

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

## School of Government

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House Legislative Day 140

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Senate Legislative Day 137

Wednesday, June 23, 2010

## ACTION ON BILLS June 23, 2010

- NOTES**
1. Amendments and committee substitutes adopted today are summarized following the chamber action.
  2. Subscribers can find the digest of every version of each bill online at [www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu).
  3. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
  4. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
  5. Enacted bills are indicated by #, failed bills by \*. Actions that change a bill are indicated by HA or SA.

## PUBLIC BILLS

| Bill No. | Short Title   | Chamber of Action and Action Taken   |
|----------|---|--|
| H0076    | School Board Candidate Filing Fee.<br>04-01-09, 04-08-09, 06-23-10            | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted                              |
| H0080    | Ban Electronic Sweepstakes<br>03-19-09, 06-17-10, 06-21-10                    | H Rec To Concur S Com Sub<br>H Ref To Com On Judiciary I                             |
| H0466    | Consumer Choice and Investment Act Changes.<br>05-13-09, 06-15-10             | H Reptd Unfav For Conc<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 6/24/2010 |
| H0683    | Prepaid Wireless Sunset/Permit Extensions.<br>06-15-10, 06-23-10              | SA Amend Adopted # 1<br>S Passed 2nd & 3rd Reading                                   |
| H0901    | Honors Courses in Healthful Living Classes.<br>04-13-09, 05-04-09             | S Reptd Fav  |
| H0961    | Gov't Ethics and Campaign Reform Act of 2010.<br>04-15-09, 05-12-09, 06-22-10 | S Withdrawn From Cal<br>S Re-ref Com On Judiciary I                                  |
| H1143    | Military Wartime Veteran Special Plate Change.<br>04-30-09                    | S Reptd Fav  |
| H1307    | Possess Prescription Drug/Not Drug  | S Reptd Fav Com Substitute   |

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| Traffick.  | SA Com Substitute Adopted                          |
|  | S Placed On Cal For 6/23/2010                      |
|  | S Passed 2nd Reading                               |
|  | S Passed 3rd Reading                               |
| 05-11-09, 05-12-09, 05-13-09, 06-23-10             |  |
| H1463 Expand Access/Confidential Intermediaries.   | S Passed 2nd & 3rd Reading                         |
| 05-05-09, 08-06-09, 06-22-10                       |  |
| H1676 Substitute Teacher Unemployment.             | S Reptd Fav  |
| H1683 Amend Sunset/Children w/Disab.               | S Withdrawn From Com                               |
|  | S Placed On Cal For 6/24/2010                      |
| H1691 Use of 911 Funds.                            | H Passed 3rd Reading                               |
|  | S Rec From House                                   |
|  | S Ref To Com On Rules and Operations of the Senate |
| 06-10-10, 06-17-10                                 |  |
| H1692 Medicaid Dental/Special Needs Population.    | S Reptd Fav Com Substitute                         |
|  | SA Com Substitute Adopted                          |
| 05-26-10, 06-23-10                                 |  |
| H1693 Develop Special Needs Dental Care Workforce. | S Reptd Fav Com Substitute                         |
|  | SA Com Substitute Adopted                          |
| 06-23-10   |  |
| H1698 Update Long-Term Care Statutes.              | S Reptd Fav  |
| 05-26-10   |  |
| H1708 Clean Marinas Amendments.                    | H Reptd Fav  |
|  | H Cal Pursuant Rule 36(b)                          |
|  | H Placed On Cal For 6/24/2010                      |
| H1717 Modernization of the State ABC System.       | S Rec From House                                   |
|  | S Ref To Com On Judiciary II                       |
| 06-09-10, 06-16-10, 06-22-10                       |  |
| H1726 Improve Child Care Nutrition/Activity Stnds. | HA Reptd Fav Com Sub 2                             |
|  | H Cal Pursuant Rule 36(b)                          |
|  | H Placed On Cal For 6/24/2010                      |
| 05-24-10, 06-23-10                                 |  |
| H1734 DOT Powers and Duties Changes.               | S Reptd Fav Com Substitute                         |
|  | SA Com Substitute Adopted                          |
| 05-27-10, 06-10-10, 06-23-10                       |  |
| H1741 Animal Euthanasia Technicians.               | H Passed 3rd Reading                               |
|  | S Rec From House                                   |
|  | S Ref To Com On Finance                            |
| 06-09-10   |  |
| H1762 Domestic Violence Training for Judges.       | S Rec From House                                   |
|  | S Ref To Com On Judiciary II                       |
| H1778 Brevard Academy/Retirement Election.         | H Reptd Fav  |
|  | H Cal Pursuant Rule 36(b)                          |
|  | H Placed On Cal For 6/24/2010                      |
| H1790 Honor Transylvania County's 150th.           | H Reptd Fav  |
|  | H Cal Pursuant Rule 36(b)                          |
|  | H Placed On Cal For 6/24/2010                      |
| H1801 Environmental Technical Corrections 2010.    | H Passed 2nd & 3rd Reading                         |
| 06-01-10   |  |
| H1802 ENR Reports Consolidation 2010.              | H Passed 2nd & 3rd Reading                         |
| 06-01-10   |  |
| H1804 Energy Policy Council Green Energy Study.    | H Passed 2nd Reading                               |
| 06-10-10   |  |
| H1840 Remove Sunset/e-NC Authority.                | S Reptd Fav Com Substitute                         |
|  | SA Com Substitute Adopted                          |

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|---|----|--|
|   | S  | Placed On Cal For 6/23/2010                                |
|   | S  | Passed 2nd & 3rd Reading                                   |
| 06-23-10  |    |  |
| H1870 Safe Artificial Slope Construction Act.       | HA | Reptd Fav Com Substitute                                   |
|   | H  | Re-ref Com On Finance                                      |
| 06-23-10  |    |  |
| H1874 Chapter 50B Fee Clarification.                | H  | Passed 3rd Reading   |
|   | S  | Rec From House   |
|   | S  | Ref To Com On Judiciary I                                  |
| H1900 Honor Mickey Hutchens.                        | H  | Reptd Fav  |
|   | H  | Cal Pursuant Rule 36(b)                                    |
| H1901 Honor George Holmes.                          | H  | Placed On Cal For 6/24/2010                                |
| H1907 Confirm Lucy Allen.                           | S  | Passed 2nd & 3rd Reading                                   |
| H1908 Honor Ernest Bishop, Jr.                      | H  | Placed On Cal For 6/24/2010                                |
| *H1913 ATV and PWC Sales Tax Holiday.               | HF | Reptd Unfav  |
| H1936 Remove Sunset/ Priv. Sale Local Gov't Bonds.  | H  | Reptd Fav  |
|   | H  | Cal Pursuant Rule 36(b)                                    |
|   | H  | Placed On Cal For 6/24/2010                                |
| H1998 Reciprocity for ORP Service.                  | S  | Reptd Fav  |
| H2054 Retirement Technical Corrections.             | S  | Reptd Fav  |
| 06-10-10  |    |  |
| #H2071 Honor Myrna Miller.                          | H  | Ratified   |
|   | HR | Ch. Res 2010-14  |
| H2076 Honor ADA 20th Anniversary.                   | H  | Reptd Fav  |
|   | H  | Cal Pursuant Rule 36(b)                                    |
|   | H  | Placed On Cal For 6/24/2010                                |
| H2077 Honor New Bern's 300th Anniversary.           | H  | Reptd Fav  |
|   | H  | Cal Pursuant Rule 36(b)                                    |
| H2079 Amend Constitution/State Savings Fund.        | H  | Passed 1st Reading   |
|   | H  | Ref To Com On Rules, Calendar, and Operations of the House |
| S0035 Reconveyance Fees Prohibited.                 | S  | Reptd Fav To Concur  |
|   | S  | Placed On Cal For 6/23/2010                                |
|   | S  | Concurred In H/com Sub                                     |
| 02-19-09, 06-01-10, 06-02-10                        |    |  |
| S0066 Comprehensive Arts Education Plan.            | S  | Concurred In H/com Sub                                     |
| 04-08-09, 06-01-10                                  |    |  |
| S0181 Drivers Licenses Change Expir./8 yrs to 65 .  | S  | Reptd Fav  |
| S0595 Pedestrian Safety Improvements.               | S  | Reptd Fav To Concur  |
| 05-13-09, 05-14-09, 06-04-09, 06-15-10              |    |  |
| S0655 Increase Drivers License Restoration Fee.     | HA | Reptd Fav Com Substitute                                   |
| 05-26-10, 06-23-10                                  | H  | Re-ref Com On Appropriations                               |
| S0829 Regulation of Appraisal Management Companies. | H  | Reptd Fav  |
|   | H  | Cal Pursuant Rule 36(b)                                    |
|   | H  | Placed On Cal For 6/24/2010                                |
| 07-28-09, 08-05-09, 06-10-10                        |    |  |
| S0836 Oil Spill Liability, Response, & Preparedness | H  | Passed 2nd Reading   |
|   | HA | Amend Adopted 1  |
|   | H  | Passed 3rd Reading   |
|   | H  | Ordered Engrossed  |
| 08-06-09, 06-10-10, 06-22-10, 06-23-10              |    |  |
| S0887 Amend Electronics Recycling Law.              | HA | Reptd Fav Com Sub 2  |
|   | H  | Cal Pursuant Rule 36(b)                                    |
|   | H  | Placed On Cal For 6/24/2010                                |
| 05-12-09, 06-16-10, 06-23-10                        |    |  |
| S0992 Pyrotechnics Operator's License.              | H  | Passed 3rd Reading   |

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|  | H Ordered Engrossed           |
|  | S Rec From House              |
|  | S Placed On Cal For 6/23/2010 |
|  | S Concurred In H/com Sub      |
|  | S Ratified                    |
| 06-09-10, 06-15-10, 06-17-10, 06-22-10         |                               |
| S1191 Nurse Aide Training Review.              | HA Amend Adopted 1            |
|  | H Passed 2nd & 3rd Reading    |
|  | H Ordered Engrossed           |
| 06-03-10, 06-07-10, 06-22-10, 06-23-10         |                               |
| S1193 Implement LTC Partnership Program.       | H Passed 3rd Reading          |
| 06-03-10, 06-16-10, 06-21-10                   |                               |
| S1198 Education Cabinet Est. STEM Priority.    | H Passed 2nd & 3rd Reading    |
| 06-16-10                                       |                               |
| S1199 NC Biotechnology and Agriscience School. | S Reptd Fav Com Substitute    |
|  | SA Com Substitute Adopted     |
| 06-23-10                                       |                               |
| S1213 Amend State Purchases & Contracts Laws.  | S Withdrawn From Cal          |
|  | S Placed On Cal For 6/24/2010 |
| 06-16-10                                       |                               |
| S1215 Economic Incentives Alignment & Changes. | H Passed 1st Reading          |
|  | H Ref to the Com on Commerce, |
|  | Small Business, and           |
|  | Entrepreneurship, if          |
|  | favorable, Finance            |
| 06-16-10                                       |                               |
| S1244 SBOE Members Ex Officio to Econ. Dev.    | H Passed 2nd Reading          |
| Comm.  |                               |
| 06-16-10                                       |                               |
| S1392 State Health Plan/Court-Ordered          | S Reptd Fav                   |
| Guardianships.                                 |                               |

### LOCAL BILLS

| <u>Bill No.</u> | <u>Short Title</u>                            | <u>Chamber of Action and Action Taken</u>  |
|-----------------|---|--|
| H0337           | Statesville Deannexation.                     | S Reptd Fav                                |
| H1664           | Brevard Charter Amendment.                    | S Passed 2nd & 3rd Reading                 |
| H1673           | Municipal Tax Certification.                  | S Reptd Fav                                |
|                 | 05-25-10, 06-10-10                            |  |
| H1687           | Caswell Beach Sewer Treatment Fee.            | S Reptd Fav                                |
| H1696           | Watauga/Sunday Bow Hunting Exemption.         | S Withdrawn From Com                       |
|                 |   | S Re-ref Com On State and Local Government |
|                 | 05-27-10                                      |  |
| H1716           | Allow Hamlet to Operate Motorized ATVs .      | S Passed 2nd & 3rd Reading                 |
| H1753           | School Bus Railroad Crossing Exception.       | S Passed 2nd & 3rd Reading                 |
| H1754           | Tax Certification-Dare & McDowell.            | S Rec From House                           |
|                 |   | S Ref To Com On Finance                    |
|                 | 06-17-10                                      |  |
| H1920           | Brunswick Co. Economic Dev. Comm. Membership. | HA Reptd Fav Com Substitute                |
|                 |   | H Cal Pursuant Rule 36(b)                  |
|                 |   | H Placed On Cal For 6/24/2010              |
|                 | 06-23-10                                      |  |
| H1921           | Wake Email Address Lists/Electronic Access.   | H Passed 2nd & 3rd Reading                 |

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|--|-----------------------------|---|
| 06-16-10, 06-22-10<br>H1953 Delinquent Tax Deny Permits/Set Tax Discount.  | S                           | Ref To Com On Finance   |
| 06-09-10, 06-22-10<br>H1956 Marshville Town Manager.<br>H1960 Graham Deannexation.                               | S<br>H<br>H<br>H            | Passed 2nd & 3rd Reading<br>Reptd Fav<br>Cal Pursuant Rule 36(b)<br>Placed On Cal For 6/24/2010   |
| 06-16-10<br>H1964 Catawba CC/Exception to Umstead Act.   | H                           | Reptd Fav   |
| H2042 Sanford Property Transfer/King Taxes.<br>06-09-10, 06-22-10<br>H2052 Winston-Salem/Assessments Exemption.  | H<br>S                      | Re-ref Com On Education<br>Passed 2nd & 3rd Reading   |
| S1115 Carteret Schools May Administer Oath.  | H<br>S<br>S<br>S<br>SA<br>S | Passed 3rd Reading<br>Rec From House<br>Ref To Com On Finance<br>Reptd Fav Com Substitute<br>Com Substitute Adopted<br>Re-ref Com On Judiciary II |
| 06-23-10<br>S1135 Red Oak/City of Rocky Mount Deannexation.  | H<br>S<br>S<br>S            | Passed 3rd Reading<br>Rec From House<br>Rec To Concur H Com Sub<br>Placed On Cal For 6/24/2010  |
| 06-17-10<br>S1146 Cabarrus Fire District Boundary Validation.  | S                           | Ratified  |
| 05-26-10<br>S1298 Town of Pembroke Occupancy Tax.  | H<br>H                      | Reptd Fav<br>Re-ref Com On Finance  |
| S1331 Allow Wheel Locks for City of Fayetteville.  | HA<br>H                     | Reptd Fav Com Substitute<br>Re-ref Com On Finance   |
| 06-23-10<br>S1345 Greensboro/Relocation of Wildlife.<br>06-22-10<br>S1356 Increase Wilkesboro Firemen's Pension. | S<br>H<br>H<br>H            | Passed 2nd & 3rd Reading<br>Reptd Fav<br>Cal Pursuant Rule 36(b)<br>Placed On Cal For 6/24/2010   |
| #S1359 Amend Highlands Scholarship Fund.<br>06-02-10<br>S1389 Graham Deannexation.                               | SR                          | Ch. SL 2010-9   |
| S1389 Graham Deannexation.   | S<br>H<br>H                 | Passed 3rd Reading<br>Passed 1st Reading<br>Ref to the Com on Local Government I, if favorable, Finance   |
| 06-16-10, 06-21-10<br>S1421 Forest City/Convey Property.   | H<br>H                      | Reptd Fav<br>Re-ref Com On Finance  |
| 06-08-10<br>S1444 Kannapolis/Concord Doughnut Hole Annexations.  | H<br>H                      | Passed 1st Reading<br>Ref to the Com on Local Government II, if favorable, Finance  |
| 06-16-10<br>S1445 Goldsboro-Wayne Airport Authority/Changes.<br>06-23-10   | S<br>SA                     | Reptd Fav Com Substitute<br>Com Substitute Adopted  |

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 76. HONOR WISHES OF MEMBERS OF MILITARY/REMAINS (NEW).** Filed 2/5/09. Senate committee substitute deletes all provisions of the 3rd edition and replaces it with *AN ACT TO ALLOW A MEMBER OF THE MILITARY TO DESIGNATE THE TYPE, PLACE, AND METHOD OF DISPOSITION OF THE INDIVIDUAL'S REMAINS BY COMPLETING THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA, DD FORM 93, OR ITS SUCCESSOR FORM.*

Amends GS 130A-420(a) as the title indicates. Provides that a delegation made by filling out the United States Department of Defense Record of Emergency Data, DD Form 93 or its successor form is only effective if the individual dies under the circumstances described in 10 U.S.C. §1481(a)(1) through (8) and that this delegation takes precedence over any of the other methods set forth in the statute.

**H 683. PREPAID WIRELESS SUNSET/PERMIT EXTENSIONS.** Filed 3/18/09. Senate amendment makes the following changes to 2nd edition.

Provides that Section 5 of SL 2009-406 (the Permit Extension Act of 2009), as amended, applies to the provisions of this act.

Amends Subdivision 3 of Section 5.2(b) of SL 2009-406, as enacted by Section 2 of SL 2009-572, regarding a development approval contingent upon a water supply system or a sanitary sewer system connection, to allow a local government to reallocate reserved capacity for suspended projects if among the designated requirements it does not reallocate capacity to exceed the amount of the requested capacity (was, reserved capacity).

Rewrites Subdivision 1 of Section 3 of SL 2009-406 to amend the definition for *development approval* to apply to approvals that are for the development of land or for the provision of water or wastewater services including water and wastewater service capacity allocations.

Provides that SL 2009-406 as amended is not to be interpreted or applied (1) to modify any person's obligations or (2) to impair the rights of any party under any contract, including any bond or other similar undertaking.

Renumbers the sections of the act accordingly.

**H 1307. NO FELON AS SHERIFF (NEW)** . Filed 4/8/09. Senate committee substitute deletes all provisions of 4th edition and replaces with *AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT NO PERSON CONVICTED OF A FELONY IS ELIGIBLE TO BE ELECTED SHERIFF.*

Subject to approval by the voters at the statewide general election on November 2, 2010, amends Section 2 of Article VII of the North Carolina Constitution to provide that no person convicted of a felony against this state, the United States, or another state is eligible to serve as sheriff, whether or not that person has had his or her citizenship rights restored under the law. Provides that *convicted of a felony* includes the entry of a guilty plea; a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or a plea of no contest, nolo contendere, or the equivalent.

**H 1692. MEDICAID DENTAL/SPECIAL NEEDS POPULATION.** Filed 5/12/10. Senate committee substitute makes the following changes to 2nd edition.

Adds that DHHS must also report its findings and recommendations from the study to the Public Health Study Commission by November 15, 2011. Makes clarifying linguistic changes and makes a conforming change to the title.

**H 1693. DEVELOP SPECIAL NEEDS DENTAL CARE WORKFORCE.** Filed 5/12/10. Senate committee substitute makes the following changes to 1st edition. Requires that the NC Area Health Education Centers Program also report its findings and recommendations to the Public Health Study Commission. Removes from the title the provision indicating that the act is as recommended by the North Carolina Study Commission on Aging.

**H 1726. IMPROVE CHILD CARE NUTRITION/ACTIVITY STNDS.** Filed 5/13/10. House committee substitute makes the following changes to 2nd edition.

Amends GS 110-91(2) to clarify that the nutrition standards for child care facilities are to prohibit (1) serving whole milk to children two years of age or older (was, required to serve reduced fat milk to children older than two years of age); (2) flavored milk to children of any age; and (3) serving more than six ounces of juice per day to

any child (was, prohibited serving more than four to six ounces of juice daily to children over one year if age). Also adds a requirement that all juice be served in a cup and not a bottle.

Adds a new section directing the Division of Public Health, Department of Health and Human Services, to work with the Division of Child Development, nutritionists, pediatricians, and child care providers to examine the current nutrition standards. Directs the Division of Public Health to report its findings and recommendations on improving nutrition standards in child care facilities to the Legislative Task Force on Childhood Obesity if it is reestablished, to the Public Health Study Commission, and to the Fiscal Research Division by December 1, 2010.

Makes technical changes and makes conforming changes to the title.

**H 1734. DOT POWERS AND DUTIES CHANGES.** Filed 5/13/10. Senate committee substitute makes the following changes to 3rd edition.

Adds new section amending GS 136-18(2) to provide the Department of Transportation (DOT) authority to locate and acquire rights-of-way for the present or future relocation or initial location of distributed antenna systems (DAS) as permitted by local zoning, and to alter the location or configuration of such lines or systems above or below ground. Makes a conforming change to the title.

