

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

---

## School of Government

The University of North Carolina at Chapel Hill

Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601

Phone 919.733.2484 ~ Fax 919.715.3464 ~ [www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu)

---

House Legislative Day 64

Vol. 2011, No. 64

Senate Legislative Day 64

*Monday, May 16, 2011*

---

### Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	1
Action on Bills _____	2
Summaries of Amendments and Committee Substitutes _____	5
Legislation Enacted _____	6
Index by Keyword _____	7
Notes _____	7
Next Sessions _____	7

## SUMMARIES OF BILLS FILED

### *Public Bills*

None

### *Local Bills*

None

© 2011 School of Government  
The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

**ACTION ON BILLS****May 16, 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**

H0054 Habitual Misdemeanor Larceny.	HA Amend Adopted 1 HA Amend Adopted 2 H Passed 3rd Reading H Ordered Engrossed
03-09-11, 05-11-11, 05-16-11	
H0197 School Calendar Flexibility/ Inclement Weather.	H Concurred In S/Com Sub
05-05-11	
H0222 Electric Vehicle Incentives.	H Rec To Concur S Com Sub H Cal Pursuant Rule 36(b) H Placed On Cal For 5/17/2011
04-13-11, 04-14-11, 05-10-11	
H0271 Probation Officer/No Concealed Carry Required.	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
H0366 Special Election Dates.	HA Amend Adopted 1 H Passed 2nd Reading
05-12-11, 05-16-11	
H0406 Voluntary Agriculture Districts.	S Rec From House S Passed 1st Reading S Ref To Com On Agriculture/ Environment/Natural Resources
H0408 Amend Criminal Discovery Laws.	H Passed 2nd & 3rd Reading
05-12-11	
H0451 DWLR Penalties Increased/ Vehicle Seizures.	S Rec From House S Passed 1st Reading S Ref to Judiciary II. If fav, re-ref to Appropriations/ Base Budget
04-28-11	
H0474 Protect Adult Care Home Residents.	S Passed 2nd & 3rd Reading
04-26-11, 04-28-11, 05-12-11	
H0484 Transfer Emergency Foreclosure Program to HFA.	S Rec From House S Passed 1st Reading S Ref To Com On Commerce
H0493 Landlord Tenant Law Changes.	H Passed 2nd & 3rd Reading
05-09-11	
H0514 Uniform Military and Overseas Voters Act.	H Passed 2nd & 3rd Reading
05-12-11	
H0572 Accountability for Publicly	HA Reptd Fav Com Substitute

Funded Nonprofits. 05-16-11	H	Cal Pursuant Rule 36(b)
H0585 NC Energy Independence Study. 05-12-11	H	Passed 2nd & 3rd Reading
H0594 Functionally Equivalent Wastewater Systems. 05-12-11	H	Passed 2nd & 3rd Reading
H0597 UI/Fix Aggrieved Party Definition.  05-16-11	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 5/17/2011
H0623 Eliminate Agency Final Decision Authority.  05-16-11	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 5/17/2011
H0649 Amend Grounds/License Revocat'n/Bail Bondsman.  05-16-11	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 5/17/2011
H0658 Change Early Voting Period. H0670 Sodium Resolution.  05-16-11	H H H	Postponed To 5/18/2011 Withdrawn From Com Placed On Cal For 5/17/2011
H0673 Street Gang Nuisance Abatement.  05-16-11	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 5/17/2011
H0713 Public Contracts/Multiple Award.  05-16-11	H	Assigned To Commerce and Job Development Subcommittee on Business and Labor
H0750 Stormwater Sys. Owners Asscs./ SD Rules. 05-12-11	H	Passed 2nd & 3rd Reading
H0769 High School to Work Partnership. 04-20-11	H	Ratified
H0780 Innocence Commn/Case Files & Evidence. 05-12-11, 05-16-11	H	Assigned To Judiciary Subcommittee B
H0795 Patient Access to Pathological Materials. 05-12-11, 05-16-11	HA H	Amend Adopted 1 Passed 2nd Reading
H0806 Zoning St. of Limit./Ag. Dist. Change.  04-27-11, 05-11-11	S S S	Rec From House Passed 1st Reading Ref To Com On State and Local Government
H0845 Annexation Reform Act of 2011. 05-03-11, 05-11-11	H	Passed 3rd Reading
S0170 Clarify Nuisance Abatement Laws. 05-10-11	S S	Withdrawn From Cal Re-ref Com On Judiciary II
S0244 Fire and Rescue/Survivor's Benefit. 03-31-11	S	Ratified
S0300 Miscellaneous Service/Process Amendments.	H H	Passed 1st Reading Ref To Com On Judiciary Subcommittee A

