabilities Act and federal rules and regulations adopted under the act. Requires the Building Code Council to adopt a rule to amend Section 1109.14 of the 2013 NC State Building Code that is consistent with this requirement.

Report on SEEK (new)

Requires the Division of Child Development and Early Education to report to the Joint Legislative Oversight Committee on Health and Human Services and the 2015 General Assembly before the state implementation of the Subsidized Early Education for Kids System by March 15, 2015. Specifies items to be included in the report.

Exception to hospital authority conflict of interest (new)

Amends GS 131E-21 by adding that a commissioner or employee who is not involved in making or administering the contract may have an interest in the contract for materials or services for a hospital facility. Provides examples of what is or is not considered involvement in administering or making the contract.

Report on multiplicative auditing and monitoring of certain service providers (new)

Requires the Deputy Secretary of Behavioral Health and Developmental Disabilities Services to the Department of Health and Human Services to report, by December 1, 2014, to the Joint Legislative Oversight Committee on Health and Human Services on the status of multiplicative auditing and monitoring of all provider agencies under the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services who have been nationally accredited. Specifies items to be included in the report.

End sunset for facilities that use alternative electronic monitoring systems (new)

Amends Section 4 of SL 2009-490, as the title indicates.

State Medicaid recredentialing period (new)

Codifies Section 12H.7 of SL 2013-360 as GS 108C-9(e). Amends the provision to require that the fee be charged to all providers at recredentialing every five (was, three) years, effective July 1, 2017, and applying to all recredentialings

due on or after that date.

Part IV. (new)

Adds a severability clause.

Unless otherwise provided, the act is effective when it becomes law.

Makes conforming title changes.

Intro. by Walters.

[GS 15A](#), [GS 19A](#), [GS 20](#), [GS 42](#), [GS 58](#), [GS 62](#), [GS 74F](#), [GS 89C](#), [GS 90](#), [GS 97](#), [GS 104E](#), [GS 115C](#), [GS 122C](#), [GS 130A](#), [GS 131E](#), [GS 132](#), [GS 136](#), [GS 143](#), [GS 153A](#), [GS 160A](#)

[View summary](#)

[Animals](#), [Business and Commerce](#), [Insurance](#), [Occupational Licensing](#), [Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Motor Vehicle](#), [Court System](#), [Development](#), [Land Use and Housing](#), [Building and Construction](#), [Land Use, Planning and Zoning](#), [Property and Housing](#), [Education](#), [Government](#), [Ethics and Lobbying](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Health Insurance](#), [Social Services](#), [Public Assistance](#), [Military and Veteran's Affairs](#), [Public Enterprises and Utilities](#), [Transportation](#)

S 493 (2013-2014) [2014 REGULATORY REFORM ACT \(NEW\)](#). Filed Mar 27 2013, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY PROVIDING FOR VARIOUS ADMINISTRATIVE REFORMS, BY ELIMINATING CERTAIN UNNECESSARY OR OUTDATED STATUTES AND REGULATIONS AND MODERNIZING OR SIMPLIFYING CUMBERSOME OR OUTDATED REGULATIONS, AND BY MAKING VARIOUS OTHER STATUTORY CHANGES.*

The House committee substitute to the 3rd edition makes the following changes.

Part I.

Amends GS 58-71-40 to also allow the design of the shield carried by licensed bailbondsmen and runners to be altered by enameling to accommodate the license number.

Deletes Section 1.8, adjust the utility regulatory fee.

Part II.

Adds Section 2.19. Amends GS 18B-1303(b), which requires a wholesaler to service all retail permit holders within his designated territory without discrimination and to make a good faith effort to make each brand of malt beverage available to each retail permit holder in the territory, to provide that the provisions do not apply to retail permit holder private label brands.

Adds new Section 2.21. Requires the NC Building Code Council to issue rules revising the Administrative Code and Polices of the NC State Building Code to provide a procedure for approval of alternative material, design, or methods. Specifies what is to be included in the rules. Requires the Engineering Division of the Department of Insurance to provide staffing for the approval procedure. Requires the Council to post a description of the approval procedure on its website and maintain on its website a listing of any alternative materials, design, or construction within 15 days of approval.

