

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

School of Government

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Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

House Legislative Day 45

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 755. AMEND FOX LAWS. Filed 4/6/11. *TO PROVIDE THE WILDLIFE RESOURCES COMMISSION AUTHORITY TO REGULATE THE TAKING OF FOXES AND COYOTES.*

Please note: this is a corrected digest for H 755, originally published in the April 7, 2011, Daily Bulletin.

Amends definitions in GS Chapter 113, Subchapter IV, "Conservation of Marine and Estuarine and Wildlife Resources" so that the terms "fur-bearing animals" and "game animals" include coyote, gray fox, and red fox. The following two provisions become effective October 1, 2011: *adds red foxes, gray foxes, and bobcats to list of animals that may be taken with electronic calling devices*; and, *adds bobcats, coyotes, gray foxes, and red foxes to the list of animals that may be hunted by certain handguns and ammunition prescribed by the Wildlife Resources Commission (WRC). Eliminates existing provisions concerning hunting of foxes in GS 113-291.4. Allows WRC to adopt rules for an open season for taking red and gray foxes and coyotes with firearms. Clarifies that WRC regulations concerning foxes trump previously existing local bills concerning hunting of foxes and eliminates certain local bills from list of local bills that are not trumped by WRC regulations contained in GS 113-*

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133.1(e). Provisions concerning local bills become effective as of the effective date of rules adopted by WRC establishing open season on trapping of foxes.

Intro. by Committee on Agriculture.

GS 113

Animal Law

H 862. ELECTION INTEGRITY/VOTER ACCESS ACT. Filed 4/13/11. *TO ENHANCE ELECTION INTEGRITY AND PROTECT VOTER ACCESS.*

Beginning with 2012 statewide primary, amends GS 163-166.7(a) and GS 163 -227.2(b) to require a person voting to present government-issued photo ID or identification document listed in GS 163-166.12(b) (e.g., utility bill, bank statement). Voter who does not have such document must complete an affidavit saying that voter is the person on registration roll and verifying name, address, and birthdate. False affidavit is Class I felony.

Specifies various actions state and county election boards are to take to educate voters about identification requirement, including information on websites, publication in state voter guide, and public service announcements. Appropriates \$450,000 from General Fund for fiscal 2011-12 for implementation, with \$100,000 to State Board of Elections, \$250,000 to county boards of elections based on number of registered voters, and an additional \$100,000 to county boards in counties subject to Section 5 of Voting Rights Act. Also appropriates \$150,000 from General Fund to State Board for fiscal years 2011-13 for investigator for voter fraud. Authorizes use of Help America Vote Act funds for educational activity. Appropriations effective July 1, 2011.

Intro. by Hall.

GS 163; APPROP

Elections Law; Budget and Appropriations

H 863. BEHAVIORAL HEALTH SERVICES FOR MILITARY/FUNDS. Filed 4/13/11. *TO ENSURE THAT THE BEHAVIORAL HEALTH NEEDS OF MEMBERS OF THE MILITARY, VETERANS, AND THEIR FAMILIES ARE MET.*

Appropriates \$1.47 million for 2011-12 and \$1.47 million for 2012-13 from the General Fund to the Department of Crime Control and Public Safety (DCCPS) to support the positions of a mental health and substance abuse counselor, a behavioral case manager, and a veteran outreach specialist at each of the National Guard's seven Family Assistance Centers. Specifies that the funded positions will enhance the NC National Guard Integrated Behavioral Health System, with priority given to individuals who are not eligible for, or have difficulty accessing, U.S. Department of Veterans Affairs services or TRICARE. Directs state and local agencies who assist individuals who served in the active or reserve components of the Armed Forces and their families to make personnel and other resources available to the Family Assistance Centers. Permits the appropriated funds to also be used for other detailed purposes. Directs DCCPS to report annually to various legislative committees on the Family Assistance Centers, including information on services provided and the number and type of Armed Forces members, veterans, and families served. Effective July 1, 2011.

Directs the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services (MH/DD/SAS) to collaborate with military agencies and appropriate organizations to determine gaps in the care of current or former Armed Forces members with traumatic brain injury, to develop recommendations for an accessible community-based neurobehavioral system of care, and to report recommendations by July 1, 2012, to specified entities. Instructs the Division of Medical Assistance (DMA), MedSolutions, Inc., and the U.S. Department of Veterans Affairs to confirm that MedSolutions, Inc., is using appropriate evidence-based diagnostic testing for screening and assessing traumatic brain injury.

Directs the NC Area Health Education Centers (AHEC) Program to facilitate and continue to provide health education and skills training for applicable parties about the health, mental health, and substance abuse needs of the military families, including information about nine specified topics. Instructs AHEC to collaborate with several listed programs and entities to provide the information. Appropriates \$250,000 for 2011-12 from the General Fund to AHEC to develop additional programs to present the information, as described.

Directs MH/DD/SAS and DMA to explore the possibility of implementing value-based purchasing or grants to provide additional reimbursement to providers engaged in five specified actions. Also directs the agencies, in collaboration with the U.S. Department of Veterans Affairs, to define appropriate behavioral health process and outcome measures on which to tie performance-based incentive payments. Requires that MH/DD/SAS report recommendations by July 1, 2012, to specified committees, as indicated.

Directs the NC Office of Rural Health and Community Care, in conjunction with other listed agencies and groups, to expand the accumulation in primary care practices serving the adult population of licensed health professionals trained in providing mental health and substance abuse services. Appropriates \$500,000 for 2011-12 and \$500,000 for 2012-13 from the General Fund to the NC Office of Rural Health and Community Care to provide grants to support two specified activities, with funds targeted as indicated. Effective July 1, 2011.

