

March 11, 2009

**H 530. UTILITIES/CARRIER OF LAST RESORT.** Filed 3/11/09. *FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS.*

Amends GS 62-110 to clarify that each local exchange company is the universal service provider (carrier of last resort) in the area in which it is certified to operate on July 1, 1995; *provided, however, each local exchange company may satisfy its carrier of last resort obligation by using any available technology.* Also allows telephone membership corporations that have carrier of last resort obligations to fulfill those obligations using any available technology. Provides that when a telecommunications service provider enters into an agreement to provide communications service or otherwise precludes the local exchange company from providing those services for the subdivision or other area, the local exchange company is not obligated to provide basic local exchange telephone service or any other communications service to customers in the subdivision or area. In the listed instances, the local exchange company (was, the local exchange company for the franchise area or territory in which the subdivision or other area is located is not a party to the agreement) is relieved of any universal service provider obligation for that subdivision or area. In circumstances not listed in GS 62-110(f4), allows a local exchange company to be granted a waiver of its carrier of last resort obligation by the appropriate state agency based upon a showing by the local exchange company that providing service would be inequitable or unduly burdensome. Defines (1) *communications service* as either voice, video, or data service through any technology and (2) *local exchange service* as a voice service regardless of the technologies used, including Voice Over Internet Protocol (VoIP), wireless, or any technology the local exchange company chooses to provide service. Makes conforming and technical changes. Effective for agreements to provide communications service entered prior to or on or after the date the act becomes law.

**Intro. by Blue, Carney, Brubaker.**

GS 62

April 1, 2009

**H 530. UTILITIES/CARRIER OF LAST RESORT.** Filed 3/11/09. House committee substitute makes the following changes to 1st edition. Adds to proposed amended GS 62-110 that each local exchange company *or telecommunications service provider with carrier of last resort responsibilities* may satisfy its carrier of last resort obligation by using any available technology. Specifies that when any telecommunications service provider enters into an agreement *after July 1, 2008*, to provide communications service that (was, or) otherwise precludes the local exchange company from providing services for a subdivision or other area, the local exchange company is not obligated to provide basic local exchange telephone service or any other communications service to customers in the subdivision or area. Provides that the telecommunications service provider is not the universal provider but is a provider under the terms of the agreement and applicable law. Adds that, for any circumstance not described in this provision, a local exchange company may be granted a waiver of its carrier of last resort obligation *in a subdivision or other area* by the appropriate state agency based upon a showing by the local exchange company of *all of the following*: (1) providing service in the subdivision or area would be inequitable or unduly burdensome, (2) *one or more alternative providers of local exchange service exist*, and (3) *granting the waiver is in the public interest*. Deletes the definition for *local exchange service*. Makes other technical and clarifying changes.

April 16, 2009

**H 530. UTILITIES/CARRIER OF LAST RESORT.** Filed 3/11/09. House committee substitute makes the following changes to 2nd edition. Amends GS 62-110 to require any person who enters into an agreement with a telecommunications service provider for the provision of local exchange service for a subdivision to notify a purchaser of real property within the subdivision of the agreement. Amends the effective date to remove the provision that the act applies to agreements to provide communications service entered into before or after the effective date of the act.

August 7, 2009

**H 530. LIFE SCIENCES DEVELOPMENT ACT (NEW).** Filed 3/11/09. Senate committee substitute deletes all the provisions of the 3rd edition and replaces it with *AN ACT TO CREATE AN INCENTIVE FOR INVESTING IN CAPITAL FACILITIES IN THE LIFE SCIENCES IN THIS STATE*. Adds new Article 3M, *Life Science Investments*, to GS Chapter 105. States that the purpose of Article 3M is to create a mechanism for the delivery of products and services in the life sciences that will build permanent production facilities in the state.

Defines a *life science company* as a company that is engaged in (1) biotechnology, including agricultural and industrial uses; (2) pharmaceuticals; (3) biologic products; (4) medical devices; (5) diagnostic devices; or (6) service laboratories or facilities providing support services to any of the foregoing companies. Also defines the following terms as they apply in Article 3M: (1) designated investor; (2) economic interest; (3) equity certificate; (4) immediate family; (5) qualified entity; and (6) tax credit certificate.

Provides that a qualified entity is a business entity that satisfies all of the conditions indicated in proposed GS 105-129.107. Those conditions include that the entity be established as a for-profit limited liability company under GS Chapter 57C with its sole purpose to foster economic development in the state by making loans to life science companies to finance any of the following: (1) the acquisition or expansion of capital facilities in the state; (2) the acquisition of capital equipment to be located in the facilities in the state; or (3) the regulatory, documentation, and other costs required to make the facilities and equipment located in the state operational. Requires the entity to raise funds for making the loans to life science companies (1) by issuing equity certificates for investments made by designated investors and (2) by specifying a rate of return on those investments. Specifies 15 additional requirements to be met by a business entity in order to be defined as a qualified entity.

