

# Daily Bulletin

## ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 43

Vol. 2011, No. 43

Senate Legislative Day 43

*Monday, April 11, 2011*

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## SUMMARIES OF BILLS FILED

### *Public Bills*

#### **HOUSE BILLS**

**H 861. [LOCAL OPTION TAX MENU](#).** Filed 4/11/11. *TO AUTHORIZE ADDITIONAL REVENUE OPTIONS FOR LOCAL GOVERNMENTS.*

Enacts three new Articles to GS Chapter 105 to provide for other local option taxes, including a meal tax, an occupancy tax, and excise tax on conveyances. Authorizes the board of commissioners (board) or the governing body of a tax unit to conduct a special election on the question of whether to levy each tax. Permits the county to decide whether to restrict the use of the tax proceeds and sets forth applicable ballot language. Clarifies that each new Article supplements but does not supplant the authority of a county or city to levy a meals tax, occupancy tax, or excise tax on conveyances by a local act.

Enacts new Article 61, *Local Government Meals Tax*, to Subchapter X of GS Chapter 105 to authorize a tax of up to 1% of the sales price of prepared food and drink sold within the county by a retailer subject to the sales tax. States that a meals tax becomes effective on the date designated in the resolution levying the tax, as detailed. Exempts from the meals tax food listed in GS 105-164.13B. Provides for collection, administration, distribution, and use of the tax. Requires a refund on meal taxes paid by a nonprofit or governmental entity

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entitled to a refund of local sales and use taxes. Sets forth penalties, and authorizes a meals tax levied under Article 61 to be repealed or reduced by a resolution adopted by the county's board.

Enacts new Article 62, *Local Government Occupancy Tax*, to authorize a local government to levy an occupancy tax at a maximum rate of 6% for counties when added to the rate of any occupancy tax levied by a city within the county, and a maximum rate of 3% for cities, on the gross receipts from any room, lodging, or accommodation rent within the taxing unit that is subject to sales tax. Provides additional details on the maximum occupancy tax rate that a county or city is authorized to levy.

Enacts new Article 63, *Local Government Excise Tax on Conveyances*, to authorize a local excise tax on conveyances to be levied at a rate of up to 1% on instruments conveying interests in real property located in the county. Details the basis and effective date for the tax, and specifies that the tax is in addition to any tax levied under Article 8E of GS Chapter 105. Requires the board to deliver a certified copy of the resolution levying the tax to the register of deeds, who is charged with administering the tax. Provides that if property is located in two or more counties, a transfer of interest in the property is taxable only by the county in which the greater value of the property lies. Provides for collection, repeal, reduction, distribution, and use of the tax. Sets forth exemptions from the tax levied under Article 63.

Amends Section 5 of SL 1993-413 (Cumberland meals tax) and Section 1(e) of SL 1993-449 (Hillsborough prepared food and beverage tax) to provide that the taxes are due and payable in monthly installments on or before the 15<sup>th</sup> day (rather than the 25<sup>th</sup> day) of the month following the month in which the tax accrues. Requires each applicable retailer to, on or before the 15<sup>th</sup> day (rather than the 25<sup>th</sup> day) of each month, prepare and submit a return on the prescribed form. Makes clarifying changes.

Enacts new GS Chapter 159J, *Local Government Impact Fees*, to the General Statutes, authorizing counties and cities to impose certain impact fees. Permits a city to impose an impact fee on new community service facilities construction within the city's corporate limits or extraterritorial planning jurisdiction. Prohibits a city from imposing an impact fee for schools. Permits a county to impose an impact fee on new community service facilities construction in the county that is not within the city's corporate limits or extraterritorial planning jurisdiction. Permits a county to impose an impact fee for new school construction. Includes applicable definitions. Requires the local government to prepare a report containing three specified items before imposing an impact fee. Requires the amount of impact fee to be uniform and based upon the capital costs that will be incurred by the local government for the new construction. Allows the local government to establish zones, after a public hearing, to assess distinct impact fees according to community service facilities provided. Permits the local government to enact ordinances, after holding a public hearing, imposing the impact fees. Specifies that GS Chapter 159J supplements but does not supplant the authority of a local government to levy impact fees under a local act. Sets forth provisions detailing fee administration, providing credits against fees, and challenging an impact fee.

**Intro. by Michaux.**

GS 105, 159J

Local Government; Taxation

## SENATE BILLS

**S 550. LIFE ESTATE VALUATION.** Filed 4/11/11. *TO REPLACE AN OBSOLETE FIXED RATE OF INTEREST FOR CALCULATION OF LIFE ESTATES WITH A RATE TIED TO FEDERAL ESTATE TAX REGULATIONS.*

Amends GS 8-47 as the title indicates. Provides that the calculation of the present value of legal life estate, including a life interest in land or the entitlement to use a sum of money for life, is to be computed by applying the federal estate tax regulations for the calculation of the value of life estates under section 2031 of the Internal Revenue Code of 1986. Provides that the federal estate tax regulations applied must be the regulations in force on the date when the costs of the improvement are initially determined by assessment, agreement, or otherwise.