Appropriates \$128,502 for 2011-12 and \$128,502 for 2012-13 from the General Fund to the Department of Health and Human Services (DHHS) to expand CARE-LINE. Effective July 1, 2011.

Enacts new subsection (g) to GS 122C-115.4 (functions of local management entities), directing the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services to adopt rules to ensure that the needs of Armed Forces members, veterans, and their families are met by requiring (1) that each local management entity (LME) have at least one trained care coordination staff person as the contact person to ensure access to state-funded services and (2) LME staff to receive training applicable to the services provided, as specified.

Directs the University of North Carolina (UNC), the NC Community College System Office, and other higher education institutions in North Carolina, with AHEC and the Governor's Institute on Substance Abuse to seek and apply for federal grants to expand mental health and substance abuse training opportunities in North Carolina. Directs the UNC Board of Governors to report to specified committees on the federal funds by July 1, 2012, including recommendations on whether the funds will meet two detailed goals. Requires that NC institutions of higher education comply with the UNC Board of Governors' reporting requirement.

Directs MH/DD/SAS, in conjunction with listed entities, to develop a training curriculum for specified parties, including crisis workers, veterans service officers, professional advocacy and support organizations, and military chaplains. Requires the curriculum to include information on three detailed core issues, and requires the portion of the curriculum directed to crisis workers, professional advocacy and support organizations, and faith communities to include five specified types of information. Instructs MH/DD/SAS to report to various committees on the curriculum before July 1, 2012.

Enacts new subdivision (60) to GS 115C-47 (powers and duties of local boards of education) to require local boards of education to collect and annually report to the State Board of Education (SBOE) three detailed types of information related to students with family members in the military for each school in the local school administrative unit. Enacts new subdivision (38) to GS 115C-12 (powers and duties of the State Board of Education), requiring the SBOE to submit the report received from the local boards to various legislative committees before March 15 each year. Effective October 1, 2011.

Directs the UNC General Administration, in collaboration with other listed entities, to research ways to address the behavioral health problems and challenges facing military personnel, veterans, and their families. Specifies criteria for the collaborative research teams, and instructs the teams to pursue federal funding. Requires the research to include, at a minimum, five particular goals. Requires that UNC General Administration annually report findings to various legislative committees, beginning on July 1, 2012.

Effective when the act becomes law, unless otherwise indicated.

Intro. by Martin, Parfitt.

APPROP, GS 115C, 122C

Health, Social Services, and Aging;
Military and Veterans Affairs;
Budget and Appropriations

H 864. MODIFY BUTNER TAX REMITTANCE. Filed 4/13/11. *TO MODIFY THE REMITTANCE OF TAXES BASED ON VALUATION OF PROPERTY IN THE BUTNER FIRE AND POLICE PROTECTION DISTRICT.*

Amends SL 1983-830 to provide that additional property tax collected in Butner Fire and Police Protection District (25 cents per \$100 valuation) is to go to town of Butner to provide fire protection in district rather than going to State Treasurer for partial use for expenses of district.

Intro. by Crawford.

GRANVILLE

Granville

SENATE BILLS

S 584. UI/IMPLEMENT EB THREE-YEAR LOOK BACK (=H 676). Filed 4/13/11. *AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO IMPLEMENT THE THREE-YEAR LOOK BACK PERIOD FOR FEDERALLY FUNDED EXTENDED UNEMPLOYMENT BENEFITS AS AUTHORIZED BY SECTION 502 OF THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010, PUBLIC LAW 111-312, WITH THE AMENDMENTS EXPIRING JANUARY 1, 2012.*

Identical to H 676, filed 4/6/11.

Intro. by Nesbitt, Stein, Hartsell.

GS 96

Employment and Retirement

S 585. STATE HEALTH PLAN/STUDY PRETAX CONTRIBUTION. Filed 4/13/11. *TO STUDY THE REPLACEMENT OF THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES WITH A*

PRETAX CONTRIBUTION TO EMPLOYEES TO PROVIDE FOR THEIR OWN HEALTH INSURANCE, AS WELL AS OTHER POSSIBLE CHANGES.

Authorizes the Legislative Research Commission to conduct study as the title indicates; also allows study of any appropriate proposal that would improve the attractiveness and affordability of the Plan for those seeking family coverage.

Intro. by Brunstetter.

STUDY

Health, Social Services, and Aging

S 586. MOTION HEARING IN MULTICOUNTY DIST./RCP 7. Filed 4/13/11. *AMENDING RULE 7 OF THE RULES OF CIVIL PROCEDURE TO PROVIDE THAT, WITH THE PERMISSION OF THE SENIOR RESIDENT SUPERIOR COURT JUDGE, A MOTION IN A CIVIL ACTION IN A COUNTY THAT IS PART OF A MULTICOUNTY JUDICIAL DISTRICT MAY BE HEARD DURING CIVIL SESSION IN AN INCLUDED COUNTY DIFFERENT FROM WHERE THE CASE WAS FILED.*

Amends GS 1A-1, Rule 7(b)(4), by deleting most of the provision and instead stating that a motion in a civil action in a county that is part of a multicounty judicial district may be heard in another county that is part of the same judicial district with permission of the district's senior resident superior court judge or designee. Requires a motion heard outside the county in which the case is filed to be heard at a civil session of court, except during emergencies determined by the senior resident superior court judge or designee. Applies to motions made on or after October 1, 2011.

Intro. by Newton.

