

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 60

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Senate Legislative Day 60

Monday, May 9, 2011

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SUMMARIES OF BILLS FILED

Public Bills

SENATE BILLS

S 778. CONFIRM EDWARD FINLEY TO UTILITIES COMMISSION. Filed 5/5/11. *PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF EDWARD S. FINLEY, JR., TO THE UTILITIES COMMISSION.*

As title indicates. Provides for a term beginning July 1, 2011, and expiring June 30, 2019.

Intro. by Brown.

JOINT RES

General Assembly

Local Bills

None

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ACTION ON BILLS

May 9, 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

H0129	Level Playing Field/Local Gov't Competition.	H	Ratified
	03-23-11, 03-24-11, 03-28-11, 04-27-11, 04-28-11, 05-02-11		
H0150	Update State Auditor's Duties.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/10/2011
	05-09-11		
H0348	Offenders/No Access to Personnel Records.-AB	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/10/2011
	05-09-11		
H0379	Uniform Depositions and Discovery Act.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/10/2011
	05-09-11		
H0380	Amend RCP/Electronically Stored Information.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/10/2011
	05-09-11		
H0388	APA: Disapprove Reclaimed Water Rules.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/10/2011
	05-09-11		
H0411	Iredell Correctional Facility/ DOT Storage.	HA	Reptd Fav Com Substitute
		H	Re-ref Com On Finance
	05-09-11		
H0483	DNA Samples/Additional Felonies.	H	Passed 3rd Reading
		H	Ordered Engrossed
	05-05-11		
H0493	Landlord Tenant Law Changes.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
	05-09-11		
H0643	Exempt CCPCUA from IBT Requirements.	HA	Reptd Fav Com Substitute
		H	Re-ref Com On Government
	05-09-11		
H0692	Increase Payment of Unclaimed Property Claims.	H	Passed 2nd & 3rd Reading
	05-05-11		
H0737	Strengthen Child Safety Laws/ Care Facilities.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
H0806	Zoning St. of Limit./Ag.	H	Postponed To 5/11/2011

Dist. Change.
04-27-11
H0898 Gaston East Campus & Textile H Withdrawn From Com
Tech Ctr Funds. H Ref to the Com on Education,
if favorable, Appropriations
S0135 Allow Juvenile Record/Risk H Passed 1st Reading
Determination/Bond. H Ref To Com On Judiciary
Subcommittee B
S0212 Cemeteries/Survey Stamp. H Passed 2nd Reading
S0215 State Treasurer's H Passed 1st Reading
Investments.-AB H Ref To Com On State Personnel
03-31-11, 05-03-11
S0229 Transfer DENR Soil & Water to H Passed 1st Reading
DACS. H Ref To Com On Appropriations
05-03-11
S0247 Eliminate Means Test From 529 H Passed 1st Reading
Deduction. H Ref To Com On Finance
S0321 Surplus Lines/Premium Tax.-AB H Passed 1st Reading
H Ref To Com On Insurance
04-14-11, 05-03-11
S0407 Trusts and Estate Planning H Passed 1st Reading
Changes. H Ref To Com On Judiciary
Subcommittee A
04-11-11
S0521 Repeal Rule in Dumpor's Case. H Passed 1st Reading
H Ref To Com On Judiciary
Subcommittee A
05-02-11
S0586 Motion Hearings in H Passed 1st Reading
Multicounty Dist./RCP 7. H Ref To Com On Judiciary
Subcommittee A
S0620 Clarify Use of Position. H Passed 1st Reading
H Ref To Com On Government
05-02-11
S0778 Confirm Edward Finley to S Passed 1st Reading
Utilities Commission. S Ref To Com On Commerce

LOCAL BILLS

H0207 Local Development for Winston- H Passed 2nd & 3rd Reading
Salem.
05-05-11
H0208 Acquiring by Right- H Passed 2nd Reading
Condemnation of Property.
H0214 Alamance/Orange Boundary. HA Reptd Fav Com Substitute
H Re-ref Com On Finance
05-09-11
H0352 Delay Kannapolis Annexation. H Passed 2nd & 3rd Reading
H0371 Winston-Salem/Informal Bids H Passed 2nd & 3rd Reading
Electronically.
H0435 Mecklenburg Energy Efficiency/ HA Reptd Fav Com Substitute
Renewable. H Serial Referral to Finance
Stricken
H Cal Pursuant Rule 36(b)
H Placed On Cal For 5/10/2011