Effective January 1, 2012.

**Intro. by Hartsell.**

GS 8

Taxation; Trusts, Estates, and Wills

**S 551. ESTABLISH STATE PUBLIC HEALTH AUTHORITY.** Filed 4/11/11. *TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM, TO REORGANIZE THE DIVISION OF PUBLIC HEALTH, AND TO STRENGTHEN THE PUBLIC HEALTH INFRASTRUCTURE BY THE DEVELOPMENT AND IMPLEMENTATION OF REGIONAL PUBLIC HEALTH AUTHORITIES.*

Creates the North Carolina Public Health Authority, with administrative direction over the Division of Public Health and the Institute for Public Improvement. Abolishes all programs in the Division of Public Health in the Department of Health and Human Services except the following four programs, to be administered by the State Health Director: (1) State Lab, (2) Vital Records, (3) Medical Examiner, and (4) Public Health Emergency Response. Transfers all functions, powers, duties, and obligations previously vested in the Division of

Environmental Health in the Department of Environment and Natural Resources to the Division of Public Health, as a Type I transfer.

Enacts new Article 1C, *State Public Health Authority*, in GS Chapter 130A to create the State Public Health Authority (Authority) as a state agency to perform essential governmental and public functions under supervision of the Authority Board. Creates a 13- member Authority Board (Board) to govern the Authority, with membership as specified. Specifies that each appointing authority will appoint members who reside in one of the four regional public health authorities in the state. Details additional membership provisions, including terms, removal, ethics, compensation, and the Board's duty to adopt bylaws. Enumerates 17 powers and duties of the Authority Board, including the power to construct and maintain public health facilities, and the power to adopt and enforce a professional reimbursement policy, as detailed.

Provides that the Authority has the power to establish and operate health care networks, and may contract with other public health authorities or local health departments to provide public health services, provided that the Authority complies with the Health Maintenance Organization Act (Article 67 of GS Chapter 58) as required, for the purposes of this provision.

Permits the Authority to lease any public health facility to a nonprofit association or to any corporation authorized to do business in the state, as specified. Prohibits the Authority from selling or conveying any rights in any public health facility to any corporation or business entity operated for profit, except when the Authority sells surplus buildings, land, or equipment. Permits the Authority to purchase insurance, and specifies that the purchase waives the Authority's governmental immunity, to the extent of the coverage, for any act or omission that occurs in the exercise of a governmental function. Sets forth additional provisions related to insurance and governmental immunity.

Specifies that the Institute for Public Health Improvement executive director is an employee of the Authority Board, to perform public health duties under the Board's supervision, and with five specified powers and duties.

Enacts new GS 130A-46 to establish the Institute for Public Health Improvement (Institute), tasked with administering all state and federal public health appropriations and grants, and providing public health administration through four regional authorities. Establishes four regional public health authorities, located in Asheville, Kannapolis, Greenville, and Wilmington, to administer public health services in N.C. Describes the coverage areas for each respective regional authority. Authorizes a county to select a regional public health authority to serve as the public health department for the county.

Directs the Office of State Budget and Management to transfer any funds appropriated to the Department of Health and Human Services for 2011-12 or 2012-13 for public health programs abolished by this act, to the Authority for allocation to the Institute. Specifies that only health departments accredited by the Local Health Department Accreditation Board or operating as a regional public health authority are eligible to receive state or federal funds as pass-through grants administered by the state and local agencies, unless otherwise provided by federal law.

Effective July 1, 2011.

**Intro. by Hartsell.**

GS 130A

Health, Social Services, and Aging;  
State Government

**S 552. REGIONAL PUBLIC HEALTH AUTHORITY PILOT.** Filed 4/11/11. *TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE LOCAL PUBLIC HEALTH DELIVERY SYSTEM BY DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CREATE INCENTIVES FOR SMALL COUNTY HEALTH DEPARTMENTS TO BECOME REGIONAL PUBLIC HEALTH AUTHORITIES.*

Directs the Department of Health and Human Services (DHHS) to implement a regional public health authority incentive funding pilot program as follows: (1) counties must create a public health authority as specified; (2) in order to qualify for incentive funding, the regional authority must provide health services in a catchment that includes either a minimum of 15 counties or a minimum population of 500,000; counties with 500,000 or more will be eligible to receive funding if they combine with another county; (3) regions should coincide with boundaries of other preexisting health relevant districts and planning regions if possible; (4) incentive funds are allocated to each county within the region in a minimum of \$2.00 per capita per year; (5) funding is limited to three consecutive yearly allocations; and (6) incentive funds are granted only after the adoption of the required resolutions. Details additional incentive funding provisions.

