

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 62

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Senate Legislative Day 62

Wednesday, May 11, 2011

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 929. [HONOR MITCHELL COUNTY'S 150TH.](#) Filed 5/11/11. *HONORING MITCHELL COUNTY'S ONE HUNDRED FIFTIETH ANNIVERSARY.*

As title indicates.

Intro. by Frye.

HOUSE RES

General Assembly

Local Bills

None

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ACTION ON BILLS**May 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.
 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

H0054 Habitual Misdemeanor Larceny.	HA Reptd Fav Com Sub 2
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 5/12/2011
03-09-11, 05-11-11	
H0115 North Carolina Health Benefit Exchange.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 5/12/2011
03-30-11, 05-10-11	
H0168 Farms Exempt from City Annexation/ETJ/Zoning.	S Reptd Fav
	S Re-ref Com On Finance
03-21-11	
H0222 Electric Vehicle Incentives.	S Passed 2nd & 3rd Reading
04-13-11, 04-14-11, 05-10-11	
H0271 Probation Officer/No Concealed Carry Required.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 5/12/2011
H0318 State Treasurer's Investments.-AB	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Finance
05-04-11	
H0345 Modify Move Over Law.	HA Reptd Fav Com Substitute
	H Re-ref Com On Judiciary Subcommittee A
05-11-11	
H0379 Uniform Depositions and Discovery Act.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Judiciary I
05-09-11	
H0380 Amend RCP/Electronically Stored Information.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Judiciary I
05-09-11	
H0388 Reclaimed Water Cross-Connection Control.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Agriculture/Environment/Natural Resources
05-09-11	
H0406 Voluntary Agriculture Districts.	H Passed 2nd Reading
H0423 Enact First Evaluation Program.	H Passed 2nd & 3rd Reading
04-20-11, 05-10-11	

H0451 DWLR Penalties Increased/ Vehicle Seizures.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/12/2011
04-28-11	
H0484 Transfer Emergency Foreclosure Program to HFA.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/12/2011
H0490 Rename Yadkin River Bridge.	H Passed 2nd & 3rd Reading
H0493 Landlord Tenant Law Changes.	H Postponed To 5/12/2011
05-09-11	
H0542 Tort Reform for Citizens and Businesses.	H Postponed To 5/18/2011
05-10-11	
H0589 Divorce/DVPO/Child Support Changes.	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
05-04-11, 05-10-11	
H0658 Change Early Voting Period.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/12/2011
H0737 Strengthen Child Safety Laws/ Care Facilities.	H Passed 2nd & 3rd Reading
H0769 High School to Work Partnership.	S Reptd Fav
04-20-11	
H0804 Johnston Memorial Hospital Not in LGERS.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/12/2011
05-05-11	
H0806 Zoning St. of Limit./Ag. Dist. Change.	HA Amend Adopted 1 H Passed 2nd Reading
04-27-11, 05-11-11	
H0845 Annexation Reform Act of 2011.	HA Reptd Fav Com Sub 2 H Cal Pursuant Rule 36(b) H Cal For Immediate Consid H Held As Material
05-03-11, 05-11-11	
H0929 Honor Mitchell County's 150th. S0125 Regional Schools.	H Filed S Reptd Fav Com Substitute SA Com Substitute Adopted
04-26-11, 05-11-11	
S0170 Clarify Nuisance Abatement Laws.	S Withdrawn From Cal S Placed On Cal For 5/17/2011
05-10-11	
S0212 Cemeteries/Survey Stamp.	S Ratified
S0244 Fire and Rescue/Survivor's Benefit.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/12/2011
03-31-11	
S0300 Miscellaneous Service/Process Amendments.	S Passed 2nd & 3rd Reading
S0323 State Hlth Plan/ Appropriations & Transfer ll.	S Ratified
03-24-11, 04-19-11, 04-20-11, 04-28-11	
S0374 Landowner Protection Act.	S Passed 2nd Reading
05-10-11	