**H 1840. REMOVE E-NC SUNSET/STUDY COMPETING SYSTEMS (NEW).** Filed 5/18/10. Senate committee substitute makes the following changes to 1st edition.

Adds several new sections to provide as follows. Defines *communication system*, as used in the act, to mean a system that provides high-speed broadband Internet access service or other Internet access service, cable service, telecommunications service, video programming service, or a combination of those services at retail. Specifies that *cable service*, *telecommunications service*, and *video programming service* have the same meanings as in GS 105-164.3. Directs the Revenue Laws Study Committee (Committee) to continue the study that it began in 2009 of local government owned and operated communication systems and to report its findings and any recommended legislation to the 2011 General Assembly by March 1, 2011. Directs the Committee to determine specified matters and policies relevant to its study of local government owned and operated communication systems. Authorizes the Committee co-chairs to (1) appoint an advisory subcommittee to assist with conducting the study, and (2) ask the Local Government Commission to designate someone to participate in the subcommittee's deliberations in an ex-officio, nonvoting capacity. Limits the subcommittee to 12 members and provides that the subcommittee should have members representing specified areas of interest relating to telecommunication services, cable systems, and municipalities.

Prohibits the Local Government Commission from approving an application for financing under GS 160A-19, GS 160A-20 or GS 160A-466 by a local government or joint agency for a communication system until the following conditions are met: (1) a bill recommended as a result of the Committee's study to the 2011 Regular Session of the 2011 General Assembly becomes law; (2) or if a bill by the Committee is not recommended or enacted, until the 2011 Regular Session adjourns by joint resolution for more than 10 days. Provides exceptions to the interim financing prohibitions for units of local government or a joint agency meeting specified qualifications. Provides that if a local government unit or a joint agency qualify under a specified exception to the prohibition against interim financing, then prior to submitting an application, the unit of local government or joint agency must hold a public hearing on the proposed application and must send, at least 15 days before the hearing, written notice to each person that provides communication service within that unit, informing them of the intent to submit an application. Also provides that a unit of local government whose application is approved under the same specified exception to the prohibition against interim financing will be fully subject to the requirements of any bill recommended by the Committee as the result of its study that is enacted by the 2011 Regular Session of the 2011 General Assembly.

**H 1870. SAFE ARTIFICIAL SLOPE CONSTRUCTION ACT.** Filed 5/19/10. House committee substitute makes the following changes to 1st edition.

Adds new subsection (c) to proposed GS 113A-265 to provide that the provisions and rules adopted under new Article 19 of Chapter 113A do not apply to a site on which regulated slope construction activity is to be conducted if that site is (1) accessed by a right-of-way and application of the rules and provisions of this Article would make the right-of-way unusable for its intended purpose, or (2) application of the rules or provisions would be cost prohibitive.

Amends GS 47E-4(b), effective July 1, 2012, to provide that the NC Real Estate Commission's required standard disclosure statement include among the characteristics and conditions of the property information as to the location of the property within an area ranked as high or moderate relative debris/earth flow/slide hazard area as designated on maps prepared by the North Carolina Geological Survey.

Makes additional clarifying and technical changes. Makes conforming changes to the title.

**H 1920. BRUNSWICK CO. ECONOMIC DEV. COMM. MEMBERSHIP.** Filed 5/20/10. House committee substitute makes the following change to 1st edition.

Changes the number of authorized additional at-large Commission members to two (was, up to three).

## **SENATE BILLS**

**S 655. INCREASE DRIVERS LICENSE RESTORATION FEE.** Filed 3/18/09. House committee substitute makes the following changes to 2nd edition.

Deletes increased restoration fee (was, \$75) imposed on persons with licenses revoked for a reason other than impaired driving. Makes a conforming change to the title. Modifies the fee allocation to provide that the \$50 restoration fee and the first \$50 of the \$100 restoration fee for licenses revoked due to impaired driving will be deposited in the Highway Fund (was, \$50 of each fee). Directs \$25 of the \$100 fee (was, \$25 of each fee collected) to be used to fund the statewide chemical alcohol testing program administered by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of DHHS, and deposits the remainder of the \$100 fee in the General Fund (was, \$25 of the \$100 fee).

**S 836. OIL SPILL LIABILITY, RESPONSE, & PREPAREDNESS.** Filed 3/24/09. House amendment makes the following changes to 4th edition.

Changes the reporting date by which the Coastal Resources Commission must make recommendations concerning offshore energy exploration and production to the Environmental Review Commission on or before April 1, 2011 (was, October 1, 2011).

**S 887. AMEND ELECTRONICS RECYCLING LAW.** Filed 3/25/09. House committee substitute makes the following changes to 3rd edition.

Adds new requirement under proposed GS 130A-309.136 (requirements applicable to retailers) to provide that a retailer, selling or offering for sale new computer equipment or televisions, must (1) determine that all new covered devices offered for sale are permanently and visibly labeled with the manufacturer's brand, and (2) review DENR's website to confirm that the manufacturer of a new covered device is on DENR's list of compliant manufacturers. Renames the Electronics Management Account, created under proposed 130A-309.137, as Electronics Management *Fund*, and makes conforming changes throughout. Makes additional technical and organizational changes.

**S 1115. CARTERET SCHOOLS MAY ADMINISTER OATH.** Filed 5/12/10. Senate committee substitute makes the following changes to 1st edition.

Amends proposed GS 115C-366(i) to clarify that principals and their designees may not administer any other oath for other purposes, unless authorized by law.

**S 1191. NURSE AIDE TRAINING REVIEW.** Filed 5/17/10. House amendment makes the following changes to 4th edition. Adds the North Carolina Association of Non-Profit Homes for the Aging to those entities that are to have equal representation in the Division of Health Service Regulation's review of the education and training requirements for nurse aides.

**S 1199. EST. REGIONAL SCHOOL PLANNING COMM (NEW).** Filed 5/17/10. Senate committee substitute deletes all the provisions of the 1st edition and replaces it with *AN ACT TO CREATE THE AGRISCIENCE AND BIOTECHNOLOGY REGIONAL SCHOOL PLANNING COMMISSION TO DEVELOP AND PLAN A REGIONAL SCHOOL OF AGRISCIENCE AND BIOTECHNOLOGY.*

Establishes the Agriscience and Biotechnology Regional School Planning Commission (Planning Commission). Provides that the purpose of the Planning Commission is to develop and plan a regional school of agriscience and biotechnology to open in the 2011-12 school year. Locates the Planning Commission in the Department of Public Instruction (DPI) but authorizes the Planning Commission to exercise its powers and duties independently of DPI. Directs DPI to provide for administrative costs and staff for the Planning Commission.

Provides that the Planning Commission is to have up to nine members appointed by the chair of the State Board of Education no later than September 1, 2010.

Directs the Planning Commission to ensure that the model for a regional school of agriscience and biotechnology that it develops is replicable, sustainable, and scaleable. Provides additional specifications to be considered by the Planning Commission in developing its plan.



Requires the Planning Commission to report on its recommended plan to the State Board of Education, the Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission, and the Joint Legislative Education Oversight Committee by January 1, 2011.

**S 1331. ALLOW WHEEL LOCKS FOR CITY OF FAYETTEVILLE.** Filed 5/19/10. House committee substitute makes the following changes to 1st edition.

Adds a new section, applicable to the City of Fayetteville only, amending Section 1 of SL 2003-240, to clarify that a city council may provide, by ordinance, for the use of wheel locks on illegally parked vehicles *within the designated area*, that have three or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days. Amends the session law further to require that notice must also be sent to the registered owner of the vehicle by mail (was, notice must be affixed to vehicle only).

**S 1445. GOLDSBORO-WAYNE MUNICIPAL AIRPORT/CHANGES (NEW).** Filed 5/26/10. Senate committee substitute makes the following changes to 1st edition.

Adds a section to authorize the City of Goldsboro to convey by private negotiation, with or without monetary consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in any property not already included in the metes and bounds description in the act and owned by Goldsboro for the Goldsboro-Wayne Municipal Authority (Authority) to Wayne County. Adds a section directing the Authority to convey all owned real and personal property to Wayne County no later than July 15, 2010. Adds a section directing the Authority to assign all of its leases and contracts to Wayne County, effective July 15, 2010. Adds a section directing Wayne County to accept all Authority liabilities, beginning July 15, 2010. Authorizes Wayne County (was, the county-appointed board) to act in an administrative capacity in the airport's operation, and delineates specific functions. Authorizes Wayne County to lease real or personal property supervised or administered by the county (was, by the Authority with no required joinder by the county) for purposes considered advantageous to airport development by the county. Limits a lease term to Goldsboro (was, Wayne County) or Wayne Community College to 50 years. Removes the authority to enter into contracts and to pledge the credit of the Authority. Terminates the terms of the three representatives on the Goldsboro-Wayne Airport Authority on July 15, 2010 (was, October 1, 2010). Ratifies the action of the NC Local Government Commission in approving the loan and financing agreement from BB&T to the Goldsboro-Wayne Airport Authority, and authorizes Wayne County to make payments accordingly. Makes the act effective when it becomes law (was, October 1, 2010). Makes additional technical, clarifying, and conforming changes, and makes a conforming change to the title. Renumbers sections accordingly.

## NEXT SESSIONS

June 24, 2010

**HOUSE convenes at 9:45 a.m.**

**SENATE convenes at 9:45 a.m.**

As a *Daily Bulletin* subscriber, you also have access to the *Daily Bulletin* website ([www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu)). Use the site to access current and archived issues of the *Bulletin* or individual bill digests by bill number. The bill digests provide summaries of each bill as introduced as well as committee substitutes, amendments, and conference reports. If you need your username and password, please call our office at 919.733.2484 or e-mail [Christine.Wunsche@ncleg.net](mailto:Christine.Wunsche@ncleg.net).

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

## School of Government

The University of North Carolina at Chapel Hill  
Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601  
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House Legislative Day 144

Vol. 2010, No. 29

Senate Legislative Day 141

Wednesday, June 30, 2010

## SUMMARIES OF BILLS FILED

### HOUSE BILLS

**H 2082. RECOGNIZE YMCA CAMPING.** Filed 6/30/10. *HONORING THE ONE HUNDRED TWENTY-FIFTH ANNIVERSARY OF YMCA CAMPING.*

As title indicates.

Intro. by Underhill.

JOINT RES

### SENATE BILLS

**S 1461. HONOR DUKE LACROSSE TEAM.** Filed 6/30/10. *HONORING THE DUKE BLUE DEVILS FOR WINNING THE 2010 NATIONAL LACROSSE CHAMPIONSHIP.*

As title indicates.

Intro. by Blue.

JOINT RES

## ACTION ON BILLS

June 30, 2010

- NOTES**
1. Amendments and committee substitutes adopted today are summarized following the chamber action.
  2. Subscribers can find the digest of every version of each bill online at [www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu).
  3. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
  4. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
  5. Enacted bills are indicated by #, failed bills by \*. Actions that change a bill are indicated by HA or SA.

## PUBLIC BILLS

| <u>Bill No.</u> | <u>Short Title</u>                               | <u>Chamber of Action and Action Taken</u>   |
|-----------------|--|---|
| H0076           | Honor Wishes of Members of Military/<br>Remains. | H Rec To Concur S Com Sub<br>H Ref To Com On Judiciary I                          |
|                 | 04-01-09, 04-08-09, 06-23-10, 06-29-10           |   |
| H0120           | Chapel Hill Public Campaigns.                    | S Passed 2nd & 3rd Reading<br>H Rec To Concur S Com Sub<br>H Ref To Com On Rules, |

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|  | Calendar, and Operations of<br>the House   |
| 03-04-09, 03-16-09, 04-01-09, 04-08-09, 04-21-09, 06-29-10 |  |
| H0213 VSL Nonfamily Sick Leave Donations.                  | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted  |
| 05-04-09, 05-12-09, 06-30-10                               |  |
| H0357 Conform County School Board Vacancy<br>Statute.      | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted  |
| 06-30-10   |  |
| H0614 Absentee Voting Changes.                             | S Passed 2nd & 3rd Reading<br>H Rec To Concur S Com Sub<br>H Ref To Com On Election Law<br>and Campaign Finance Reform             |
| 04-08-09, 05-06-09, 05-07-09, 06-29-10                     |  |
| H0617 Disabled Sportsmen/Atv Exception.                    | S Passed 2nd & 3rd Reading<br>H Rec To Concur S Com Sub<br>H Ref To Com On Wildlife<br>Resources                                   |
| 05-11-09, 05-13-09, 06-29-10                               |  |
| H0666 Electronic Payments by Local<br>Governments.         | S Passed 2nd & 3rd Reading<br>H Rec To Concur S Com Sub<br>H Ref To Com On Local<br>Government II                                  |
| 06-29-10   |  |
| H0726 Clarify Expunctions.                                 | S Passed 2nd & 3rd Reading<br>H Rec To Concur S Com Sub<br>H Ref To Com On Judiciary II  |
| 05-13-09, 06-29-10   |  |
| H1260 Conform State Law/Firearm<br>Disentitlement.         | H Conf Report Adopted 2nd<br>SA Conf Report Adopted  |
| 08-04-09, 06-29-10   |  |
| H1292 Employment of Noncertified School<br>Personnel.      | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted  |
| 05-13-09, 08-05-09, 06-30-10                               |  |
| H1307 No Felon as Sheriff.                                 | H Concurred On 2nd Reading   |
| 05-11-09, 05-12-09, 05-13-09, 06-23-10                     |  |
| H1412 Courts-Martial Amendments.                           | S Passed 2nd & 3rd Reading<br>H Rec To Concur S Com Sub<br>H Ref To Com On Homeland<br>Security, Military, and<br>Veterans Affairs |
| 05-06-09, 06-29-10   |  |
| H1659 Eminent Domain.                                      | S Ref To Com On Rules and<br>Operations of the Senate  |
| 06-24-10   |  |
| H1669 Require Use EVAAS in Schools.                        | H Concurred In S Amend   |
| 06-22-10   |  |
| H1682 Corp. Punish. for Children W/Disabilit.              | S Reptd Fav  |
| 05-25-10, 06-09-10   |  |
| H1685 Turnpike Authority Toll Enforcement<br>Changes.      | S Ref To Com On Finance  |
| 05-27-10   |  |
| H1691 Use of 911 Funds.                                    | S Withdrawn From Com<br>S Re-ref Com On Finance  |
| 06-10-10, 06-17-10   |  |
| H1692 Medicaid Dental/Special Needs<br>Population.         | H Reptd Fav To Concur<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/1/2010   |
| 05-26-10, 06-23-10   |  |

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|--|--|
| H1693 Develop Special Needs Dental Care Workforce.   | H Reptd Fav To Concur                              |
|  | H Serial Referral Stricken                         |
|  | H Cal Pursuant Rule 36(b)                          |
|  | H Placed On Cal For 7/1/2010                       |
| 06-23-10   |  |
| H1705 Consumer Guidelines for Hearing Aid Purchases. | S Reptd Fav Com Substitute                         |
| 06-09-10, 06-30-10                                   | SA Com Substitute Adopted                          |
| H1741 Animal Euthanasia Technicians.                 | S Passed 2nd & 3rd Reading                         |
|  | H Rec To Concur S Com Sub                          |
|  | H Ref To Com On Judiciary I                        |
| 06-09-10, 06-29-10                                   |  |
| H1743 Improve River Basin Modeling.                  | SA Amend Adopted # 1                               |
|  | S Passed 2nd Reading                               |
| 05-26-10, 06-09-10, 06-29-10, 06-30-10               |  |
| H1744 Modify Water Funding Priorities                | S Passed 2nd & 3rd Reading                         |
|  | H Rec To Concur S Com Sub                          |
|  | H Ref To Com On Water Resources and Infrastructure |
| 05-26-10, 06-29-10                                   |  |
| H1746 Water Infrastructure Information Needs.        | S Passed 2nd & 3rd Reading                         |
|  | H Rec To Concur S Com Sub                          |
|  | H Ref To Com On Water Resources and Infrastructure |
| 06-09-10, 06-16-10, 06-29-10                         |  |
| H1747 Water Supply System Capacity Planning.         | S Passed 2nd & 3rd Reading                         |
| 06-09-10   |  |
| H1748 Conserve & Protect Ag Water Resources.         | S Passed 2nd & 3rd Reading                         |
| 06-09-10, 06-16-10                                   |  |
| H1757 Fitness Testing in Schools.                    | H Passed 2nd & 3rd Reading                         |
|  | S Rec From House                                   |
|  | S Ref To Com On Education/ Higher Education        |
| 06-09-10, 06-29-10                                   |  |
| H1765 Amend IBT Notice.                              | HA Reptd Fav Com Sub 2                             |
|  | H Cal Pursuant Rule 36(b)                          |
|  | H Placed On Cal For 7/1/2010                       |
| 06-09-10, 06-30-10                                   |  |
| H1824 Coyote Controls.                               | S Withdrawn From Com                               |
|  | S Re-ref Com On Rules and Operations of the Senate |
| 06-09-10, 06-16-10                                   |  |
| H1829 Renewable Energy Incentives.                   | SA Amend Adopted # 1                               |
|  | S Passed 2nd Reading                               |
| 06-03-10, 06-08-10, 06-29-10, 06-30-10               |  |
| H1847 Promote Work Oppy. Tax Credit.                 | H Reptd Fav  |
|  | H Re-ref Com On Appropriations                     |
|  | H Reptd Fav  |
|  | H Cal Pursuant Rule 36(b)                          |
|  | H Placed On Cal For 7/1/2010                       |
|  | S Reptd Fav  |
| H1905 Fire Safe Cigarettes.                          |  |
| H1936 Remove Sunset/ Priv. Sale Local Gov't Bonds.   |  |
| H2066 Special Retirement Allowances.                 | HA Reptd Fav Com Sub 2                             |
|  | H Serial Referral Stricken                         |
|  | H Cal Pursuant Rule 36(b)                          |
|  | H Placed On Cal For 7/1/2010                       |
| 06-22-10, 06-30-10                                   |  |
| H2076 Honor ADA 20th Anniversary.                    | S Withdrawn From Cal                               |
|  | S Placed On Cal For 7/1/2010                       |

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|--|----|--|
| H2078 Honoring 100th Anniversary of Scouting.        | H  | Placed On Cal For 7/1/2010                                 |
| H2081 Albemarle Electric System's 100th Anniversary. | H  | Passed 1st Reading   |
|  | H  | Ref To Com On Rules, Calendar, and Operations of the House |
|  | H  | Filed  |
| H2082 Recognize YMCA Camping.                        | HA | Reptd Fav Com Substitute                                   |
| S0020 Voter-Owned Election for Treasurer.            | H  | Re-ref Com On Appropriations                               |
| 08-04-09, 08-05-09, 06-30-10                         |    |  |
| S0181 Drivers Licenses Change Expir./8 yrs to 65 .   | H  | Reptd Fav  |
| 06-24-10   | H  | Re-ref Com On Finance                                      |
| S0308 Low Profit Limited Liability Company.          | H  | Withdrawn From Com   |
|  | H  | Re-ref Com On Judiciary I                                  |
| 07-01-09   |    |  |
| S0354 Continuing Care Retire. Community/Home Care.   | H  | Reptd Fav  |
|  | H  | Cal Pursuant Rule 36(b)                                    |
|  | H  | Placed On Cal For 7/1/2010                                 |
| 04-23-09, 05-26-09, 06-16-10, 06-29-10               |    |  |
| S0650 Regulation of Golf Carts by Local Governmts.   | HA | Reptd Fav Com Substitute                                   |
|  | H  | Serial Referrel Stricken                                   |
|  | H  | Cal Pursuant Rule 36(b)                                    |
|  | H  | Placed On Cal For 7/1/2010                                 |
| 04-21-09, 06-30-10                                   |    |  |
| S0655 Increase Drivers License Restoration Fee.      | H  | Withdrawn From Com   |
|  | H  | Cal Pursuant Rule 36(b)                                    |
|  | H  | Placed On Cal For 7/1/2010                                 |
| 05-26-10, 06-23-10                                   |    |  |
| S0716 2009 Omnibus Campaign Finance Law Changes.     | HA | Reptd Fav Com Substitute                                   |
| 06-30-10   | H  | Re-ref Com On Judiciary I                                  |
| S0740 Flex. in Setting Salary/Comm. Coll Pres.       | HA | Amend Adopted 1  |
|  | H  | Passed 3rd Reading   |
|  | H  | Ordered Engrossed  |
| 04-08-09, 06-15-10, 06-30-10                         |    |  |
| S0829 Regulation of Appraisal Management Companies.  | S  | Concurred In H/com Sub                                     |
| 07-28-09, 08-05-09, 06-10-10, 06-24-10               |    |  |
| S0866 Retiring of State Flags.                       | S  | Concurred In H/com Sub                                     |
| 06-09-10   |    |  |
| S0887 Amend Electronics Recycling Law.               | S  | Concurred In H/com Sub                                     |
| 05-12-09, 06-16-10, 06-23-10                         |    |  |
| S0897 Appropriations Act of 2010.                    | H  | Conf Report Adopted 3rd                                    |
|  | S  | Conf Report Adopted 3rd                                    |
|  | S  | Ratified   |
| 05-18-10, 06-01-10, 06-02-10, 06-03-10, 06-28-10     |    |  |
| S1015 Homeowner and Homebuyer Protection Act.        | H  | Withdrawn From Com   |
|  | H  | Cal Pursuant Rule 36(b)                                    |
|  | H  | Placed On Cal For 7/1/2010                                 |
| 05-12-09, 05-13-09, 06-02-10, 06-29-10               |    |  |
| S1077 Remove E-NC Sunset.                            | S  | Rec To Concur H Com Sub                                    |
|  | S  | Ref To Com On Rules and Operations of the Senate           |
| 05-07-09, 06-16-10, 06-28-10                         |    |  |
| S1136 Regulate Towing From Private Lots.             | HA | Reptd Fav Com Substitute                                   |
|  | H  | Re-ref Com On Finance                                      |
| 06-09-10, 06-30-10                                   |    |  |
| S1151 Supplemental Nutrition Assistance Program.     | S  | Concurred In H/com Sub                                     |