Directs the Health and Wellness Trust Fund Commission to allocate, from available Health and Wellness Trust Fund funds in 2011-12, up to \$6 million to DHHS, to be credited to a nonreverting account and used to support regional public health authorities through the incentive funding pilot.

Directs DHHS to report to specified entities by May 1, 2012, on the progress of the pilot program, including a review of the capacity of small counties to meet the mandatory core public health functions and whether the state should establish minimum populations for local health departments.

Effective July 1, 2011.

**Intro. by Hartsell.**

UNCODIFIED

Health, Social Services, and Aging;  
Local Government

**S 553. REESTABLISH PROGRESS BOARD.** Filed 4/11/11. *TO REESTABLISH THE NORTH CAROLINA PROGRESS BOARD.*

Adds new Article 34, *North Carolina Progress Board*, to GS Chapter 116. Establishes the North Carolina Progress Board (Board) located administratively in the Board of Governors of the University of North Carolina and housed at North Carolina State University (NCSU). Provides that the Board is to exercise all of its prescribed statutory powers independently of the Board of Governors. Provides for 14 members as follows: (1) the Governor, ex officio, and chair of the Board; (2) seven appointees by the Governor, none of whom may be state employees or officers; (3) three appointees by the Speaker of the House of Representatives; and (4) three appointees by the President Pro Tempore of the Senate. Directs the Governor to appoint a vice-chair from among the Board members and authorizes the Board to elect additional officers as it sees fit.

Requires the Board to meet at minimum twice annually. Designates that a quorum consists of eight members and prohibits members from sending designees to Board meetings and voting by proxy.

Provides for terms of service on the Board, with initial appointments to begin on July 1, 2011. Prohibits appointing a member to more than two consecutive terms. Provides additional guidelines regarding the terms of service for members of the House or Senate who may be appointed to the Board.

Provides that the Commission for a Competitive North Carolina (Commission) adopted a report which established major goals and ways to measure progress towards the goals. Asserts that the General Assembly notes that the Commission has developed goals in the following categories: (1) Healthy Children and Families (2) Quality Education for All (3) A High Performance Workforce (4) A Prosperous Economy (5) A Sustainable Environment (6) Technology and Infrastructure Development (7) Safe and Vibrant Communities and (8) Active Citizenship/ Accountable Government. Also notes that the General Assembly finds that the Board developed a report that focused on four of the Commission's recommended topics and issued 16 major targets for 2010 with the objectives of driving the state toward (1) a more expansive vision of education and environmental protection, (2) strengthening families, and (3) bringing more people into the economic mainstream. Provides additional findings regarding North Carolina's economy of the future.

Provides the duties and responsibilities of the Board which include (1) encouraging the discussion and understanding of critical global and national social and economic trends that affect the state in the future, (2) examining the Commission's report and the Board's 1997 report; (3) tracking the eight issue areas identified by the Commission; (4) providing opportunities for public participation and making periodic reports to the people of the state on the Board's progress in meeting goals, targets, and milestones; (5) submitting a report to North Carolinians every five years, beginning 2012, that updates the 20- to 30- year vision for the state; and (6) reporting to the General Assembly prior to its convening the regular session in every odd-numbered year on social and economic trends and issues specific targets and milestones to accomplish its mission.

Authorizes the Board to apply for and accept grants or gifts. Provides that the 2011 and 2013 Regular Sessions of the General Assembly are to further define the mission of the Board in continuing its work.

Directs the Chancellor of NCSU to appoint an Executive Director (ED) who is to report to the Board and the Chancellor. Provides that the ED may hire or contract for support staff. Directs the Office of State Budget and Management and other Executive Branch agencies to also provide support, information, reports, and other assistance to the Board as requested.

Effective July 1, 2011.

**Intro. by Hartsell.**

GS 116

Education; Community and  
Economic Development

**S 554. PERSONNEL RECORDS TECHNICAL CHANGES.** Filed 4/11/11. *TO CLARIFY THE DATE ON WHICH CERTAIN PERSONNEL INFORMATION REQUIRED BY S.L. 2010-169 MUST BE RELEASED.*

Amends Section 18(h) of SL 2010-169 to clarify that Section 18 of SL 2010-169, which amends various provisions regarding certain records open to public inspection, is effective October 1, 2010, and applies to notices of dismissals, suspensions, and demotions *for disciplinary reasons* taken on or after that date. Additionally provides that Section 18 applies to disclosures of the date and type of each of increase or decrease of salary, and of each promotion, demotion, transfer, suspension, separation, or other change in position classification taken on or after October 1, 2007. Makes conforming changes to GS 112C, 115C, 115D, 126, 153A, 160A, and 162A; and provides that if the disciplinary action was a dismissal, requires a copy of the written notice, if one is created, setting out the specific acts or omissions that are the basis of the dismissal be a public record or be maintained; however, does not require the creation of a notice of dismissal if such a notice is not otherwise required by law.