05-09-11

H0510	Reidsville Elections.	H	Passed 2nd & 3rd Reading
H0532	Graham County/Cemetery Tax By General Law.	H	Passed 2nd Reading
H0558	Forsyth/Winston-Salem Zoning Amendments.	H	Passed 2nd & 3rd Reading
S0269	Hillsborough Occupancy Tax.	H	Passed 2nd Reading
S0295	Marshville Charter Consolidation.	H	Passed 2nd Reading
S0297	Durham/Small Business Enterprise.	H	Passed 1st Reading
		H	Ref to the Com on Government, if favorable, Finance

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 150. GREENSBORO CHARTER AMENDMENTS (NEW). Filed 2/21/11. House committee substitute makes the following changes to 1st edition. Deletes the first edition and replaces it with *AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO*. Amends SL 1959-1137, the Greensboro City Charter, to direct the city council to (1) appoint the city attorney to serve at the council's pleasure and (2) decide on the compensation to be paid to the city attorney. Amends the catch line to reflect the change in content of the Section. Effective December 1, 2011.

Clarifies that a duly adopted ordinance by the City Council is required in order for a contract for the performance of service to be approved, awarded, and executed by the City Manager on behalf of the city. Effective when it becomes law except as otherwise indicated.

Previously: State Government
Now: Guilford

H 214. ALAMANCE/ORANGE BOUNDARY. Filed 3/2/11. House committee substitute makes the following changes to 1st edition.

Makes technical corrections only.

Alamance; Orange

H 388. RECLAIMED WATER CROSS-CONNECTION CONTROL (NEW). Filed 3/11/11. House committee substitute makes the following changes to 1st edition. Deletes all provisions of the first edition and replaces it with *AN ACT TO ALLOW THE USE OF DIRECT CROSS-CONNECTIONS BETWEEN RECLAIMED WATER AND POTABLE WATER SYSTEMS WHEN SUCH DIRECT CROSS-CONNECTIONS HAVE BEEN PREVIOUSLY APPROVED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES*. Provides for no direct cross-connections between the reclaimed water and potable water systems, unless such connections have been approved by the Department of Environment and Natural Resources pursuant to 15A NCAC 18C .0406 before the effective date of this act. Directs the Environmental Management Commission to adopt a rule to replace Design Criteria for Distribution Lines Rule 15A NCAC 02U .0403, as specified. Defines terms used in the act.

APA/Rule Making; Agriculture,
Environment, and Natural
Resources

H 348. OFFENDERS/NO ACCESS TO PERSONNEL RECORDS. Filed 3/14/11. House committee substitute makes the following changes to 1st edition. Adds language in various sections of the bill to qualify that the prohibition to access of certain public records, as provided by the bill, is contingent on the absence of a court order authorizing access to, custody, or possession of such records.

Criminal Law, Procedure, and
Sentencing

H 379. [UNIFORM DEPOSITIONS AND DISCOVERY ACT](#). Filed 3/16/11. House committee substitute makes the following changes to 1st edition. Adds additional language to proposed GS 1F-3(b) directing the clerk to also promptly open an appropriate court file, assign a file number, and collect the applicable filing fee pursuant to GS 7A-305(a)(2), when a party submits a foreign subpoena. Amends GS 1A-1(f)(2)d., Rule 45, by requiring specified motions be immediately placed on the calendar for a hearing within 20 days before the court in which the action is pending where the commission is to be issued (was, required the motion be placed on the next available calendar). Amends GS 1A-1(f)(3) by adding a new subsection directing the commission, in addition to any terms required by the foreign jurisdiction to initiate the process of obtaining discovery, to also attach a copy of any case management order, discovery order, local rule, or other rule or order establishing any discovery deadlines in the North Carolina action. Clarifies that the act is effective December 1, 2011, and applies to all cases then pending or filed on or after that date.