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| 06-22-10   |    |  |
| S1177 Rev. Laws Technical & Admin. Changes.          | H  | Passed 3rd Reading   |
|  | H  | Ordered Engrossed  |
| 05-26-10, 06-24-10, 06-28-10, 06-29-10               |    |  |
| S1191 Nurse Aide Training Review.                    | S  | Ratified   |
| 06-03-10, 06-07-10, 06-22-10, 06-23-10               |    |  |
| S1193 Implement LTC Partnership Program.             | S  | Ratified   |
| 06-03-10, 06-16-10, 06-21-10                         |    |  |
| S1201 Add'l Flex./Coop. Innovative High Schools.     | H  | Passed 2nd & 3rd Reading                                   |
| 06-16-10   |    |  |
| S1202 Career Acad. as Coop. Innov. High School.      | H  | Withdrawn From Cal   |
|  | H  | Re-ref Com On Rules, Calendar, and Operations of the House |
| S1210 Increase Licensure Fees/Athletic Trainers.     | H  | Reptd Fav  |
|  | H  | Cal Pursuant Rule 36(b)                                    |
|  | H  | Placed On Cal For 7/1/2010                                 |
| S1214 Highway Patrol Motor Carrier Fines/Local Fees. | SA | Amend Adopted # 1  |
|  | S  | Passed 2nd & 3rd Reading                                   |
|  | S  | Engrossed  |
|  | H  | Passed 1st Reading   |
|  | H  | Ref to the Com on Transportation, if favorable, Finance    |
| 06-29-10, 06-30-10                                   |    |  |
| S1215 Economic Incentives Alignment & Changes.       | H  | Reptd Fav  |
|  | H  | Re-ref Com On Finance                                      |
| 06-16-10   |    |  |
| S1216 Extend Emergency Foreclosure Program.          | S  | Rec To Concur H Com Sub                                    |
|  | S  | Placed On Cal For 7/1/2010                                 |
| 06-08-10, 06-09-10, 06-16-10, 06-24-10               |    |  |
| S1244 SBOE Members Ex Officio to Econ. Dev. Comm.    | H  | Passed 2nd & 3rd Reading                                   |
|  | S  | Rec From House   |
|  | S  | Rec To Concur H Com Sub                                    |
|  | S  | Placed On Cal For 7/1/2010                                 |
| 06-16-10, 06-29-10                                   |    |  |
| S1246 Four-Year Cohort Graduation Rate.              | HA | Amend Adopted 1  |
|  | H  | Passed 2nd Reading   |
| 06-29-10, 06-30-10                                   |    |  |
| S1251 State Health Plan/Treat Teachers Equitably.    | H  | Withdrawn From Com   |
|  | H  | Cal Pursuant Rule 36(b)                                    |
|  | H  | Placed On Cal For 7/1/2010                                 |
| 06-16-10   |    |  |
| S1256 Brevard Academy/Retirement Election.           | S  | Withdrawn From Cal   |
|  | S  | Placed On Cal For 7/1/2010                                 |
| S1302 Honor Margaret Taylor Harper.                  | S  | Passed 2nd & 3rd Reading                                   |
|  | H  | Passed 1st Reading   |
|  | H  | Cal Pursuant 32(a)   |
|  | H  | Passed 2nd & 3rd Reading                                   |
| S1323 Amend SEAA Board Membership.                   | H  | Passed 2nd & 3rd Reading                                   |
| S1337 UST Operator Training Program.                 | HA | Amend Adopted 1  |
|  | HA | Amend Adopted 2  |
|  | H  | Passed 2nd Reading   |
| 06-01-10, 06-10-10, 06-24-10, 06-30-10               |    |  |
| S1386 Government Employees Port Benefits.            | HA | Reptd Fav Com Substitute                                   |
|  | H  | Re-ref Com On Rules, Calendar, and Operations of the House |

|                                   |   |
|-----------------------------------|---|
| 06-15-10, 06-16-10, 06-30-10      |   |
| S1391 Caswell Co. Heritage Month. | S Passed 2nd & 3rd Reading<br>H Passed 1st Reading<br>H Cal Pursuant 32(a)<br>H Passed 2nd & 3rd Reading<br>S Filed |
| S1461 Honor Duke Lacrosse Team.   |   |

### LOCAL BILLS

| Bill<br>No. | <u>Short Title</u>   | <u>Chamber of Action<br/>and Action Taken</u>   |
|-------------|--|---|
| H0337       | Statesville Deannexation.  | H Ratified  |
| H0565       | Union Fire Fees.<br>05-06-09, 08-04-09                                 | H Conf Com Appointed  |
| H0664       | Avery: Deed Recordation & Delinquent<br>Taxes.                         | S Reptd Fav   |
| H0710       | Archer Lodge Boundary Correction.<br>06-22-10                          | S Passed 2nd Reading  |
| H1666       | Davie School Board.<br>05-27-10  | S Passed 2nd & 3rd Reading  |
| H1687       | Caswell Beach Sewer Treatment Fee.                                     | H Ratified  |
| H1695       | Repeal Waynesville Firemen's Supp.<br>Pension.                         | S Passed 2nd & 3rd Reading  |
| H1728       | Carteret Schools May Administer Oath.<br><br>06-09-10                  | H Passed 2nd & 3rd Reading<br>S Rec From House<br>S Ref To Com On State and<br>Local Government |
| H1754       | Tax Certification-Dare & McDowell.<br>06-17-10                         | S Passed 2nd & 3rd Reading  |
| H1772       | Cherokee School Board Terms.<br>06-09-10                               | S Passed 2nd & 3rd Reading  |
| H1821       | Allow Williamston to Operate Motorized<br>ATVs.                        | S Passed 2nd & 3rd Reading  |
| H1841       | Moore County School Board Police.<br><br>06-22-10                      | H Passed 2nd & 3rd Reading<br>S Rec From House<br>S Ref To Com On State and<br>Local Government |
| H1893       | Winston-Salem Fox Hunting.<br><br>06-09-10                             | H Passed 2nd & 3rd Reading<br>S Rec From House<br>S Ref To Com On State and<br>Local Government |
| H1910       | Shelby May Inspect Cleveland County<br>Vehicles.                       | S Passed 2nd & 3rd Reading  |
| H1919       | Matthews Public-Private Projects.<br>06-24-10                          | S Reptd Fav   |
| H1944       | Bermuda Run Debt Collection/Gates &<br>Fences.                         | H Reptd Fav<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/1/2010                        |
| H1953       | Delinquent Tax Deny Permits/Set Tax<br>Discount.<br>06-09-10, 06-22-10 | S Passed 3rd Reading<br>H Ratified  |
| H2042       | Sanford Property Transfer/King Taxes.                                  | H Reptd Fav To Concur<br>H Cal Pursuant Rule 36(b)  |

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|---|----|--|
| 06-09-10, 06-22-10                                  | H  | Placed On Cal For 7/1/2010                       |
| H2052 Winston-Salem/Assessments Exemption.          | S  | Reptd Fav  |
| H2055 State Health Plan/Local Govt Retiree Contrib. | HA | Reptd Fav Com Sub 2                              |
|   | H  | Cal Pursuant Rule 36(b)                          |
|   | H  | Placed On Cal For 7/1/2010                       |
| 06-21-10, 06-30-10                                  | S  | Passed 2nd & 3rd Reading                         |
| H2056 Rutherford County Coroner.                    | HA | Reptd Fav Com Substitute                         |
| 06-16-10  | H  | Re-ref Com On Judiciary I                        |
| S0430 Wilmington Civil Service Rewrite.             |    |  |
| 05-12-09, 06-30-10                                  | H  | Passed 3rd Reading                               |
| S1114 Chapel Hill Energy Efficiency/Renewable.      | H  | Ordered Engrossed                                |
| 05-26-10, 06-16-10, 06-24-10, 06-29-10              | S  | Passed 2nd & 3rd Reading                         |
| S1115 Carteret Schools May Administer Oath.         | H  | Passed 1st Reading                               |
|   | H  | Ref To Com On Local Government II                |
| 06-23-10, 06-29-10                                  | SR | Ch. SL 2010-25                                   |
| #S1120 Burlington Economic Development.             | H  | Reptd Fav  |
| S1121 Burlington Charter/Real Property Sale/Lease.  | H  | Cal Pursuant Rule 36(b)                          |
|   | H  | Placed On Cal For 7/1/2010                       |
| 06-15-10  | HA | Reptd Fav Com Substitute                         |
| S1130 Ashe Fox Trapping.                            | H  | Re-ref Com On Wildlife Resources                 |
| 06-07-10, 06-30-10                                  | S  | Ratified   |
| S1135 Red Oak/City of Rocky Mount Deannexation.     |    |  |
| 06-17-10  | H  | Placed On Cal For 7/1/2010                       |
| S1238 Rutherford County Coroner.                    | S  | Withdrawn From Cal                               |
| 06-24-10  | S  | Re-ref Com On Rules and Operations of the Senate |
| S1264 Cherokee School Board Terms.                  |    |  |
| 06-02-10  | HA | Reptd Fav Com Substitute                         |
| S1298 Town of Pembroke Occupancy Tax.               | H  | Cal Pursuant Rule 36(b)                          |
|   | H  | Placed On Cal For 7/1/2010                       |
| 06-30-10  | H  | Passed 3rd Reading                               |
| S1331 Allow Wheel Locks for City of Fayetteville.   | S  | Rec From House                                   |
|   | S  | Rec To Concur H Com Sub                          |
|   | S  | Placed On Cal For 7/1/2010                       |
| 06-23-10  | H  | Reptd Fav  |
| S1345 Greensboro/Relocation of Wildlife.            | H  | Re-ref Com On Wildlife Resources                 |
| 06-22-10  | HA | Reptd Fav Com Substitute                         |
| S1357 Expand Cabarrus County Tourism Authority.     | H  | Re-ref Com On Finance                            |
| 06-30-10  | H  | Reptd Fav  |
| S1361 Greensboro/High Point Boundary Swap.          | H  | Re-ref Com On Finance                            |
| S1362 Orange/Alamance Boundary.                     | H  | Reptd Fav  |
|   | H  | Cal Pursuant Rule 36(b)                          |
|   | H  | Placed On Cal For 7/1/2010                       |



|   |   |                              |
|---|---|------------------------------|
| 06-09-10, 06-24-10                                  |   |                              |
| S1389 Graham Deannexation.                          | S | Ratified                     |
| 06-16-10, 06-21-10                                  |   |                              |
| S1421 Forest City/Convey Property.                  | H | Reptd Fav                    |
|   | H | Cal Pursuant Rule 36(b)      |
|   | H | Placed On Cal For 7/1/2010   |
| 06-08-10  |   |                              |
| S1435 Planning & Zoning in Forsyth County.          | H | Reptd Fav                    |
|   | H | Re-ref Com On Finance        |
| S1444 Kannapolis/Concord Doughnut Hole Annexations. | H | Reptd Fav                    |
|   | H | Re-ref Com On Finance        |
| 06-16-10  |   |                              |
| S1445 Goldsboro-Wayne Municipal Airport/Changes.    | H | Reptd Fav                    |
|   | H | Re-ref Com On Transportation |
| 06-23-10  |   |                              |
| S1446 Durham Stormwater Facilities Assessments.     | S | Passed 2nd Reading           |

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 213. VSL NONFAMILY SICK LEAVE DONATIONS.** Filed 2/18/09. Senate committee substitute makes the following changes to 3rd edition.

Amends GS 126-8.3 (directing the State Personnel Commission to adopt rules and policies for the voluntary shared leave program) and GS 115C-12.2 (directing the State Board of Education to adopt rules and policies for the voluntary shared leave program) to reduce the maximum number of days per year of sick leave that an employee may receive from a non-family member to 20 days (was, 30 days).

Deletes the provision that allowed departments and agencies with employees not subject to the voluntary leave provisions to extend those benefits to those employees.

Deletes changes to GS 115D-25.3 which included requiring the Board of Community Colleges to adopt policies concerning employees donating sick leave to other non-family employees, and that allowed community college employees to transfer up to five days of sick leave per year to an employee who is a non-family member.

Adds the requirement that the State Personnel Commission, the State Board of Education, and the State Board of Community Colleges make an annual report on the voluntary shared leave program by October 15 to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Changes the effective date to January 1, 2011 (was, January 1, 2010). Makes conforming changes to the title.

**H 357. SCHOOL ABSENCE FOR RELIGIOUS HOLIDAYS (NEW).** Filed 2/27/09. Senate committee substitute deletes the provisions of the 1st edition and replaces it with *AN ACT TO DIRECT THE STATE BOARD OF EDUCATION, THE STATE BOARD OF COMMUNITY COLLEGES, AND THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ADOPT RULES OR POLICIES PERTAINING TO RELIGIOUS HOLIDAYS AND THE ACADEMIC WORK MISSED BECAUSE OF THE OBSERVANCE OF THOSE HOLIDAYS.*

Amends GS 115C-379 (regarding the State Board of Education), GS 115D-5 (regarding the State Board of Community Colleges) and GS 116-11 (regarding the UNC Board of Governors) as the title indicates. Requires that each institution's policy authorize a minimum of two excused absences each academic year for religious observances required by the faith of a student. Applies beginning with the 2010-11 academic year.

**H 1292. UNIV. ENERGY SAVINGS/LEA OPERATIONAL LEASES (NEW).** Filed 4/8/09. Senate committee substitute deletes the provisions of the 3rd edition and replaces it with *AN ACT TO PROVIDE THAT ANY ENERGY SAVINGS REALIZED BY CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA SHALL REMAIN AVAILABLE TO THE INSTITUTION AND A PORTION OF THOSE ENERGY SAVINGS SHALL BE USED FOR OTHER ENERGY CONSERVATION MEASURES; AND TO EXPAND THE USE OF OPERATIONAL LEASES BY LOCAL BOARDS OF EDUCATION.*

Enacts GS 116-30.3B (energy conservation savings) to require UNC constituent institutions to carry forward to the next fiscal year the General Fund current operations credit balance resulting from the energy savings accrued from implementing an energy conservation measure. Directs that 60% of the energy savings be used for energy conservation measures at the institution with the credit balance. Limits the use of these funds to one-time capital and operating expenses that do not impose additional financial obligations on the state. Requires the Governor to establish the General Fund current operations credit balance remaining in each budget code of each institution.

Prohibits the Governor from decreasing the recommended continuation budget requirements for utilities for constituent institutions by the amount of the energy savings gained from implementing conservation measures. Requires constituent institutions to submit annual reports on the use of funds authorized under this statute as required under GS 143-64.12 (requires state institutions of higher learning to submit annual management plans to the State Energy Office).

Defines *energy savings*, *guaranteed energy savings contract*, and *energy conservation measure* as having the same meaning as in GS 143-64.17.

Amends GS 143-64.12(a) to specify that the management plans submitted annually by the state institutions of higher learning must include costs estimates and analysis of costs associated with the energy conservation measures and an analysis identifying projected annual energy savings and estimated payback periods.

Amends GS 115C-530 to provide that operational leases may be for new or existing buildings. Authorizes local boards of education to also enter into contracts for the construction of leased property (was, may contract for the repair or renovation only) providing specified conditions are met. Provides that construction, repair, or renovation work by a private developer is subject to the requirements of Article 8 of GS Chapter 143. Provides that contracts for new construction and renovation (was, renovation) that are subject to the bidding requirements of GS 143-129(a) and are not continuing contracts for capital outlay must be approved by the board of county commissioners.

Effective July 1, 2010, and applies to contracts entered into on or after that date.

**H 1705. CONSUMER GUIDELINES FOR HEARING AID PURCHASES.** Filed 5/13/10. Senate committee substitute makes the following changes to 2nd edition.

Makes clarifying and linguistic changes to the list of Task Force members including requiring inclusion of a licensed hearing aid fitter and seller, and a hearing aid user. Requires the Hearing Aid Dealers and Fitters Board to report to the North Carolina Study Commission on Aging *and the Joint Legislative Health Care Oversight Committee* on or before November 15, 2010 (was October 15, 2010).

**H 1743. IMPROVE RIVER BASIN MODELING.** Filed 5/17/10. Senate amendment makes the following changes to 4th edition. Amends the definition of *prevailing ecological conditions* to remove the requirement that the conditions determined by reference to the applicable period of record of USGS stream gauge data be under existing conditions.

**H 1765. AMEND WQ/IBT LAWS (NEW).** Filed 5/17/10. House committee substitute makes the following changes to 2nd edition.

Adds new Article 8A, Falls Lake Watershed Association (Association) to GS Chapter 77. Defines the following terms as they apply in the proposed Article: (1) *board of directors*, (2) *Falls Lake watershed*, (3) *local government*, and (4) *nonprofit corporation*.

Requires that the Association consist of local governments that choose to participate in the Association and provides that local governments may choose to incorporate the Falls Lake Watershed Association nonprofit or establish the Association using an existing nonprofit corporation. Directs each local government that chooses to participate in the Association to appoint a representative and an alternate to serve on the Association's board of directors. Delineates the purposes of the Association but does not limit the purposes to those listed. Provides that the Association is subject to the requirements for public meetings under Article 33C of GS Chapter 143 and the requirements for public records under GS Chapter 132.

Permits to the extent allowed by law, the Department of Environment and Natural Resources to enter into a memorandum of understanding with the Association to implement the purposes of the Association.

Clarifies that the authority granted to local governments under proposed Article 8A is in addition to and not in derogation of any other authority granted to local governments under any other provision of law.

Amends Section 7 of SL 2007-518 (amend interbasin transfer law) to set the effective date as January 1, 2013 (was, January 1, 2011), for petitions for a certificate for transfer of surface water from one river basin to another to supplement ground water supplies in the 15 counties designated as the Central Coastal Plain Capacity Use Area. Provides that prior to January 1, 2013 (was, January 1, 2011), petitions for these certificates are to be

considered and acted upon by the Environmental Management Commission (EMC) under the procedures and standards set out in GS 143-215.22I on July 1, 2007. Designates the following river basins set out in GS 143-215.22G(1) as *isolated river basins*: New River, Shallotte River, Albemarle Sound, and White Oak River. Sets the effective date as July 1, 2020, for a petition for a certificate for transfer of surface water from a river basin to an *isolated river basin* for the purpose of supplementing ground water supplies. Provides that before July 1, 2020, petitions for these certificates are to be considered and acted upon by the EMC under the procedures and standards set out in GS 143-215.22I on July 1, 2007.

Changes the title to *AN ACT TO AUTHORIZE COALITIONS OF LOCAL GOVERNMENTS TO JOINTLY IMPLEMENT WATER QUALITY PROTECTION PLANS FOR THE FALLS LAKES WATERSHED; TO PROVIDE THAT AN APPLICANT FOR AN INTERBASIN TRANSFER CERTIFICATE SHALL PAY THE COSTS ASSOCIATED WITH ALL REQUIRED PUBLIC HEARINGS; AND TO CREATE A TEMPORARY, STREAMLINED INTERBASIN TRANSFER CERTIFICATION PROCESS FOR INTERBASIN TRANSFERS IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND INTO ISOLATED RIVER BASINS.*

**H 1829. RENEWABLE ENERGY INCENTIVES.** Filed 5/18/10. Senate amendment makes the following changes to 4th edition.

Deletes proposed changes to GS 22B-20 (regarding deed restrictions and other agreements prohibiting solar collectors). Makes a conforming change to the title and additional technical changes to the title.