**Intro. by Brunstetter.** GS 112C, 115C, 115D, 126, 153A, 160A, 162A Employment and Retirement

**S 555. STUDY MODERNIZATION OF BANKING LAWS.** Filed 4/11/11. *TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.*

Establishes the 14- member Joint Legislative Study Commission on the Modernization of North Carolina Banking Laws (Commission) to determine whether and to what extent to update the state's banking laws. Provides for the Commission's membership, filling of vacancies, compensation, and staffing. Allows the Commissioner of Banks to use up to \$25,000 of the funds available to the State Banking Commission for 2011-12 to fund the study. Requires the Commission to report to the 2012 Regular Session. Provides that the Commission terminates on the earlier of May 1, 2012, or the filing of the Commission's report.

**Intro. by Brown.** STUDY Banking and Finance

**S 556. PUBLIC DISCLOSURE CHARITABLE SOLICITATIONS.** Filed 4/11/11. *TO AMEND THE CHARITABLE SOLICITATIONS ACT TO ENSURE PUBLIC DISCLOSURE ON COLLECTION RECEPTACLES.*

Enacts new subsection (d) to GS 131F-9, which concerns disclosure requirements for charitable organizations and sponsors, requiring any person licensed under GS Chapter 131F and soliciting donated items for resale through the use of a collection receptacle to display on all sides of each receptacle a permanent sign or label identifying the charitable organization or sponsor and a contact phone number or email address. Provides criteria for size and color of the sign. Directs the organization or sponsor to provide the donor with documentation of tax-exempt status and license, upon request.

Enacts new GS 131F-10, to place similar labeling requirements on collection receptacles owned by noncharitable organizations and sponsors. Requires the sign to state that donations support a for-profit business, not a charity, and are not tax-deductible.

Adds definitions for *collection receptacle* and *maintenance* to GS 131F-2. Amends GS 131F-2(18) to add that *solicitation* may also occur by placing or maintaining a collection receptacle in public view to collect items for resale.

Clarifies that the act does not limit the authority of local governmental units to impose additional requirements.

Effective October 1, 2011.

**Intro. by McKissick.** GS 131F Business and Commerce

**S 557. HARVEST OF DIGNITY/LABOR REFORMS (=H 663).** Filed 4/11/11. *AMENDING THE LABOR LAWS OF NORTH CAROLINA RELATING TO REPORTING ON INSPECTIONS OF HIGH HAZARD INDUSTRIES, AGRICULTURAL WORKERS' HOUSING AND EMPLOYMENT CONDITIONS, EMPLOYEE ACCESS TO TOILET FACILITIES, AND HEAT ILLNESS PREVENTION.* Identical to H 663, filed 4/6/11.

**Intro. by McKissick.** GS 95, 143 Employment and Retirement; Agriculture, Environment, and Natural Resources

**S 558. HEALTHY FAMILIES & WORKPLACES/PAID SICK DAYS (=H 223).** Filed 4/11/11. *PROVIDING FOR HEALTHY FAMILIES AND HEALTHY WORKPLACES BY ENSURING THAT ALL WORKERS HAVE PAID SICK DAYS TO ADDRESS THEIR OWN HEALTH NEEDS AND THE HEALTH NEEDS OF THEIR FAMILIES.* Identical to H 223, filed 3/2/11.

**Intro. by McKissick.** GS 95 Employment and Retirement; Health, Social Services, and Aging

**S 559. FAIR COMPENSATION FOR MORTGAGE BROKER/LENDER (=H 814).** Filed 4/11/11. *TO MAKE HOME MORTGAGE LENDING MORE COMPETITIVE IN NORTH CAROLINA.* Identical to H 814, filed 4/6/11.

**Intro. by Meredith.** GS 24, 53 Property, Land Use, and Housing; Banking and Finance

**S 560. SPORT SHOOTING RANGE PROTECTION.** Filed 4/11/11. *TO PROVIDE THAT A SPORT SHOOTING RANGE THAT RELOCATES DUE TO CERTAIN CIRCUMSTANCES IS STILL CONSIDERED TO BE CONTINUOUSLY IN EXISTENCE SINCE BEGINNING OPERATION AND NOT TO HAVE UNDERGONE A SUBSTANTIAL CHANGE IN USE.*

Amends GS 14-409.46, adding new subsection (f), as the title indicates. Provides that the applicable circumstances are relocating due to: (1) condemnation, (2) rezoning, (3) annexation, (4) road construction, or (5) development.