S0426	Modify/Clarify Public Finance Statutes.	S	Withdrawn From Cal
		S	Re-ref Com On Finance
05-10-11			
S0428	Study Consolidated Environmental Commission.	S	Passed 2nd & 3rd Reading
S0484	REPS Credits at Cleanfields Parks.	S	Withdrawn From Cal
		S	Placed On Cal For 5/17/2011
05-10-11			
S0513	Allow Savings Promotion Raffles.	S	Passed 2nd & 3rd Reading
S0600	Out-of-State Law Enforcement/ Special Events.	S	Passed 2nd & 3rd Reading
05-10-11			
S0613	Hunting & Fishing/Active Duty Military.	S	Passed 2nd & 3rd Reading
05-10-11			
S0626	PED to Study DENR Action/ Alcoa Contamination.	S	Passed 2nd & 3rd Reading
05-10-11			
S0648	Amend Law Re: School Discipline.	S	Passed 2nd & 3rd Reading
05-05-11			
S0661	License Plate Agency Contracts.	S	Passed 2nd & 3rd Reading
05-10-11			
S0685	Modify Regulation of Proprietary Schools.	S	Reptd Fav Com Substitute
		SA	Com Substitute Adopted
		S	Re-ref Com On Finance
05-11-11			
S0731	Zoning/Design and Aesthetic Controls.	S	Withdrawn From Cal
		S	Placed On Cal For 5/17/2011
05-10-11			
S0749	Modify Weight Limits for Farm Operations.	S	Passed 2nd & 3rd Reading
04-28-11			

LOCAL BILLS

H0150	Greensboro Charter Amendments.	HA	Amend Adopted 1
		H	Passed 2nd & 3rd Reading
		H	Ordered Engrossed
05-09-11, 05-11-11			
H0193	Topsail Beach Recall Elections.	S	Reptd Fav
03-24-11, 03-28-11			
H0194	Topsail Beach Charter Amendment.	S	Reptd Fav
H0208	Acquiring by Right-Condemnation of Property.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
H0414	Amend Rutherford County Occupancy Tax.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/12/2011
H0435	Mecklenburg Energy Efficiency/ Renewable.	S	Rec From House
		S	Passed 1st Reading

	S	Ref to State and Local Government. If fav, re-ref to Finance
05-09-11		
H0532 Graham County/Cemetery Tax By General Law.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
H0565 Morehead City/Beaufort Boundary.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/12/2011
S0019 Union Fire Fee Sunset Repealed.	S	Passed 3rd Reading
S0151 17th Senatorial District Local Act.	S	Withdrawn From Com
	S	Re-ref Com On State and Local Government
S0269 Hillsborough Occupancy Tax.	S	Ratified
S0288 Atlantic Beach/Beaufort/Parking.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/12/2011
05-11-11		
S0295 Marshville Charter Consolidation.	S	Ratified
S0431 Fontana Dam Incorporated.	S	Passed 3rd Reading

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 54. [HABITUAL MISDEMEANOR LARCENY](#). Filed 2/8/11. House committee substitute makes the following changes to 2nd edition. Makes clarifying changes.

Criminal Law, Procedure, and
Sentencing

H 150. [GREENSBORO CHARTER AMENDMENTS](#). Filed 2/21/11. House amendment makes the following change to 2nd edition. Amends the effective date so that the entire act is effective when it becomes law (previously amendment to Section 4.21 of the Greensboro City Charter became effective December 1, 2011).

Guilford

H 345. [MODIFY MOVE-OVER LAW](#). Filed 3/14/11. House committee substitute makes the following changes to 1st edition.

Amends GS 20-157(f), clarifying that *public service vehicle* means a vehicle used to assist motorists or law enforcement officers with wrecked or disabled vehicles, or a vehicle used to install, maintain, or restore utility service (was, restore utility service after an unplanned event), including electric, cable, telephone, communications, and gas, or is a highway maintenance vehicle, as detailed.

Transportation

H 806. [ZONING ST. OF LIMIT./AG. DIST. CHANGE](#). Filed 4/6/11. House amendment makes the following changes to 2nd edition. Deletes amendment to GS 1-53, and instead creates new subdivision (10) to GS 1-54 to add to the list of actions that must be commenced within one year actions contesting the validity of any zoning or unified development ordinance adopted under Part 3 of Article 18 of GS Chapter 153A or Part 3 of Article 19 of GS Chapter 160A or other applicable law, other than an ordinance adopting or amending a zoning map or approving a special use, conditional use, or conditional zoning district rezoning request. Makes conforming changes to the statute reference throughout.