GS 1A

Courts; Civil Law and Procedure

S 587. STUDY ELECTRICITIES RELIEF. Filed 4/13/11. *CREATING THE MUNICIPAL POWER AGENCY RELIEF LEGISLATIVE STUDY COMMITTEE TO STUDY OPTIONS TO ALLEVIATE THE DEBT INCURRED BY THE JOINT MUNICIPAL POWER AGENCIES.*

Establishes study committee as title indicates, citing \$2.2 billion debt of 32 municipalities in NC Eastern Municipal Power Agency, primarily incurred to finance nuclear power plants. Committee comprised of six senators appointed by president pro tem and six representatives appointed by speaker. Final report to be made to 2012 session.

Intro. by Newton.

STUDY

Energy and Utilities; Local Government

S 588. HOA/UNIFORM PROCEDURE FOR LIEN ENFORCEMENT. Filed 4/13/11. *TO STABILIZE TITLES AND TO PROVIDE A UNIFORM PROCEDURE TO ENFORCE CLAIMS OF LIEN SECURING SUMS DUE CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS.*

Replaces GS 47C-3-116 (procedures for liens for assessments by homeowners associations) with new GS 47C-3-116.1, and replaces GS 47F-3-116 (comparable provisions for liens for planned community associations) with new GS 47F-3-116.1. Most significant change in both statutes is inclusion of new subsections concerning foreclosure of lien in like manner as mortgage or deed of trust on real estate under power of sale. Specifies ways in which this procedure is to differ from that provided in Article 2A of GS Chapter 45. Provides for association to appoint trustee to conduct nonjudicial foreclosure proceeding and sale; notice to unit owner of intent to commence nonjudicial foreclosure; dismissal of the foreclosure procedure if debt plus costs, attorney's fees, trustee commission is satisfied before upset period expires; authorization for association to bid at foreclosure proceeding; and trustee compensation. Also modifies notice procedures for lien claim, allowing service by first class mail rather than service procedure under Rule 4(j) of the Rules of Civil Procedure. Enacts new GS 47C-3-116.2 and 47F-3-116.2, validating nonjudicial foreclosure proceedings commenced by associations before July 1, 2011, and all sales and transfers of property as part of those proceedings, unless action to set aside foreclosure is commenced by July 1, 2012, or within one year of sale, whichever is later. Validation provisions are not applicable to pending litigation. Effective July 1, 2011.

Intro. by Vaughan.

GS 47C, 47F

Property, Land Use, and Housing

S 589. HAZARDOUS WASTE AMENDS. Filed 4/13/11. *TO AMEND CERTAIN LAWS GOVERNING HAZARDOUS WASTE FACILITIES.*

Amends GS 130A-295.04, which sets forth financial responsibility requirements for applicants for a permit and permit holders for hazardous waste facilities, to delete the provision allowing the applicant to use a financial test or captive insurance to establish financial assurance under GS 130A-295.04(d). Deletes the provision allowing the Department of Environment and Natural Resources (DENR) to require an applicant for a permit for a commercial hazardous waste facility to provide cost estimates for off-site screening in the event of a hazardous waste release. Adds that compliance with the financial assurance requirements in specified federal law is

sufficient to meet the financial assurance requirements in GS 130A-295.04(f). Deletes provision allowing the Environmental Management Commission (Commission) to adopt rules regarding financial responsibility.

Amends GS 130A-295, which provides additional requirements for hazardous waste facilities, to clarify that an applicant for a permit for a *new* hazardous waste facility must provide to the applicable entity specified information at least 120 days before submitting an application. Clarifies that, within 60 days of receiving the applicant's information, each local government and emergency response agency must respond to the applicant in writing on the review (rather than adequacy) of the *applicant's* contingency plan and state that the local government or emergency response agency will respond to an emergency resulting in hazardous waste release *to the best of the entity's ability with available resources and equipment*, according to the entity's role under the contingency plan. Provides that DENR (rather than the permit holder) will verify, every two years after a permit is issued, that resources and equipment are available and adequate to respond to a facility emergency. Adds that contingency plan verification under GS 130A-295(g) is available through the UT-Dallas E-Plan reporting system. Makes clarifying changes.

Amends GS 130A-295.01, which sets forth additional requirements for commercial hazardous waste facilities, to clarify that an applicant must notify every person residing or owning property located within one-fourth mile of any property boundary of the facility within 10 days of filing an application for a permit for a *new* commercial hazardous waste facility. Deletes provision requiring the permit holder to annually publish notice of such information as specified, and instead requires the permit holder to publish the notice in a newspaper (rather than by mail) at the midpoint of the period for which the permit is issued. Makes conforming changes. Directs DENR to determine any increase or decrease in the number of sensitive land uses and in estimated population density, as specified, before January 31 of each year (currently requires the owner or operator to report the information to DENR). Makes other clarifying changes.

Amends GS 130A-295.02(j) to delete the provision requiring adopted rules to establish times and frequencies for the presence of a resident inspector at certain facilities.

Amends GS 130A-294(c)(8), which pertains to rules establishing a regulatory scheme for hazardous waste management, to clarify that the rules must develop standards regarding location, design, ownership, and construction of hazardous waste facilities (deletes conditional language).

Intro. by Vaughan.

GS 130A

Health, Social Services, and Aging

S 590. TERMINAL RENTAL ADJUSTMENT CLAUSES. Filed 4/13/11. *TO CLARIFY THAT TERMINAL RENTAL ADJUSTMENT CLAUSES DO NOT CREATE A SALE OR SECURITY INTEREST IN THE LEASED VEHICLE.*

Enacts new GS 20-78.1 to provide that a lease transaction does not create a sale or security interest in a motor vehicle or trailer simply because the lease contains a terminal rental adjustment clause that permits or requires the rental price to be adjusted up or down as specified.

Intro. by Vaughan.

