

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	16
Action on Bills _____	17
Summaries of Amendments and Committee Substitutes _____	20
Legislation Enacted _____	21
Index by Keyword _____	21
Notes _____	22
Next Sessions _____	23

SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 941. [PSEUDOEPHEDRINE AMOUNT CLARIFICATIONS.](#) Filed 5/16/12. *TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE.*

Amends GS 90-113.53 (transaction limits) to clarify that no one may deliver or purchase more than 3.6 grams of pseudoephedrine products per day, and no one may purchase more than 9 grams within a 30-day period.

Intro. by Horn.

GS 90

Health, Social Services, and Aging

H 942. [PSEUDOEPHEDRINE RECORD KEEPING CLARIFICATION.](#) Filed 5/16/12. *TO CLARIFY THE ELECTRONIC RECORD-KEEPING REQUIREMENTS FOR PSEUDOEPHEDRINE PRODUCTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE.*

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Amends GS 90-113.52(c) (restrictions on sales) to eliminate the requirement that each form signed by a purchaser of pseudoephedrine products include a statement about the maximum product amounts allowed.

Intro. by Horn.

GS 90

Health, Social Services, and Aging

H 944. DCR AND DENR/STUDY STATE ATTRACTIONS SAVINGS. Filed 5/16/12. *TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

As title indicates. Directs the Department of Cultural Resources to study specified issues, including reduced schedules at historic sites and potential savings from adjusting admission fees. Directs the Department of Environment and Natural Resources to study specified issues, including visitation data in relation to periodic closure at parks and an analysis of costs and savings from transferring zoo operations. Includes reporting requirements for both departments.

Intro. by Howard.

STUDY

State Government

H 946. RESTORE FUNDING FOR TEACHING FELLOWS PROGRAM. Filed 5/16/12. *TO RESTORE FUNDING FOR THE TEACHING FELLOWS PROGRAM.*

Appropriates \$3,475,000 in recurring funds for 2012-13 from the General Fund to the Department of Public Instruction as the title indicates. Makes a conforming change, repealing Section 1.38 of SL 2011-266 (repealed statutory provisions for funding the Teaching Fellows Program). Effective July 1, 2012.

**Intro. by McLawhorn, Lucas,
Bell, Tolson.**

APPROP

Budget and Appropriations;
Education

H 947. EUGENICS COMPENSATION PROGRAM. Filed 5/16/12. *TO PROVIDE MONETARY COMPENSATION TO PERSONS ASEXUALIZED OR STERILIZED UNDER THE AUTHORITY OF THE EUGENICS BOARD OF NORTH CAROLINA.*

Adds new Part 30, *Eugenics Asexualization and Sterilization Compensation Program*, to Article 9 in GS Chapter 143B, to give \$50,000 in compensation to every qualified recipient. Defines *qualified recipient* as an individual asexualized or sterilized by the Eugenics Board of NC, who was living on March 1, 2010. Allows individuals to submit a claim for compensation on or before December 31, 2015, and authorizes a personal representative to submit a claim for an individual who died on or after March 1, 2010. Sets out the procedure for the NC Industrial Commission to determine whether individuals are qualified recipients, and provides the right to appeal. Directs the Industrial Commission to use \$184,000 of 2012-13 appropriated funds to administer this provision. Creates the Office of Justice for Sterilization Victims in the Department of Administration (DOA) to assist individuals who may be qualified recipients, and directs DOA to use \$654,000 of 2012-13 appropriated funds to cover expenses.

Makes all records received or submitted under Part 30 confidential. Makes conforming changes to GS 132-1.23, and allows release of minutes or reports from the Eugenics Board if identifying information is redacted. Exempts payments of compensation from income taxation, and specifies that the payments are not considered income or assets for purposes of determining eligibility for public assistance. Makes conforming changes to GS 105-134.6(b), and by enacting GS 108A-26.1. Prohibits the extension of any statute of limitations that expired before July 1, 2012, and limits the state's liability to the compensation amount.

Establishes the Eugenics Sterilization Compensation Fund in the Office of the State Treasurer to pay the compensation under Part 30, and directs the Office to use \$10 million in 2012-13 appropriated funds. Effective when the act becomes law, directs the Department of Health and Human Services to submit specified state plan amendments to the Centers for Medicare and Medicaid Services, by July 1, 2012, to allow for income disregard of the compensation payments. Directs the Department of Cultural Resources to electronically scan and index records and minutes of the Eugenics Board, and requires DOA to create an electronic database of the information. Directs the Department of Cultural Resources to use \$57,000 and directs DOA to use \$155,000 from 2012-13 appropriated funds for these projects.

