

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 19

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Senate Legislative Day 19

Monday, February 28, 2011

Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	3
Action on Bills _____	4
Summaries of Amendments and Committee Substitutes _____	8
Legislation Enacted _____	8
Index by Keyword _____	8
Notes _____	9
Next Sessions _____	9

SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 191. [HONOR MARQUIS DE LAFAYETTE](#) (=S 142). Filed 2/25/11. *HONORING THE MARQUIS DE LAFAYETTE, FOR WHOM THE CITY OF FAYETTEVILLE IS NAMED.* Identical to S 142, filed 2/24/11.
Intro. by Parfitt, Lucas, Floyd, Glazier. HOUSE RES General Assembly

H 195. [ET/J CLARIFY DEFINITION OF BONA FIDE FARM.](#) Filed 2/28/11. *TO EXEMPT FARMS FROM THE EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES, TO CLARIFY THE DEFINITION OF "BONA FIDE FARM," AND TO PROHIBIT THE ANNEXATION OF FARMS.*

Amends GS 160A-360, adding new subsection (k) to provide that a *bona fide farm* as defined in GS 153A-340 is exempt from a municipality's extraterritorial jurisdiction under Article 19 (Planning and Regulation of Development) of GS Chapter 160A. Amends GS 153A-340(b)(2) to clarify that bona fide farm purposes include the production and activities relating to or incidental to all other forms of agriculture as defined in GS 106-581.1 (was, relating to or incidental to all other forms of agricultural products as defined in GS 106-581.1 having a

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domestic or foreign market). Enacts new GS 160A-58.29 to prohibit the annexation of land being used for bona fide farm purposes as defined in GS 153A-340 on the date of the resolution of intent to consider annexation, without the written consent of the owner or owners of the property.

Intro. by McCormick, Hill, Dixon. GS 153A, 160A

Agriculture, Environment, and
Natural Resources; Local
Government

H 197. SCHOOL CALENDAR FLEXIBILITY/INCLEMENT WEATHER. Filed 2/28/11. *TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.*

Creates an exception to the required instructional time for local school administrative units (LEAs) that missed more than 20 instructional days during the 2010-11 school year due to inclement weather. Amends GS 115C-84.2(a)(1) to provide that a school calendar may include a minimum of *either* 180 days *or* 1,000 hours of instruction (was, a minimum of 180 days *and* 1,000 hours of instruction) covering at least nine calendar months. Allows a local board of education to comply with the school calendar requirement in the case of inclement weather by scheduling 1,000 hours of instruction on less than 180 days. Provides that an LEA making a calendar adjustment due to inclement weather meets the minimum 180-day requirement for instruction days. Also provides that teachers employed for a 10-month term are deemed to have been employed for 180 instructional days. Directs that all other employees are to be compensated as if they had worked their regularly scheduled hours for 180 instructional days.

Creates an exception to the required instructional time for charter schools that missed more than 20 instructional days during the 2010-11 school year due to inclement weather. Amends GS 115C-238.29F(d)(1) to direct a charter school to provide instruction each year for a minimum of *either* 180 days *or* 1,000 hours (was, for at least 180 days) that covers at least nine calendar months.

Applies only to the 2010-11 school year.

Intro. by Frye, Jordan, Rapp, GS 115C
West.

Education

SENATE BILLS

S 146. STATE SHRIMP FESTIVAL-SNEADS FERRY (=H 173). Filed 2/28/11. *TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.*

Identical to H 173, filed 2/23/11.

Intro. by Brown.

GS 145

State Government

S 147. PREVENT NEURAL TUBE BIRTH DEFECTS/FUNDS. Filed 2/28/11. *TO APPROPRIATE FUNDS FOR THE MARCH OF DIMES TO CONTINUE TO PREVENT OR REDUCE NEURAL TUBE BIRTH DEFECTS THROUGH THE NORTH CAROLINA FOLIC ACID CAMPAIGN.*

Appropriates \$350,000 for 2011-12 and \$350,000 for 2012-13 from the General Fund to the Department of Health and Human Services, Division of Public Health, as the title indicates. Effective July 1, 2011.