GS 20

Transportation

S 591. HORTON INDEPENDENT REDISTRICTING COMM. Filed 4/13/11. *TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE HAMILTON C. HORTON JR. INDEPENDENT REDISTRICTING COMMISSION.*

Proposes constitutional amendment effective January 1, 2013, to create independent redistricting commission similar to that proposed by House Bill 783, filed 4/6/11, with most significant differences being January 1, 2013, effective date of the amendment (House Bill 783 would apply only to redistricting after 2020 census); difference in composition of the commission; inclusion of amendments to GS Chapter 163 on procedure for selection of commission; and naming of the commission after former state senator Ham Horton.

Constitutional amendment provides for 11-member Hamilton C. Horton, Jr. Independent Redistricting Commission (Commission), four members each from the two largest political parties and three unaffiliated with either major party. Prohibits more than two members from residing in the same county and requires racial, ethnic, geographic and gender diversity. Excludes anyone or any family member who has been a candidate for or served in public office in the last five years or has been a party official or employee or a lobbyist. Provides additional details on the Commission composition.

New GS 163-207.1 sets out procedure for selection of redistricting Commission. Sets out nominating process for selecting screening panelists. Creates 10-member screening panel of current or retired county election board members and directors responsible for establishing a pool of 55 nominees for the Commission, with nominees 20 each registered with two major political parties. President Pro Tempore, Speaker and Minority Leaders in both houses then get to strike up to two nominees each. Commission members are then chosen by lottery by the State Board of Elections (State Board) from political party and unaffiliated subpools. If three of four legislative leaders object to Commission for lack of diversity, the State Board goes to another round of random drawings, with a limit of three drawings.

Constitutional amendment to go on ballot at November 2012 general election.

Intro. by Kinnaird, Pate. GS. 163, 120, CONST Constitutional Amendment;
Elections Law

S 592. PRESERVING VALUE OF PROPERTY/PAVING OF ROADS (=H 620). Filed 4/13/11. *TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO MAINTAIN OR PAVE CERTAIN ROADS IN A MANNER CONSISTENT WITH THE ORIGINAL CONSTRUCTION OF THE ROAD TO PRESERVE THE HISTORIC APPEARANCE AND VALUE OF HISTORIC PROPERTIES ADJOINING THE ROAD OR TO PRESERVE HIGH SCENIC VALUE PROPERTIES OR ENHANCE LOW-VOLUME BUSINESS OR AGRIBUSINESS VENTURES.*

Identical to H 620, filed 4/5/11.

Intro. by Kinnaird. GS 136 Transportation

S 593. ABOLISH ANDREW JACKSON COMMITTEE. Filed 4/13/11. *TO REPEAL THE ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE.*

As title indicates.

Intro. by Clary, Brock, Soucek. GS 143B State Government

S 594. FIREARMS/STATE OF EMERGENCY. Filed 4/13/11. *TO ALLOW THE TRANSPORTATION AND POSSESSION OF A DANGEROUS WEAPON OR SUBSTANCE DURING A RIOT OR DECLARED STATE OF EMERGENCY AND TO PROHIBIT THE ENACTMENT OR ADOPTION OF ANY DIRECTIVE, PROCLAMATION, OR LOCAL ORDINANCE THAT WOULD ALLOW OR IMPOSE ANY OF THE FOLLOWING DURING A STATE OF EMERGENCY: (I) THE TAKING, CONFISCATION, OR SEIZURE OF LAWFULLY POSSESSED FIREARMS AND AMMUNITION OR (II) ADDITIONAL RESTRICTIONS OR PROHIBITIONS ON THE POSSESSION, CARRYING, TRANSPORTATION, SALE, PURCHASE, STORAGE, OR USE OF OTHERWISE LAWFULLY POSSESSED FIREARMS OR AMMUNITION.*

Amends GS Chapter 14, Article 36A (Riots and Civil Disorders) by adding new GS 14-288.1A, specifying that authority under Article 36A to declare states of emergency and enact ordinances for dealing with riots and other civil disorders does not include authority to restrict otherwise lawful possession and transportation of firearms and ammunition. Also amends GS 14-288.7(b) to specify that the prohibition on transportation of weapons in areas of declared emergency does not apply to otherwise lawful possession of firearms and ammunition. Makes a conforming change to GS 14-288.12(b). Effective Dec. 1, 2011.

Intro. by D. Berger, Brock. GS 14 Criminal Law, Procedure, and
Sentencing; Emergency Services

S 595. VOTER IDENTIFICATION AT POLLS. Filed 4/13/11. *TO REQUIRE THAT VOTERS PROVIDE PHOTO IDENTIFICATION PRIOR TO VOTING; AND TO PROVIDE FOR THE ISSUANCE OF NORTH CAROLINA VOTER IDENTIFICATION CARDS; AND TO REQUIRE VOTER EDUCATION ON PROPER IDENTIFICATION FOR VOTING; AND TO PROVIDE FOR THE ISSUANCE OF NO FEE SPECIAL IDENTIFICATION CARDS TO REGISTERED VOTERS WITHOUT PROPER IDENTIFICATION FOR VOTING.*

Adds new GS 163-166.13 requiring presentation of one of the following to vote: North Carolina driver's license, North Carolina voter ID card or other government-issued identification card, US passport, federal or North Carolina local gov't employee ID card, US military ID, or tribal ID card. Provides for provisional ballot for person who cannot present ID at polling place. Adds new GS 163-166.14 to require each county board of elections to issue voter ID cards without charge upon presentation of specified documentation. Lists information included on the voter identification card, and provides additional information on the cards. Amends GS 163-22 to require the State Board of Elections to conduct a voter educational program on the need for identification. Amends GS 163-82.6A(b) to require presentation of the same kind of ID as under new 163-166.13 to register and vote one-stop. Makes conforming amendments to other sections of GS Chapter 163. Amends GS 20-37.7(d) to allow issuance of a DMV special identification card to a registered voter who does not otherwise have required ID to vote; no fee to be charged upon an oath that ID is needed to vote. Makes clarifying changes. Effective January 1, 2012, and applies to elections held on or after that date.