Effective July 1, 2012, unless otherwise indicated.

**Intro. by Womble, Tillis, Parmon,
Stam.**

GS 105, 108A, 132, 143B

Health, Social Services, and Aging;
State Government; Taxation

H 948. REPEAL LITERACY TEST. Filed 5/16/12. *TO REPEAL THE LITERACY TEST FOR VOTERS.*

Subject to approval by voters at the statewide election in November 2012, repeals Section 4 of Article VI of the North Carolina Constitution, which requires persons registering to vote to be able to read and write any section of the Constitution in English. If approved, effective upon certification of the election.

Intro. by K. Alexander.

CONST

Constitutional Amendment;
Elections Law

H 949. MODIFY MORTGAGE REGULATION FUNDING. Filed 5/16/12. *TO MAKE CHANGES TO THE LAW DEALING WITH THE ANNUAL ASSESSMENTS OF MORTGAGE BANKERS, MORTGAGE BROKERS, AND MORTGAGE SERVICERS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.*

Adds new GS 53-244.100A to Article 19B of GS Chapter 53 to create a new funding mechanism for mortgage regulation by replacing the licensing fees for mortgage companies with an assessment system. Provides that the assessment would include a base amount of \$2,000 for volumes of no more than \$1.5 million, plus an additional amount based on the loan and servicing volume reported by the licensee (mortgage bankers, brokers, and servicers) to the Office of the Commissioner of Banks for the previous calendar year. Includes a table setting out the amount per thousand dollars to be applied to various brackets of loan and servicing volume. Authorizes the Commissioner of Banking to collect the assessment either annually or in periodic installments as approved by the Banking Commission.

Amends GS 53-244.101 (License renewal), repealing the renewal fees currently paid by lenders, brokers, and servicers. Amends GS 53-244.115 (Investigation and examination authority) to provide that the assessment system set out in proposed GS 53-244.100A is for the purpose of meeting the cost of regulation under Article 19B. Repeals GS 53-244.119(e) regarding administrative processing fees for license status changes. Makes additional conforming changes.

Effective October 1, 2012.

Intro. by Brubaker.

GS 53

Banking and Finance

H 950. [MODIFY 2011 APPROPRIATIONS ACT.](#) Filed 5/16/12. *TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.*

Blank bill.

Intro. by Brubaker.

APPROP

Budget and Appropriations

H 951. [BANKING LAW MODERNIZATION ACT.](#) Filed 5/16/12. *TO REWRITE THE BANKING LAWS OF NORTH CAROLINA AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.*

Rewrites North Carolina's banking laws as recommended by the Joint Legislative Study Commission on the Modernization of NC Banking Laws. Renames GS Chapter 53 as *Regulation of Financial Services* to more accurately reflect the scope of the Chapter.

Repeals Articles 1 through 10, 12, and 13 of GS Chapter 53 and replaces them with the following new Articles in new GS Chapter 53C "Regulation of Banks."

Article 1 – General Provisions. Defines the scope and applicability of GS Chapter 53C. Provides that unless the context specifies otherwise, as applying to (1) all existing banks organized or created under North Carolina law; (2) all banks created under Article 3 of GS Chapter 53C; (3) all persons who subject themselves to the provisions of GS Chapter 53C; and all persons who violate the provisions of GS Chapter 53C and thereby become subject to the Chapter's penalties. States that the provisions of this act apply to federally chartered depository institutions with a branch in North Carolina except as restricted by federal law. Also provides that except as restricted by federal law or by the laws of another state in which it was created, an out-of-state bank having a branch in North Carolina is entitled to the same exemptions and immunities as banks organized and created under this state's law. Provides additional specifications regarding the applicability of GS Chapter 53C to the operations of depository or trust institutions in the state.

Creates a more comprehensive definitions section than under current law. Includes definitions describing the various banking organizations affected by the statute and the federal and state supervisory and regulating agencies.

Includes a severability clause to provide that if one provision of this Chapter is found to be invalid or preempted by federal law, it does not affect the remaining provisions and they continue to be valid.

Article 2 – Commission and Commissioner. Reauthorizes the Banking Commission (Commission) and reduces the membership to 15 including the State Treasurer as an ex officio member (was, 19). Provides criteria for appointments to the Commission, term lengths, filling vacancies, and providing subsistence and travel expenses to Commission members. Also provides criteria regarding the scheduling of meetings, the conditions

under which meeting via telephone or video conference is permitted, handling confidential information, and determining a quorum.