Adds new Section 2.22. Amends GS 143-151.8 to provide that for purposes of the Article (North Carolina Code Officials Qualification Board), *willful misconduct, gross negligence, or gross incompetence* also includes four additional items, including the enforcement of a code requirement applicable to a certain area or set of circumstances in other areas or circumstances not specified in the requirement, and the enforcement of a requirement that is more stringent than or otherwise exceeds the code requirement. Requires the NC Code Officials Qualification Board to, by October 1, 2014, notify all Code enforcement officials in the state of the clarification to the grounds for disciplinary action enacted by this section.

Deletes Section 2.11, improve administrative program monitoring at DPI.

Part III.

Amends GS 58-56A-1 in Section 3.3 (pharmacy benefits management regulation) to add that the definition of *health benefit plan* excludes the State Health Plan for Teachers and State Employees and any entity retained by that Plan while performing under contract with that Plan.

Adds new Section 3.14. Provides that notwithstanding 15A NCAC 18A .1723, a spring that tranverses a restaurant's property may be used for water service to restaurant customers, and to employees, for consumption without requiring that it be equipped with a continuous disinfection device. Also provides that the owner will not be required to submit a certification to the Department of Public Health concerning the spring, or be subject to other requirements with respect to water service from the spring, except as required by the federal Safe Drinking Water Act. Requires the Commission for Public Health to adopt rules to amend 15A NCAC 18A .1723 consistent with these provisions, at which time the provisions expire.

Enacts new GS 130A-330 to allow a spring transversing restaurant property to be used for the purpose of water service to restaurant customers, and for employees, and makes it exempt from any requirements for disinfection of the spring water and other requirements that apply to a public water system. The provision applies only to the extent it is not preempted by the federal Safe Drinking Water Act.

Adds new Part III-A, specialty markets.

Amends GS 66-255 to add that for purposes of the registration list kept by a specialty market operator or the operator of an event where space is provided to a vendor, the exemptions in GS 66-256 that are applicable to farmers markets and tailgate markets apply.

Intro. by Walters.

GS 15A, GS 18B, GS 19A, GS 20, GS 42, GS 58, GS 62, GS 66, GS 74F, GS 89C, GS 90, GS 97, GS 104E, GS 122C, GS 130A, GS 131E, GS 132, GS 136, GS 143, GS 153A, GS 160A

Agriculture, Alcoholic Beverage Control, Animals, Business and Commerce, Insurance, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Court System, Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Property and Housing, Education, Government, Ethics and Lobbying, Local Government, Health and Human Services, Health, Health Insurance, Public Health, Social Services, Public Assistance, Military and Veteran's Affairs, Public Enterprises and Utilities, Transportation

[View summary](#)

S 761 (2013-2014) [CREDIT FOR MILITARY TRAINING](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO ENHANCE THE EFFECTIVENESS OF THE OCCUPATIONAL LICENSING OF MILITARY SERVICE MEMBERS AND VETERANS AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO SUBMIT A PLAN THAT WILL ENSURE THAT COLLEGE CREDITS ARE UNIFORMLY GRANTED TO STUDENTS WITH MILITARY TRAINING.*

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

Changes the long title.

Clarifies that the report that each licensing board sends is to the cochairs of the Legislative Research Commission Study Committee on Civilian Credit for Military Training and State Adjutant Selection Criteria.

Also corrects the committee that the UNC Board of Governors and the State Board of Community Colleges must submit the plan for implementing the uniform system of granting course credit to enrolled students based on military training or experience.

Requires the Board of Governors of the University of North Carolina and the State Board of Community Colleges, through the NC Community College System Office, to consult with the NC National Guard Education and Employment Center, the Department of Commerce, the Department of Labor, and other appropriate state and federal agencies to complete five specified tasks including identifying job development programs requiring the same Military Occupation Skills or sharing the same aptitude skills required to complete the program and determine the ability of state community colleges to conduct nondegree programs conducted in other states that have a high employment demand in North Carolina (previously, the Board of Governors was not included). Changes the report date for the required report to December 15, 2014 (was, October 1, 2015).

Makes technical and conforming changes.

Intro. by Meredith, Rabin.