Intro. by Hartsell.

APPROP

Budget and Appropriations; Health,
Social Services, and Aging

S 148. GENERAL STATUTES COMM. TECHNICAL CORRECTIONS (=H 190). Filed 2/28/11. *TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.* Identical to H 190, filed 2/24/11.

Intro. by Hartsell.

GS 28A, 135, 148

State Government

S 149. NO PLASTIC KNUCKLES. Filed 2/28/11. *TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED PLASTIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT UNLAWFUL TO CARRY PLASTIC KNUCKLES, WHETHER OPENLY OR CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO SELL OR OTHERWISE TRANSFER PLASTIC KNUCKLES TO A MINOR.*

Amends GS 14-269(a) to add plastic knuckles to the list of items which it is unlawful to willfully and intentionally carry concealed on one's person except on one's own property. Amends GS 14-269.2 to make it a Class 1 misdemeanor to commit the following offenses on educational property, as defined: (1) possess or carry plastic knuckles, whether openly or concealed, or (2) to cause, encourage, or aid a minor in possessing or

carrying, whether openly or concealed, plastic knuckles. Amends GS 14-315(a) to make it a Class 1 misdemeanor to sell, offer for sale, give, or in any way transfer plastic knuckles to a minor.

Effective December 1, 2011 and applies to offenses committed on or after that date.

Intro. by Kinnaid. GS 14 Criminal Law, Procedure, and Sentencing

S 150. AMEND DRUG TRAFFICKING SENTENCE. Filed 2/28/11. *TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING OFFENSE.*

Amends GS 90-95(h)(5) as the title indicates. Provides that the sentencing judge must find that the person meets the criteria set out in *either* GS 90-95(h)(5)a. *or* new subdivision GS 90-95(h)(5)b. and enter that finding in the record before the judge may reduce the fine, impose a prison term less than the applicable term, or suspend the prison term and place the person on probation. New subdivision requires that the sentencing judge make a finding that the person (1) has no prior convictions for crimes that produced or threatened serious bodily harm, and (2) has no prior felony drug trafficking convictions. Additionally requires that the sentencing judge find by a preponderance of the evidence that the person (1) did not possess a firearm during the commission of the offense; (2) played a minimal role in the drug scheme that led to the offense; (3) carried out the offense at the direction of another; and (4) stood to receive substantially less financial gain from the offense than the person who directed the commission of the offense. Makes organizational changes. Effective December 1, 2011.

Current law (GS 90-95(h)(5)a.) permits a judge who is sentencing a person convicted of a drug trafficking offense to reduce the fine, impose a prison term less than the applicable term provided in subsection (h) or suspend the prison term and place the person on probation when the judge finds that the person has provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals.

Intro. by Kinnaid. GS 90 Criminal Law, Procedure, and Sentencing

S 153. SPECIAL PLATE FOR THE GIVEN MEMORIAL LIBRARY. Filed 2/28/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A "HOME OF AMERICAN GOLF" SPECIAL REGISTRATION PLATE FOR THE GIVEN MEMORIAL LIBRARY, INC.*

Enacts new GS 20-79.4(b)(65a) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to the Given Memorial Library, Inc., for funding purposes. Effective July 1, 2011.

Intro. by Blake. GS 20 Transportation

Local Bills

HOUSE BILLS

H 192. GREENSBORO RENTAL PROPERTY UTILITY LIENS. Filed 2/28/11. *AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY SERVICES OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON THE RENTAL .*

Amends Section 6.83, as amended, of the Greensboro Charter to provide that Greensboro will proceed in accordance with GS 160A-314 (city's authority to fix and enforce rates) for utility charges on rental property that become past due after July 1, 2010, and for which the tenants are individually liable. Makes a conforming change. Effective from and after July 1, 2010.