**H 2055. STATE HEALTH PLAN/LOCAL GOVT RETIREE CONTRIB.** Filed 5/26/10. House committee substitute makes the following changes to 2nd edition.

Adds Bladen and Washington Counties (currently, Rutherford County only) to those excused from liability for the amount of contributions owed to the Retiree Health Benefit Fund for the specified period.

**H 2066. SPECIAL RETIREMENT ALLOWANCES.** Filed 5/26/10. House committee substitute makes the following changes to 2nd edition.

Makes identical changes to proposed GS 135-5(m2) (Teachers' and State Employees' Retirement System) and proposed GS 128-27(m2) (Local Government Employees Retirement System) as follows:

(1) Requires the Board of Trustees (Board) to provide educational materials to members who apply for the one-time contributions transfer under the section that describe the special retirement allowance, explain the relationship between the transferred balance and the monthly benefit, and explain how the member's heirs may be impacted by the member's election, including any costs or fees.

(2) Allows the Supplemental Retirement Board of Trustees to assess a one-time flat administrative fee not to exceed the actual cost required to administer the transfers.

(3) Provides that the special retirement allowance will continue for the life of the member (previously, the Board determined the payment period for the allowance). Directs the Board to establish two options (previously explained single procedure) to guarantee payments for a period that may exceed the member's life and the member's designated beneficiary's life. The first option allows the member to elect to receive the special retirement allowance for a guaranteed number of months, as specified by the Board, pays the special retirement allowance to the beneficiary for life if the member dies before the expiration of guaranteed months, and pays the member's estate if the beneficiary dies before the expiration of guaranteed months. The second option allows the member to elect to receive the special retirement allowance until the sum of monthly payments equals the total of the transferred balance, pays the beneficiary for life if the member dies before receiving the total transferred balance, and pays the remainder to the member's estate if the beneficiary dies before receiving the total balance.

Provides that any beneficiary who retired before January 1, 2011 will not be allowed to make the one-time election until July 1, 2011. Also allows the Board to use administrative fees assessed under the act to hire additional personnel.

## SENATE BILLS

**S 20. PUBLIC FINANCING CHANGES (NEW)** . Filed 1/29/09. House committee substitute makes the following changes to 4th edition.

Adds new section amending GS 160A-499.1, as enacted by Section 2 of SL 2007-222, to require that the guidelines developed by the State Board of Elections (Board) regulating publicly-financed municipal elections instruct participating candidates to file all disclosure reports with the Board, which will certify and authorize the issuance of public funds to eligible candidates. Directs the participating municipality to present its report to the Board (was, several different entities). Defines *public campaign financing program* as a uniform program of a governmental entity that offers support for the campaigns of candidates for elective office within that

governmental unit's jurisdiction, according to five described conditions. Makes funds paid by a city for a public campaign financing program exempt from the contribution limitations under GS 163-278.13 and the prohibitions on corporate contributions, provided that the city's funds must be reported as if they were contributions in all campaign reports required by law. Allows the Board to select up to two municipalities for the public financing pilot program whose governing boards have indicated prior to June 30, 2010, by vote, an interest in participation and have submitted compliant proposals. Provides additional criteria for the Board to use when selecting municipalities, and prohibits the Board from selecting cities using the partisan method of election. Makes the section applicable to the town of Chapel Hill and to any municipality with a total population over 50,000 selected by the Board for the pilot program. Directs the Board to monitor the pilot program and to report its findings and recommendations to specified entities before the close of the fiscal year. Provides that the section expires on July 1, 2016.

Repeals Sections 1, 3, and 4 of SL 2007-222 (pertaining to public campaign financing program in Chapel Hill).

Amends GS 163-278.95 to make the Voter-Owned Elections Fund (Fund) available to candidates for the Council of State office of Treasurer in elections to be held in 2012 and thereafter. Makes additional clarifying and linguistic changes. Amends the definition of *maximum qualifying contributions* in GS 163-278.96 to be \$100 times the minimum number of *registered voters required to make* a qualifying contribution when the candidate has no primary, and \$200 times the minimum number of *registered voters required to make* a qualifying contribution when the candidate has a contested primary. Changes the definition of *qualifying period* to be the period beginning September 1 in the year before the election and ending on the day of the primary (was, on the 10th day after the primary). Makes additional clarifying and technical changes.

Removes from GS 163-278.99 the requirement that the distribution amount disbursed from the Fund must be reduced by an amount equal to the amount raised in qualifying contributions after the day of the primary.

Changes proposed GS 163-278.99D.1 to be titled GS 163-278.99D and makes additional clarifying changes. Requires an appellant to prove, by *clear and convincing* evidence, that the Executive Director's decision was improper.

Removes proposed Article 2E that imposed surcharges to be credited to the Fund. Removes the severability provision.

Adds new section, transferring \$2.50 of each \$3 allocation under GS 105-159.2 (Public Campaign Fund) to the Voter-Owned Elections Fund on a monthly basis during the period from January 1, 2011 through December 31, 2012.

Adds new section directing the Board to determine available funds, as required under GS 163-278.99(b) as enacted by the section, on either October 1, 2010, or within 30 days of receiving preclearance under the Voting Rights Act of 1965, whichever occurs first.

Makes additional clarifying and technical changes. Makes conforming changes to the title.

Makes the act effective when it becomes law.

**S 430. WILMINGTON CIVIL SERVICE/AMENDMENTS.** Filed 3/4/09. House committee substitute makes the following changes to 2nd edition.

Deletes the provisions of the 2nd edition that amended Sections 11.1 and 11.2 of Article XI of the City of Wilmington (Wilmington) Charter (SL 1977-495, as amended) and instead amends Section 11.1 as follows.

Requires that the applicants to the Civil Service Commission (Commission) complete the Wilmington Boards and Commissions application process. Specifies that the respective employees of the Wilmington Fire Department and Wilmington Police Department, *who are subject to Article XI of the Charter*, are to each name one member to the Commission by a majority vote. Also provides that the sitting members of the Commission (was, the Wilmington Ministerial Association governing body) are to name one member by a majority vote. Specifies that the member previously selected by the Wilmington Ministerial Association governing body is to be replaced with another member chosen by a majority vote of the sitting members of the Commission. Designates that this member must complete the application process and provides that this member will fill an at-large seat for a one-year term to run from August 1, 2010, through August 1, 2011.

Makes conforming changes to the title.

**S 650. CHATHAM SCHOOL VALIDATION (NEW).** Filed 3/18/09. House committee substitute deletes the provisions of the 2nd edition and replaces it with *AN ACT TO ALLOW A MEMBER OF THE CHATHAM COUNTY SCHOOL BOARD TO COMPLETE THE CURRENT TERM OF OFFICE DESPITE A MAPPING ERROR WHICH CAUSED HER TO BE ELECTED IN A DISTRICT WHERE SHE DID NOT RESIDE, AND TO VALIDATE ACTIONS OF THAT BOARD*. As title indicates.

**S 716. 2010 ETHICS AND GOVERNMENT REFORM CHANGES (NEW)** . Filed 3/31/09. House committee substitute deletes all provisions of 1st edition and replaces with *AN ACT TO PROVIDE LIMITS ON THE TRADING OF INFLUENCE OR POSITION FOR GAIN BY PROHIBITING CAMPAIGN CONTRIBUTIONS BY CERTAIN CONTRACTORS AND CLARIFYING CRIMINAL STATUTES ON SELF DEALING; TO CREATE THE VOTER-OWNED ELECTIONS COMMISSION; TO INCREASE THE PUNISHMENT FOR MAKING CAMPAIGN CONTRIBUTIONS IN THE NAME OF ANOTHER; TO INCREASE ACCESSIBILITY TO INFORMATION RELATED TO CANDIDATE CAMPAIGN COMMITTEES AND TO INFORMATION RELATED TO STATE CONTRACTS AND GRANTS; TO STRENGTHEN PUBLIC CONFIDENCE IN GOVERNMENT BY INCREASING THE REVOLVING DOOR PERIOD AND APPLICABILITY; TO CODIFY CERTAIN POSITIONS IN STATE GOVERNMENT AS A PUBLIC SERVANT UNDER THE STATE GOVERNMENT ETHICS ACT; TO STRENGTHEN TRANSPARENCY OF GOVERNMENT THROUGH ADDITIONAL DISCLOSURES BY PUBLIC SERVANTS, INCLUDING CAMPAIGN CONTRIBUTIONS PRIOR TO APPOINTMENT; TO INCREASE ACCOUNTABILITY OF PUBLIC SERVANTS, APPOINTEES OF THE GOVERNOR, AND STATE EMPLOYEES BY PERMITTING THE GOVERNOR TO ADOPT MINIMUM STANDARDS OF ETHICAL CONDUCT; TO CLARIFY THE INDIRECT GIFT BAN AND CLARIFY REPORTING BY LOBBYIST PRINCIPALS; TO STRENGTHEN TRANSPARENCY OF GOVERNMENT THROUGH INCREASING AND CLARIFYING ACCESSIBILITY TO LEGISLATIVE RECORDS AND OTHER PUBLIC RECORDS; TO MAKE TECHNICAL CHANGES TO THE ETHICS LAW; AND TO EXPEDITE REVIEW OF PRELIMINARY INVESTIGATIONS OF ALLEGATIONS OF WRONGDOING UNDER CHAPTERS 120 AND 138A OF THE GENERAL STATUTES.*

*Prohibiting Campaign Contributions.* Enacts new GS 163-278.13D to prohibit: (1) a contractor that has a contract in excess of \$50,000 with an office associated with a relevant political campaign from contributing more than \$1,000 per calendar year to that campaign, from the date of request for proposals through the contract's term, and (2) a relevant political campaign from knowingly accepting a contribution over \$1,000 per year from a contractor that has a contract in excess of \$50,000 with the office associated with the campaign. Provides that a contractor may cure a violation of the section by requesting, in writing, a return of the contribution within 60 days. Provides that a relevant political campaign may cure a violation by discovering the offending contribution within 10 business days of receipt and returning that contribution within 10 business days of discovery. Provides definitions for *contractor*, *office*, and *relevant political campaign* under the section, and makes a violation of the section a Class 2 misdemeanor. Effective December 1, 2010, and applies to contributions made on or after that date.

*Voter-Owned Elections Commission.* Establishes the ten-member Public Funding of Council of State Elections Commission, and directs the Commission to study a specified list of related issues. Describes the five Commission members to be appointed by the Speaker of the House and the five members to be appointed by the President Pro Tempore of the Senate. Instructs the Commission to report its results and recommendations to the 2011 General Assembly by March 1, 2011.

*Exchanging Influence or Positions for Gain.* Amends GS 126-14 to make it unlawful for an individual, as defined, to coerce a person, as described, to support or contribute to a political candidate, a political committee, or a political party by threatening discipline or promising preferential treatment with regard to that person's business with the individual's State office or to that person's activities regulated by the individual's State office. Makes other technical changes. Amends GS 14-234(a) to add that no public officer or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment in exchange for preferential treatment related to awarding a contract. Effective December 1, 2010, and applies to offenses committed on or after that date.

*Criminal Penalties.* Amends GS 163-278.27 to make a person or individual who intentionally violates GS 163-278.14(a) (prohibiting contributions in the name of another and anonymous contributions) or GS 163-278.19(a) (prohibiting described contributions from corporations and other professional entities), when the unlawful contributions total more than \$10,000 per election, guilty of a Class I felony. Amends GS 163-278.14(a) (prohibiting anonymous contributions) to provide that the subsection does not apply to any contribution by an individual with the lawful authority to act on another's behalf. Clarifies, however, that if the lawful authority is granted by GS Chapter 35A (pertaining to guardianship), no contribution may be made by the guardian of the estate for the minor or incompetent person. Effective December 1, 2010, and applies to offenses committed on or after that date.

*NC OpenBook.* Directs the State Board of Elections (Board) to create a database for the public to use to search for information related to political campaigns. Enacts new GS 143C-2-5 to direct the Governor to require the Office of State Budget and Management (OSBM), with the support of Information Technology Services, to build and maintain a database and website on state spending for grants and contracts, designated NC OpenBook. Requires specified parties to conduct a monthly review of all state contracts and grants administered by their respective departments, and directs all state offices, subject to the Governor's authority, to link to NC OpenBook on their agency websites and to facilitate contract and grant searches from their websites. Enacts new GS 143C-

2-6 to direct specified offices to provide OSBM information on state contracts necessary for the database and website, and to update the information at least monthly. Further directs OSBM to work with certain offices to incorporate data on grants into the database and website. Requires all awarded state contracts and grants in excess of \$10,000 to be included in the database and website, and requires the inclusion of additional listed information.

*State Government Ethics Act.* Amends GS 138A-3(30), adding offices and officers to the list of individuals defined as *public servants* under the State Government Ethics Act (Ethics Act). Amends GS 143B-478 to apply the Ethics Act to the Governor's Crime Commission. Amends GS 138A-22 to require a covered person holding elected office or a former covered person who held elected office subject to the Ethics Act to file a statement of economic interest, according to two described instances. Amends GS 138A-24 to provide that any statement of economic interest must be on a form prescribed by the State Ethics Commission (Commission) (was, prescribed by the Commission and sworn to by the filing person). Requires the form to also include the name of each associated business where the filing person or filing person's immediate family is an employee, director, officer, partner, proprietor, or member or manager. Removes, from required inclusion on the form, a list of all nonpublicly owned businesses of which the filing person and the filing person's immediate family is an officer, employee, director, partner, owner, or member or manager of a limited liability company. Adds that the form must include the name of each nonpublicly owned company or business entity, including interests in *sole proprietorships*, among other listed formats. Requires that the statement also include (1) a list of all contributions of \$1,000 or more made by the filing person, as described, and (2) a list of contributions from the fundraising of \$1,000 or more by the filing person, as described, provided the requirement applies to certain, listed filing persons. Removes references to *sworn certification* from GS 138A-24(c). Recodifies GS 138A-24(a)(2)i (requiring information on the statement of economic interest related to contracts with specified businesses or companies) as GS 138A-24(a)(16) and makes conforming changes thereto. Makes the provisions related to economic interest statements effective January 1, 2011, and applicable to statements of economic interest filed on or after that date. Amends GS 138A-41 to authorize the Governor to adopt additional and supplemental ethics standards applicable to any appointee of the Governor, and which will be published in the North Carolina Register. Also authorizes the Governor to adopt minimum ethics standards applicable to any employee of a state agency.

Makes technical changes to GS 120C-303(a), GS 138A-32(c), and GS 138A-32(d1), effective December 1, 2010.

Amends GS 120C-101(c) to make a rule adopted by the State Ethics Commission under the subsection applicable prospectively, and makes an adopted rule that does not comply with the subsection's procedural requirements null, void and without effect. Defines *rule* for the purposes of the subsection.

*Lobbying.* Amends GS 120C-100(a)(10) to remove *payment for services* and associated language; makes a conforming change to GS 120C-100(a)(11k) and GS 120C-300 (prohibiting contingency fees). Also clarifies that a lobbyist is an individual who engages in lobbying *for payment*. Amends GS 120C-100(a)(11) to provide that a lobbyist principal is the person or governmental unit on whose behalf the lobbyist lobbies *and who makes payment for the lobbying*. Makes clarifying changes to GS 120C-305 (prohibits use of lobbyist's cash or credit), and applies GS 120C-303 (prohibits gifts by lobbyists and lobbyist principals) to that section. Amends GS 120C-403 to require that each lobbyist principal file a quarterly report within 15 (was, 10) business days after the end of the reporting period, and that the report include the name of each person or governmental unit not otherwise registered as a lobbyist principal for whom the lobbyist principal directs the lobbyist to lobby, whether for payment or not. Further requires each lobbyist principal to annually report in the last report of the registration period the total of all payments for lobbying and other activities as described. Provides applicable guidelines for lobbyist principals' reports. Makes technical and clarifying changes to GS 120C-100(a)(9), GS 120C-100(a)(13), GS 120C-400, GS 120C-402(b), GS 120C-404(b)(1), GS 120C-501(e), GS 120C-800(a), GS 138A-3(1), GS 138A-3(15), GS 138A-13(f), GS 138A-24(a)(8), and GS 138A-32(e)(10). Makes the above provisions effective January 1, 2011, and applicable to offenses committed on or after that date, and to reports filed on or after that date.

*Restrictions on Lobbyist Registration.* Amends GS 120C-304(a) to prohibit a legislator or former legislator from registering as a lobbyist under GS Chapter 120C while in office or within one year after leaving office (was, before the later of close of session in which the legislator served or six months), and makes a conforming change to GS 120C-304(b). Amends GS 120C-304(c) to prohibit a public servant or former public servant from registering as a lobbyist within one year (was, six months) after separating from employment as a public servant. Further prohibits an employee of any state agency from registering as a lobbyist to lobby the previously employing agency within one year after voluntary separation or separation for cause from that agency. Amends GS 120C-200 to require that former employees of a state agency registering as a lobbyist must indicate with which state agency they were employed in the registration. Enacts new GS 120C-502 to require that each employee of a governmental unit whose principal duties include lobbying, in practice or in description, must register and file reports under GS Chapter 120C. Directs the Secretary of State to treat these individuals as liaison personnel for

publication purposes, and also applies gift prohibitions. Effective October 1, 2010, and applies to individuals leaving office or employment on or after that date.

*Public Records.* Amends the following statutes to make the amount of *each* salary increase or decrease (was, most recent), and the date and category of each promotion, demotion, transfer, suspension, separation, or other classification change (was, most recent) for employees in various agencies and departments subject to inspection, and makes additional technical, organizational and clarifying changes: GS 126-23 (state employee personnel records); GS 115C-320 (local boards of education); GS 115D-28 (community college employee personnel records); GS 122C-158(b) (employees under the Mental Health, Developmental Disabilities, and Substance Abuse Act); GS 153A-98(b) (county employees); GS 160A-168(b) (city employees); and GS 162A-6.1(b) (water and sewer authority employees). Effective October 1, 2010.

Amends GS 120C-600 to require the Secretary of State to publish annual statistics on complaints received and systematic reviews conducted under the section, including described components. Makes the levy of all civil fines, including the amount of the fine and the identity of the person or governmental unit against whom it was levied, a public record. Amends GS 120C-601 to require the State Ethics Commission to publish annual statistics on complaints, including described components.

*Mediation of Public Records Disputes.* Enacts new GS 7A-38.3E to provide guidelines governing the mediation of public record disputes. Directs that mediation of a public records dispute be initiated by filing a request for mediation with the clerk of the superior court in the county in which the action may be brought. Provides for voluntary mediation, allowing the parties to a public records dispute under GS Chapter 132 to agree at any time prior to filing a civil action under GS Chapter 132 to mediation under the proposed new section. Requires mandatory mediation after a party files a civil action in a public records dispute under GS Chapter 132. Requires that mandatory mediation be initiated no later than 30 days from the timing of the filing of responsive pleadings with the clerk in the county where the action is filed. Directs the Administrative Office of the Courts to prescribe a form to request mediation. Provides criteria for service of the mediation form by certified mail with return receipt requested by the filing party. Specifies guidelines for the selection of a mediator and provides for the appointment of a mediator by the senior resident superior court judge when the parties cannot agree on the selection of the mediator.

Directs that except as expressly provided in this proposed statute, the mediation procedure is to be conducted under the provisions for mediated settlement of civil cases in GS 7A-38.1 and GS 7A-38.2 and the rules and standards adopted pursuant to those sections. Also provides that the NC Supreme Court may adopt additional rules and standards to implement the proposed section and may include an exemption from the provisions of GS 7A-38.1 for cases in which mediation was attempted under this section. Permits parties to agree to waive mediation with a written notice informing the mediator of the desire for a waiver. Provides that there will be no costs to the parties if all of the parties waive mediation before the initial mediation meeting. Upon the conclusion of mediation or the waiver of mediation, directs the mediator to prepare a certification stating that mediation has concluded or has been waived. Specifies that the certification must include the general result of the mediation. Directs the mediator to file an original of the certification with the clerk and provide a copy to each party. Provides criteria for the tolling of time periods relating to the filing of a claim or taking other actions regarding a public records dispute. Also provides that nothing in the proposed section shall be construed to prevent a party seeking production of public records from seeking injunctive or other relief, including seeking the production of public records before any scheduled mediation. Makes conforming change to GS 7A-38.2(a) to add mediators and other neutral persons certified or otherwise qualified under new GS 7A-38.3E to those for whom the state Supreme Court may adopt standards of conduct.