Provides for the appointment of a Commissioner of Banks (Commissioner) by the Governor effective April 1, 2011, and every four years thereafter subject to confirmation by the General Assembly by joint resolution. Delineates requirements regarding the appointment of the Commissioner. Provides that the Commission is authorized to supervise, direct, and review the Commissioner's exercise of powers, duties, and functions. Authorizes the Commissioner to adopt all necessary rules subject to the approval of the Commission. Provides that there is to be an Office of the Commissioner of Banks (OCOB) to assist the Commissioner in the performance of the duties of office and declares guidelines governing the selection of personnel and the operation of the OCOB. Establishes uniform provisions for hearings and appeals for all statutes administered by the Commission and the Commissioner. Revises and expands the list of records which are confidential and extends the legally required confidentiality to legal discovery as well as other requests.

Article 3 – Organization of a Bank. Requires an applicant to seek permission to organize as a bank from the Commissioner. Directs the applicant to provide all information required by the Commissioner and to pay a non-refundable application fee. Requires that the organizers have permission from the Commissioner to file articles of incorporation with the Secretary of State. Declares that a proposed bank is under the jurisdiction of the Commissioner. Directs that the proposed bank's articles of incorporation must contain information required by GS Chapter 55 (the Business Corporation Act). Provides criteria that must be met by the organizers prior to the approval of the Commissioner of the charter for a proposed bank. Provides that the Commissioner has the authority to deny approval of an application and provides that an applicant may appeal the denial to the Commission under GS 53C-2-6.

Provides that the Commission hold a public hearing to review the approval of an application by the Commissioner. Requires the applicant to publish notice of the public hearing by the Commission and provides guidelines as to what must be contained in that notice. Authorizes the Commission to approve, modify, or disapprove the Commissioner's decision with respect to the applicant. Prohibits a bank from beginning its operations until the Commissioner issues a charter. Includes provisions for appealing unfavorable decisions from the Commission or the Commissioner.

Article 4 – Governance of Banks. Provides that banks must be formed as corporations under North Carolina law. Requires that a bank be operated and controlled by its board of directors. Establishes the qualifications and liabilities of directors. Requires the board to establish at minimum audit, executive, and loan committees and provides that it may establish others. Requires officers and employees to provide a bond. Establishes the basis upon which the directors may declare a distribution. Provides additional specifications for the governance of banks including affiliate transactions, maintenance of a reserve fund, assessment of the board of directors, and the functions of a compliance review committee.

Article 5 – Powers of Banks. Delineates express powers of banks that are in addition to the powers conferred upon business corporations organized under the laws of North Carolina. Provides that a bank has all powers *reasonably necessary or incident* to carry out the business of banking. Requires a bank proposing to engage in new activity to apply to the Commissioner for approval unless specified conditions are met that allows for an exception to the prior approval requirement.

Restates the investment authority for banks. Permits investments in depository institutions, other specialized financial institutions, federally chartered institutions, and a variety of state and federal bonds.

Recodifies former GS 53-45 (as GS 53C-5-3) which authorizes banks, and other fiduciaries to invest in securities approved by the Federal Housing Administration (FHA), the Veterans Administration (VA), or the Secretary of Housing and Urban Development (HUD).

Article 6 – Bank Operations. Establishes provisions that govern a bank's lending functions. Prohibits a bank from making loans to finance the purchase of the bank's stock or "to carry" the stock as defined in 12 CFR Part 221 by the Federal Reserve Board. Provides rules for the maximum amount of loans and extensions of credit that may be made to a single person. Identifies types of transactions that are not to be considered as extensions of credit within the meaning of this subsection. Provides definitions and conditions that apply to this subsection. Directs the Commissioner to monitor the lending activities of banks for activities that could adversely affect the safety and soundness of banks. Prevents the Commissioner from adopting rules that preclude a state bank from making loans that would be permitted to a federally chartered institution.

Authorizes a bank to offer all types of deposit accounts and requires the bank to obtain FDIC insurance on its accounts.

Provides rules governing the securing of deposits. Prohibits a bank from creating a lien on its assets or to otherwise secure the repayment of a deposit except as authorized or required by this section, other state laws, or federal law.

Authorizes a bank to deal with a minor like an adult for purposes of deposit accounts and safe deposit boxes. Provides the structure for a simple account open for a minor by an adult. Provides that these provisions do not affect the law governing transactions with minors in cases outside the scope of this section.

Provides that any two or more individuals may establish a joint deposit account via a written contract and the account will be held for them as joint tenants. Provides that the account may also be held under GS 41-2.1 (right of survivorship in bank deposits created by written agreement). Specifies requirements for joint accounts with right of survivorship and provides a model disclosure form for such accounts. Also establishes the incidents of Payable on Death (POD) accounts and provides a model disclosure form. Provides that this section does not repeal or modify any provision of law relating to estate taxes.