**Intro. by Brock.**

GS 14

Criminal Law, Procedure, and  
Sentencing

**S 561. SEDIMENTATION CIVIL PENALTY CAP & REMISSIONS.** Filed 4/11/11. *TO ESTABLISH A MAXIMUM CUMULATIVE TOTAL CIVIL PENALTY PER LAND-DISTURBING PROJECT FOR A FIRST-TIME VIOLATION UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, TO AUTHORIZE THE REMISSION OF CIVIL PENALTIES UNDER THIS ACT, TO REQUIRE THAT A PERSON ASSESSED A CIVIL PENALTY IS NOTIFIED OF THE OPTION TO REQUEST A REMISSION OF THE CIVIL PENALTY AND, FOR FIRST-TIME VIOLATORS, NOTIFIED THAT FIRST-TIME VIOLATORS CANNOT BE ASSESSED MORE THAN A MAXIMUM CIVIL PENALTY WHEN ANY CONTINUING ENVIRONMENTAL DAMAGE IS ABATED WITHIN ONE HUNDRED EIGHTY DAYS, AND TO REQUIRE THAT FIRST-TIME VIOLATORS BE OFFERED ASSISTANCE IN DEVELOPING CORRECTIVE MEASURES.*

Enacts new GS 113A-65.2, allowing a person to request remission of a civil penalty imposed under GS 113A-64 by filing a request with the NC Sedimentation Control Commission (Commission) within 60 days after receiving notice of the assessment. Requires the person also include a waiver of the right to a contested case hearing under the Administrative Procedure Act and a stipulation of the facts on which the assessment was based. States that the Commission must consider six specified factors to determine whether to approve a remission request. Places the burden to show the financial impact of the civil penalty and financial hardship on the petitioner. Permits the Commission to remit the entire penalty only when the petitioner has not been assessed civil penalties for previous violations and payment will prevent payment for necessary remedial actions. Prohibits the Commission from imposing a penalty in excess of the penalty imposed by the Department of Environment and Natural Resources (DENR). Makes a conforming change to GS 113A-54, allowing the Commission to make the final decision on a remission request.

Amends GS 113A-64(a)(1), which provides for civil penalties for violations of the Sedimentation Pollution Control Act, stating that the maximum cumulative total civil penalty assessed for all violations associated with the land-disturbing activity is \$25,000 when the person has not previously been assessed a civil penalty under the subsection and the person halted continuing environmental damage within 180 days of the date of notice. Amends GS 113A-64(a)(2), directing the Secretary of DENR or the responsible local government to also inform the person assessed the civil penalty of the option to request remission of the penalty, and applicable deadlines to request remission or halt continuing environmental damage.

Amends GS 113A-61.1(c), which provides for notice of violation of erosion and sedimentation control programs, to direct the approving authority to deliver the notice of violation in person and offer assistance in developing corrective measures, when the person engaged in the land-disturbing activity has not received a previous notice of violation under the statute. Details the procedure for delivering notice if the approving authority fails to deliver in person within 15 days.

Applies to civil penalties paid on or after the date the act becomes law.

**Intro. by Daniel, Brock, Rouzer.**

GS 113A

Agriculture, Environment, and  
Natural Resources

**S 562. STANDARDS FOR SOME NURSERY STOCK PURCHASES.** Filed 4/11/11. *TO PROHIBIT EVERY COMMUNITY APPEARANCE COMMISSION, CITY, AND COUNTY FROM REQUIRING THAT NURSERY STOCK THAT IS PURCHASED WITHIN THE JURISDICTION OF THE COMMISSION, CITY, OR COUNTY RESPECTIVELY MEET ANY STANDARD FOR NURSERY STOCK THAT IS STRICTER THAN THE AMERICAN STANDARD FOR NURSERY STOCK ADOPTED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, UNLESS THE STRICTER STANDARD IS NECESSARY TO PROTECT PUBLIC HEALTH OR SAFETY.*

Enacts new GS 160A-455.1 (concerning commissions), GS 160A-499.3 (concerning cities), and GS 153A-456 (concerning counties), as title indicates. Applies to any contracts for the purchase of nursery stock that are entered into on or after the date that the act becomes law.