Local Government

H 845. ANNEXATION REFORM ACT OF 2011. Filed 4/6/11. House committee substitute makes the following changes to 2nd edition.

Adds that the term “used for residential purposes” includes any lot or tract used in common for social or recreational purposes by either owners of lots with habitable dwelling units or owners of lots intended for occupation by dwelling units and the lot owners have a real property interest in the commonly used property that attaches to or is appurtenant to the owners’ lots. Makes other clarifying changes to the definitions in proposed GS 160A-58.51. Clarifies that the annexation ordinance must fix the effective date for annexation as June 30 next following the adoption of the ordinance or the *second* June 30 following adoption. Clarifies and reorganizes the procedures that apply to petitions to deny annexation ordinances, and directs the municipality to reimburse the tax assessor for the costs of the petition process. Clarifies that the municipality must report to the Local Government Commission within six months (rather than 30 days) after the effective date of the annexation ordinance as to whether the extension of water and sewer lines was completed within the specified time period. Amends proposed GS 160A-58.56(f)(2) to clarify, within the definition of “at no cost other than periodic user fees,” that the property owner may be charged no more than as provided in GS 160A-58.56(d) (previously granted the owner a certain credit). Amends proposed GS 160A-58.60(i) to clarify that if part or all of the area annexed is the subject of an appeal on the effective date of the annexation ordinance, then the ordinance will be deemed amended to make the effective date the first June 30th at least six months after the date of the final judgment, or the first June 30th at least six months from the date the municipal governing board completes action to conform to the court’s instructions.

Amends GS 160A-31, as amended by Section 3 of SL 2011-57, by removing previously added language stating that the petition need not be signed by owners of real property wholly exempt from property taxation under the Constitution and laws of North Carolina. Amends GS 160A-31(b1) by reducing the number of households with incomes that are 200% or less than the most recently published poverty threshold needed to petition for annexation, from 2/3 to 51%. Directs, in addition to previous limitations, that the governing board of any municipality annex by ordinance any area the population of which is no more than 10% of that municipality, as specified. Provides that a municipality is not required to adopt more than one ordinance under the subsection in a 36-month period. Amends GS 160A-31(d) by deleting a provision requiring residents of a municipality who question the necessity for annexation to be heard at the public hearing. Creates new subsection (d1) authorizing a governing body to adopt an annexation ordinance with an effective date no later than 24 months after the adoption of the ordinance, upon finding that a petition submitted under subsection (j) meets requirements.. Creates new subsection (d2) to direct, upon a finding that a petition submitted under (b1) meets the requirements of the statute, the governing body, within 60 days of the finding, to estimate the capital costs to the municipality of extending water and sewer lines to all parcels within the area covered by the petition and to estimate the annual debt service payment that would be required if those costs were financed by a 20 year bond. Provides guidelines a governing body must follow to adopt, based on the above estimations, an annex ordinance or a resolution declining to annex the area. Creates new subsection (d3) to require municipal services be provided to an area annexed under subsections (b1) and (j) in accordance with the requirements of Part 7 of the Article.

Amends GS 143B-437.04(a) regarding the requirement that the Department of Commerce adopt guidelines for awarding Community Development Block Grants by adding a new subdivision (3) to require that those guidelines ensure that priority consideration is given to projects located in areas annexed by a municipality under Article 4A of GS Chapter 160A in order to provide water or sewer services to low-income residents. Defines low-income residents as those with a family income that is 80% or less of median family income. Also amends GS 159G-23 to add a new subdivision (9) to direct the Division of Water Quality and the Division of Environmental Health to each establish a system of assigning points to applications based on the criteria that the location of a project is in an area providing water or water services to low-income residents as prescribed in GS 143B-437.04(a), as amended in this act. Provides that this act does not apply to any municipality that requires in its charter that an annexation be approved by (1) either the voters in a referendum or the request of a majority of the property owners, (2) the voters in a referendum, or (3) the request of a majority of the property owners, except for the sections that amend GS 143B-437.04(a), GS 159G-23, and GS 160A-31. Makes a conforming change to provide that this act applies to petitions for annexations under Part I and Part 4 of GS Chapter 160A, Article 4A (was, Part 1).