S0384	Conforming Changes/Persons W/ Disabilities Act.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/17/2011
S0428	Study Consolidated Environmental Commission.	H	Passed 1st Reading
		H	Ref To Com On Environment
S0512	Authorize Overnight Respite Pilot.	S	Passed 2nd & 3rd Reading
	05-12-11		
S0513	Allow Savings Promotion Raffles.	H	Passed 1st Reading
		H	Ref To Com On Banking
S0600	Out-of-State Law Enforcement/ Special Events.	H	Passed 1st Reading
		H	Ref To Com On Government
	05-10-11		
S0613	Hunting & Fishing/Active Duty Military.	H	Passed 1st Reading
		H	Ref To Com On Agriculture
	05-10-11		
S0626	PED to Study DENR Action/ Alcoa Contamination.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
	05-10-11		
S0644	DSS Adoption Assistance Agreements Binding.	S	Passed 2nd & 3rd Reading
	05-12-11		
S0648	Amend Law Re: School Discipline.	H	Passed 1st Reading
		H	Ref To Com On Education
	05-05-11		
S0661	License Plate Agency Contracts.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
	05-10-11		
S0749	Modify Weight Limits for Farm Operations.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
	04-28-11		
S0756	Amend Bail Law/Pretrial Release Programs.	S	Withdrawn From Com
		S	Re-ref Com On Judiciary II

### LOCAL BILLS

H0193	Topsail Beach Recall Elections.	H	Ratified
	03-24-11, 03-28-11		
H0194	Topsail Beach Charter Amendment.	H	Ratified
H0266	Wake Local Energy Efficiency.	S	Withdrawn From Com
		S	Re-ref Com On State and Local Government
	04-07-11		
H0414	Amend Rutherford County Occupancy Tax.	H	Passed 3rd Reading
H0415	Topsail Beach/Nags Head/	H	Concurred In S/Com Sub

Littoral Rights.		
05-04-11		
H0516	Mount Airy Charter Amendments.	H Passed 2nd & 3rd Reading
H0523	CHANGE Winston-Salem/Forsyth Election Method.	H Placed On Cal For 5/17/2011
05-12-11		
H0528	Duplin Elections.	H Passed 2nd Reading
H0565	Morehead City/Beaufort Boundary.	H Passed 2nd Reading
H0804	Johnston Memorial Hospital Not in LGERS.	S Rec From House S Passed 1st Reading S Ref To Com On Pensions & Retirement and Aging
05-05-11		
S0019	Union Fire Fee Sunset Repealed.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
S0200	Alamance/Orange 9% Boundary.	S Passed 3rd Reading
S0201	Alamance/Orange Boundary.	S Passed 3rd Reading
04-14-11		
S0288	Atlantic Beach/Beaufort/Parking.	S Rec To Concur H Com Sub S Placed On Cal For 5/17/2011
05-11-11		
S0431	Fontana Dam Incorporated.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 54. [HABITUAL MISDEMEANOR LARCENY](#).** Filed 2/8/11. House amendments make the following changes to 3rd edition. Amendment # 1 amends proposed subdivision GS 14-72(b)(6) to delete provision stating that convictions in which the court record shows that the defendant waived counsel are not included in the seven prior convictions required under the subdivision. Also provides that each conviction based on offenses that took place in separate counties counts as a separate prior conviction under the subdivision.

Amendment # 2 amends proposed subdivision GS 14-72(b)(6) to prohibit inclusion of a conviction in the seven prior convictions required under the subdivision unless the defendant (1) was represented by counsel, or (2) waived counsel at first appearance or otherwise prior to trial or plea.

Criminal Law, Procedure, and  
Sentencing

**H 366. [SPECIAL ELECTION DATES](#).** Filed 3/15/11. House amendment makes the following changes to 2nd edition. Deletes previous amendment to GS 105-601(b) concerning local land transfer tax elections.