[GS 93B](#)

[View summary](#)

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

S 794 (2013-2014) [DISAPPROVE INDUSTRIAL COMMISSION RULES](#). Filed May 19 2014, *A BILL TO BE ENTITLED 1 AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, TO PROVIDE SPECIFIC DIRECTIONS TO THE INDUSTRIAL COMMISSION TO REPLACE THE RULES, AND TO AMEND CERTAIN PROVISIONS OF THE WORKERS' COMPENSATION LAW.*

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

Changes the long title.

Disapproves 04 NCAC 10A .0202 (Hearing Costs or Fees), as adopted by the Industrial Commission on March 11, 2014, and approved by the Rules Review Commission on March 20, 2014.

Amends GS 97-25, Medical treatment and supplies, deleting certain provisions concerning medical motions, enacted by SL 2013-294 and which provided that in claims subject to GS 97-18(b) and (d), a party can file an expedited, emergency, or other medical motion with the Office of the Chief Deputy Commissioner, with the non-moving party having the right to contest the motion. Deleted sections setting out the procedures for submitting motions and

responses as well as the procedures for conducting an informal hearing on the motions. Adds new language which provides that in claims subject to GS 97-18(b) and (d), a party can file a specified motion regarding a request for medical compensation or a dispute involving medical issues. Nonmoving parties have the right to contest the motion and all motions and responses are to be submitted contemporaneously via electronic mail to the Industrial Commission and to the opposing party/attorney. Sets out motions and procedures allowed as well as other processes and procedures, including a motion filed with the Executive Secretary for an administrative ruling regarding a request for medical compensation or a request to have a full evidentiary hearing pursuant to GS 97-84. Also sets out factors to consider in granting or denying a motion and a provision allowing the assessment of fees if it is determined any party has acted unreasonably. Requires emergency medical motions to be filed with the Office of the Chief Deputy Commissioner and requires a ruling within five days. Provides for appeals.

Amends GS 97-78(g)(2) to require that the total number of requests for, and disputes involving, medical compensation under GS 97-25 in which final disposition was not reached in 75 days (was, 45 days) of the filing of the motion be reported by the Industrial Commission in its annual report to the Joint Legislative Commission on Governmental Operations.

Directs the Industrial Commission to adopt rules to replace the rules disapproved by this act and sets out seven specific directions that the rules must be adopted in accordance with.

Directs the Industrial Commission to adopt permanent rules as provided in this act in accordance with the procedures and timelines for temporary rules pursuant to GS 150B-21.1(a3). Requires the Industrial Commission to consult with the Office of Administrative Hearings to ensure that rules are submitted to the Rules Review Commission in time to be eligible for legislative disapproval in the 2015 Session of the General Assembly.

Provides that the rules of the Industrial Commission effective on the effective date of SL 2011-287 will remain in effect until rules adopted to replace the disapproved rules become effective.

Intro. by Brown.

UNCODIFIED

[View summary](#)

Employment and Retirement, Government, APA/Rule Making

S 818 (2013-2014) **ESTABLISH EDUCATION ENDOWMENT FUND**. Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND DEDICATE FUNDS FOR THE NORTH CAROLINA EDUCATION ENDOWMENT FUND TO PROVIDE ADDITIONAL SUPPORT AND FUNDING FOR K-12 PUBLIC SCHOOLS.*

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

Clarifies that among the financial contributions credited to the North Carolina Education Endowment Fund (Fund), as established in this act, are funds from the sale of "I Support Teachers" special registration plates.

Amends GS 20-79.7 to provide that the "I Support Teachers" specialized registration plate costs the regular motor vehicle registration fee plus an additional \$20. Directs that \$10 of the \$20 fee be distributed to the Special Registration Plate Account (SRPA) and that \$10 be distributed to the Collegiate and Cultural Attraction Plate Account (CCAPA).

Amends GS 20-63(b1) to add the "I Support Teachers" specialized registration plate to those plates which do not have to be a *First in Flight* plate under GS 20-63(b1). Provides that for specialized plates authorized under this subsection after July 1, 2013, the Division of Motor Vehicles (DMV) may not issue a plate unless it receives an additional 200 applications for the plate, meaning a total of 500 applications will be needed before the DMV can begin

issuing this license plate.

Directs the Revisor of Statutes to alphabetize, number, and renumber all the specialized registration plates listed in GS 20-79.4(b) to ensure the plates are listed in alphabetical order and numbered accordingly.