Amends GS 132-9 to provide that a person seeking access to public records must comply with new GS 7A-38.3E prior to the court's issuance of an order compelling disclosure or copying. Permits the court to allow attorneys' fees to a party seeking disclosure of public records who substantially prevails (was, permitted attorneys' fees to the prevailing party, unless the agency acted with substantial justification or the award of fees would be unjust). Provides three exemptions under which the court may not assess attorneys' fees against a governmental body or unit. Effective October 1, 2010.

Amends GS 138A-14(b) to require the Commission to offer (was, make) ethics presentations. Recodifies GS 138A-24(c2) as GS 138A-22(c2). Amends the catchline of GS 138A-37 to read "legislator participation in legislative (was, official) actions." Amends GS 138A-38 to clarify that the permitted participation exception applies when a public servant (was, public servant judicial employee) or someone appointed by the public servant to act in the public servant's stead are the only persons with legal authority to take an official action and the public servant provides written disclosure of the circumstances and nature of the conflict of interest. Makes technical corrections to GS 138A-38(a), GS 120-104(c), and GS 120C-800(b).

*Complaint Investigation Process.* Amends GS 138A-12(c)(1) to add that a sworn complaint may be filed under that section alleging a violation of GS Chapter 138A, GS Chapter 120, or GS 126-14 (promise or threat to

obtain political contribution or support), or the criminal law in the performance of that individual's official duties. Amends GS 138A-12(c)(5) to require the State Personnel Commission (Commission) to send the complaint to the alleged individual and employing entity within 10 business days (was, 30) of the filing. Amends GS 138A-12(d) to direct the Commission to initiate an inquiry into a complaint within 10 business days (was, 60) of the filing. Amends GS 138A-12(f) to direct the Commission to conclude its preliminary inquiry within 20 days, and to dismiss the complaint following the inquiry if the Commission determines that the complaint is frivolous or brought in bad faith, or falls into another category under current law. Makes technical changes to GS 138A-12(b)(2), and makes conforming changes to GS 120-103.1(c) (directing the Legislative Ethics Committee to investigate complaints within 10 business days) and GS 120-103.1(c1) (directing the Legislative Ethics Committee to conclude its preliminary inquiries within 20 business days).

*Legislative and Public Records.* Amends GS 120-130 to clarify that documents submitted to a legislator by another person or any supporting documents (was, any supporting documents) submitted to a legislative employee by a legislator in connection with drafting or information request are confidential and are not public records. States that a document that is a public record will continue to be treated as such, notwithstanding its inclusion as a supporting document to a drafting or information request. Makes technical changes to SL 2009-129, GS 120-130, and GS 120-131. Amends GS 120-131.1 to provide that a request, and any supporting documents, made to an agency employee by a legislative employee, as described, is confidential. Authorizes the agency employee receiving the request or learning of the request made to another agency employee to reveal the request only to other agency employees to the extent necessary to respond. Provides that all documents prepared by the agency employee in response to the request are confidential and must be kept confidential in the same manner as the original request. Declares that the request, any supporting documents, and any prepared documents are not public records. Requires that confidential requests and documents must bear an indication on the face of the request or document showing such. Makes a violation of the section subject to penalties under GS 120-134 (was, may be grounds for disciplinary action). Makes other technical and conforming changes. Amends GS 120-132 to clarify that, *except as provided*, no present or former legislative employee may disclose (was, be required to disclose) any information acquired, while employed or retained by the State, from any location of the state legislative buildings and grounds or other location, as provided under the current law. Provides that a present or former legislative employee may disclose information acquired under the section that would be reflected in the official public record or was otherwise publicly disseminated. Also provides that, subject to GS 120-9 (speech and debate clause), GS 120-133 (redistricting communications), and the common law of legislative privilege and immunity, a judge may compel disclosure of acquired information if, in the judge's opinion, disclosure is necessary to the proper administration of justice. Makes additional clarifying and technical changes. Amends GS 120-134 to clarify that a violation of the Article by a current legislative, executive, or judicial branch employee will be grounds for disciplinary action, and adds that a violation by a legislative employee who is a law student extern will be referred to the academic institution and the Legislative Services Commission may terminate the externship. Enacts new GS 120-135 to explain that a legislative employee hired by, supervised by, or assigned to a member will be treated as the member for legislative confidentiality purposes. Further amends GS 120-134, as amended by the act and effective December 1, 2010, to provide that any other person who willfully violates the Article will be guilty of a Class 3 misdemeanor, and that no *other* criminal penalty will attach. Effective October 1, 2010, unless otherwise noted.

Effective when the act becomes law, unless otherwise indicated.

**S 740. FLEX. IN SETTING SALARY/COMM. COLL. PRES.** Filed 3/23/09. House amendment makes the following changes to 3rd edition.

Amends GS 115D-5(a) to provide that the employer contribution rate on the locally paid portion of the salary for community college presidents is to be set by the State Treasurer based on actuarial recommendations. Provides that for the 2010-11 fiscal year, the employer contribution rate on the locally paid portion of the salary under GS 115D-5(a) is 12.29%.

**S 1130. ASHE FOX TRAPPING/GREENE HUNTING (NEW).** Filed 5/12/10. House committee substitute makes the following changes to 2nd edition. Repeals Section 3 of SL 1975-219, making it illegal to hunt red or grey fox with firearms during the two-week deer season in Greene County. Repeals Section 1 of SL 1987-132, and removes Greene County from the scope of SL 1985-471, both of which made it illegal to hunt with a loaded firearm from or on a public road or the right-of-way thereof in Greene County. Makes conforming changes to the title.

**S 1136. REGULATE TOWING FROM PRIVATE LOTS.** Filed 5/13/10. House committee substitute makes the following changes to 2nd edition.



Amends GS 20-219.2 (regarding the removal of unauthorized vehicles from private lots) to clarify that if individually owned or leased, the parking lot or spaces within the parking lot must be clearly marked (was, parking spaces within the lot must be clearly marked) by signs with the name of each lessee or owner.

Deletes the provision that restricts towing and storage companies from charging a fee that is more than the fee that other towing and storage companies charge for providing the same services.

Adds provision requiring a person that tows or stores a vehicle under this statute to inform the owner of the towed or stored vehicle in writing at the time of the retrieval that the owner has the right to pay the lien asserted, request immediate possession of the vehicle, and contest the lien under the provisions of GS 44A-4.

Changes the penalty for violating the provisions of the statute from a Class 3 misdemeanor to an infraction, but retains the higher penalty of \$100.

Adds Cumberland County to the list of counties to which this statute applies.

**S 1214. HIGHWAY PATROL MOTOR CARRIER FINE/LOCAL FEES.** Filed 5/18/10. Senate amendment makes the following changes to 2nd edition. Amends the effective date to provide that the amendments to GS 20-118(c) and GS 20-376(5) are effective for offenses committed on or after October 1, 2010, while the rest of the act remains effective July 1, 2010.

**S 1246. FOUR-YEAR COHORT GRADUATION RATE.** Filed 5/19/10. House amendment makes the following changes to 2nd edition. Makes technical changes only, correcting the statutory reference in Section 2 to GS 115C-364(a).

**S 1298. VARIOUS LOCAL OCCUPANCY TAXES (NEW).** Filed 5/19/10. House committee substitute makes the following changes to 1st edition. Expands the act to include municipalities in Davie County, and to include Montgomery, Anson, Dare, and Wilkes Counties as follows.

Authorizes the Mocksville Board of Commissioners, the Bermuda Run Town Council, and the Cooleemee Board of Commissioners to levy a room occupancy tax of up to 3% within their respective towns. Provides that the taxes must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires that the Tourism Development Authorities of Mocksville, Bermuda Run, and Cooleemee use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in their respective towns, and use the remainder for tourism-related expenditures. Mandates that at least one-third of the members of each Tourism Development Authority be affiliated with businesses that collect the tax in that town, and at least one-half of the members be currently active in that town's travel and tourism promotion. Further amends GS 160A-215 (uniform provisions for room occupancy taxes) to also make the statute applicable to Bermuda Run, Cooleemee, and Mocksville.

Amends SL 2001-434 to authorize the Montgomery and Anson county boards of commissioners to levy an additional room occupancy tax of up to 3%. Provides that both the existing and additional tax be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Requires the counties to levy the original occupancy tax in order to also levy the additional tax.

Amends SL 1985-449, as amended, to authorize the Dare County Board of Commissioners to levy an additional 1% occupancy tax. Provides pertinent guidelines regarding the levy, collection, administration, and repeal of this tax. Requires that the tax proceeds be used for beach nourishment.

Creates the taxing district of Wilkes County District K (District K), consisting of the part of Wilkes County that is located outside of the incorporated areas of Wilkes County. Makes District K a body politic, with the power to carry out the provisions of the act. Directs the Wilkes County Board of Commissioners to serve ex officio as the governing body of the district, and officers of Wilkes County to serve as officers of the governing body of the district. Authorizes the governing body of District K to levy a room occupancy tax of up to 6%. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes), as if District K were a county. Requires the Wilkes County District K Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in District K and the remainder for tourism-related expenditures. Emphasizes that the proceeds may be used only for the direct benefit of District K, and may not be used for promotion or expenditures outside of the district. Mandates that at least one-third of the members of the TDA be affiliated with businesses that collect the tax in District K, and at least one-half of the members be currently active in the district's travel and tourism promotion. Makes a conforming change to GS 153A-155(g).

Makes clarifying changes. Expands the title to include the additional authorized taxes.

**S 1337. UST OPERATOR TRAINING PROGRAM.** Filed 5/19/10. House amendments make the following changes to 4th edition.

Amendment # 1 clarifies that the required training for primary operators of underground storage tank (UST) systems may consist of on-site instruction and on-site testing, as well as online instruction and online testing (was, may consist of a combination of on-site evaluation and testing, as well as in-class or online instruction and testing). Adds additional criteria for retraining of a primary operator at a facility that is found upon inspection to not be in substantial compliance with all requirements. Provides that retraining may include a combination of on-site instruction and on-site testing, as well as in-class instruction and in-class testing. Directs the Department of Environment and Natural Resources (DENR) to offer online and instruction and testing if available, instead of in-class testing and instruction. Directs that in-class instruction be provided by DENR at least once per quarter in each of the regional offices of DENR. Directs DENR to develop, on or before August 1, 2012, an online instruction and testing module to be offered to meet the retraining requirements in proposed GS 143-215.94QQ(b). Instructs DENR to offer the online instruction and testing module in lieu of in-class instruction and testing. Renumbers the remaining sections as needed.

Amendment # 2 clarifies that the primary operator must designate one or more emergency response operators who are employees or agents of the primary operator and are to be on call to respond to emergencies. Removes specific provisions for unmanned facilities.

**S 1357. EXPAND CABARRUS COUNTY TOURISM AUTHORITY.** Filed 5/24/10. House committee substitute makes the following changes to 1st edition.

Amends Section 2(a) of SL 1989-658, as amended, to require that the Cabarrus County Tourism Authority (Authority) include at least four hoteliers and two persons active in the promotion of tourism in Cabarrus County among its membership. Amends Section 2(b) of SL 1989-658, as amended, to provide that after the appointment of the initial members of the Authority, four members (was, three) are to be appointed each year. Makes adjustments to terms of office for the initial appointments to the Authority.

Makes additional clarifying and technical changes.

**S 1386. GOVERNMENT EMPLOYEES PORT BENEFITS.** Filed 5/25/10. House committee substitute makes the following changes to 3rd edition.

Adds Local Education Agencies (LEAs) to those currently included in the study and makes a conforming change to the title.

## NEXT SESSIONS

July 5, 2010

**HOUSE convenes at 1:00 p.m.**

**SENATE convenes at 12:00 noon.**

As a *Daily Bulletin* subscriber, you also have access to the *Daily Bulletin* website ([www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu)). Use the site to access current and archived issues of the *Bulletin* or individual bill digests by bill number. The bill digests provide summaries of each bill as introduced as well as committee substitutes, amendments, and conference reports. If you need your username and password, please call our office at 919.733.2484 or e-mail [Christine.Wunsche@ncleg.net](mailto:Christine.Wunsche@ncleg.net).

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

## School of Government

The University of North Carolina at Chapel Hill  
Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601  
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House Legislative Day 145

Vol. 2010, No. 30

Senate Legislative Day 142

Thursday, June 1, 2010

## SUMMARIES OF BILLS FILED

### SENATE BILLS

**S 1462. SINE DIE ADJOURNMENT.** Filed 7/1/10. PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2009 REGULAR SESSION OF THE GENERAL ASSEMBLY.

As title indicates; provides for adjournment on Friday, July 9, 2010.

Intro. by Hoyle.

JOINT RES

## ACTION ON BILLS

June 1, 2010

- NOTES**
1. Amendments and committee substitutes adopted today are summarized following the chamber action.
  2. Subscribers can find the digest of every version of each bill online at [www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu).
  3. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
  4. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
  5. Enacted bills are indicated by #, failed bills by \*. Actions that change a bill are indicated by HA or SA.

## PUBLIC BILLS

| Bill No.                     | Short Title                             | Chamber of Action and Action Taken  |
|------------------------------|---|---|
| H0144                        | Special Care Dentistry Collaboration.   | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted<br>S Placed On Cal For 7/6/2010                     |
| 03-19-09, 06-03-10, 07-01-10 |   |   |
| H0213                        | VSL Nonfamily Sick Leave Donations.     | S Passed 2nd & 3rd Reading<br>H Rec To Concur S Com Sub<br>H Ref To Com On State Government/State Personnel |
| 05-04-09, 05-12-09, 06-30-10 |   |   |
| H0357                        | School Absence for Religious Holidays.. | S Passed 2nd Reading<br>S Placed On Cal For 7/6/2010  |
| 06-30-10                     |   |   |
| H0382                        | Health Choice Program Review Process    | H Rec To Concur H Com Sub<br>H Cal Pursuant Rule 36(b)  |

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| 03-10-09, 03-25-09, 06-10-10<br>H0726 Clarify Expunctions.                         | H Placed On Cal For 7/6/2010   |
|  | H Reptd Fav To Concur  |
|  | H Cal Pursuant Rule 36(b)  |
|  | H Placed On Cal For 7/6/2010   |
| 05-13-09, 06-29-10<br>H0789 File Lis Pendens for Certain Erosion<br>Actions.       | S Reptd Fav Com Substitute   |
|  | SA Com Substitute Adopted  |
|  | S Placed On Cal For 7/6/2010   |
| 07-01-10<br>H0859 Amend Conditions of Probation.                                   | S Reptd Fav Com Substitute   |
|  | SA Com Substitute Adopted  |
|  | S Placed On Cal For 7/6/2010   |
| 05-07-09, 07-01-10<br>H1115 Designate Psoriasis Awareness Month.                   | S Reptd Fav Com Substitute   |
|  | SA Com Substitute Adopted  |
|  | S Placed On Cal For 7/6/2010   |
| 07-01-10<br>H1260 Conform State Law/Firearm<br>Disentitlement.                     | H Conf Report Adopted 3rd  |
| 08-04-09, 06-29-10<br>H1292 Univ. Energy Savings/LEA Operational<br>Leases         | S Passed 2nd & 3rd Reading   |
|  | H Rec To Concur S Com Sub  |
|  | H Ref to the Com on Energy and<br>Energy Efficiency, if<br>favorable, Appropriations |
| 05-13-09, 08-05-09, 06-30-10<br>H1307 No Felon as Sheriff.                         | H Concurred On 3rd Reading   |
|  | H Ratified   |
| 05-11-09, 05-12-09, 05-13-09, 06-23-10<br>H1403 Collect DNA Sample on Arrest.      | HA Reptd Fav Com Sub 2   |
|  | H Cal Pursuant Rule 36(b)  |
|  | H Placed On Cal For 7/6/2010   |
| 06-01-10, 07-01-10<br>H1412 Courts-Martial Amendments.                             | H Withdrawn From Com   |
|  | H Re-ref Com On Judiciary I  |
| 05-06-09, 06-29-10<br>H1463 Expand Access/Confidential<br>Intermediaries.          | H Rec To Concur S Com Sub  |
|  | H Cal Pursuant Rule 36(b)  |
|  | H Placed On Cal For 7/6/2010   |
| 05-05-09, 08-06-09, 06-22-10<br>H1669 Require Use EVAAS in Schools.                | H Ratified   |
| 06-22-10<br>H1682 Corp. Punish. for Children W/Disabilit.                          | S Passed 2nd & 3rd Reading   |
| 05-25-10, 06-09-10<br>H1685 Turnpike Authority Toll Enforcement<br>Changes.        | S Reptd Fav Com Substitute   |
|  | SA Com Substitute Adopted  |
|  | S Placed On Cal For 7/6/2010   |
| 05-27-10, 07-01-10<br>H1691 Use of 911 Funds.                                      | S Reptd Fav Com Substitute   |
|  | SA Com Substitute Adopted  |
|  | S Placed On Cal For 7/6/2010   |
| 06-10-10, 06-17-10, 07-01-10<br>H1692 Medicaid Dental/Special Needs<br>Population. | H Concurred In S/Com Sub   |
| 05-26-10, 06-23-10<br>H1693 Develop Special Needs Dental Care<br>Workforce.        | H Concurred In S/Com Sub   |
| 06-23-10   |  |

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| H1703 Adult Day Care Criminal Record Check Process.<br>05-26-10                                       | S Reptd Fav<br>S Placed On Cal For 7/6/2010  |
| H1705 Consumer Guidelines for Hearing Aid Purchases.<br><br>06-09-10, 06-30-10                        | S Passed 2nd & 3rd Reading<br>H Rec To Concur S Com Sub<br>H Ref To Com On Health  |
| H1708 Clean Marinas Amendments.<br><br>07-01-10   | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted<br>S Placed On Cal For 7/6/2010  |
| H1714 Suspension and Revocation of Fishing Licenses.<br>05-27-10                                      | S Reptd Fav<br>S Placed On Cal For 7/6/2010  |
| H1726 Improve Child Care Nutrition/Activity Stnds.<br>05-24-10, 06-23-10, 06-28-10                    | S Reptd Fav<br>S Placed On Cal For 7/6/2010  |
| H1729 Motor Vehicles Law Changes.<br><br>05-27-10, 06-09-10, 06-16-10, 06-24-10, 07-01-10             | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted<br>S Placed On Cal For 7/6/2010  |
| H1741 Animal Euthanasia Technicians.<br><br>06-09-10, 06-29-10  | H Withdrawn From Com<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010  |
| H1743 Improve River Basin Modeling.<br><br>05-26-10, 06-09-10, 06-29-10, 06-30-10, 07-01-10           | SA Amend Adopted # 2<br>S Passed 3rd Reading<br>S Engrossed  |
| H1747 Water Supply System Capacity Planning.<br>06-09-10  | H Ratified   |
| H1748 Conserve & Protect Ag Water Resources.<br>06-09-10, 06-16-10                                    | H Ratified   |
| H1762 Domestic Violence Training for Judges.<br><br>H1765 Amend WQ/IBT Laws<br><br>06-09-10, 06-30-10 | S Reptd Fav<br>S Placed On Cal For 7/6/2010<br>H Passed 2nd & 3rd Reading<br>S Rec From House<br>S Ref To Com On Agriculture/<br>Environment/Natural Resources |
| H1766 Amend Environmental Laws 2010.<br><br>07-01-10  | HA Reptd Fav Com Substitute<br>H Re-ref Com On Finance   |
| H1778 Brevard Academy/Retirement Election.<br><br>07-01-10  | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted<br>S Placed On Cal For 7/6/2010  |
| H1802 ENR Reports Consolidation 2010.<br><br>06-01-10, 07-01-10                                       | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted<br>S Placed On Cal For 7/6/2010  |
| H1812 DV Cases/Review Criminal Record.<br><br>07-01-10  | HA Reptd Fav Com Substitute<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010   |
| H1829 Renewable Energy Incentives.<br><br>06-03-10, 06-08-10, 06-29-10, 06-30-10, 07-01-10            | SA Amend Adopted # 2<br>S Passed 3rd Reading<br>S Engrossed  |