Makes additional clarifying changes.

Local Government

SENATE BILLS

S 125. [REGIONAL SCHOOLS](#). Filed 2/24/11. Senate committee substitute makes the following changes to 3rd edition. Amends proposed GS 115C-238.56B to clarify that a *regional school* is a school created under proposed GS 115C-238.56C which includes grades nine through twelve and may include grades seven and eight. Also defines *regional school board of directors or board of directors* as the governing board of a regional school appointed under GS 115C-238.56D.

Amends GS 115B-2(a)(6) to clarify that the waiver of tuition for a student enrolled in a regional school who enrolls in classes at a UNC constituent institution or community college applies only if there is a written agreement between the regional school and the constituent institution or community college.

Under current law, in order to establish a cooperative innovative high school program under Part 9 of GS Chapter 115C, Article 16, a local board of education must make a joint application with at least one local board of trustees of a community college, constituent institution of the University of North Carolina, or private college located in North Carolina. Amends GS 115C-238.50A to define the term *local board of education* to mean a local board as defined in GS 115C-5(5) or a regional school board of directors as defined in proposed GS 115C-238.56B(5).

Education

S 288. [ATLANTIC BEACH/BEAUFORT/PARKING](#). Filed 3/9/11. House committee substitute makes the following changes to 1st edition. Deletes proposed subsection (b1) to GS 160A-301, which allowed cities to retain certain civil penalties collected for parking violations. Makes conforming change to title.

Carteret

S 685. [MODIFY REGULATION OF PROPRIETARY SCHOOLS](#). Filed 4/19/11. Senate committee substitute makes the following changes to 1st edition. Amends the title of the Board established in the North Carolina Community Colleges System Office in proposed GS 115D-89.1 to the State Board of Proprietary Schools (was, the State Board of Private Sector Postsecondary Education). Makes conforming changes to various provisions in GS Chapter 115D to replace references to the State Board of Private Sector Postsecondary Education with references to the State Board of Proprietary Schools (Board), or to add references to the State Board of Proprietary Schools, as applicable. Clarifies that either the President of the North Carolina Community College System or the President's designee is to serve on the State Board of Proprietary Schools. Deletes provision that initial appointments to the Board must begin July 1, 2011. Deletes requirement that the Governor convene the membership of the Board on or before January 1, 2012. Clarifies that the Board's authority to establish certain fees is in accordance with Article 2A of GS Chapter 150B. Deletes changes to subsection GS 115D-95(c) and subdivisions (1) and (2) of subsection (c), which replaced authority of the State Board of Community Colleges with regard to bond waivers, assignment of savings account, and certain certificates of deposit, transferring that authority to the State Board of Private Sector Postsecondary Education. Amends GS 115D-95(b)(2) to provide that bond amounts required with the application for a license as a proprietary school must be evaluated under this subdivision and the rules of the State Board of Community Colleges *and* the State Board of Proprietary Schools (was, the rules of the State Board of Community Colleges). Makes additional technical and clarifying changes.

Education

Legislation Enacted

SL 2011-69 (S 269). [HILLSBOROUGH OCCUPANCY TAX](#). AN ACT TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO LEVY A ROOM OCCUPANCY TAX. Summarized in *Daily Bulletin* 3/8/11. Enacted May 11, 2011. Effective May 11, 2011.

Orange

SL 2011-70 (S 295). [MARSHVILLE CHARTER CONSOLIDATION](#). AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE. Summarized in *Daily Bulletin* 3/9/11. Enacted May 11, 2011. Effective May 11, 2011.

Union

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Notes

None

NEXT SESSIONS

May 12, 2011

HOUSE convenes at 1:00 p.m.

SENATE convenes at 11:00 a.m.