Provides criteria for establishing a personal agency account and provides a model disclosure form. Provides that any personal agency account that was created under GS 53-146.3 (personal agency accounts) prior to the effective date of this section is to be governed by the provisions of this section after the effective date of this section.

Defines the bank's duty in a number of cases, including payment of the balance of an account of a person who is deceased or under a disability, payment under a power of attorney, when and how account statements must be sent and are deemed final, safe deposit boxes and unpaid rentals, and reproduction and retention of records.

Delineates the process for banks to establish branches in this state or other states. Provides that branches may be established de novo (new entities) or by acquisition of existing branches of another bank. Requires the approval of the Commissioner to open a branch, to change the location of a branch or a principal office, or to close a branch.

Sets the process for banks to establish non-branch bank offices. Permits an out-of-state bank to establish and operate a non-branch bank business office in North Carolina upon providing written notice to the Commissioner.

Provides that the bank management may determine the days and hours of the bank's operation. Also provides rules governing the suspension of banking operations during an emergency.

Article 7 – Control Transactions; Combinations; Conversions.

Part I-Change in Control. Prohibits a person from engaging in a control transaction, as defined by GS 53C-1-4(22), involving a bank without the Commissioner's prior approval except as otherwise expressly permitted by this section. Authorizes a contract for a control transaction to be executed without the Commissioner's approval as long as the consummation of the transaction is contingent on the Commissioner's approval. Requires a control transaction applicant to submit the application for approval in a form as required by the Commissioner, pay a filing fee as required by rule, and submit any additional information required by the Commissioner. Requires the applicant to publish notice of the application. Directs the Commissioner to act on the application within 60 days, absent extraordinary circumstances.

Part II-Combinations. Sets the process for dealing with a bank's application to combine with one or more depository institutions or non-depository institution. Requires that the applicant bank be the surviving entity in any combination with a non-depository institution. Requires approval of the Commissioner to combine the institutions. Directs that the application include copies of agreements under which the combination is proposed and any information required by the Commissioner. Mandates that the applicant must publish public notice. Requires the Commissioner to act on the application within 60 days, absent extraordinary circumstances. Authorizes the establishment of an interim bank to effectuate the combination and authorizes a combination with a subsidiary.

Part III-Charter Conversion. Sets the process by which a depository institution that is not a bank may apply to the Commissioner for permission to convert to a North Carolina bank charter. Requires that the applicant submit a conversion plan as a part of the application process and provides that the application be in a form as set by the Commissioner and be accompanied by a fee as set forth by rule. Also provides process for a state bank to convert to another type of institution.

Article 8 – Bank Supervision. Restates the Commissioner's authority to supervise banks, including the authority to order an examination or investigation of any suspected violation of the banking laws. Sets the schedule of bank assessments and fees to be paid into the office of the OCOB. Requires banks to file annual and periodic reports of conditions. Also requires banks to file copies of all applications and reports of condition filed by the bank under federal law at the same time as it files such documents with its primary federal regulator.

Grants broad authority to the Commissioner to examine a bank, its holding company and affiliates, including access to all books and records of the bank, its holding company or affiliates.

Makes it a Class H felony for an examiner to knowingly or willfully make a false report after an examination. Makes it a Class 1 misdemeanor for an examiner or other employee of OCOB to fail to maintain confidentiality of information obtained in an examination. Makes it a Class 1 misdemeanor for a bank to make any loan or give any gratuity to the Commissioner, deputy commissioner, or any examiner. Also makes it a Class 1 misdemeanor for

the Commissioner, deputy commissioner, or any bank examiner to accept any such loan or gratuity. Makes it a Class 1 misdemeanor for any person to transmit false statements about the financial condition of a bank.

Establishes Class C and H felonies for the misapplication and embezzlement of funds

Specifies the authority of the Commissioner in enforcing banking laws. Authorizes the Commissioner to issue a show cause order to place a bank under supervisory control, when the Commissioner believes the bank has insufficient capital or is being operated in an unsafe or unsound manner that threatens the financial integrity of the bank. Also authorizes the Commissioner to issue an order that temporarily removes an officer, director, or employee of the bank if the Commissioner believes that person has violated the law or engaged in unsafe or unsound practices or for other reasons.

Authorizes the Commissioner to enter cooperative supervisory and information sharing agreements with out-of-state bank regulatory agencies.

Article 9 – Supervisory Liquidation; Voluntary Dissolution and Liquidation.