**Intro. by Daniel.**

GS 160A

Health, Social Services, and Aging;  
Local Government

**S 563. STORMWATER BEST MGMT. RESPONSIBILITY/ASSCS.** Filed 4/11/11. *TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER BEST MANAGEMENT PRACTICE FROM A DECLARANT OF A CONDOMINIUM OR*

**PLANNED COMMUNITY TO AN OWNERS' ASSOCIATION UPON REQUEST OF THE DECLARANT AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL HAS TERMINATED.**

Adds a new subsection (c2) to GS 143-214.7 for the purpose as the title indicates. Requires a finding by the Department of Environment and Natural Resources that the stormwater best management practice is in substantial compliance with the stormwater permit issued to the declarant as a condition of the transfer of the permit. Provides criteria to determine when declarant control is deemed to have terminated.

**Intro. by Clodfelter.**

GS 143

Agriculture, Environment, and  
Natural Resources

**S 564. STUDY WATER & SEWER SERVICE PROVIDERS (=H 708).** Filed 4/11/11. *TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REDUCTION AND CONSOLIDATION OF THE STATUTORY MODELS FOR ESTABLISHING, OPERATING, AND FINANCING CERTAIN ORGANIZATIONS THAT PROVIDE WATER AND SEWER SERVICES IN THE STATE.* Identical to H 708, filed 4/6/11.

**Intro. by Clodfelter.**

STUDY

Agriculture, Environment, and  
Natural Resources

**S 565. OBSERVE JULY AS WATERMELON MONTH.** Filed 4/11/11. *ENCOURAGING THE CITIZENS OF THIS STATE TO OBSERVE JULY OF EACH YEAR AS WATERMELON MONTH.* As title indicates.

**Intro. by Rouzer, Jones.**

SENATE RES

General Assembly

**S 566. FIRST IN TURF SPECIAL PLATE.** Filed 4/11/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A FIRST IN TURF SPECIAL REGISTRATION PLATE.*

Amends GS 20-79.4(b) to add a special registration plate as the title indicates, contingent on receiving 300 plate applications. Amends GS 20-63(b) to add the plate to those that are not required to be "First in Flight" plates. Amends GS 20-79.7 to establish a special plate fee of \$30. Distributes \$10 of the fee amount to the Special Registration Plate Account and \$20 to the Collegiate and Cultural Attraction Plate Account (CCAPA). Amends GS 20-81.12 to direct the Division of Motor Vehicles to make a quarterly transfer of the money in the CCAPA earned from the sale of the plates to the Center for Turfgrass Environmental Research & Education at North Carolina State University to support turfgrass research and education. Effective July 1, 2011.

**Intro. by Rouzer.**

GS 20

Transportation

### Local Bills

None

## ACTION ON BILLS

April 11, 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](http://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

H0059 Sex Offenders Can not Be EMS Personnel.	H	Ratified
02-17-11, 04-04-11		
H0168 Farms Exempt from City Annexation/ETJ/Zoning.	H	Passed 2nd Reading
03-21-11	H	Postponed To 4/13/2011
H0186 Select Committee Investigate CTS.	H	Adopted

H0215 Unborn Victims of Violence Act/Ethen's Law. 03-23-11, 03-24-11, 04-11-11	S Reptd Fav Com Substitute SA Com Substitute Adopted
H0234 Juror Qualifications/Disabilities. 03-16-11, 03-22-11, 04-05-11	H Concurred In S Amend
H0235 Bonnie's Law. 04-05-11	H Passed 2nd & 3rd Reading
H0271 Probation Officer/No Concealed Carry Required.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee C
H0313 Repeal Savings Bond Payroll Savings Program.-AB	H Passed 2nd & 3rd Reading
H0316 Modify NCGA Police Powers.  03-16-11, 03-17-11, 04-07-11	S Withdrawn From Cal S Placed On Cal For 4/13/2011
H0335 Maintenance of Prisons.	H Postponed To 4/13/2011
H0381 Checking Station Pattern Selection. 04-07-11	H Passed 2nd & 3rd Reading
H0393 Modify Internal Auditing Statutes.	H Passed 2nd & 3rd Reading
H0427 Run and You're Done.  04-07-11	H Passed 2nd Reading H Postponed To 4/13/2011
H0436 Economic Disclosures for Sanitary Districts.	H Withdrawn From Com H Re-ref Com On Ethics
H0515 Comm. Coll. Tuition for Members of Military. 04-11-11	HA Reptd Fav Com Substitute H Re-ref Com On Education
H0595 Reorganization/Legislative Oversight Comms.	H Reptd Fav H Cal Pursuant Rule 36(b)
H0653 Halifax Resolves.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/12/2011
H0709 Protect and Put NC Back to Work.	H Withdrawn From Com H Re-ref to the Com on Insurance, if favorable, Judiciary
H0748 Organ Donation Month.	H Reptd Fav H Cal Pursuant Rule 36(b)
H0823 Governance of the Dep't of Public Instruction.	H Serial Referral to Judiciary is Stricken
H0825 Jt. Legis. Study on Meth Lab Prevention.	H Withdrawn From Com H Re-ref Com On Rules, Calendar, and Operations of the House
H0833 Honor State Capitol.  04-11-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/12/2011
H0835 LRC Study Meth Labs.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee B
H0860 NC Science Competitions Program Ctr Funds.	H Passed 1st Reading H Ref To Com On Appropriations