Deletes amendment to GS 105-153.5(b) and GS 105-130.9(2), which added language authorizing individual and corporate income tax deductions for amounts contributed to the Fund.

Makes additional technical and clarifying changes.

Intro. by Tillman.

[GS 20, GS 105, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

LOCAL/HOUSE BILLS

H 133 (2013-2014) [CHARLOTTE AIRPORT COMMISSION CLARIFICATIONS](#). Filed Feb 20 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION IS AN AGENCY WITHIN THE CITY OF CHARLOTTE AND TO EXTEND THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT OVERSIGHT COMMITTEE BY ONE YEAR.*

A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION IS AN AGENCY WITHIN THE CITY OF CHARLOTTE AND TO EXTEND THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT OVERSIGHT COMMITTEE BY ONE YEAR. Enacted June 18, 2014. Effective June 18, 2014.

Intro. by L. Bell, Brisson.

[Mecklenburg](#)

[View summary](#)

[Transportation](#)

H 1033 (2013-2014) [SPECIAL ASSESSMENT/DAM REPAIR/RICHMOND CO.](#) Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RICHMOND COUNTY TO IMPOSE A SPECIAL ASSESSMENT FOR REPAIR OF A DAM.*

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

Changes the short and long titles.

Deletes the provisions of the previous edition in their entirety.

Enacts new GS 153A-210.1(a1), which provides that the General Assembly finds that dam repair is a public purpose promoting flood control and public safety.

Amends GS 153A-210.1(b) to extend the sunset for GS Chapter 153A, Article 9A, Special Assessments for Critical Infrastructure Needs, to July 1, 2019 (was, July 1, 2015).

Enacts new GS 153A-210.2(a) to provide that the board of commissioners of a county may make special assessments, as provided in GS Chapter 153A, Article 9A, for the purpose of repairing the dam of that lake, against property that is contiguous to a lake and benefits from access to the same lake.

This act applies only to Richmond County.

Intro. by Goodman.

Richmond

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

H 1054 (2013-2014) [SPINDALE/CAPE FEAR SEWER FEE COLLECTION](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SPINDALE AND THE CAPE FEAR PUBLIC UTILITY AUTHORITY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR SEWER AVAILABILITY.*

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

Changes the short and long titles.

Deletes language concerning the validity and attachment of liens on real property, as they applied to the Town of Spindale.

Adds two sections, applying only to the Cape Fear Utility Authority, allowing the Authority to adopt ordinances to provide for the collection of a delinquent sewer availability fee in the same manner as delinquent property taxes after the fee has remained unpaid for 90 days. Provides delinquent fees collected pursuant to this section are considered a lien on the real property. Requires any ordinance adopted pursuant to this provision to provide for an appeals process. Provides that no provisions in the act are intended to alter or modify the priority of a lien established for city and county taxes. Further provides that any debt due the Cape Fear Public Utility Authority is expressly subordinate to any city or county tax.

Intro. by Hager.

New Hanover, Rutherford

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

H 1159 (2013-2014) [CITY OF GREENVILLE/PRIVATE SALE](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO CONVEY BY PRIVATE NEGOTIATION AND SALE CERTAIN REAL PROPERTY OWNED BY THE CITY THAT DOES NOT MEET THE MINIMUM LOT SIZE REQUIREMENTS PRESCRIBED BY THE CITY'S ZONING ORDINANCE.*

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

Provides that any sale or conveyance of property rights or interests in real property must be for monetary consideration (previous edition allowed the conveyance of property without any monetary consideration). Makes conforming changes.

Intro. by B. Brown, S. Martin.

Pitt

[View summary](#)

LOCAL/SENATE BILLS

S 731 (2013-2014) **SOUTHPORT OCCUPANCY TAX MODIFICATION**. Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TOURISM DEVELOPMENT AUTHORITY REQUIREMENTS PERTAINING TO THE OCCUPANCY TAX AUTHORIZED FOR THE TOWN OF SOUTHPORT.*

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

Makes technical and clarifying changes.

Intro. by Rabon.

Brunswick

[View summary](#)

Government, Tax

ACTIONS ON BILLS**PUBLIC BILLS****H 183: DELAY TRANSFER/CLEVELAND COUNTY CORR. FAC. (NEW).**

Ratified

H 558: SOIL & WATER/REGIONAL JAILS REFUNDS (NEW).