Intro. by Clary. GS 20, 163 Elections Law

S 596. STATEWIDE PUBLIC DEFENDER OFFICES. Filed 4/13/11. *TO DIRECT THE ESTABLISHMENT OF PUBLIC DEFENDER OFFICES ON A STATEWIDE BASIS.*

Amends GS 7A-498.7 to provide for public defender offices in all districts in the state. Provides for single defender office for each of the 30 numbered districts (i.e., 3A and 3B are consolidated to single District 3; 15A and

15B to single District 15, and so on). Directs the Judicial Department, Office of Indigent Services to implement the expansion through available funds in 2011-13. Makes conforming changes. Effective January 1, 2012.

Intro. by Clary, Brock.

GS 7A

Courts

S 597. BEHAVIORAL HEALTH SERVICES FOR MILITARY/FUNDS (=H 863). Filed 4/13/11. *TO ENSURE THAT THE BEHAVIORAL HEALTH NEEDS OF MEMBERS OF THE MILITARY, VETERANS, AND THEIR FAMILIES ARE MET.*

Identical to H 863, filed 4/13/11.

Intro. by Purcell.

GS 115C, 122C, APPROP

Budget and Appropriations; Health, Social Services, and Aging; Military and Veterans Affairs

S 598. EIS TO CONSIDER ADVERSE IMPACTS ON FARMS. Filed 4/13/11. *TO PROVIDE THAT ENVIRONMENTAL IMPACT STATEMENTS UNDER THE ENVIRONMENTAL POLICY ACT INCLUDE ANY SIGNIFICANT ADVERSE IMPACTS AFFECTING FARMS, MEASURES PROPOSED TO AVOID, MINIMIZE, AND MITIGATE THE ADVERSE IMPACTS, AND ALTERNATIVES TO THE PROPOSED ACTION.*

Amends GS 113A-4(2) to require every state agency environmental impact statement to also include adverse effects on farms, including loss of farm acreage and obstruction of access by farm equipment, plus measures and alternatives to avoid or minimize such adverse effects. Makes technical changes. Applicable to impact statements, as specified, prepared after act becomes law.

Intro. by Rouzer.

GS 113A

Agriculture, Environment, and Natural Resources

S 599. RENDERING ACT AMENDMENTS (=H 512). Filed 4/13/11. *TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO BRING THE COLLECTION AND PROCESSING OF WASTE KITCHEN GREASE WITHIN THE PURVIEW OF THE ACT.*

Identical to H 512, filed 3/29/11.

Intro. by Bingham, Brock, Rouzer.

GS 14, 106

Agriculture, Environment, and Natural Resources; Criminal Law, Procedure, and Sentencing

Local Bills

None

ACTION ON BILLS

April 13, 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

H0099 Judicial Terms.

H Withdrawn From Com

H Re-ref Com On Judiciary Subcommittee A

H0162 Exempt Small Ag Processing from Permit Req.

H Concurred In S/Com Sub

03-30-11

H0164 Upset Bidder Notice in Foreclosure.

HA Reptd Fav Com Substitute

H Cal Pursuant Rule 36(b)

	H	Placed On Cal For 4/14/2011
04-13-11		
H0167 Extend Assessment Refund Period.	HA	Reptd Fav Com Sub 2
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/14/2011
03-07-11, 04-13-11		
H0168 Farms Exempt from City Annexation/ETJ/Zoning.	H	Passed 3rd Reading
03-21-11		
H0215 Unborn Victims of Violence Act/Ethen's Law.	S	Withdrawn From Cal
	S	Placed On Cal For 4/14/2011
03-23-11, 03-24-11, 04-11-11		
H0222 Electric Vehicle Incentives.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/14/2011
04-13-11		
H0234 Juror Qualifications/Disabilities.	H	Pres. To Gov. 4/13/2011
03-16-11, 03-22-11, 04-05-11		
H0243 Certificates Under Seal in Indigent Cases/Fee.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/14/2011
H0302 Charitable Licensing Exemption Clarification.	H	Withdrawn From Com
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/14/2011
H0316 Modify NCGA Police Powers.	S	Withdrawn From Cal
	S	Placed On Cal For 4/19/2011
03-16-11, 03-17-11, 04-07-11		
H0335 Maintenance of Prisons.	HA	Amend Adopted 1
	H	Passed 2nd Reading
04-13-11		
H0339 Housing Authority/Collect Unpaid Rent.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/14/2011
04-13-11		
H0345 Modify Move Over Law.	H	Withdrawn From Com
	H	Re-ref to the Com on Transportation, if favorable, Judiciary Subcommittee B
H0383 Communications Regulatory Reform.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Placed On Cal For 4/13/2011
	S	Amend Failed 1
	S	Amend Failed 2
	S	Passed 2nd Reading
03-30-11, 04-13-11		
H0385 2011 Omnibus Labor Law Changes.-AB	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0391 Dept. of Admin/Procurement Modernization.-AB	H	Assigned To Commerce and Job Development Subcommittee on Science and Technology
H0394 Flex. Work Option for All State Employees.-AB	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/14/2011
H0406 Voluntary Agriculture	H	Withdrawn From Com