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| H1852 Nonprofit Grants/Increase<br>Accountability.         | HA Reptd Fav Com Substitute<br>H Re-ref Com On Rules,<br>Calendar, and Operations of<br>the House                |
| 06-02-10, 07-01-10   |  |
| H1905 Fire Safe Cigarettes.                                | H Passed 2nd Reading   |
| H1936 Remove Sunset/ Priv. Sale Local Gov't<br>Bonds.      | S Passed 2nd Reading<br>S Placed On Cal For 7/6/2010   |
| H1973 Keep North Carolina Competitive Act.                 | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted<br>S Placed On Cal For 7/6/2010                          |
| 06-10-10, 06-16-10, 06-17-10, 07-01-10                     |  |
| H2015 Study Impact Of Toxins On Health.                    | H Reptd Fav<br>H Re-ref Com On Rules,<br>Calendar, and Operations of<br>the House                                |
| 06-24-10   |  |
| H2066 Special Retirement Allowances.<br>06-22-10, 06-30-10 | H Passed 2nd Reading   |
| H2076 Honor ADA 20th Anniversary.                          | S Passed 2nd & 3rd Reading   |
| H2078 Honoring 100th Anniversary of Scouting.              | H Passed 2nd & 3rd Reading<br>S Rec From House<br>S Placed On Cal For 7/6/2010                                   |
| S0012 Ban Mobile Phone Use While Driving.                  | S Reptd Fav Com Substitute<br>SA Com Substitute Adopted<br>S Re-ref Com On Appropriations/<br>Base Budget        |
| 07-01-10   |  |
| S0018 Amend Cemetery Act.                                  | H Reptd Fav<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010   |
| 05-12-09, 06-17-10   |  |
| S0354 Continuing Care Retire. Community/Home<br>Care.      | HA Amend Adopted 1<br>H Passed 2nd Reading   |
| 04-23-09, 05-26-09, 06-16-10, 06-29-10, 07-01-10           |  |
| S0650 Chatham School Validation.                           | H Passed 2nd & 3rd Reading<br>S Rec From House<br>S Rec To Concur H Com Sub<br>S Placed On Cal For 7/6/2010      |
| 04-21-09, 06-30-10   |  |
| S0655 Increase Drivers License Restoration<br>Fee.         | HA Amend Adopted 1<br>H Passed 2nd Reading   |
| 05-26-10, 06-23-10, 07-01-10                               |  |
| S0675 Prohibit Medicaid Fraud/Kickbacks.                   | HA Reptd Fav Com Sub 2<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010                              |
| 04-01-09, 06-09-10, 07-01-10                               |  |
| S0716 2009 Ethics and Government Reform<br>Changes.        | HA Reptd Fav Com Substitute<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/1/2010<br>H Passed 2nd Reading |
| 06-30-10, 07-01-10   |  |
| S0740 Flex. in Setting Salary/Comm. Coll Pres.             | S Rec To Concur H Com Sub<br>S Placed On Cal For 7/6/2010  |
| 04-08-09, 06-15-10, 06-30-10                               |  |
| S0765 Clarify Patient Data/Medical Care Data<br>Act.       | HA Reptd Fav Com Substitute<br>H Re-ref Com On Judiciary II  |
| 07-01-10   |  |
| S0829 Regulation of Appraisal Management                   | S Ratified   |

Companies.  
07-28-09, 08-05-09, 06-10-10, 06-24-10  
S0866 Retiring of State Flags. S Ratified  
06-09-10  
S0887 Amend Electronics Recycling Law. S Ratified  
05-12-09, 06-16-10, 06-23-10  
S0900 Enable Registers of Deeds to Protect  
Identity. HA Reptd Fav Com Sub 2  
H Re-ref Com On Rules,  
Calendar, and Operations of  
the House  
05-13-09, 06-18-09, 07-01-10  
S1015 Homeowner and Homebuyer Protection Act. H Amend Failed 1  
HA Amend Adopted 2  
H Reconsidered Adoption  
H Amendment Withdrawn 2  
H Passed 2nd Reading  
05-12-09, 05-13-09, 06-02-10, 06-29-10, 07-01-10  
S1119 Early Ed. Cert. & Consol. Regs. HA Reptd Fav Com Substitute  
H Cal Pursuant Rule 36(b)  
H Placed On Cal For 7/6/2010  
06-16-10, 07-01-10  
S1136 Regulate Towing From Private Lots. HA Reptd Fav Com Sub 2  
H Cal Pursuant Rule 36(b)  
H Placed On Cal For 7/6/2010  
06-09-10, 06-30-10, 07-01-10  
S1151 Supplemental Nutrition Assistance  
Program. S Ratified  
06-22-10  
S1152 Study Child Nutrition Program. HA Reptd Fav Com Substitute  
H Cal Pursuant Rule 36(b)  
H Placed On Cal For 7/6/2010  
07-01-10  
S1154 UNC Nonappropriated Capital Projects. H Withdrawn From Com  
H Cal Pursuant Rule 36(b)  
H Placed On Cal For 7/6/2010  
S1165 General Statutes Comm. Technical  
Corrections. S Reptd Fav Com Substitute  
SA Com Substitute Adopted  
S Placed On Cal For 7/6/2010  
07-01-10  
S1171 Keeping NC Competitive Act. H Withdrawn From Com  
H Re-ref Com On Finance  
05-26-10, 06-01-10  
S1176 Construction of Wills and Trusts. H Reptd Fav  
H Cal Pursuant Rule 36(b)  
H Placed On Cal For 7/6/2010  
06-10-10, 06-29-10  
S1177 Rev. Laws Technical & Admin. Changes. S Rec To Concur H Com Sub  
S Placed On Cal For 7/6/2010  
05-26-10, 06-24-10, 06-28-10, 06-29-10  
S1191 Nurse Aide Training Review. S Pres. To Gov. 7/1/2010  
06-03-10, 06-07-10, 06-22-10, 06-23-10  
S1193 Implement LTC Partnership Program. S Pres. To Gov. 7/1/2010  
06-03-10, 06-16-10, 06-21-10  
S1199 Est. Regional School Planning Comm. HA Reptd Fav Com Substitute  
H Re-ref Com On Appropriations  
06-23-10, 07-01-10  
S1201 Add'l Flex./Coop. Innovative High  
Schools. S Ratified  
06-16-10

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|--|----|--|
| S1210 Increase Licensure Fees/Athletic Trainers.   | H  | Passed 2nd Reading                               |
| S1212 Local Gov't. Other Post-Employment Benefits. | H  | Reptd Fav  |
|  | H  | Cal Pursuant Rule 36(b)                          |
|  | H  | Placed On Cal For 7/6/2010                       |
| S1215 Economic Incentives Alignment & Changes.     | H  | Reptd Fav  |
|  | H  | Cal Pursuant Rule 36(b)                          |
|  | H  | Placed On Cal For 7/6/2010                       |
| 06-16-10   |    |  |
| S1216 Extend Emergency Foreclosure Program.        | S  | Withdrawn From Cal                               |
|  | S  | Placed On Cal For 7/6/2010                       |
| 06-08-10, 06-09-10, 06-16-10, 06-24-10             |    |  |
| S1244 SBOE Members Ex Officio to Econ. Dev. Comm.  | S  | Concurred In H/com Sub                           |
| 06-16-10, 06-29-10                                 |    |  |
| S1246 Four-Year Cohort Graduation Rate.            | HA | Amend Adopted 2                                  |
|  | H  | Passed 3rd Reading                               |
|  | H  | Ordered Engrossed                                |
| 06-29-10, 06-30-10, 07-01-10                       |    |  |
| S1251 State Health Plan/Treat Teachers Equitably.  | H  | Passed 2nd Reading                               |
| 06-16-10   |    |  |
| S1256 Brevard Academy/Retirement Election.         | S  | Withdrawn From Cal                               |
|  | S  | Placed On Cal For 7/6/2010                       |
| #S1302 Honor Margaret Taylor Harper.               | S  | Ratified   |
|  | SR | Ch. Res 2010-21                                  |
| S1323 Amend SEAA Board Membership.                 | S  | Ratified   |
| S1337 UST Operator Training Program.               | HA | Amend Adopted 3                                  |
|  | H  | Passed 3rd Reading                               |
|  | H  | Ordered Engrossed                                |
| 06-01-10, 06-10-10, 06-24-10, 06-30-10, 07-01-10   |    |  |
| #S1391 Caswell Co. Heritage Month.                 | S  | Ratified   |
|  | SR | Ch. Res 2010-22                                  |
| S1461 Honor Duke Lacrosse Team.                    | S  | Ref To Com On Rules and Operations of the Senate |
| S1462 Sine Die Adjournment.                        | S  | Filed  |

### LOCAL BILLS

| Bill No.           | Short Title                                 | Chamber of Action and Action Taken |
|--------------------|---|------------------------------------|
| H0664              | Avery: Deed Recordation & Delinquent Taxes. | S Passed 2nd & 3rd Reading         |
|                    |   | H Ratified                         |
| H0710              | Archer Lodge Boundary Correction.           | S Passed 3rd Reading               |
|                    |   | H Rec To Concur S Com Sub          |
|                    |   | H Ref To Com On Judiciary I        |
| 06-22-10           |   |                                    |
| H1666              | Davie School Board.                         | H Ratified                         |
| 05-27-10           |   |                                    |
| H1695              | Repeal Waynesville Firemen's Supp. Pension. | H Ratified                         |
| H1736              | Local Delinquent Sewer Fees.                | S Reptd Fav                        |
|                    |   | S Placed On Cal For 7/6/2010       |
| 05-27-10, 06-09-10 |   |                                    |
| H1754              | Tax Certification-Dare & McDowell.          | H Ratified                         |
| 06-17-10           |   |                                    |



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|--|--|
| H1772 Cherokee School Board Terms.<br>06-09-10   | H Ratified   |
| H1814 Catawba Energy Efficiency/Renewable.   | H Reptd Fav<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010                           |
| H1821 Allow Williamston to Operate Motorized<br>ATVs.  | H Ratified   |
| H1910 Shelby May Inspect Cleveland County<br>Vehicles.                                       | H Ratified   |
| H1919 Matthews Public-Private Projects.<br><br>06-24-10                                      | S Passed 2nd & 3rd Reading<br>H Ratified   |
| H1944 Bermuda Run Debt Collection/Gates &<br>Fences.   | H Passed 2nd Reading   |
| H2042 Sanford Property Transfer/King Taxes.<br>06-09-10, 06-22-10                            | H Concurred In S/Com Sub   |
| H2050 Winston-Salem/Council Meetings.<br><br>06-09-10  | H Reptd Fav<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010                           |
| H2052 Winston-Salem/Assessments Exemption.   | S Passed 2nd Reading<br>S Placed On Cal For 7/6/2010   |
| H2055 State Health Plan/Local Govt Retiree<br>Contrib.<br><br>06-21-10, 06-30-10             | H Passed 2nd & 3rd Reading<br>S Rec From House<br>S Ref To Com On Pensions &<br>Retirement & Aging |
| H2056 Rutherford County Coroner.<br>06-16-10   | H Ratified   |
| H2059 Winston-Salem/Informal Bids<br>Electronically.   | H Reptd Fav<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010                           |
| S0430 Wilmington Civil Service Rewrite.<br><br>05-12-09, 06-30-10                            | H Reptd Fav<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010                           |
| S1114 Chapel Hill Energy Efficiency/Renewable.<br><br>05-26-10, 06-16-10, 06-24-10, 06-29-10 | S Rec To Concur H Com Sub<br>S Placed On Cal For 7/6/2010  |
| S1121 Burlington Charter/Real Property Sale/<br>Lease.<br>06-15-10                           | H Passed 2nd & 3rd Reading   |
| S1238 Rutherford County Coroner.<br><br>06-24-10   | H Withdrawn From Cal<br>H Re-ref Com On Rules,<br>Calendar, and Operations of<br>the House         |
| S1298 Various Local Occupancy Taxes.<br>06-30-10   | H Passed 2nd Reading   |
| S1331 Allow Wheel Locks for City of<br>Fayetteville.<br>06-23-10                             | S Concurred In H/com Sub<br>S Ratified   |
| S1357 Expand Cabarrus County Tourism<br>Authority.<br><br>06-30-10                           | H Reptd Fav<br>H Cal Pursuant Rule 36(b)<br>H Placed On Cal For 7/6/2010                           |
| S1362 Orange/Alamance Boundary.<br>06-09-10, 06-24-10  | H Passed 2nd Reading   |
| S1421 Forest City/Convey Property.   | H Passed 2nd & 3rd Reading   |

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|---|---|
| <p>06-08-10<br/>S1437 Highlands Mayor Pro Tem.</p> <p>S1444 Kannapolis/Concord Doughnut Hole Annexations.</p> <p>06-16-10<br/>S1446 Durham Stormwater Facilities Assessments.</p> | <p>H Reptd Fav<br/>H Cal Pursuant Rule 36(b)<br/>H Placed On Cal For 7/6/2010<br/>H Reptd Fav<br/>H Cal Pursuant Rule 36(b)<br/>H Placed On Cal For 7/6/2010</p> <p>S Passed 3rd Reading<br/>H Passed 1st Reading<br/>H Ref To Com On Finance</p> |
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## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 144. NO SET FEE/NONCOVERED DENTAL SRVCS.** Filed 2/11/09. Senate committee substitute makes the following changes to 3rd edition.

Amends proposed GS 58-50-290 to provide that the prohibition against setting fee limits applies to agreements between a dentist for the provision of dental services and an insurer or an entity that writes stand-alone dental insurance (was, health benefit plan). Clarifies that the prohibition applies to the provision of dental services on a preferred or in-network basis to plan members or insurance subscribers in connection with coverage under a stand-alone plan but not in connection with or incidental to coverage under a medical plan or health insurance policy. Defines *covered services* as services for which reimbursement is available under an insurer's policy, without regard to contractual limitations by a deductible, co-payment, or other limitations. Deletes provision that this section applies to dental service corporations regulated under Article 65 of GS Chapter 58.

**H 789. ENHANCE PROTECTION OF VICTIMS & WITNESSES (NEW).** Filed 3/25/09. Senate committee substitute deletes the provisions of the 1st edition and replaces it with *AN ACT TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES BY INCREASING THE CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING WITH A WITNESS*. Amends GS 14-226 to increase the penalty, as the title indicates, from a Class H felony to a Class C felony. Effective for offenses committed on or after December 1, 2010.

**H 859. AMEND CONCEALED WEAPON & HANDGUN PERMIT LAWS (NEW).** Filed 3/26/09. Senate committee substitute deletes all provisions of the 2nd edition and replaces with *AN ACT TO EXEMPT CERTAIN RETIRED PROBATION AND PAROLE CERTIFIED OFFICERS FROM THE FIREARM SAFETY AND TRAINING COURSE REQUIREMENT FOR PURPOSES OF THE CONCEALED HANDGUN PERMIT AND TO PROVIDE THAT THE PROHIBITION AGAINST CARRYING A CONCEALED WEAPON DOES NOT APPLY TO STATE PROBATION AND PAROLE CERTIFIED OFFICERS WHEN THEY ARE OFF-DUTY*.

Amends GS 14-415.10 (definitions applicable to a concealed handgun permit) to provide the definition for *qualified retired probation or parole certified officer* as an individual who retired from service as a state probation or parole certified officer, other than for reasons of mental disability, who has been retired two years or less from the date of permit application and who also meets the listed criteria including that immediately before retirement the individual met firearms training standards and was authorized by the Department of Correction to carry a handgun. Amends GS 14-415.12A(a) to add qualified retired probation or parole certified officers to the list of those deemed to have successfully completed a firearms safety and training course for the purpose of obtaining a concealed handgun permit. Amends GS 14-269(b) to allow off-duty state probation or parole certified officers to carry a concealed weapon, provided the person is not consuming alcohol or an unlawful controlled substance and is not under the influence thereof. Effective December 1, 2010, and applies to probation and parole officers who retired before, on, or after December 1, 2010.

**H 1115. ALLOW ELECTRONIC PAROLE NOTIFICATION (NEW).** Filed 4/6/09. Senate committee substitute deletes the provisions of the 1st edition and replaces it with *AN ACT TO AUTHORIZE ELECTRONIC NOTIFICATION TO THE MEDIA WHENEVER THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION IS CONSIDERING PAROLE FOR A PERSON SERVING A LIFE SENTENCE*. Amends GS 15A-

1371, as the title indicates. Provides that electronic means may be used when it is more timely and cost-effective than using the mail.

**H 1403. COLLECT DNA SAMPLE ON ARREST.** Filed 4/9/09. House committee substitute makes the following changes to 2nd edition.

Amends GS 15A-266.3A to delete the following offenses from those for which upon arrest for committing the offense, a DNA sample must be obtained: (1) any offense punishable as a felony in Article 8, Assaults; and GS 14-32.1, Assault on a Handicapped Person; (2) any offense in Article 15, Arson; and (3) any offense in Article 17, Robbery.

Deletes as a condition of expunction the provision requiring the defendant's attorney to initiate the expunction procedure. Requires the State to initiate the DNA record expunction process if the charge is dismissed, the person is acquitted, or no charges are filed within the applicable time period. Provides that if the dismissal is in writing, the district attorney (DA) should indicate on the form used for the dismissal whether the defendant had provided a DNA sample; if the dismissal is in open court, requires the DA to indicate whether the defendant had provided a DNA sample. Also directs the DA, upon the defendant's acquittal, to indicate in open court whether the defendant had provided a DNA sample and directs the clerk to include that information in the case file. Provides that after the State has verified certain requirements, the State must submit a form to the SBI that is signed by a judge or DA and indicates that the requirements have been met. Makes conforming changes to GS 15A-931(a) (voluntary dismissal of criminal charges by the state).

Requires the State to notify the defendant no later than 30 days from the qualifying circumstances that initiate the expunction consideration process as to whether or not the defendant's DNA record and sample qualifies for expunction. Permits the defendant to seek judicial review of any determination by the State that the DNA record or sample do not meet the criteria for expunction. Clarifies that the SBI must act to remove a person's DNA record and destroy any biological samples and mail notice of the expunction to the person who provided the DNA sample within 30 days of the receipt of the verification form.

Provides that if the State or the SBI cannot meet the processing time for expunction, then the SBI or the State is to seek a judicial order granting additional time to complete the DNA expunction. Also provides that the court is to determine whether any database matches to the defendant's DNA sample occurring after the expiration of any expunction deadlines invalidates any identification, warrant, probable cause to arrest, or arrest based on a database match.

Amends GS 15A-266.5 to direct the SBI to report annually to the Joint Legislative Commission on Governmental Operations *and* to the Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee on or before February 1. Specifies what information must be contained in the report.

Effective October 1, 2010 (was, July 1, 2010), amends GS 7A-304(a) to designate the additional court cost for the support and services of the SBI DNA Database and Databank as a *tax* (was, a fee). Reduces the court cost to \$2 (was, \$3). Provides that the tax does not apply to infractions. Applies to taxes assessed or collected on or after the effective date, but includes an exception regarding certain misdemeanor cases disposed of on or after that date.

Deletes the provision that would have created a separate DNA index for missing person identification purposes. Makes a conforming deletion in the title.

Makes the effective date of the act December 1, 2010 (was, October 1, 2010) except as otherwise indicated.

**H 1685. TURNPIKE AUTHORITY TOLL ENFORCEMENT CHANGES.** Filed 5/12/10. Senate committee substitute makes the following changes to 2nd edition. Amends GS 136-89.216 to provide that only one penalty for the failure to pay an open road toll may be assessed in a six-month period (was, assessed in a six-month period beginning from the date the toll was incurred). Makes additional technical and clarifying changes.

**H 1691. USE OF 911 FUNDS.** Filed 5/12/10. Senate committee substitute makes the following changes to 4th edition.

Amends GS 62A-41 regarding the membership of the 911 Board to clarify that one member is to be a fire chief appointed upon the recommendation of the North Carolina Fireman's Association, and one member is to be a Rescue or Emergency Medical Services Chief appointed upon the recommendation of the North Carolina Association of Rescue and Emergency Medical Services.

Amends GS 62A-42 to add to the powers and duties of the 911 Board the authority to use funds available to the 911 Board under GS 62-47 to pay its obligations that are incurred for statewide 911 projects.

Amends GS 62A-43(d) to clarify that the adjustment in the rate amount becomes effective annually on July 1. Also clarifies that if the revenue generated by the service charge exceeds or is less than the amount needed, the 911 Board may adjust the rate.

Amends GS 62A-44(b) to provide that unless the 911 Board sets the percentage at a different amount, the default amount that the 911 Board may deduct and retain for its administrative expenses is 1%. Also provides that the percentage may not be more than 2%. Requires the 911 Board to set the rate at an amount that enables it to meet its commitment to provide technical assistance to primary Public Safety Answering Points (PSAPs).

Amends GS 62A-46(a) to provide that a PSAP is not eligible for a monthly distribution from the 911 Fund for PSAPs unless the PSAP provides enhanced 911 service and received distributions from the 911 Board in the 2008-09 fiscal year (was, received distributions in the prior fiscal year).