H0861 Local Option Tax Menu.	H	Filed
S0008 No Cap on Number of Charter Schools.	H	Amend Failed 1
	H	Passed 3rd Reading
02-16-11, 02-22-11, 02-23-11, 03-16-11, 04-07-11		
S0154 Abolish Higher Education Bond Oversight Comm.	H	Passed 2nd & 3rd Reading
S0187 Outlaw Red Light Camera Systems.	S	Passed 3rd Reading
04-06-11		
S0256 Pardon Governor Holden.	S	Withdrawn From Com
	S	Placed On Cal For 4/12/2011
S0343 Communications Regulatory Reform.	H	Passed 1st Reading
	H	Ref To Com On Public Utilities
04-05-11		
S0394 Clarify Process/Reportable Offenses in Sch.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
04-11-11		
S0407 Trusts and Estate Planning Changes.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Re-ref Com On Finance
04-11-11		
S0413 Ordinance first reading vote.	H	Passed 1st Reading
	H	Ref To Com On Judiciary
S0414 Allow Attorneys' Fees in Business Contracts.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
04-11-11		
S0433 Local Human Services Administration.	S	Withdrawn From Cal
	S	Placed On Cal For 4/13/2011
04-06-11		
S0550 Life Estate Valuation.	S	Filed
S0551 Establish State Public Health Authority.	S	Filed
S0552 Regional Public Health Authority Pilot.	S	Filed
S0553 Reestablish Progress Board.	S	Filed
S0554 Personnel Records Technical Changes.	S	Filed
S0555 Study Modernization of Banking Laws.	S	Filed
S0556 Public Disclosure Charitable Solicitations.	S	Filed
S0557 Harvest of Dignity/Labor Reforms.	S	Filed
S0558 Healthy Families & Workplaces/ Paid Sick Days.	S	Filed
S0559 Fair Compensation for Mortgage Broker/Lender.	S	Filed
S0560 Sport Shooting Range Protection.	S	Filed
S0561 Sedimentation Civil Penalty Cap & Remissions.	S	Filed
S0562 Standards for Some Nursery Stock Purchases.	S	Filed
S0563 Stormwater Best Mgmt. Responsibility/Asscs.	S	Filed

S0564 Study Water & Sewer Service Providers. S Filed  
 S0565 Observe July as Watermelon Month. S Filed  
 S0566 First in Turf Special Plate. S Filed

### LOCAL BILLS

H0284 Wayne County Design Build. HA Reptd Fav Com Substitute  
 H Cal Pursuant Rule 36(b)  
 04-11-11

H0291 Belhaven Recall Elections. HA Reptd Fav Com Substitute  
 H Cal Pursuant Rule 36(b)  
 04-11-11

H0327 Incorporate Leicester. H Withdrawn From Cal  
 H Re-ref Com On Rules,  
 Calendar, and Operations of  
 the House

H0398 Cleveland County Water Advisory Referendum. H Passed 2nd & 3rd Reading  
 04-07-11

H0410 Pinebluff/Preserve Land for Parks. H Passed 2nd & 3rd Reading

H0498 Wake School Board Presiding Officer Voting. H Passed 2nd Reading  
 H Postponed To 4/13/2011  
 04-07-11

H0546 Alternative Salary Plans/Charlotte-Meck. Sch. H Withdrawn From Com  
 H Re-ref Com On Education

S0029 Tax Certification - Alamance County. H Passed 2nd & 3rd Reading

S0182 Carteret/Greenville Email Subscription Lists. HA Amend Adopted 1  
 H Passed 2nd Reading  
 H Postponed To 4/13/2011  
 04-07-11, 04-11-11

S0263 ETJ/Wake Municipal Farm Exemption. H Passed 2nd & 3rd Reading

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 215. UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW.** Filed 3/2/11. Senate committee substitute makes the following changes to 3rd edition.

Provides that a person who commits an act inherently dangerous to human life that recklessly and wantonly reflects a disregard for human life and which causes the death of the unborn child is subject to the same sentence as if the person had been convicted of second degree murder under GS 14-17 (was, made the penalty for this offense a Class A felony). Makes clarifying changes to proposed GS 14-23.7 and proposed GS 14-23.8.