Districts.	H	Re-ref Com On Agriculture
H0417 Extend Time For Site Of Low/ Mod. Inc. Housing.	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0427 Run and You're Done. 04-07-11	H	Postponed To 4/14/2011
H0450 No Automatic Renewal of Credit Card Contracts.	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0484 Transfer Emergency Foreclosure Program to HFA.	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0525 Hoke County's 100th Anniversary.	H	Reptd Fav Cal Pursuant Rule 36(b) Placed On Cal For 4/14/2011
H0526 Honor Wagram's 100th Anniversary.	H	Reptd Fav Cal Pursuant Rule 36(b) Placed On Cal For 4/14/2011
H0572 Accountability for Publicly Funded Nonprofits.	H	Withdrawn From Com Re-ref Com On Judiciary Subcommittee A
H0592 Study County Public-Private Partnerships.	H	Reptd Fav Re-ref Com On Rules, Calendar, and Operations of the House
H0595 Reorganization/Legislative Oversight Comms.	H	Passed 2nd Reading
H0613 NC-THINKS Program Amendments. 04-13-11	HA	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 4/14/2011
H0614 DMA Post Public Notices of Change on Website. 04-12-11	H	Passed 2nd & 3rd Reading
H0616 Amend Engineers and Surveyors Laws.	H	Reptd Fav Cal Pursuant Rule 36(b) Placed On Cal For 4/14/2011
H0647 Diabetes Task Force.	H	Passed 2nd & 3rd Reading
H0648 Improve Enforcement/General Contractor Laws.	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0649 Amend Grounds/License Revocat'n/Bail Bondsman.	H	Withdrawn From Com Re-ref Com On Judiciary Subcommittee A
H0692 Increase Payment of Unclaimed Property Claims.	H	Withdrawn From Com Re-ref Com On Government
H0748 Organ Donation Month.	H	Adopted
H0766 Testing in the Public Schools.	H	Reptd Fav Cal Pursuant Rule 36(b) Placed On Cal For 4/14/2011
H0775 Allow Wineries to Sell Malt Beverages.	H	Assigned To Commerce and Job Development Subcommittee on Alcoholic Beverage Control
H0796 Study Property Tax Valuation Process.	H	Reptd Fav Re-ref Com On Rules, Calendar, and Operations of

		the House
H0813 ESC/Jobs Reform.	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0863 Behavioral Health Services for Military/Funds.	H	Filed
H0864 Modify Butner Tax Remittance.	H	Filed
S0008 No Cap on Number of Charter Schools.	S	Withdrawn From Cal
02-16-11, 02-22-11, 02-23-11, 03-16-11, 04-07-11	S	Placed On Cal For 4/14/2011
S0031 Clarify Penalty Unauth. Practice of Medicine.	S	Withdrawn From Cal
03-03-11, 04-07-11	S	Placed On Cal For 4/14/2011
S0075 Promote Electricity Demand Reduction.	H	Reptd Fav
03-15-11	H	Re-ref Com On Finance
S0130 Wine Distribution Territories.	H	Assigned To Commerce and Job Development Subcommittee on Alcoholic Beverage Control
03-29-11		
S0141 Concealed Carry/DA, Ass't DA, Investigator.	S	Reptd Fav Com Substitute
04-13-11	SA	Com Substitute Adopted
S0154 Abolish Higher Education Bond Oversight Comm.	S	Pres. To Gov. 4/13/2011
S0187 Outlaw Red Light Camera Systems.	H	Passed 1st Reading
04-06-11	H	Ref To Com On Judiciary
S0211 Exempt Pallets for Ag Use From Sales Tax.	S	Reptd Fav
S0272 Victims' Compensation Law Changes.-AB	S	Re-ref Com On Finance
04-12-11	S	Passed 2nd & 3rd Reading
S0275 Official Herring Festival.	HA	Reptd Fav Com Substitute
04-13-11	H	Cal Pursuant Rule 36(b)
S0343 Communications Regulatory Reform.	H	Placed On Cal For 4/14/2011
04-05-11	H	Reptd Fav
S0346 Exempt Cooking Schools from Food Regulations.	H	Cal Pursuant Rule 36(b)
03-31-11	H	Placed On Cal For 4/14/2011
S0394 Clarify Process/Reportable Offenses in Sch.	H	Assigned To Commerce and Job Development Subcommittee on Science and Technology
04-11-11	S	Passed 2nd & 3rd Reading
S0406 Repeal Crossbow Purchase Permit Requirement.	H	Reptd Fav
S0414 Allow Attorneys' Fees in Business Contracts.	H	Cal Pursuant Rule 36(b)
04-11-11	H	Placed On Cal For 4/14/2011
S0433 Local Human Services Administration.	S	Withdrawn From Cal
	S	Placed On Cal For 4/19/2011
	S	Withdrawn From Cal
	S	Placed On Cal For 4/14/2011

04-06-11
S0464 Debt Reduction Act of 2011. S Reptd Fav
S Placed On Cal For 4/13/2011
S Passed 2nd & 3rd Reading
H Passed 1st Reading
H Ref To Com On Rules,
Calendar, and Operations of
the House
H Reptd Fav
H Cal Pursuant Rule 36(b)
H Placed On Cal For 4/14/2011
S0584 UI/Implement EB Three-Year S Filed
Look Back.
S0585 State Health Plan/Study S Filed
Pretax Contribution.
S0586 Motion Hearings in S Filed
Multicounty Dist./RCP 7.
S0587 Study Electricities Relief. S Filed
S0588 HOA/Uniform Procedure for S Filed
Lien Enforcement.
S0589 Hazardous Waste Amends. S Filed
S0590 Terminal Rental Adjustment S Filed
Clauses.
S0591 Horton Independent S Filed
Redistricting Comm.
S0592 Preserving Value of Property/ S Filed
Paving of Roads.
S0593 Abolish Andrew Jackson S Filed
Committee.
S0594 Firearms/State of Emergency. S Filed
S0595 Voter Identification at Polls. S Filed
S0596 Statewide Public Defender S Filed
Offices.
S0597 Behavioral Health Services S Filed
for Military/Funds.
S0598 EIS to Consider Adverse S Filed
Impacts on Farms.
S0599 Rendering Act Amendments. S Filed