Intro. by Brandon. GUILFORD Guilford

H 193. TOPSAIL BEACH RECALL ELECTIONS. Filed 2/28/11. *TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.*

Amends SL 1963-67 (Topsail Beach Town Charter) to permit removal from office by recall election of mayor and members of the board of commissioners. Provides that a recall election may be held upon the filing of a petition containing signatures of 20% of the registered voters of the town. Sets forth additional petition and election criteria. Prohibits the filing of a petition to recall an officer within six months before the expiration of the officer's term.

Intro. by Justice. PENDER Pender

H 194. TOPSAIL BEACH CHARTER AMENDMENT. Filed 2/28/11. *AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE.*

Amends Section 4, as amended, (pertaining to mayoral and board of commissioners terms); Section 5 (meetings of the board of commissioners), and Section 8 of SL 1963-67 (quorum) as the title indicates. Specifies that the terms of the commissioners and the mayor will begin at noon on the next business day following election result certification.

Intro. by Justice. PENDER Pender

H 196. GOLDSBORO DEANNEXATION. Filed 2/28/11. *REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GOLDSBORO.*

As the title indicates. Provides that this act does not affect the duty to pay taxes for any previous year and does not eliminate any tax liens for any previous years.

Intro. by Sager, LaRoque. WAYNE Wayne

SENATE BILLS

S 151. 17TH SENATORIAL DISTRICT LOCAL ACT. Filed 2/28/11. *RELATING TO THE 17TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Stevens. UNCODIFIED Elections Law; Wake

S 152. 22ND SENATORIAL DISTRICT LOCAL ACT. Filed 2/28/11. *RELATING TO THE 22ND SENATORIAL DISTRICT.*

Blank bill.

Intro. by Blake. UNCODIFIED Elections Law; Harnett; Moore

ACTION ON BILLS

February 28, 2011

- NOTES**
1. Digests appearing under "Summaries of Bills Filed" are for bills stamped with today's filing date.
 2. Amendments and committee substitutes adopted today are summarized following the chamber action.
 3. Subscribers can find the digest of every version of each bill online at www.dailybulletin.unc.edu.
 4. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
 5. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
 6. Enacted bills are indicated by #, failed bills by *. Actions that change a bill are indicated by HA or SA.

PUBLIC BILLS

H0014 Vietnam Veterans and Beirut Memorial Signs. 02-24-11	H Withdrawn From Cal H Re-ref Com On Appropriations
H0018 Restore Firearms Rights/Tech Corrections. 02-09-11	S Reptd Fav
H0021 County Administration of Municipal Elections.	H Reptd Fav H Re-ref Com On Elections
H0029 Retrieval of Big Game. 02-22-11, 02-23-11	S Rec From House S Passed 1st Reading S Ref To Com On Agriculture/ Environment/Natural Resources
H0033 State Law to Provide for	HA Reptd Fav Com Substitute

Acceptable ID's. 02-28-11	H	Re-ref Com On Judiciary
H0055 Relief from Incorrect Paternity Determination.	HA	Amend Adopted 1
	HA	Amend Adopted 2
	H	Passed 2nd Reading
02-24-11, 02-28-11		
H0062 Prohibit Boylston Creek Reclassification.	H	Placed On Cal For 3/1/2011
H0103 Rqmts. for Min'l Oil Spills - 2.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/1/2011
02-28-11		
H0123 Business Entity Changes.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Finance
H0124 IRC Update.	H	Placed On Cal For 3/1/2011
02-24-11		
H0179 Expand Charitable Property Tax Exemption.	H	Passed 1st Reading
	H	Ref To Com On Finance
H0181 Add Supt. to NC Econ. Dev. Bd.	H	Passed 1st Reading
	H	Ref To Com On Commerce and Job Development
H0182 Clarify Refunds of Tax Overpayments.	H	Passed 1st Reading
	H	Ref To Com On Finance
H0183 HOA/Limit Foreclosures.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
H0184 Concealed Carry Permit/ Elected Officials.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
H0185 School Calendar Flexibility.	H	Passed 1st Reading
	H	Ref To Com On Education
H0186 Select Committee Investigate CTS.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0187 Require Labels for Ethanol- Blended Gasoline.	H	Passed 1st Reading
	H	Ref To Com On Commerce and Job Development
H0188 Taxpayer Bill of Rights.	H	Passed 1st Reading
	H	Ref To Com On Judiciary
H0189 Require ABC Permittees to Be Tax Compliant.	H	Passed 1st Reading
	H	Ref To Com On Commerce and Job Development
H0190 General Statutes Comm. Technical Corrections.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0195 ETJ/Clarify Definition of Bona Fide Farm.	H	Filed
H0197 School Calendar Flexibility/ Inclement Weather.	H	Filed
S0032 Hospital Medicaid Assessment/ Payment Program.	S	Passed 3rd Reading
02-22-11		
S0034 The Castle Doctrine.	S	Passed 3rd Reading