Criminal Law, Procedure, and  
Sentencing

**H 284. WAYNE COUNTY DESIGN BUILD.** Filed 3/9/11. House committee substitute makes the following changes to 1st edition. Requires Wayne County to receive at least three (was, two) sealed proposals. Allows the

county to proceed with the proposals received if three proposals are not received and the project has been publicly advertised for at least 30 days. Sets the act to expire on December 31, 2014.

Wayne

**H 291. BELHAVEN RECALL ELECTIONS**. Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Amends Section 4.8 of the Belhaven Charter, clarifying that the mayor and members of the Board of Aldermen (rather than the Town Council) are subject to removal, and that an officer is removed upon the filing of a sufficient recall petition and the election of another person in a recall election (rather than a sufficient recall petition and the affirmative majority vote on the question of removal). Requires the recall petition to contain a general statement of the grounds for removal, and to bear signatures of at least 25% (rather than 20%) of Belhaven registered voters. Deletes the sample ballot language and timeline for the recall election, and instead states that an election for the remainder of the unexpired term will be held not less than 60 days nor more than 120 days after the board of elections certifies a recall petition as sufficient. Specifies guidelines for the election, and provides that the election will be conducted under the nonpartisan and runoff election method in GS 163-293, except as detailed. States that any person subject to removal may be a candidate to succeed himself, and the incumbent's name will be placed on the official ballot unless the incumbent requests otherwise. If the incumbent is not elected, the incumbent is deemed removed when the successor takes the oath of office. Clarifies that no petition to recall an officer may be filed within six months of the officer's election or within seven months before the officer's term expires. Makes clarifying, technical, and conforming changes.

Beaufort

**H 515. COMM. COLL. TUITION FOR MEMBERS OF MILITARY**. Filed 3/29/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 115D-39(d) to condition adding the cost of textbooks to the tuition rates to allow the addition if the textbooks are purchased at the college's bookstore and if the student's branch of the armed services allows the addition of textbooks to tuition costs in its tuition assistance program.

Education; Military and Veterans  
Affairs

**H 833. HONOR STATE CAPITOL**. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Makes a linguistic change.

General Assembly; State  
Government

## **SENATE BILLS**

**S 182. CARTERET/GREENVILLE EMAIL SUBSCRIPTION LISTS**. Filed 3/2/11. House amendment makes the following changes to 2nd edition.

Amends GS 132-1.13 to make a local act providing that a list of the e-mail addresses of persons subscribing to a local government e-mail list is open to public inspection effective statewide (was, applied only to specified counties, cities, and towns). Does not require the local government unit to provide a copy of the list and allows the list to be made available for public inspection in either electronic or printed format as the local government unit chooses. Amends the title to reflect the amendment.

Previously: Pitt;  
Now: Local Government

**S 394. CLARIFY PROCESS/REPORTABLE OFFENSES IN SCH**. Filed 3/22/11. Senate committee substitute makes the following changes to 1st edition.

Amends GS 115C-288(g) to require school principals to report certain acts to law enforcement when the principal has person knowledge, a reasonable belief, or actual notice (was a reasonable belief only) from school personnel that a covered act occurred on school property. Deletes explanation of reasonable belief and instead states that a principal who willfully fails to report to law enforcement may be subject to demotion or dismissal under GS 115C-325. Makes a clarifying change.

Education; Criminal Law,  
Procedure, and Sentencing

**S 407. TRUSTS AND ESTATES PLANNING CHANGES.** Filed 3/23/11. Senate committee substitute makes the following changes to 1st edition.

Amends GS 53-160 to delete language specifying that the annual license fee of \$500 paid by the licensee to the Commissioner of Banks is required by rule of the State Banking Commission. Also provides that the fee is \$500 (was, and may not exceed \$500). Amends GS 53-161 to exempt federally chartered trust institutions from those trust institutions licensed by or applying for licensing from the Commissioner of Banks (Commissioner) that the Commissioner may examine at the institutions expense as to solvency. Deletes amendments to GS 53-315 (Establishing an interstate trust office) and GS 53-316 (Acquiring an interstate trust office).

Trusts, Estates, and Wills

**S 414. ALLOW ATTORNEYS' FEES IN BUSINESS CONTRACTS.** Filed 3/23/11. Senate committee substitute makes the following changes to 1st edition. Clarifies that the act applies to business contracts entered into on or after the October 1, 2011, effective date.

Business and Commerce

## Legislation Enacted

None

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## Notes

None

## **NEXT SESSIONS**

**April 12, 2011**

**HOUSE convenes at 2:00 pm**

**SENATE convenes at 2:00 pm**