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 698: BACKGROUND CHECKS FOR FIREFIGHTERS.

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 712: CLARIFY EXPERT WITNESS COMPENSATION (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 777: SEX OFFENDER/EXPAND RESIDENTIAL RESTRICTIONS.

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 894: SOURCE WATER PROTECTION PLANNING (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 1031: NC ECON. DEV. PARTNERSHIP MODIFICATIONS.

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1036: NO REVOLVING DOOR EMPLOYMENT.

House: Reptd Fav Com Substitute

House: Re-ref Com On Judiciary Subcommittee A

H 1043: PREQUALIFICATION UPDATE.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 1057: DENR STUDY OF IBT/EMC ECO FLOW S STUDY.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/19/2014

H 1060: MILITARY STUDENT IDENTIFIER.

Pres. To Gov. 6/18/2014

H 1088: HIGHWAY PATROL ROUTINE MAINTENANCE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1089: AOC CIVIL CASE MANAGEMENT SYSTEM.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1090: AOC INFORMATION TECHNOLOGY POLICY.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1091: STUDY SUPERVISION OF MAGISTRATES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1094: MEDIATED SETTLEMENTS/DISTRICT CT.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1105: LOCAL EROSION PRGRMS/TAKEOVER EXISTING PLANS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1106: EROSION CONTROL DESIGNER CERTIFICATION.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1135: BUSINESS FACILITIES DEVELOPMENT.

House: Re-assigned To Commerce and Job Development

H 1139: STATE NAT. & HIST. PRESERVE DELETIONS.

House: Serial Referral To Finance Stricken

House: Serial Referral To Finance Stricken

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/19/2014

H 1149: STATE CIO/MOBILE COMMUNICATIONS DEVICES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1195: FISCAL INTEGRITY/PENSION-SPIKING PREVENTION.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

H 1209: RETIREMENT INVESTMENT ACCOUNTABILITY.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 1220: HOPE 4 HALEY AND FRIENDS.

House: Serial Referral To Judiciary Subcommittee B Stricken

House: Reptd Fav

House: Re-ref Com On Finance

H 1267: ABSENTEE BALLOT/EVERETTE HARRIS ACT.

House: Passed 1st Reading

House: Ref To Com On Elections

H 1268: HONOR JIM GULLEY.

House: Filed

S 38: VARIOUS EMERGENCY MANAGEMENT CHANGES.

House: Serial Referral To Transportation Stricken

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Serial Referral To Transportation Stricken

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Withdrawn From Cal

S 163: PROTECT LANDOWNERS' WATER RIGHTS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/19/2014

S 370: RESPECT FOR STUDENT PRAYER.

Pres. To Gov. 06/18/2014

S 463: JAIL DORMITORY MINIMUM STANDARDS.

Ratified

S 477: NO SET FEE/NONCOVERED VISION SERVICES.

Senate: Withdrawn From Com

Senate: Placed On Cal For 06/19/2014

S 493: 2014 REGULATORY REFORM ACT (NEW).

House: Reptd Fav Com Substitute

House: Re-ref Com On Regulatory Reform

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Withdrawn From Cal

House: Re-ref Com On Regulatory Reform

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

Senate: Reptd Fav To Concur

Senate: Placed on Today's Calendar

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

S 719: STUDENT ORGANIZATIONS/RIGHTS & RECOGNITION.