Part 1-Authorizes the Commissioner to require a combination or other control transaction, upon a finding that the bank is unable to operate in a safe and sound manner. Permits the Commissioner to order the transaction to take place without a vote of the bank's shareholders. Prohibits a bank in the process of either voluntary or involuntary dissolution from paying distributions to its shareholders without the prior written consent of the Commissioner. Establishes the procedural requirements for the Commissioner to cancel a charter.

Part 2-Authorizes a bank, with the Commissioner's approval, to undertake a voluntary dissolution and liquidation.

Part 3-Sets forth the process for the Commissioner to take custody of the books, records, and assets of a bank, and for appointing a receiver for the purpose of receivership and liquidation of the bank.

Part 4-Establishes the provisions relating to any dissolution of receivership, including storage and destruction of records, termination of trusts, and appointment of successor or substitute trustee.

Article 10 – Bank Holding Companies.

Part 1-Requires holding companies to register with the Commissioner and to renew registration annually. Requires the approval of the Commissioner before a person may engage in a control transaction.

Part 2-Authorizes combinations of one or more holding companies or other companies with the approval of the Commissioner.

Part 3-Authorizes the Commissioner to issue cease and desist orders to holding companies upon finding that they may have violated the laws of this state. Requires holding companies to notify the Commissioner of changes in key personnel within two business days of the change.

The remainder of this act makes conforming changes to various sections of the General Statutes that contained references to the sections of the banking law that were repealed in this act (Articles 1 through 10, 12, and 13 of GS Chapter 53).

Effective October 1, 2012.

Intro. by Brubaker.

GS 1, 24, 25, 36C, 53, 53C, 45,
54B, 54C, 54, 116B, 120, 143,
164

Banking and Finance

H 952. STATE AIR TOXICS PROGRAM REFORMS. Filed 5/16/12. *TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Amends GS 143-215.107(a)(5) (concerning air quality standards) to require the Department of Environment and Natural Resources (DENR) to review permit applications for new or modified sources or facilities that would increase emission of toxic air pollutants; if DENR finds, through modeling, epidemiological studies, monitoring data, or other information, that the emission would pose an unacceptable risk to human health, the operator must submit a permit application that eliminates the risk. Exempts from rules controlling emission of toxic air pollutants any source that is subject to specified federal rules. Makes conforming changes.

Directs the Environmental Management Commission and the Division of Air Quality (Division) of DENR to review and amend their adopted rules, as detailed. Sets out Division reporting requirements.

Intro. by Gillespie, Samuelson.

GS 143

Agriculture, Environment, and
Natural Resources

H 953. ENVIRONMENTAL TECHNICAL CORRECTIONS 2012. Filed 5/16/12. *TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Amends GS 113A-115.1 (limitations on erosion control structures) to codify requirements included in SL 2011-387, which direct the Coastal Resources Commission to report to the Environmental Review Commission, by September 1 each year, on each permitted terminal groin and its accompanying beach fill project, as specified. Amends GS 143-214.11 to codify the order of preference in which the Ecosystem Enhancement Program must use the specified programs to provide for compensatory mitigation (requirements currently included in SL 2011-343). Makes conforming changes to the respective session laws, GS 113-182.1(e), and GS 143B-279.8(f).

Intro. by Gillespie, Samuelson. GS 113, 113A, 143, 143B Agriculture, Environment, and Natural Resources

H 954. ENR REPORTS CONSOLIDATION. Filed 5/16/12. *TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Amends Article 9 (Solid Waste Management) of GS Chapter 130A to consolidate certain Department of Environment and Natural Resources (DENR) reporting requirements under GS 130A-294(i). Directs DENR to report to additional specified bodies by January 1 (was, October 1) each year on the hazardous waste management program, as detailed. Effective December 31, 2017, amends GS 130A-294(i), as amended by this act, to modify several reporting requirements related to mercury reduction. Recodifies GS 130A-310.2(b) (notification to legislators about inactive hazardous substance or waste disposal site) as new subsection (a1) in GS 130A-310.10, and requires reporting before October 1 (rather than January 1) each year. Amends GS 143-215.94M to make the report required under the Oil Pollution and Hazardous Substances Control Act due November 1 (was, September 1) each year. Makes conforming changes.