Makes clarifying changes regarding the following effective dates. Amendments to GS 62A-46(a) (regarding monthly distributions) become effective July 1, 2010, and apply to distributions by the 911 Board in fiscal years beginning in 2011. Amendments to GS 62A-46 new subsection (b1) (regarding carryforward of distributions) become effective July 1, 2011, and apply to distributions made on or after that date. Amendments to GS 62A-46(e) (regarding use of distribution funds) become effective July 1, 2011.

Amends GS 62A-47 to direct the 911 Board to publish one or more notices each fiscal year that advertises the availability of grants from the PSAP Grant and Statewide 911 Projects Account (was, PSAP Grant Account).

Clarifies that 50% of the funds in the Emergency Telephone System Fund on the effective date of this act may be used by the local government entity to provide for public safety needs.

Repeals GS 66-359 (PEG channel grants).

Amends GS 105-164.441(b) (supplemental PEG [public, educational, or governmental access channel] channel support) to provide that each quarterly distribution of supplemental PEG channel support is to include one-fourth of the share of each qualifying PEG channel (was, one-fourth of \$25,000) certified by the city or county under GS 105-164.44J. Provides that the share of each certified PEG channel is \$4 million and the amount of any funds returned to the Secretary of State (Secretary) in the prior fiscal year under GS 105-164.44J(d) divided by the number of PEG channels certified under GS 105-164.44J. Deletes restriction that the amount distributed under subsection (b) cannot be more than \$2 million in a fiscal year, plus the amount of any funds returned to the Secretary in the prior fiscal year. Effective July 1, 2011, and applies to distributions made on or after July 1, 2011, for quarters beginning on or after April 1, 2011.

Amends GS 105-164.44J(b) to provide that a county or city may not certify for more than three qualifying PEG channels.

Deletes amendment to GS 62A-42(a)(6) that authorized the 911 Board to use funds available under GS 62A-47 to pay its obligations incurred for statewide 911 Projects (but see amendment to GS 62A-42 above).

Makes additional organizational and technical changes. Makes technical changes and a conforming change to the title.

Except as otherwise indicated, this act becomes effective July 1, 2010.

**H 1708. CLEAN MARINAS AMENDMENTS.** Filed 5/13/10. Senate committee substitute makes the following changes to 1st edition. Amends Section 3 of SL 2009-345 to extend the effective date of the Clean Coastal Water and Vessel Act to April 1, 2011 (was, December 1, 2010, in the 1st edition). Makes a conforming change to the title.

**H 1729. MOTOR VEHICLE LAW CHANGES.** Filed 5/13/10. Senate committee substitute makes the following changes to 5th edition.

Amends GS 20-7(f) to provide that a renewed commercial drivers license expires five years after the expiration date of the license that is renewed.

Amends GS 20-79(d) to delete reference with regards to a dealer transporter plate.

Amends GS 20-79.2 (regarding transporter plates) to require that a person who receives a transporter plate to have proof of financial responsibility that meets the requirements of Article 9A of GS Chapter 20 (previous edition included specific instances where proof of financial responsibility was required). Clarifies that the transporter plate is to be issued to a business or a dealer. Requires (was, allows) the DMV to rescind a transporter plate displayed on a vehicle driven for a purpose that is not authorized.

Makes technical, conforming, and clarifying changes.

Changes the title to *AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAWS.*

**H 1743. IMPROVE RIVER BASIN MODELING.** Filed 5/17/10. Senate amendment #2 makes the following changes to 4th edition, as amended. Removes the new definitions added to GS 143-350 from the statute and places them instead under GS 143-355(o), making the definitions applicable to subsection (o) instead of to the entire Article. Makes conforming technical changes.

**H 1766. AMEND ENVIRONMENTAL LAWS 2010.** Filed 5/17/10. House committee substitute makes the following changes to 1st edition.

Adds new section amending GS 47-30(f)(9), to change the location of horizontal control monument files for plat and subdivision mapping requirements to the North Carolina Geodetic Survey Section in the Division of Land Resources of the Department of Environment and Natural Resources (DENR) (was, the Office of State Budget and Management). Also makes a technical change.

Adds new section amending various sections of Part 17A of Article 7 of GS Chapter 143B as follows: (1) changes the title to *Western North Carolina Public Lands Council* (was, North Carolina National Park, Parkway and Forests Development Council) and makes conforming changes throughout; (2) clarifies that one member each on the Council shall be resident in Buncombe, Haywood, Jackson, Swain, and (*new*) Cherokee counties, and that two members (was, three) must be residents of counties adjacent to the Blue Ridge Parkway, the Great Smoky Mountains National Park or the Pisgah or Nantahala national forests. Makes other technical and clarifying changes and makes a conforming change to GS 153B-3(d).

Adds new section amending GS 143-355.2(h1) to clarify that implementation of a voluntary water conservation and water use efficiency program used by commercial car washes must be considered when determining compliance with local government water shortage response plans as follows: (1) a water conservation and use efficiency certification may only be issued to a person demonstrating full implementation of an approved voluntary water conservation and use efficiency program (was, who demonstrates that water use from its water consuming processes is reduced by and maintained at 20% or more below the yearly average water use for the calendar year before certification application), and (2) to qualify for certification, DENR must determine that the program achieves year-round reductions in water use and results in a reduction of 20% or more in average water use per vehicle, and (3) other considerations in current law.

Adds new section to make technical and clarifying changes to GS 143B-299(a).

Adds new section to amend the notice requirements for new fees and fee increases in the following statutes: GS 153A-102.1 (pertaining to counties), GS 160A-4.1 (pertaining to cities), GS 130A-64.1 (pertaining to sanitary districts), and GS 162A-9 (pertaining to water and sewer authorities). Requires the entity to employ at least two of the four listed means of communication (including Web site, prominent physical location, electronic mail, or by facsimile) to provide the required notice. Also provides guidelines for posting notice on the entity's Web site, or requesting that notice be posted by another entity if applicable. Makes additional technical and clarifying changes. Makes above requirements effective February 1, 2011.

Adds new section establishing the Wood and Crop Biomass Strategic Working Group (Working Group), a joint convention of several entities, and details the list of 20 members comprising the Working Group. Directs the Working Group to meet monthly or upon the call of the conveners beginning no later than August 1, 2010. Provides additional administrative information for the Working Group. Instructs the Working Group to submit an interim report to specified parties no later than February 1, 2011, and to submit a final report with findings, recommendations, and legislative proposals no later than May 1, 2011.

Adds new section requiring certain, listed state agencies to review their plans and regulatory programs to determine whether those programs currently consider the impacts of global climate change and related topics. Instructs each agency to report its results to DENR by September 1, 2011. DENR will subsequently consolidate the results and report to the Environmental Review Commission and other applicable commissions by November 1, 2011.

Adds new section to enact proposed Part 7, *Management of Certain Products that Contain Mercury*, in Article 9 of GS Chapter 130A. Directs all state agencies using state funds to establish a program to collect and recycle all spent fluorescent lights and thermostats that contain mercury generated in public buildings, including procedures for collection and storage. Instructs all affected agencies to report on compliance to DENR and the Department of Administration by December 1, 2011. The reports will be compiled and submitted to the Environmental Review Commission on or before January 15, 2012. New GS 130A-310.61 requires any owner or contractor responsible for demolishing a building or structure to, before demolition, remove all fluorescent lights and thermostats that contain mercury. Prohibits a person from knowingly disposing of the mercury-containing lights or thermostats in an improper landfill. Amends GS 130A-22 to authorize DENR to assess penalties as follows: not to exceed \$100 for the first violation; \$200 for a second violation within any 12-month period; and \$500 for each additional violation within any 12-month period. Amends GS 130A-25 to make a violation a Class 3 misdemeanor, and makes a clarifying change. Effective December 1, 2010.

Adds new section authorizing the Environmental Review Commission to study the penalties applicable to violations of GS 130A-309.10 (prohibited acts related to packaging; coded labeling of plastic containers required; disposal of certain solid wastes in landfills or by incineration prohibited) and to report findings and recommendations to the 2011 Regular Session of the 2011 General Assembly upon its convening.

Adds new section amending GS 143-355.4(a) to clarify that local government water systems and large community water systems require separate meters for new in-ground irrigations only *on lots platted after July 1, 2009*, that are connected to their systems.

Makes additional technical, conforming, and organizational changes. Changes the title to reflect added contents.

**H 1778. CHARTER SCHOOL/RETIREMENT SHP ELECTION (NEW).** Filed 5/18/10. Senate committee substitute makes the following changes to 1st edition. Authorizes the Sterling Montessori Academy and Charter School Board of Directors to elect to become a participating employer in the State Health Plan for Teachers and State Employees. Requires the election to be made no later than 30 days after the act becomes effective. Makes a conforming change to the title.

**H 1802. ENR REPORTS CONSOL./TECH. CORRECTS 2010 (NEW).** Filed 5/18/10. Senate committee substitute makes the following changes to 2nd edition.

Adds new section to make conforming and technical changes to GS 114-4.2D, reflecting the transfer of the Energy Policy Council and the Energy Efficiency Program from the Department of Administration to the Department of Commerce.

Adds new section to change the title of Article 19 of GS Chapter 120 to *Agriculture and Forestry Awareness Study Commission*. Adds new section amending GS 120-150 to clarify that the chairs of the House Agriculture Committee and the chairs of the Senate Committee on Agriculture, Environment, and Natural Resources will serve as co-chairs of the Commission, and makes other technical changes.

Adds new section making conforming changes to GS 130A-309.12(b) (listing funds in the Solid Waste Management Trust Fund) as follows: (1) 8% (was, 5%) of the proceeds of the scrap tire disposal tax imposed under Article 5B of GS Chapter 105, and (2) 12.5% of the solid waste disposal tax proceeds imposed under Article 5G of GS Chapter 105.

Makes technical changes to GS 130A-309.10(1), GS 130A-310.11(b), GS 143-355.4(b), and Section 3(d) of SL 2005-190.

Makes technical and conforming changes to GS 153B-2, GS 153B-3(d1), and GS 153B-4, and makes a conforming change to the title.

**H 1812. DV CASES/REVIEW CRIMINAL RECORD.** Filed 5/18/10. House committee substitute makes the following changes to 1st edition.

Removes sections amending GS 50B-2 (required law enforcement agency to provide the clerk of court a state criminal background check of the defendant named in the complaint) and GS 50B-3 (required the court to consider the defendant's criminal record when deciding whether to grant relief). Makes a conforming change to the title.

Amends GS 15A-534.1 to expand the previously amended language. Provides that a judge must direct a law enforcement officer or a district attorney to provide a criminal history report for the defendant and consider that history when setting conditions of release (previously required only that the judge consider the defendant's criminal record). Requires the judge to return the report to the applicable agency or department after setting conditions, and prohibits a judge from unreasonably delaying the determination of pretrial release conditions in order to review the report.

**H 1829. RENEWABLE ENERGY INCENTIVES.** Filed 5/18/10. Senate amendment #2 makes the following changes to 4th edition, as amended.

Adds section to enact new GS 105-129.20 requiring a taxpayer who is primarily responsible for designing energy efficient commercial building property installed in property owned by a governmental entity to obtain written allocation of the deduction from the property's owner, in order to claim the federal deduction. Designates the governmental entity that enters into a design contract as the person responsible for making the deduction allocation. Makes a conforming change to the title.

**H 1852. STUDY NONPROFIT GRANTS ACCOUNTABILITY (NEW).** Filed 5/18/10. House committee substitute deletes the provisions of the 2nd edition and replaces it with *AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY HOW BEST TO IMPLEMENT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE WITH REGARD TO AGENCY OVERSIGHT OF STATE GRANTS TO NONPROFIT ORGANIZATIONS*. As title indicates; requires consideration of the costs of providing increased oversight, monitoring, and evaluation and whether those costs should be

recovered, as well as the impact of the recommendations on the nonprofit organizations. Requires a report to the 2011 Regular Session of the General Assembly.

**H 1973. VARIOUS ECONOMIC INCENTIVES (NEW).** Filed 5/25/10. Senate committee substitute makes the following changes to 4th edition.

Changes the sunset date in GS 105-129.82(a) (tax credit for growing businesses) from January 1, 2014 to January 1, 2013.

Amends GS 105-129.88 (pertaining to the general credit for investing in business property) to make the applicable percentage for Area Development Tier Two 4% (was, 5%) and 2% (was, 2.5%) for Tier Three. Makes environmental disqualifying events, as provided in amended GS 105-129.81 and GS 105-129.83, effective for credits claimed for taxable years beginning on or after January 1, 2007.

Amends GS 105-130.47 (pertaining to production company tax credits) to define a *highly compensated individual* as a person who directly receives compensation in excess of \$1 million from a production company (previous version deleted entire definition). Amends the definition of *qualifying expenses*, removing the highly compensated individual deletion and reinserting qualifying language for compensation and wages *on which withholding payments are remitted to the Department of Revenue*. Clarifies that the qualifying expenses are subject to audit by the Secretary of Revenue before the credit is allowed. Makes conforming changes to GS 105-151.29. Deletes provision subjecting materials used to construct film sets and equipment used to develop and edit film to sales tax.

Amends GS 105-187.5 (tax imposed on mill machinery) to provide that a manufacturing industry or plant does not include a production company.

Deletes section proposing new Article 3L, *Interactive Digital Media*.

Adds new section renaming Article 3F of GS Chapter 105 as *Technology Development*. Makes clarifying changes to GS 105-129.50 (definitions section). Amends GS 129-51. to make a taxpayer eligible for a credit allowed under Article 3F if it also satisfies overdue tax debts. Makes conforming and technical changes to GS 105-129.51 and GS 105-129.52. Amends GS 105-129.54 to require the Department of Revenue to publish by May 1 of each year the following information *by credit* and by taxpayer for the specific 12-month period: (1) requires the credits allowed under GS 105-129.55 (credit for NC research and development) and proposed GS 105-129.56 (credit for interactive digital media) to be itemized by specified categories, and (2) including information provided in the current law. Enacts new GS 105-129.56 to define *Interactive digital media* as a product that (1) is produced for distribution on electronic media and distribution over the Internet; (2) contains a computer-controlled virtual universe with which the using individual may interact; and (3) contains a significant amount of at least three of five listed types of data. Allows a credit equal to a percentage of the taxpayer's expenses that exceed \$50,000 and that are paid during the taxable year to developing media, platform, or engine to a taxpayer developing interactive digital media or a digital platform or engine in NC. Specifies the expenses to which the credit applies. Allows only one credit under the section with respect to the same expenses, and provides applicable percentages by category. Details limitations on the credit, and explains that a taxpayer may not claim another credit with respect to the expenses used to determine the interactive digital media credit. Effective for taxable years beginning on or after January 1, 2011.

Deletes section enhancing sales tax benefits for datacenters and major industrial facilities.

Amends GS 105-130.48(f) and GS 105-151.30(f) to extend the sunset date for the credit for recycling oyster shells to January 1, 2013 (was, January 1, 2011).

Deletes section extending the following tax benefits: GS 105-129.16D(d) (credit for constructing renewable fuel facilities); GS 105-129.16F(b) (credit for biodiesel producers); and GS 105-164.14 (authorizes refunds for passenger planes and aviation fuel for motorsports events).

Amends GS 143B-437.08 to add that an eco-industrial park must also be located in a county that is not required to perform motor vehicle emissions inspections. Makes the eco-industrial park incentives effective for taxable years beginning on or after January 1, 2011.

Amends GS 105-164.13 to define a *wood chipper* as also designed to be towed by a motor vehicle and sold to a person who purchases a motor vehicle in NC that is to be registered in another state and who uses the vehicle to tow the wood chipper to that other state (maintains vehicle identification number requirement) and removes the requirement that it be used to convert raw forest products into wood chips. Makes the sales tax exemption effective July 1, 2009 (was, July 1, 2010).

Deletes section regulating purchasing and contract changes by state agencies, boards, commissions, and institutions and associated provisions.

Adds new section amending GS 57C-2-01 recognizing the formation of a limited liability company as a low-profit limited liability company and authorizes such a company to use the designation "L3C" if its bylaws require it to accomplish one or more of the charitable or educational purposes within the meaning of section 170(c)(2)(B) of

the Internal Revenue Code, operate so that no purpose of the company is to accomplish one or more of the political or legislative purposes within the meaning of section 170(c)(2)(D) of the Internal Revenue Code, and to operate so that no significant purpose of the company is the production of income or the appreciation of property. Makes additional conforming changes to GS 57C-2-21 and GS 55D-20.

Enacts new GS 77-140 establishing the Yadkin River Trust (Trust) as a public agency and instrumentality of the state to develop Yadkin River in Davidson, Montgomery, Rowan, and Stanly counties to (1) ensure the equitable distribution of water for public purposes, (2) investigate and address issues of environmental damage in the area, and (3) fulfill the purpose of SL 1885-212. Provides for the appointment of the three members of the Board of Directors, which includes the Secretary of Commerce. Provides for board member terms, election of a chair, filling of vacancies, and organization and compensation of the board. Enumerates the powers of the Trust, including developing the Yadkin River as an instrumentality of intrastate, interstate, and foreign commerce and navigation. Requires the Trust to monitor the licensing for Yadkin Project No. 2197 and report to specified legislative entities by January 15, 2011, at which time the Trust may also report on issues to be studied under SL 2008-137. Provides that if Alcoa Power Generating, Inc., is issued a new multiyear license for Yadkin Project No. 2197, these provisions expire upon issuance of the license.

Adds new section providing that if S 1383 or H 1403 become law, then GS 7A-304(a) is amended to provide for \$3 for all felonies where the defendant is convicted or pleads guilty to be paid to the Department of Justice for the support and services of the State Bureau of Investigation DNA Database and DNA databank (was, to support services of DNA collection and analysis). Additionally provides that the cost does not apply to infractions. Effective October 1, 2010 and applies to costs imposed or collected after that date, except in specified misdemeanor cases.

Makes other technical and conforming changes, and changes the title to reflect additions and deletions.

## SENATE BILLS

**S 12. BAN MOBILE PHONE USE WHILE DRIVING (NEW).** Filed 1/28/09. Senate committee substitute deletes the provisions of the 1st edition and replaces it with *AN ACT TO MAKE IT UNLAWFUL TO USE A HANDHELD MOBILE PHONE WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA AND TO APPROPRIATE FUNDS*. Enacts new GS 20-137.4B to prohibit using a handheld mobile phone while driving on a public street or highway or public vehicular area. Makes exceptions for (1) the use of hands free mobile phones; (2) communicating with named entities during an emergency; and (3) law enforcement officers, members of a fire department, and ambulance operators while in the performance of their official duties. Violations are an infraction punishable by a \$100 fine and court costs. No driver's license points or insurance surcharges are to be assessed for violations. Effective for offenses committed on or after December 1, 2010.

Effective July 1, 2010, appropriates \$10,000 from the General Fund to the Department of Transportation, Division of Motor Vehicles, for 2010-11 to implement the act.

Makes a technical change to the caption of GS 20-137.4.

**S 354. CONTINUING CARE RETIRE. COMMUNITY/HOME CARE.** Filed 2/26/09. House amendment makes the following changes to 5th edition. Amends the effective date of the act so that it is now effective when it becomes law, removing language making effective dates contingent on enactment of specific provision in the Joint Conference Committee Report on the Continuation, Expansion, and Capital Budget dated June 28, 2010.

**S 655. INCREASE DRIVERS LICENSE RESTORATION FEE.** Filed 3/18/09. House amendment makes the following changes to 3rd edition. Changes the effective date of the act from July 1, 2010, to September 1, 2010.

**S 675. PROHIBIT MEDICAID FRAUD/KICKBACKS.** Filed 3/18/09. House committee substitute makes the following changes to 3rd edition.

Adds proposed subsection (j) to GS 108A-63 to provide that nothing in the act will be interpreted or construed to conflict with 72 USC Section 1320a-7b(b) (federal penalties for illegal remunerations), as amended, or with federal common law or federal agency interpretations of the statute. Makes other clarifying change.

**S 716. 2010 ETHICS AND GOVERNMENT REFORM CHANGES.** Filed 3/19/09. House committee substitute makes the following changes to 2nd edition.

Makes changes to the membership criteria of the ten-member Public Funding of Council of State Elections Commission.



Amends GS 150B-38(a) to provide that the provisions of GS Chapter 150B, Article 3A (Other Administrative Hearings) apply to the State Board of Elections in the administration of any investigation or audit under the provisions of Article 22A of GS Chapter 163.

Amends GS 120C-403 (regarding lobbyist principal's reports) to provide that a lobbyist principal that is an association or other organization is not required to report under GS 120C-403(b)(6) any individual member of the association or organization for which the lobbyist is directed to lobby by that lobbyist principal.

Amends GS 126-23, GS 115C-320, GS 115-D28, GS 122C-158(b), GS 153A-98(b), GS 160A-168(b), and GS 162A-6.1(b) to require each affected entity to maintain employee records that also include a description of the reasons for each change in position or classification.