House: Amend Failed A1

House: Amend Failed A2

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 729: COAL ASH MANAGEMENT ACT OF 2104 (NEW).*Senate: Reptd Fav**Senate: Re-ref Com On Finance***S 744: APPROPRIATIONS ACT OF 2014.***Senate: Conf Com Appointed***S 761: CREDIT FOR MILITARY TRAINING.***Senate: Reptd Fav Com Substitute**Senate: Com Substitute Adopted***S 769: BOOST STATE NATURE/HERITAGE TOURISM INDUSTRY.***Senate: Withdrawn From Com**Senate: Re-ref Com On Rules and Operations of the Senate***S 793: CHARTER SCHOOL MODIFICATIONS.***Senate: Special Message Sent To House**House: Special Message Received From Senate**House: Passed 1st Reading**House: Ref To Com On Education***S 794: DIS APPROVE INDUSTRIAL COMMISSION RULES.***Senate: Reptd Fav Com Substitute**Senate: Com Substitute Adopted***S 797: 911 BOARD/BACK-UP PSAP.***Senate: Regular Message Sent To House**House: Regular Message Received From Senate***S 815: ENSURING PRIVACY OF STUDENT RECORDS.***House: Passed 1st Reading**House: Ref To Com On Education***S 818: ESTABLISH EDUCATION ENDOWMENT FUND.***Senate: Reptd Fav Com Substitute**Senate: Com Substitute Adopted**Senate: Re-ref Com On Appropriations/Base Budget**Senate: Sequential Referral To Finance Added***S 853: BUSINESS COURT MODERNIZATION.***House: Passed 1st Reading**House: Ref To Com On Judiciary Subcommittee C***LOCAL BILLS****H 133: CHARLOTTE AIRPORT COMMISSION CLARIFICATIONS.***Ratified**Ch. SL 2014-10***H 531: WEAVERVILLE, BUNCOMBE & HENDERSON.***House: Cal Pursuant 36(b)*

House: Ruled Material

House: Placed On Cal For 06/19/2014

H 569: FOXFIRE/SATELLITE ANNEXATIONS.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 1033: SPECIAL ASSESSMENT/DAM REPAIR/RICHMOND CO.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Cal Pursuant Rule 36(b)

House: Ruled Material

House: Withdrawn From Cal

House: Placed On Cal For 06/19/2014

H 1044: AVERASBORO TOWNSHIP TDA CHANGES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1054: SPINDALE/CAPE FEAR SEWER FEE COLLECTION.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 1056: LAKE LURE OFFICIAL MAP/DEANNEXATION.

House: Reptd Fav

House: Re-ref Com On Finance

H 1114: ELK PARK/DEED TRANSFERRING PROPERTY.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1151: FAYETTEVILLE RED LIGHT CHANGES.

House: Reptd Without Prejudice

House: Re-ref Com On Finance

H 1156: SPIRITUOUS LIQUOR TASTINGS/CITY OF ASHEVILLE.

House: Withdrawn From Com

House: Re-ref Com On Commerce and Job Development

H 1158: MORGANTON CHARTER AMENDMENT.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1159: CITY OF GREENVILLE/PRIVATE SALE.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1168: YANCEY RIGHT-OF-WAY SAFETY.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1207: HIGH POINT CHARTER/COUNCIL HIRE CITY ATTORNEY.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1211: MOUNT GILEAD CHARTER REVISION & CONSOLIDATION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

H 1218: CITY OF MONROE/SUPERVISION OF ATTORNEY.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1244: WILSON COUNTY OCCUPANCY TAX INCREASE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

H 1245: PLEASANT GARDEN/VOLUNTARY ANNEXATION.

House: Reptd Fav

House: Re-ref Com On Finance

H 1246: ARMED DETENTION OFFICERS/FORSYTH COUNTY.

House: Passed 3rd Reading

House: Ordered Engrossed

House: Special Message Sent To Senate

H 1247: ASHEVILLE REGIONAL AIRPORT.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 226: REPEAL 1935 DURHAM CO. FIREARM ACT (NEW).

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 731: SOUTHPORT OCCUPANCY TAX MODIFICATION.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

S 741: BLADEN, COLUMBUS, FRANKLIN/TAX CERT.

House: Passed 1st Reading

House: Ref To Com On Finance

S 767: ROCKINGHAM DEANNEXATION.

House: Passed 1st Reading

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

S 864: YANCEYVILLE ATV USE.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 865: TOWN OF BOONE/EXTRATERRITORIAL JURISDICTION.

House: Passed 1st Reading

House: Ref To Com On Government

S 870: DURHAM/PAYMENTS FOR ON-STREET PARKING.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 871: RALEIGH/DURHAM/DEANNEXATION/ANNEXATION.

House: Passed 1st Reading

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

S 874: SPRUCE PINE DEANNEXATION.

House: Passed 1st Reading

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

S 876: BREVARD MEALS TAX.

Senate: Withdrawn From Cal

Senate: Re-ref Com On Finance

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