Intro. by Gillespie, Samuelson. GS 130A, 143 Agriculture, Environment, and Natural Resources

H 955. PROTECT DENR FROM CO-APPLICANT LIABILITY. Filed 5/16/12. *TO PROTECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE STATE FROM POTENTIAL LIABILITY ASSOCIATED WITH BECOMING A CO-APPLICANT WITH A REGIONAL WATER SUPPLY SYSTEM ON THE FEDERAL APPROVALS NEEDED FOR THE ESTABLISHMENT OR EXPANSION OF A WATER SUPPLY RESERVOIR OR OTHER WATER SUPPLY RESOURCE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Amends GS 143-355.7(e) (required conditions for the state as co-applicant) as title indicates. Provides that the indemnification covers any liability related to (1) personal injury or injury to property arising from negligence, gross negligence, intentional acts or omissions, or unlawful conduct and (2) any violation of the federal approval, whether or not caused by the regional water supply system.

Intro. by Gillespie, Samuelson. GS 143 Agriculture, Environment, and Natural Resources

H 957. NC TRANSPORTATION MUSEUM SPECIAL PLATE. Filed 5/16/12. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE TO BENEFIT THE NORTH CAROLINA TRANSPORTATION MUSEUM.*

Amends GS 20-81.12(b2) as the title indicates. Plate development is contingent upon receipt by the Division of Motor Vehicles (DMV) of 300 or more applications. Provides the special plate revenue be transferred quarterly to the North Carolina Transportation Museum Foundation for operating expenses of the NC Transportation Museum and for educational and conservation programs. Makes conforming changes to renumber subdivisions accordingly.

Intro. by H. Warren, Cleveland. GS 20 Transportation

H 958. NC ZOO PUBLIC-PRIVATE PTSHP. Filed 5/16/12. *TO CREATE A PUBLIC-PRIVATE PARTNERSHIP FOR THE NORTH CAROLINA ZOOLOGICAL PARK, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON PUBLIC-PRIVATE PARTNERSHIPS.*

Repeals Part 22 of Article 7 in GS Chapter 143B (NC Zoological Park Council) and rewrites Article 14 (NC Zoological Authority) in GS Chapter 143 as follows. Directs the Department of Environment and Natural Resources (DENR) to enter into a management agreement with the NC Zoological Society (Society) to maintain and operate the zoo for a term not to exceed 25 years, with options to renew. Provides for transfer to the Society on January 1, 2013, and directs the Society to fulfill specified duties. Specifies that all state-owned property

remains under state title, and grants the Society naming rights on state-owned land or fixtures. Appropriates \$10 million annually to the Society for management expenses, except appropriates \$5 million for 2012-13. Provides for allocations from the Reserve for Repair and Renovation, as detailed, and appropriates \$3.2 million for 2012-13 to DENR for transition expenses. Specifies that the state retains design and construction oversight for capital improvement projects on state lands or when state funds are used, as follows: (1) requires state approval for projects costing over \$2 million and (2) permits the Society to supervise certain aspects of projects costing \$2 million or less. Authorizes DENR and the Society to enter into the management agreement at any time before January 1, 2013, the effective date of the bill. Makes conforming changes.

Intro. by Moffit, Brawley, Murry, R. Moore. GS 143, 143B, Approp

Budget and Appropriations;
Agriculture, Environment, and
Natural Resources; State
Government

H 959. STREAMLINE DOT SALE OF UNUSED PROPERTIES. Filed 5/16/12. *TO FACILITATE THE TRANSFER OF UNUSED DEPARTMENT OF TRANSPORTATION LAND TO THE PRIVATE SECTOR BY STREAMLINING THE PROCESS OF SELLING THAT LAND, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE OWNED ASSETS.*

Enacts new Article 2F, *Identification and Sale of Unused Property*, to classify unused property and specify the procedure for sale of property in each class. Defines *unused property* as real property owned by or allocated to the Department of Transportation (DOT) that is not needed for current or future transportation purposes. Directs the DOT to classify unused property as Class A, Class B, or Class C, according to size and use, and to promptly sell the property according to the detailed provisions for the applicable class. Requires any unsold, unused property to be publicly auctioned after one year, and then offered for sale to owners of real property adjacent to the unused property. Directs DOT to review and identify property remaining after projects, and to review property from projects completed before the act's effective date. Requires DOT to notify the Governor and Council of State about any proposed land sale with an appraised value of at least \$25,000, and allows disapproval of the proposed sale. Sets out reporting requirement to the Joint Legislative Commission on Governmental Operations by January 1, 2013. Makes conforming changes to GS 136-19. Designates the Rodney Orr Bypass surplus right of way as unused property. Effective October 1, 2012.

Intro. by Brawley, Moffitt.