	S	Engrossed
02-22-11, 02-24-11		
S0049 Increase Fine for Speeding/ School Zones.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
02-28-11		
S0074 Comm. Colleges/Opt Out of Fed'l Loan Program.	S	Withdrawn From Cal
	S	Placed On Cal For 3/1/2011
02-23-11		
S0088 Elect State Community College Bd Members.	H	Passed 1st Reading
	H	Cal Pursuant 32(a)
	H	Placed On Cal For 2/28/2011
	H	Passed 2nd & 3rd Reading
S0123 Eliminate Motor Vehicle Safety Inspections.	S	Passed 1st Reading
	S	Ref to Commerce. If fav, re- ref to Finance
S0124 Add Supt. to NC Econ. Dev. Bd.	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
S0125 NC School of Biotechnology and Agriscience.	S	Passed 1st Reading
	S	Ref To Com On Commerce
S0126 Drivers License/Military ID Validity.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0127 Special Plate for the Carolinas Golf Assoc.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0128 HWY 17 to Be U.S. Marine Corps Highway.	S	Passed 1st Reading
	S	Ref To Com On Transportation
S0129 State Mineral is Gold.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0130 Wine Distribution Territories.	S	Passed 1st Reading
	S	Ref To Com On Commerce
S0131 AOC Collection Assistance Fee.	S	Passed 1st Reading
	S	Ref to Judiciary II. If fav, re-ref to Finance
S0132 Interpreting Services in the Courts.	S	Passed 1st Reading
	S	Ref to Judiciary II. If fav, re-ref to Finance
S0133 Juror Privacy.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0134 Chief Dist. Ct Judge Appoints Magistrates.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0135 Allow Juvenile Record/Risk Determination/Bond.	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
S0136 USO of North Carolina Special Plate.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0137 Establish Forgivable Loan Fund.	S	Passed 1st Reading
	S	Ref to Education/Higher Education. If fav, re-ref to Finance
S0138 Greensboro Symphony Special Plate.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0139 Gubernatorial Team Ticket Implementing.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0140 Leadership Limits/ Gubernatorial Team Ticket.	S	Passed 1st Reading
	S	Ref To Com On Rules and

		Operations of the Senate
S0141	Concealed Carry/DA, Ass't DA, Investigator.	S Passed 1st Reading
		S Ref To Com On Judiciary II
S0142	Honor Marquis De Lafayette.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0143	Detention Facility Requirements.	S Passed 1st Reading
		S Ref To Com On Rules and Operations of the Senate
S0144	Cash Converters Must Keep Purchase Records.	S Passed 1st Reading
		S Ref to Commerce. If fav, re-ref to Finance
S0146	State Shrimp Festival-Sneads Ferry.	S Filed
S0147	Prevent Neural Tube Birth Defects/Funds.	S Filed
S0148	General Statutes Comm. Technical Corrections.	S Filed
S0149	No Plastic Knuckles.	S Filed
S0150	Amend Drug Trafficking Sentence.	S Filed
S0153	Special Plate for the Given Memorial Library.	S Filed