Courts; Civil Law and Procedure

H 380. [AMEND RCP/ELECTRONICALLY STORED INFORMATION](#). Filed 3/16/11. House committee substitute makes the following changes to 1st edition. Rewrites GS 1A-1, Rule 26, to clarify the phrase 'electronically stored information' does not include other metadata unless the parties agree otherwise or the court orders otherwise upon motion of a party and a showing of good cause for the production of certain metadata. Rewrites GS 1A-1, Rule 33(c), by specifying that electronically stored information is included in the term "business record." Directs the Revisor of Statutes to print, as annotations to the published General Statutes, all explanatory comments of the drafters of the act, the North Carolina Bar Association Litigation Section E-Discovery Committee, as the Revisor deems appropriate. Makes other technical and clarifying changes. Clarifies that the act is effective October 1, 2011, and applies to actions filed on or after that date.

Courts; Civil Law and Procedure

H 411. [IREDELL CORRECTIONAL FACILITY/DOT STORAGE](#). Filed 3/18/11. House committee substitute makes the following changes to 1st edition. Adds additional language providing that the lease of certain buildings from the Department of Transportation to the Iredell County Sheriff is for \$1 a year for 30 years. Makes a confirming change to the title.

Transportation; Iredell

H 435. [MECKLENBURG ENERGY EFFICIENCY / RENEWABLE](#). Filed 3/23/11. House committee substitute makes the following changes to 1st edition. Rewrites Section 3 of SL 2009-149, as amended, to make a conforming change adding Mecklenburg County to the counties and cities to which the provisions of GS 160A-272 apply (authorizing a city or county to approve a lease for siting or operating a renewable energy facility for up to 20 years without treating the lease as a sale or providing notice of publication of the intended lease).

Mecklenburg

H 493. [LANDLORD TENANT LAW CHANGES](#). Filed 3/28/11. House committee substitute makes the following changes to 1st edition. Deletes all provisions of previous edition with the exception of amendments to GS 42-34.1 (regarding rent pending execution of judgment), GS 42-51 (regarding permitted uses of deposit), GS 42A-11(b), and GS 42A-17 (new subsection concerning cleaning fees in vacation rental agreements).

Amends GS 42-25.9(d) by increasing the value of property either abandoned or left after eviction, which a landlord may deliver to a nonprofit, to \$750 or less (previously \$500 or less). Amends GS 42-25.9(h) by stating that property valuing less than \$500 (currently, less than \$100) and remaining on the premises at the time of execution of a writ of possession in an action of summary ejectment will be deemed abandoned five days after execution, and may be disposed of by the landlord.

Enacts new subsection (c) to GS 42-26 providing that in an action for summary ejectment based on the tenant doing or omitting an act for which the lease may be terminated, the lease may provide that acceptance of partial rent or partial housing subsidy payment does not waive the tenant's breach. States that the landlord's exercise of the right of re-entry is not an unfair and deceptive trade practice.

Clarifies GS 42-51(a)(3) by providing that security deposits may be used for damages as the result of the nonfulfillment of a rental period, except where the tenant terminated the rental agreement under GS 42-45, GS 42-45.1, or because the tenant was forced to leave the property because of the landlord's violation of Article 2A of GS Chapter 42 or was constructively evicted by the landlord's violation of GS 42-42(a).

Directs the General Statutes Commission to study and recommend to the 2012 General Assembly changes to the statutes to provide for the orderly and prompt removal by a landlord of the personal property of a deceased tenant where the heirs are not readily identifiable or available to take possession of the property. This provision is effective when it becomes law.

Makes other technical and clarifying changes.

Property, Land Use, and Housing

H 643. [EXEMPT CCPCUA FROM IBT REQUIREMENTS](#). Filed 4/5/11. House committee substitute makes the following changes to 1st edition. Clarifies that Section 1 of the act will expire if the cumulative volume of interbasin transfers in the CCPCUA, initiated on or after August 31, 2007, by any person without a certificate for an interbasin transfer on or before the effective date of the act, exceeds 8 million gallons per day (previously 30 million). Makes a clarifying change, and makes a conforming change to the title.

Agriculture, Environment, and Natural Resources

Legislation Enacted

SL 2011-68 (H 407). [MODIFY ATV HELMET USE REQUIREMENTS](#). AN ACT TO MODIFY THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING AN ALL-TERRAIN VEHICLE. Summarized in *Daily Bulletin* 3/17/11 and 3/22/11. Enacted May 6, 2011. Effective October 1, 2011.

Transportation

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Notes

None

NEXT SESSIONS

May 10, 2011

HOUSE convenes at 2:00 pm

SENATE convenes at 3:00 pm