Makes additional clarifying and technical corrections and amends the title.

**S 765. SPECIAL NEEDS/POOLED TRUSTS/MEDICAID REIMBUR. (NEW).** Filed 3/23/09. House committee substitute deletes all provisions of the 1st edition and replaces it with *AN ACT TO AMEND THE GENERAL STATUTES WITH RESPECT TO COMMUNITY THIRD PARTY TRUSTS, MEDICAID SPECIAL NEEDS TRUSTS AND MEDICAID POOLED TRUSTS, AND TO PROVIDE FOR MEDICAID REIMBURSEMENT IN CERTAIN CIRCUMSTANCES.*

Amends GS Chapter 36D, providing that it may be cited as the *North Carolina Community Third Party Trusts, Pooled Trusts and Special Needs Trusts Act* (was, this Article may be cited as the North Carolina Community Trust for Persons with Severe Chronic Disabilities Act). Notes that the General Assembly finds that North Carolina will benefit from the enactment of legislation expressly authorizing the formation of the Community Third Party Trusts, Pooled Trusts and Special Needs Trust in accordance with 42 USC 1396p(d)(4) and additional criteria set out by statute and administered by the Secretary of State under GS Chapter 55A. Deletes provision regarding the pooling of resources contributed by persons with philanthropic intent. Amends language to refer to person or family member with a disability (was, disabled person or family member).

Provides that among the underlying purposes and policies of GS Chapter 36D is to (1) ensure that the Community Third Party or Pooled Trusts for the benefit of persons with severe chronic disabilities are established and administered properly and (2) require that money from Pooled Trusts and Special Needs Trusts up to the amount equal to the total amount of assistance paid for by the Department of Health and Human Services (DHHS) be paid back under 42 USC 1396p(d)(4). Deletes the provision that notes that a purpose and policy is to encourage the orderly establishment of community trusts for the benefit of persons with severe chronic disabilities. Makes additional conforming changes, replacing *community trusts* with *Community Third Party or Pooled Trusts*. Provides that the provisions of GS Chapter 36D are not to be construed to affect the establishment, interpretation, or construction of Pooled or Special Needs trust instruments that do not conform with the provisions of Chapter 36D.

Amends the definitions used in Article 36D, adding definitions for *Community Third Party Trust*; *Department* (DHHS); *family members*; *Medicaid Pooled trust*; *pooled trust*; *or umbrella pooled trust*; *Medical Special Needs Trust*; *sole benefit*; *surplus trust funds*; *trustee*; *36D trust* and redefining some terms to reflect the content of this bill. Defines Medicaid Pooled Trusts and Medicaid Special Needs Trusts as irrevocable.

Provides that the scope of the Chapter applies to every Community Third Party Trust, Medicaid Pooled Trust, or Special Needs Trust established in North Carolina. Provides that, except as otherwise provided in this Chapter, Article 9 of GS Chapter 36C applies to GS Chapter 36D trusts in the same manner as it applies to trusts under the Uniform Trust Code except provides that a trustee of a pooled or special needs trust is liable to DHHS to the extent that the trustee does not administer the trust in a way that is for sole benefit of the beneficiary, regardless of the terms of the trust. Provides that reasonable reliance on the terms of the trust is not a defense to a claim that the trustee has acted in a way that is not for the sole benefit of the beneficiary.

Provides criteria for the administration of the Community Third Party and Pooled Trusts. Prohibits a trustee, board member, or paid staff member of a Trust from providing legal representation or other professional services on behalf of the trust or its beneficiaries. Requires a 30-day notice to DHHS if there is to be a change in trustee.

Provides accountability requirements for Community Third Party and Pooled Trusts. Directs that a trustee make available the trustee's annual accounting statement of each beneficiary's sub-account to DHHS upon request. Allows DHHS to perform annual audits of the existing Community Third Party or Pooled Trusts.

Provides criteria for the handling of gifts and surplus trust funds. Includes limitations and restrictions on the use of surplus funds.

Allows special requests on behalf of a beneficiary. Permits the Community Third Party Trust to fulfill any special requests on the behalf of the beneficiary that are consistent with GS Chapter 36D providing that an adequate contribution has been made for that purpose on behalf of the beneficiary. Limits the Medicaid Pooled Trust to disbursing sub-account trust funds only if the disbursement is in the sole benefit of the beneficiary.

Deletes provision that makes a community trust irrevocable.

Directs DHHS not to reduce the benefits or services available to any individual because that individual is a beneficiary of a 36D Trust. Allows DHHS to terminate an individual's eligibility for medical assistance or impose sanctions if the person fails to comply with the requirements of Chapter 36D or if the trustee fails to administer the 36D Trust in a manner compliant with Chapter 36D.

Provides that a 36D Trust is not subject to the law against perpetuities or restraints on alienation or perpetual accumulations of trusts.

Provides settlement criteria after the death of a beneficiary and limits on the trustee or any private individual's entitlement to share in the distribution of any trust assets upon dissolution of the trust.

Provides criteria for administration and accountability with regards to a Special Needs Trust. Provides that a special needs trustee may be an individual or an institution and requires that the trustee be bonded in an amount that is not less than the assets held in trust. Also provides criteria for the termination of a Special Needs Trust including circumstances under which there must be reimbursement made to DHHS for assistance paid on behalf of the beneficiary. Permits the trustee to have sole discretion in all purchases, payments, and disbursements from the Special Needs Trust in accordance with 42 USC 1396p(d)(4)(A) and the rules set forth for special needs trusts by DHHS. Provides restrictions to govern purchases, payments, and disbursements by a trustee for a Special Needs Trust.

**S 900. TEEN DRIVER SAFETY STUDY (NEW).** Filed 5/25/09. House committee substitute deletes the provisions of the 3rd edition and replaces it with *AN ACT TO DIRECT THE EXECUTIVE COMMITTEE FOR HIGHWAY SAFETY TO REPORT ADDITIONAL RECOMMENDATIONS TO THE GENERAL ASSEMBLY TO ADDRESS THE CAUSES OF TEEN DRIVING FATALITIES*. As title indicates, requires a report to the General Assembly by April 30, 2011.

**S 1119. EARLY EDUCATION CERTIFICATION (NEW).** Filed 5/12/10. House committee substitute makes the following changes to 2nd edition.

Removes section providing for the consolidation of all regulatory functions regarding the monitoring of early care and education providers in certain private settings by assumption of the More at Four regulatory functions by Division of Child Development Staff. Renumbers sections accordingly and makes a conforming change to the title.

Changes the effective date to when the act becomes law (was, July 1, 2010).

**S 1136. REGULATE TOWING FROM PRIVATE LOTS.** Filed 5/13/10. House committee substitute makes the following changes to 3rd edition. Amends proposed GS 20-219.2(a1) to provide that if a vehicle is removed and there is a storage place within 15 miles, the vehicle must not be transported for storage more than 15 miles from the place of removal; prohibits all other vehicles from being transported more than 25 miles from the place of removal for storage (previous edition prohibited all vehicles from being transported for storage more than 15 miles away from the place of removal).

**S 1152. STUDY CHILD NUTRITION PROGRAM.** Filed 5/13/10. House committee substitute makes the following changes to 1st edition.

Requires the Joint Legislative Program Evaluation Oversight Committee to examine, in its study of the Child Nutrition Program: (1) the guidelines for assessing direct and indirect operating costs (was, indirect only) to local child nutrition programs in local school administrative units, and specifies that this includes rent, costs assessed on a square footage basis, maintenance, utilities, and any other costs charged or allocated to food services; (2) discrepancies in how local school administrative units calculate and report indirect costs for child nutrition programs, the impact of these discrepancies, and whether units are charging these costs to incorrect budget items; (3) federal guidelines on minimum fund balances for child nutrition programs and whether all local child nutrition programs comply; (4) practices in other states; (5) funding requirements necessary for elementary, middle, and high schools to implement specified nutrition standards; and (6) other issues deemed relevant. Adds the Joint Legislative Commission on Governmental Operations to the list of report recipients. Makes other clarifying change, and makes a technical change to the title.

**S 1165. GENERAL STATUTES COMM. TECHNICAL CORRECTIONS.** Filed 5/17/10. Senate committee substitute makes the following changes to 1st edition.

Makes technical corrections to GS 7A-809, GS 15-203, GS 15A-534(h), GS 15A-1230(b), GS 15A-1342(e), GS 15A-1383(d), GS 41-2(b), GS 58-71-75, GS 58-89A-106(a), GS 115C-102.6B(b), GS 115D-5.1(f1), GS 143C-8-6, GS 163-85(c), GS 163-182, and Section 1 of SL 2009-129.

Makes a conforming change to GS 20-183.7(f)(5) to require inspection stations to post that a vehicle that fails an inspection may be reinspected at the same station within 60 days (was, 30) of the inspection without payment of the fee.

Amends the catchline of GS 36C-3-302 to read: *Representation by holder of power of revocation or general power of appointment.*

Repeals GS 113-28 (obsolete provision reimbursing the federal government for certain work).

Amends GS 143B-499.8 (establishing the NC Silver Alert System) to include the terms *missing child* and *missing children* where necessary, to conform with legislative intent.

Also authorizes the Revisor of Statutes to recodify Part 3 in Article 36 of GS Chapter 143 in a more suitable location, to reflect duties transferred from the Department of Administration to the Department of Commerce.

**S 1199. EST. REGIONAL SCHOOL PLANNING COMM.** Filed 5/17/10. House committee substitute makes the following changes to 2nd edition. Removes the requirement that the school of agriscience and biotechnology open in the 2011-12 school year.

**S 1246. FOUR-YEAR COHORT GRADUATION RATE.** Filed 5/19/10. House amendment #2 makes the following changes to 2nd edition, as amended.

Amends a directive that the State Board of Education must establish, as long-term minimum goals statewide, four-year cohort graduation rates of 74% by 2014, 80% by 2016, and 90% by 2018 (was, only 90% by 2016).

Adds the requirement that the State Board of Education report to the Joint Legislative Education Oversight Committee by November 15, 2010, and annually thereafter on the goals, benchmarks, and recommendations in the act, as detailed.

**S 1337. UST OPERATOR TRAINING PROGRAM.** Filed 5/19/10. House amendment #3 makes the following changes to 4th edition, as amended.

Adds new section amending GS 143-215.94E(c) to clarify that the owner or operator of a noncommercial underground storage tank or a commercial underground storage tank eligible for the Noncommercial Fund (Fund), *where the owner or operator has been identified and has proceeded with the cleanup*, may elect to have the Fund pay or reimburse any costs for a discharge or release, as described.

Adds new section amending GS 143-215.94E(c1) to remove reimbursement limits for costs described in GS 143-215.94D(b1) (was, 90% of any costs, as described, that exceed \$5,000) that the current landowner may receive from the Fund under specified circumstances. Clarifies that reimbursement eligibility may be transferred to a subsequent landowner from a current landowner (was, a current landowner who has paid the costs for which the landowner is responsible).

## LEGISLATION ENACTED

**SL 2010-26 (S 1135). RED OAK/CITY OF ROCKY MOUNT DEANNEXATION.** AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF RED OAK AND REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT. Summarized in *Daily Bulletin* 5/13/10 and 6/17/10. Enacted June 30, 2010. Effective June 30, 2010.

**SL 2010-27 (S 1389). GRAHAM DEANNEXATION.** AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GRAHAM. Summarized in *Daily Bulletin* 5/25/10, 6/16/10, and 6/21/10. Enacted June 30, 2010. Effective June 30, 2010.

**SL 2010-28 (H 337). STATESVILLE DEANNEXATION.** AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF STATESVILLE. Summarized in *Daily Bulletin* 2/26/09. Enacted June 30, 2010. Effective June 30, 2010.

**SL 2010-29 (H 1687). CASWELL BEACH SEWER TREATMENT FEE.** AN ACT TO ALLOW THE TOWN OF CASWELL BEACH TO IMPOSE A SEWER TREATMENT FEE. Summarized in *Daily Bulletin* 5/12/10. Enacted June 30, 2010. Effective June 30, 2010.

**SL 2010-30 (H 1953). DELINQUENT TAX DENY PERMITS/SET TAX DISCOUNT.** AN ACT TO PROVIDE THAT CURRITUCK COUNTY MAY PROHIBIT THE ISSUANCE OF A LAND-USE PERMIT OR A BUILDING PERMIT TO A DELINQUENT TAXPAYER AND TO ALLOW PASQUOTANK COUNTY TO SET THE TAX PREPAYMENT DISCOUNT BY JUNE 30, 2010. Summarized in *Daily Bulletin* 5/24/10, 6/9/10, and 6/22/10. Enacted June 30, 2010. Effective June 30, 2010.

**SL 2010-31 (S 897). APPROPRIATIONS ACT OF 2010. AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2009 AND FOR OTHER PURPOSES.** Summarized in *Daily Bulletin* 5/19/10, 6/1/10, 6/2/10, 6/3/10, and 6/29/10. Enacted June 30, 2010. Effective July 1, 2010, except as otherwise provided.

**SL 2010-32 (S 35). RECONVEYANCE FEES PROHIBITED. AN ACT TO PROVIDE THAT TRANSFER FEE COVENANTS DO NOT RUN WITH THE TITLE TO REAL PROPERTY AND ARE NOT BINDING ON OR ENFORCEABLE AGAINST ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE.** Summarized in *Daily Bulletin* 6/1/10 and 6/2/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-33 (H 1864). NO HIGH SCHOOL GRADUATION PROJECT REQUIRED. AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION.** Summarized in *Daily Bulletin* 5/18/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-34 (S 66). COMPREHENSIVE ARTS EDUCATION PLAN. AN ACT TO PROVIDE A COMPREHENSIVE ARTS EDUCATION PLAN.** Summarized in *Daily Bulletin* 6/1/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-35 (H 901). HONORS COURSES IN HEALTHFUL LIVING CLASSES. AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP OR IDENTIFY ACADEMICALLY RIGOROUS HONORS-LEVEL COURSES IN HEALTHFUL LIVING EDUCATION THAT CAN BE OFFERED AT THE HIGH SCHOOL LEVEL.** Summarized in *Daily Bulletin* 3/30/09, 4/13/09, and 5/4/09. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-36 (H 1683). AMEND SUNSET/CHILDREN WITH DISABILITIES. AN ACT TO DELAY THE SUNSET OF AN ACT PERTAINING TO THE DISCIPLINE AND HOMEBOUND INSTRUCTION OF STUDENTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.** Summarized in *Daily Bulletin* 5/12/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-37 (S 595). PEDESTRIAN SAFETY IMPROVEMENTS. AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ACCEPT AND USE MUNICIPAL FUNDING FOR PEDESTRIAN SAFETY IMPROVEMENTS ON STATE ROADS WITHIN MUNICIPAL LIMITS.** Summarized in *Daily Bulletin* 6/15/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-38 (H 1998). RECIPROCITY FOR OPTIONAL RETIREMENT PROGRAM SERVICE. AN ACT TO AUTHORIZE RECIPROCITY FOR SERVICE IN THE OPTIONAL RETIREMENT PROGRAM FOR MEMBERS OF THE TEACHERS AND STATE EMPLOYEES RETIREMENT SYSTEM.** Summarized in *Daily Bulletin* 5/25/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-39 (H 1143). MILITARY WARTIME VETERAN SPECIAL PLATE CHANGE. AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE ALL MILITARY WARTIME VETERAN SPECIAL PLATES BASED ON DEFINED PERIODS OF WAR.** Summarized in *Daily Bulletin* 4/7/09 and 4/30/09. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-40 (H 1429). MORTGAGE GUARANTY INSURER SUNSET EXTENDED. AN ACT TO EXTEND THE EFFECTIVE DATE FOR COMMISSIONER OF INSURANCE DISCRETION TO WAIVE THE MINIMUM POLICYHOLDERS POSITION REQUIREMENT UNDER CERTAIN CIRCUMSTANCES FOR MORTGAGE GUARANTY INSURERS.** Summarized in *Daily Bulletin* 5/26/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-41 (S 1198). EDUCATION CABINET ESTABLISH SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS PRIORITY. AN ACT TO DIRECT THE EDUCATION CABINET TO SET AS A PRIORITY AN INCREASE IN THE NUMBER OF POSTSECONDARY CREDENTIALS IN THE FIELDS OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS AND TO SUPPORT EFFORTS TO ACHIEVE THAT PRIORITY, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.** Summarized in *Daily Bulletin* 5/17/10 and 6/16/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-42 (H 1666). DAVIE SCHOOL BOARD. AN ACT TO CHANGE THE NUMBER OF MEMBERS OF THE DAVIE COUNTY BOARD OF EDUCATION FROM SIX TO SEVEN AND CHANGE THE TERMS OF OFFICE FROM SIX YEARS TO FOUR YEARS.** Summarized in *Daily Bulletin* 5/12/10 and 5/27/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-43 (H 1695). REPEAL WAYNESVILLE FIREMEN'S SUPPLEMENTAL PENSION. AN ACT TO REPEAL THE PROVISIONS ESTABLISHING THE WAYNESVILLE FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.** Summarized in *Daily Bulletin* 5/12/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-44 (H 1754). TAX CERTIFICATION—DARE AND MCDOWELL.** AN ACT TO AUTHORIZE DARE AND MCDOWELL COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. Summarized in *Daily Bulletin* 5/17/10 and 6/17/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-45 (H 1772). CHEROKEE SCHOOL BOARD TERMS.** AN ACT TO CHANGE THE TERM OF OFFICE FOR MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION ELECTED IN 2010 AND THEREAFTER FROM SIX YEARS TO FOUR YEARS. Summarized in *Daily Bulletin* 5/18/10 and 6/9/10. Enacted July 1, 2010. Effective upon certification of election of the Cherokee County Board of Education elected in 2010.

**SL 2010-46 (H 1821). ALLOW WILLIAMSTON TO OPERATE MOTORIZED ATVS.** AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO USE MOTORIZED ALL-TERRAIN VEHICLES ON CERTAIN HIGHWAYS. Summarized in *Daily Bulletin* 5/18/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-47 (H 1910). SHELBY MAY INSPECT CLEVELAND COUNTY VEHICLES.** AN ACT TO ALLOW THE CITY OF SHELBY TO INSPECT CLEVELAND COUNTY VEHICLES REQUIRING EMISSIONS AND SAFETY INSPECTIONS UNDER THE CITY'S SELF-INSPECTOR LICENSE. Summarized in *Daily Bulletin* 5/19/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-48 (H 2056). RUTHERFORD COUNTY CORONER.** AN ACT TO HAVE THE OFFICE OF CORONER IN RUTHERFORD COUNTY VACATED AT THE END OF THE CURRENT TERM. Summarized in *Daily Bulletin* 5/26/10 and 6/16/10. Enacted July 1, 2010. Effective December 6, 2010.

**SL 2010-49 (H 1307). NO FELON AS SHERIFF.** AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT NO PERSON CONVICTED OF A FELONY IS ELIGIBLE TO BE ELECTED SHERIFF. Summarized in *Daily Bulletin* 6/23/10. Enacted July 1, 2010. Effective upon certification by the State Board of elections that the constitutional amendment has passed by a majority of votes cast.

**SL 2010-50 (S 1331). ALLOW WHEEL LOCKS FOR CITY OF FAYETTEVILLE.** AN ACT TO ALLOW THE CITY OF FAYETTEVILLE TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS. Summarized in *Daily Bulletin* 5/19/10 and 6/23/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-51 (H 664). AVERY: DEED RECORDATION AND DELINQUENT TAXES.** AN ACT TO REQUIRE THE REGISTER OF DEEDS OF AVERY COUNTY TO REFUSE RECORDATION OF A DEED FOR PROPERTY SUBJECT TO DELINQUENT MUNICIPAL PROPERTY TAXES FOR THE VILLAGE OF SUGAR MOUNTAIN. Summarized in *Daily Bulletin* 3/18/10. Enacted July 1, 2010. Effective July 1, 2010.

**SL 2010-52 (H 1919). MATTHEWS PUBLIC-PRIVATE PROJECT.** AN ACT AUTHORIZING THE TOWN OF MATTHEWS TO PARTICIPATE IN A PUBLIC-PRIVATE DEVELOPMENT PROJECT OUTSIDE THE DOWNTOWN AREA. Summarized in *Daily Bulletin* 5/20/10 and 6/24/10. Enacted July 1, 2010. Effective July 1, 2010.

## NEXT SESSIONS

**HOUSE convenes at 7:00 p.m. Monday, July 5, 2010.**

**SENATE convenes at 10:00 a.m. Friday, July 2, 2010.**

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