LOCAL BILLS

H0284 Wayne County Design Build. HA Amend Adopted 1
H Passed 2nd Reading
04-11-11, 04-13-11
H0291 Belhaven Recall Elections. H Passed 2nd & 3rd Reading
04-11-11
H0296 Sampson-Delinquent Taxpayers. H Reptd Fav
H Cal Pursuant Rule 36(b)
H Placed On Cal For 4/14/2011
03-31-11
H0435 Mecklenburg Energy Efficiency/ H Withdrawn From Com
Renewable. H Re-ref Com On Environment
H0498 Wake School Board Presiding H Passed 3rd Reading
Officer Voting.
04-07-11
S0182 Carteret/Greenville Email H Passed 3rd Reading

Subscription Lists.
04-07-11, 04-11-11

H Ordered Engrossed

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 164. RELEASE OF UPSET BID DEPOSIT (NEW). Filed 2/23/11. House committee substitute makes the following changes to 1st edition.

Deletes all provisions of the first edition and instead enacts new subsection (d) to GS 45-21.22 to require the clerk of superior court or the trustee or mortgagee to release any deposits, as detailed, if completion of the foreclosure sale is stayed pursuant to specified federal law before the expiration of the 10-day upset bid period. Makes clarifying changes, and makes a conforming change to the statute's catch line. Effective October 1, 2011.

Property, Land Use, and Housing;
Banking and Finance

H 167. EXTEND ASSESSMENT REFUND PERIOD. Filed 2/23/11. House committee substitute makes the following changes to 2nd edition.

Restores the language in the original bill by amending Section 7 of SL 2010-129 to allow a local government that imposed an assessment before 2012 to finance a capital project that has been assumed by another unit of local government to return unused assessments to the person that paid the assessment.

Local Government

H 222. ELECTRIC VEHICLE INCENTIVES. Filed 3/2/11. House committee substitute makes the following changes to 1st edition.

Makes a clarifying change to the definition of *plug-in electric vehicle* in GS 20-4.01(28a). Amends GS 20-146.2(a) to require that plug-in electric vehicles be able to travel at the posted speed limit while operating in the HOV lane, in order to be exempted from HOV lane restrictions.

Transportation

H 284. WAYNE COUNTY DESIGN BUILD. Filed 3/9/11. House amendment makes the following changes to 2nd edition. Adds provisions authorizing Currituck County to contract for construction or renovation of county buildings notwithstanding GS Chapter 143, Article 8 (public contract bidding procedures). Requires county to award contract to best qualified contractor in light of time to complete project and cost.

Previously: Wayne
Now: Currituck; Wayne

H 335. MAINTENANCE OF PRISONS. Filed 3/10/11. House amendment makes the following changes to 1st edition.

Deletes the provision directing the Department of Correction (Department) to expand the scope of requests for proposals for prison maintenance, and instead permits the Department to proceed with the current request for proposals for prison maintenance for Tabor City Correctional Institution, Bertie Correctional Institution, and Maury Correctional Institution. Adds a section directing the Department to study the potential benefits and costs of contracting for maintenance services at prison facilities and to report findings to the 2013 General Assembly. Prohibits the Department from expanding private maintenance contracts unless authorized by the 2013 General Assembly. Makes a conforming change to the act's title.

State Government; Criminal Law,
Procedure, and Sentencing

H 339. HOUSING AUTHORITY/COLLECT UNPAID RENT. Filed 3/11/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 105A-2(6)h., clarifying that housing authorities created under GS Chapter 157 are added to the list of local agencies, provided the debt owed to the housing authority has been reduced to a final judgment in favor of the housing authority. Makes a conforming change to the bill title.

Taxation; Property, Land Use, and
Housing

H 383. EXTEND UI BENEFITS/CONTINUING RESOLUTION (NEW). Filed 3/16/11. Senate committee substitute makes the following changes to 2nd edition. Replaces previous bill with *AN ACT TO PROTECT UNEMPLOYMENT BENEFITS AND PREVENT ANY SHUTDOWN OF STATE GOVERNMENT* with following provisions:

- Amends GS 96-12.01(a1)(4) to add new sub-subsubdivisions to provide for extended unemployment benefits as allowed under federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 for weeks beginning after December 17, 2010, and ending no later than December 31, 2011, under specified conditions. Provides that intent is to allow extended benefits so long as payment does not hinder state ability to reduce its debt to federal government for payment of extended benefits. New extended benefits provisions are void if payment would divert federal payroll tax revenue payable by NC employers from paying down amount state owes to federal government. Expires January 1, 2012.
- Until 2011 budget act is enacted, authorizes governor to allocate funds for fiscal 2011-12 at 87% of governor's recommended base budget for that period excluding debt service amounts, and appropriates funds at that level. Specifies that governor is not to use overrealized receipts, cash balances, or other funds to offset expenditures. Legislative and judicial branches are to manage cuts in their budgets.
- Prohibits increases in salaries beyond June 30, 2011, level from any source until 2011 budget act takes effect. Also prohibits step increases for assistant and deputy clerks of court, magistrates, and Highway Patrol unless authorized by General Assembly.
- Amends S 265, revision of state health plan, if it becomes law, to increase state employer contribution rates for teachers and state employees, state law enforcement officers, and judicial retirement system. Appropriates following amounts from General Fund for fiscal 2011-12 for retirement contributions: \$5.8 million to Treasurer for fire and rescue squad workers and \$263,000 for National Guard; \$297.4 million for reserve for state employees and \$7.9 million reserve for judicial system. Also appropriates \$13.6 million from Highway Fund to reserve for state employees retirement.
- Prohibits Controller from transferring funds from unreserved credit balance to Repairs and Renovations Reserve Account or Savings Reserve Account on June 30, 2011.
- Authorizes use of up to \$125 million in unreserved credit balance to address Medicaid liabilities incurred in fiscal 2009-10, and appropriates funds for that purpose.
- Amends GS 147-69.2(b)(11) to defer from October 1, 2011, to October 1, 2012, payment of Global TransPark Authority obligations.
- Specifies that provisions of 2009 and 2010 budget acts that funds not revert at end of fiscal year remain in effect for current fiscal year. Effective June 30, 2011.
- Allows funds appropriation in act to be used for increases in enrollment in public schools, community colleges, and UNC.
- Requires that appropriations in act be used to fully fund state debt service.
- Specifies that if S 265, revision of state health plan, becomes law, funds appropriated in that act are to be used only for those purposes.
- Prohibits governor from using funds in Savings Reserve Account unless approved by General Assembly.
- Effective July 1, 2011, and expires June 30, 2012, or when 2011 budget act becomes law, whichever occurs first.