Requires a qualifying entity to notify both the designated investor and the Secretary of Commerce, in writing, of the entity's inability to make a payment required under an equity certificate at least 30 days before the payment is due. Requires that the notice to the Secretary to be made under oath and specifies the information that the notification must contain. Directs the Secretary to deliver a tax credit certificate, within 30 days after receiving the notice, for each designated investor in the amount certified by the qualifying entity to be due. Designates that the tax credit certificate must be in an amount equal to the amount of the required payment that the qualifying entity certifies it is unable to make.

Provides that a taxpayer presenting a tax credit certificate is allowed a tax credit equal to 100% of the amount specified in the certificate against the franchise tax levied in GS Chapter 105, Articles 3, the income taxes levied in GS Chapter 105, Article 4, or the gross premium tax levied in GS Chapter 105, Article 8B. Provides that if the allowed credit exceeds the amount of tax liability, then the Secretary must refund the excess to the taxpayer. Provides that a pass-through entity is considered the taxpayer for the purposes of claiming the credit allowed under Article 3M. Requires the taxpayer to provide any information required by the Secretary to substantiate the taxpayer's claim to the credit. Assigns the burden of proving eligibility for a credit and the amount of the credit to the taxpayer.

Directs the Department of Revenue to publish by May 1 of each year the following information, itemized by taxpayer for the 12-month period ending the preceding December 31: (1) the number of taxpayers claiming a credit under Article 3M; (2) the amount of each credit claimed and the taxes against which it was applied; and (3) the total cost to the General Fund of the credits claimed.

Effective for taxable years beginning on or after January 1, 2010.

July 10, 2010

**H 530. AMEND SPECIAL PLATES (NEW).** Filed 3/11/09. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Deletes the contents of the 4th edition and replaces it with *AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR ACTIVE AND RETIRED FEDERAL EMPLOYEES, ADOPTION WORKS, AMERICAN RED CROSS, ARMED FORCES EXPEDITIONARY MEDIAL RECIPIENT, ARTS NC, BATTLE OF KINGS MOUNTAIN, BLUE KNIGHTS, BOY SCOUTS OF*

AMERICA, BRENNER CHILDREN'S HOSPITAL, CAROLINA RAPTOR CENTER, CAROLINA REGIONAL VOLLEYBALL ASSOCIATION, CAROLINA CREDIT UNION FOUNDATION, CAROLINAS GOLF ASSOCIATION, CHILDHOOD CANCER AWARENESS, CURESEARCH, DANIEL STOWE BOTANICAL GARDEN, DONATE LIFE, FARMLAND PRESERVATION, FIRST IN TURF, FRIENDS OF CAMP DANIEL BOONE, GIRL SCOUTS, GREEN INDUSTRY COUNCIL, HIGH POINT FURNITURE MARKET 100<sup>TH</sup> ANNIVERSARY, HOME OF AMERICAN GOLF, JAYCEES, LEGION OF MERIT, LIFETIME SPORTSMAN, MAYOR, MOUNTAINS-TO-SEA TRAIL, MUNICIPAL COUNCIL, NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL, NATIVE BROOK TROUT, NC BEEKEEPERS, NC CIVIL WAR, NC FISHERIES ASSOCIATION, NC HORSE COUNCIL, NC MINING, NC VETERINARY MEDICAL ASSOCIATION, NC WILDLIFE FEDERATION, NEUSE RIVER FOUNDATION, NORTH CAROLINA EMERGENCY MANAGEMENT ASSOCIATION, NORTH CAROLINA MASTER GARDENER, NORTH CAROLINA SENIOR GAMES, NORTH CAROLINA STATE FLAG, "OLD BALDY," OUTER BANKS PRESERVATION ASSOCIATION, PAMLICO-TAR RIVER FOUNDATION, P.E.O. SISTERHOOD, PHI BETA SIGMA FRATERNITY, RELAY FOR LIFE, RETIRED PIEDMONT AIRLINES EMPLOYEES, RETIRED LEGISLATORS, SCHOOL BOARD, SILVER STAR RECIPIENT/DISABLED VETERAN, SOCIAL WORKERS, S.T.A.R., SUPPORT NC EDUCATION, SUPPORT SOCCER, TOWN OF OAK ISLAND, TRAVEL AND TOURISM, UNITED STATES SERVICE ACADEMY, AND VICTORY JUNCTION GANG CAMP; MAKE CHANGES TO VARIOUS EXISTING PLATES, AND ESTABLISH AN EXPIRATION PERIOD FOR INACTIVE PLATES. As title indicates.