Elections Law; Local Government

**H 572. [ACCOUNTABILITY FOR PUBLICLY FUNDED NONPROFITS](#).** Filed 3/30/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 55A-16-24 to clarify that a corporation receiving any public grants or loans from a local government, the state, or the federal government must provide *annual* financial statements to any member of the public, and must provide the most recently completed and filed Internal Revenue Service Form 990, *excepting* information not required for public disclosure under federal law. Provides that in addition to maintaining these documents on its public website, a corporation may comply with these provisions by having such materials posted on a website established and maintained by another entity, as long as the entity does not charge a fee or require website registration to access the information.

## Business and Commerce

**H 597. UI/FIX AGGRIEVED PARTY DEFINITION.** Filed 4/4/11. House committee substitute makes the following changes to 1st edition. Makes a technical change only.

## Employment and Retirement

**H 623. ELIMINATE AGENCY FINAL DECISION AUTHORITY.** Filed 4/5/11. House committee substitute makes the following changes to 1st edition. Amends GS 150B-51(c) to provide a new standard of review for a superior court reviewing a final decision in a contested case. Directs the court to determine if the decision is supported by substantial admissible evidence in the record. Allows the court to reverse the decision or remand the case to the administrative law judge or the agency, whichever is applicable, for entry of a decision in accordance with the evidence in the official record, if the court determines the decision is not supported by substantial evidence in the record (current standard of judicial review is de novo). Makes conforming changes to various applicable statutes. Repeals GS 126-4.1, 126-14.4(f), and 135-44.7(c). Changes effective date to January 1, 2012 (was, January 1, 2011), and applies to contested cases commenced on or after that date.

## APA/Rule Making; State Government

**H 649. AMEND GROUNDS/LICENSE REVOCAT'N/BAIL BONDSMAN.** Filed 4/5/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 58-71-122 to require that the contract for the transfer of a business by a licensed professional bondsman to another licensed professional bondsman must (1) include a list of the transferring bondsman's pending outstanding bail bond obligations (was, liabilities) and (2) be filed with the Commissioner of Insurance (was, must be filed with the Commissioner and with the clerk of superior court where the licensee has pending outstanding bail bond obligations). Provides that the bondsman making the transfer remains responsible for all outstanding bond obligations despite filing the contract with the Commissioner until there is a substitution of surety under GS 15A-538, relief from an individual obligation under GS 15A-534(h), or satisfaction of any final judgment of forfeiture that is entered on the bond obligation. Deletes amendment to GS 58-71-125, which made certain records involving bail bond runners in the possession of the Commissioner or any organization of which the Commissioner is a member confidential.

## Business and Commerce

**H 673. STREET GANG NUISANCE ABATEMENT.** Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 14-45.42(b) to clarify that the statute does not apply if the owner or the person in legal possession of the real property being used for criminal street gang activity does not have actual knowledge that the property is being used for street gang activity, or if the owner is being coerced into allowing the property to be used for street gang activity (previously limited exception to actual knowledge). Amends GS 14-45.43(a) providing that a street gang that regularly engages (was, associates) in criminal street gang activities constitutes a public nuisance.

## Criminal Law, Procedure, and Sentencing

**H 795. PATIENT ACCESS TO PATHOLOGICAL MATERIALS.** Filed 4/6/11. House amendment makes the following changes to 1st edition. Amends proposed GS 90-411.1(a), clarifying that a health care provider must furnish specified pathological materials and *all other* medical records of the patient in the provider's possession (was, any medical records that pertain to the pathological materials) upon receipt of written, notarized authorization from the patient. Makes a conforming change. Clarifies the definition of *pathological materials*, as used in GS 90-411.1(d)(2), to include the pathology report.

## Health, Social Services, and Aging

## Legislation Enacted

None

## Index by Keyword

APA/Rule Making

H 623, 6

Business and Commerce

H 572, 6

H 649, 6

Criminal Law, Procedure, and Sentencing

H 54, 5

H 673, 6

Elections Law

H 366, 5

Employment and Retirement

H 597, 6

Health, Social Services, and Aging

H 795, 6

Local Government

H 366, 5

State Government

H 623, 6

## Notes

None

## NEXT SESSIONS

May 17, 2011

**HOUSE convenes at 2:00 pm**

**SENATE convenes at 3:00 pm**