Previously: Energy and Utilities
Now: Budget and Appropriations;
Courts; Education; Employment
and Retirement

H 613. NC-THINKS PROGRAM AMENDMENTS. Filed 4/4/11. House committee substitute makes the following changes to 1st edition. Adds a section amending GS 126-3, specifying that the Office of State Personnel is responsible for administering the NC-Thinks program.

Employment and Retirement; State
Government

SENATE BILLS

S 141. [CONCEALED CARRY/DA, ASS'T DA, INVESTIGATOR](#). Filed 2/24/11. Senate committee substitute makes the following changes to 1st edition. Amends GS 14-269 to limit the exemption to the prohibition on carrying a concealed weapon to those district attorneys, assistant district attorneys, and investigators employed by a district attorney's office who have a concealed handgun permit (deletes provision extending the exemption to those that are certified as having completed a basic law enforcement training course), and prohibits these exempted individuals from carrying a concealed weapon in a courtroom. Requires the district attorney, assistant district attorney, or investigator to secure the weapon in a locked compartment when the individual is not carrying the weapon. Makes technical changes.

Courts; Criminal Law, Procedure,
and Sentencing

S 275. [OFFICIAL HERRING FESTIVAL](#). Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Makes a technical change.

General Assembly

Legislation Enacted

SL 2011-33 (S 29). [TAX CERTIFICATION—ALAMANCE COUNTY](#). AN ACT TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. Summarized in *Daily Bulletin* 2/2/11. Enacted April 12, 2011. Effective April 12, 2011.

Alamance

SL 2011-34 (S 263). [ETJ/WAKE MUNICIPAL FARM EXEMPTION](#). AN ACT TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION. Summarized in *Daily Bulletin* 3/8/11. Enacted April 12, 2011. Effective April 12, 2011.

Wake

SL 2011-35 (H 159). [MILITARY SERVICE NOTATION ON LICENSES](#). AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO MAKE A NOTATION ON A NORTH CAROLINA DRIVERS LICENSE SHOWING A LICENSE HOLDER'S MILITARY VETERAN STATUS. Summarized in *Daily Bulletin* 2/22/11, 3/8/11, and 3/9/11. Enacted April 12, 2011. Effective when the Division of Motor Vehicles has completed the implementation of the Division's Next Generation Secure Driver License System or July 1, 2012, whichever occurs first.

Transportation; Military and
Veterans Affairs

SL 2011-36 (H 321). [GRIFTON SHAD FESTIVAL](#). AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA. Summarized in *Daily Bulletin* 3/10/11. Enacted April 12, 2011. Effective April 12, 2011.

General Assembly

SL 2011-37 (H 59). [SEX OFFENDERS CAN'T BE EMS PERSONNEL](#). AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL. Summarized in *Daily Bulletin* 2/8/11, 2/17/11, and 4/4/11. Enacted April 12, 2011. Effective April 12, 2011.

Criminal Law, Procedure, and
Sentencing; Emergency Services

SL 2011-38 (H 103). [RQMTS. FOR MIN'L OIL SPILLS-2](#). AN ACT TO CLARIFY REQUIREMENTS APPLICABLE TO NOTICE, COLLECTION, AND REMOVAL OF MINERAL OIL DISCHARGES FROM

ELECTRICAL EQUIPMENT. Summarized in *Daily Bulletin* 2/15/11 and 2/28/11. Enacted April 12, 2011. Effective April 12, 2011.

Energy and Utilities; Agriculture,
Environment, and Natural
Resources

SL 2011-39 (S 368). [MODIFY PUBLIC SWIMMING POOL REQUIREMENTS](#). AN ACT TO (1) MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS TO PUBLIC SWIMMING POOLS; (2) PROVIDE THAT REQUIREMENTS RELATED TO DRESSING AND SANITARY FACILITIES DO NOT APPLY TO INTERACTIVE PLAY ATTRACTIONS; (3) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY ISSUES RELATED TO FENCING REQUIREMENTS FOR WADING POOLS; AND (4) TEMPORARILY PROHIBIT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM ENFORCING CERTAIN REQUIREMENTS RELATED TO FENCING FOR WADING POOLS. Summarized in *Daily Bulletin* 3/17/11, 3/22/11, and 3/31/11. Enacted April 12, 2011. Effective April 12, 2011.

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Notes

None

NEXT SESSIONS

April 14, 2011

HOUSE convenes at 1:00 p.m.

SENATE convenes at 11:00 a.m.