GS 136

Property, Land Use, and Housing;
Transportation

H 960. PROTECT HOMEOWNERS WITH UNDERWATER MORTGAGES. Filed 5/16/12. *TO ENSURE PAYMENT OF JUST COMPENSATION TO PROPERTY OWNERS WITH MORTGAGE DEBT EXCEEDING THE FAIR MARKET VALUE OF THE PROPERTY BY AUTHORIZING THE CONSIDERATION OF OUTSTANDING MORTGAGE DEBT WHEN DETERMINING DAMAGES IN A CONDEMNATION ACTION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE OWNED ASSETS.*

Amends GS 136-112 (measure of damages in condemnation action) to provide as title indicates. Permits the outstanding balance of an eligible mortgage, which must have been executed before July 1, 2008, to be added to the amount of damages. Requires the property owner to show that the property's fair market value declined solely due to market decline. Expires July 1, 2014.

Intro. by Moffitt, Brawley.

GS 136

Property, Land Use, and Housing;
Transportation

H 961. JURY SERVICE/EXEMPT FROM FERRY TOLLS. Filed 5/16/12. *TO EXEMPT PERSONS WHO HAVE BEEN LAWFULLY SUMMONED FOR JURY SERVICE FROM PAYING FERRY TOLLS TO TRAVEL TO AND FROM THEIR HOMES AND THE SITE OF THAT SERVICE.*

Enacts new GS 9-18.1 to provide as title indicates, and makes a conforming change to GS 136-82.

Intro. by Spear.

GS 9, 136

Courts; Transportation

H 962. REPEAL FERRY TOLLS. Filed 5/16/12. *TO REPEAL THE FERRY TOLLS IMPOSED UNDER S.L. 2011-145, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.*

Amends GS 136-82 as title indicates. Makes conforming changes, and permits the Department of Transportation to continue to study increasing ferry tolls.

Intro. by Spear.

GS 136

Transportation

H 964. NO LIABILITY FOR PRIVATE SCHOOLS. Filed 5/16/12. *TO PROVIDE THAT PRIVATE COLLEGES AND UNIVERSITIES, NONPUBLIC SCHOOLS, AND THE NORTH CAROLINA INDEPENDENT COLLEGES*

AND UNIVERSITIES ARE NOT LIABLE FOR A BREACH OF CONFIDENTIALITY CAUSED BY THE ACT OR OMISSION OF A STATE AGENCY, LOCAL SCHOOL ADMINISTRATIVE UNIT, COMMUNITY COLLEGE, OR CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EDUCATION REFORM.

As the title indicates. Amends Article 39 of GS Chapter 115C to enact new GS 115C-566.1, *Disclosure of student data records by nonpublic schools* and amends GS Chapter 116 to add new Article 27A, *Disclosure of Student Data and Records by Private Institutions*.

Intro. by Blackwell, Holloway, GS 115C, 116 Education
Johnson, Jordan.

H 965. BROADEN SUCCESSFUL AP PARTICIPATION. Filed 5/16/12. *TO BROADEN SUCCESSFUL PARTICIPATION BY STUDENTS IN ADVANCED PLACEMENT COURSES AND TO CREATE PERFORMANCE INCENTIVES FOR SCHOOLS AND TEACHERS FOR STUDENT EXCELLENCE IN ADVANCE PLACEMENT COURSES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EDUCATION REFORM.*

Amends GS 115C-12(9)c1 to require that the annually issued "report card" for the state and each local school administrative unit (local unit) include measures of student performance and participation in Advanced Placement (AP) courses. Enacts GS 115C-83.1, Advance Placement courses, to declare the intent of the state to make AP courses more accessible to all students and to encourage students to enroll in AP courses. Provides strategies to be implemented to achieve the goal of increasing student enrollment in AP courses.

Appropriates \$11,660,921 for 2012-13 from the General Fund to the Department of Public Instruction. Directs the State Board of Education to use the appropriated funds to provide (1) incentive funding to local units to be distributed to teachers of AP courses, (2) funds to local units to pay AP testing fees, and (3) funds to local units for professional development for teachers of AP courses. Specifies that \$7,179,834 be used to pay for fees for testing in AP courses; \$2,981,087 be used for teacher bonuses; and \$1.5 million be used for professional development for teachers in AP courses. Provides additional conditions on the allocation of the portion of the appropriation for funding AP course testing fees.

Effective July 1, 2012, and applies beginning with the 2012-13 school year.

Intro. by Blackwell, Holloway, GS 115C, APPROP Budget and Appropriations;
Johnson, Jordan. Education

H 966. REPEAL PROHIBITION ON TEACHER PREPAYMENT. Filed 5/16/12. *TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT PROVISION IN THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT OF 2011, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.*

As the title indicates; repeals Section 5 of SL 2011-379, which amended GS 115C-302.1(b). Effective July 1, 2012.