LOCAL BILLS

H0005	Kinston Annexation Repealed. 02-10-11	H Placed On Cal For 3/1/2011
H0015	Beaufort/Use of Parking Meter Proceeds.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/1/2011
H0037	Lexington Annexations Repealed. 02-10-11	H Placed On Cal For 3/1/2011
H0096	Additional Alleghany Occupancy Tax.	H Reptd Fav H Re-ref Com On Finance
H0118	Winston-Salem/Daily Currency/Coins Deposits.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/1/2011
H0180	Wilmington Annexation Suspension.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0192	Greensboro Rental Property Utility Liens.	H Filed
H0193	Topsail Beach Recall Elections.	H Filed
H0194	Topsail Beach Charter Amendment.	H Filed
H0196	Goldsboro Deannexation.	H Filed
S0068	Robeson Hunting and Fishing.	H Passed 1st Reading H Ref To Com On Government
S0145	Southern Shores Canal Dredging/Maintenance.	S Passed 1st Reading S Ref to State and Local Government. If fav, re-ref to Finance
S0151	17th Senatorial District	S Filed

Local Act.
 S0152 22nd Senatorial District S Filed
 Local Act.

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 33. STATE LAW TO PROVIDE FOR ACCEPTABLE ID'S. Filed 2/2/11. House committee substitute makes the following change to 1st edition.

Amends proposed GS 15A-306(a)(4) to clarify that one of the acceptable forms of identification is a passport issued by another government that is recognized as valid by the U.S. Department of State (previously, a passport issued by a government with diplomatic ties to the U.S.).

Local Government; Criminal Law,
Procedure, and Sentencing

H 55. RELIEF FROM INCORRECT PATERNITY DETERMINATION. Filed 2/8/11. House amendments make the following changes to 2nd edition.

Amendment # 1 makes a clarifying change. Amendment # 2 enacts new subsection (i) to proposed GS 50-13.13 to toll the period for filing a motion seeking relief from a child support order for any servicemember deployed and subject to the Servicemembers Civil Relief Act, during the time of deployment. Specifies that the servicemember will have 30 days to file, if the remaining period allowed for filing following the servicemember's redeployment is less than 30 days.

Family Law; Courts

H 103. RQMTS. FOR MIN'L OIL SPILLS - 2. Filed 2/15/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 143-215.85(c) to add that a person who owns or has control over mineral oil discharged from electrical equipment owned by a public utility as defined in GS 62-100 must also report the discharge within 24 hours to the appropriate regional office of the Department of Environment and Natural Resources when the discharge is at a distance of 100 feet or less from any surface water and contains 50 parts per million or more of polychlorinated biphenyls. Makes conforming changes.

Energy and Utilities; Agriculture,
Environment, and Natural
Resources

SENATE BILLS

S 49. INCREASE FINE FOR SPEEDING/SCHOOL ZONES. Filed 2/8/11. Senate committee substitute makes the following change to 1st edition.

Amends GS 20-141.1 to clarify that the penalty for speeding in a school zone is \$250 (rather than not less than \$250), and makes a conforming change to the title.

Transportation; Criminal Law,
Procedure, and Sentencing

Legislation Enacted

None

Index by Keyword

Agriculture, Environment, and Natural Resources	Courts
H 103, 8	H 55, 8
H 195, 2	Criminal Law, Procedure, and Sentencing
Budget and Appropriations	H 33, 8
S 147, 2	S 149, 3
	S 150, 3

S 49, 8	S 147, 2
Education	Local Government
H 197, 2	H 195, 2
Elections Law	H 33, 8
S 151, 4	Moore
S 152, 4	S 152, 4
Energy and Utilities	Pender
H 103, 8	H 193, 3
Family Law	H 194, 4
H 55, 8	State Government
General Assembly	S 146, 2
H 191, 1	S 148, 2
	Transportation
	S 153, 3
	S 49, 8
Guilford	Wake
H 192, 3	S 151, 4
Harnett	Wayne
S 152, 4	H 196, 4
Health, Social Services, and Aging	

Notes

None

NEXT SESSIONS

March 1, 2011

HOUSE convenes at 2:00 pm

SENATE convenes at 3:00 pm