Intro. by Holloway, Johnson, UNCODIFIED Education
Blackwell, Hilton.

H 967. YADKIN VALLEY CAREER ACADEMY FUNDING. Filed 5/16/12. *TO PROVIDE FUNDING FOR THE YADKIN VALLEY REGIONAL CAREER ACADEMY.*

Appropriates \$307,650 for 2012-13 from the General Fund to the Department of Public Instruction for the Yadkin Valley Regional Career Academy, a cooperative innovative high school program to be established by specified local boards.

Intro. by Dockham. APPROP Budget and Appropriations;
Education

H 968. TRANSFER EVIDENCE WAREHOUSE TO DPS. Filed 5/16/12. *TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.*

As title indicates. Designates the reassigned warehouse "Victim Services Warehouse." Repeals Section 19.1.(cc) (transferring the warehouse to the Department of Justice) of the Appropriations Act of 2011. Makes conforming changes to GS 143B-600(a)(7) and GS 143B-601, which outline the organization and duties of the Department of Public Safety.

Intro. by Randleman, Boles. GS 143B State Government

H 969. DEPT. OF PUBLIC SAFETY/TECH & OTHER CHANGES. Filed 5/16/12. *TO MAKE TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES REGARDING THE DEPARTMENT OF PUBLIC SAFETY AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.*

Amends GS 14-202(m) to provide that certain subsections of the statute do not apply to the personnel of the Division of Juvenile Justice (Division) of the Department of Public Safety (DPS). Amends GS 15-203, stating the Secretary of Public Safety (Secretary) has the sole discretion to establish minimum experience requirements for probation officers. Amends GS 18B-500(a) to authorize appointment of regular DPS employees as alcohol law-enforcement agents. Adds new subsection (g) to GS 18B-500, permitting the transfer or consolidation of alcohol law-enforcement agents for special purposes. Amends GS 20-79.5(a) to eliminate two of the three numerically designated vehicle plates of the Secretary. Amends GS 20-196.3 to permit two additional positions to hold supervisory roles over sworn members of the State Highway Patrol. Amends GS 114-19.6(a)(1) (concerning criminal history record checks) to expand the definition of *covered person* to include independent contractors and their employees and Division volunteers.

Adds new subsection (e) to GS 120C-500, directing the Secretary to designate between one and five liaison personnel as lobbyists for DPS. Makes certain adjustments to the Governor's power to exempt managerial and policymaking positions at DPS in GS 126-5(d)(1). Amends GS 143B-600(a) to expand the responsibilities of the head of the Division of Adult Correction (Division), and to remove the Criminal Justice Partnership Program from the Grants Management Section. Amends GS 143B-704, directing the Division to establish an alcoholism and chemical dependency treatment program as specified; deletes references to the Substance Abuse Program and makes conforming changes to GS 143B-705. Amends GS 143B-710 to specify that the Secretary must appoint a chief deputy secretary to head the Division (the Secretary is the current head), and makes conforming changes to GS 143B-806, directing appointment of chief deputy secretary to head the Division of Juvenile Justice. Specifies that the Division of Juvenile Justice, rather than the Office of Juvenile Justice, must develop and implement a juvenile delinquency and substance abuse prevention plan under GS 143B-840(a). Repeals Section 19.1(hhh2) of the Appropriations Act of 2011, which directed DPS to create regional offices in the Division of Law Enforcement.

Makes additional technical and clarifying changes to various provisions related to DPS.

Intro. by Randleman, Boles. GS 7A, 7B, 13, 14, 15, 15A, 17C, Criminal Law, Procedure, and
18B, 20, 65, 97, 105, 114, 115C, Sentencing
115D, 120, 120C, 122C, 126,
131E, 143, 143B, 146, 147, 148,
162

H 970. HONOR UNC-P'S ANNIVERSARY. Filed 5/16/12. *HONORING THE FOUNDERS OF THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE ON ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY.*

As title indicates.

Intro. by Pridgen, Graham, Pierce. HOUSE RES General Assembly

H 971. ACTIVE DUTY DEATH/LEASE TERMINATION. Filed 5/16/12. *TO AUTHORIZE LEASE TERMINATION FOR A SERVICE MEMBER WHO DIES WHILE ON ACTIVE DUTY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS.*

Enacts new subsection (a3) to GS 42-45 to authorize an immediate family member or representative of the estate to terminate the member's rental agreement, as specified, if the member dies while on active duty. Makes a conforming change.

Intro. by Shepard, Cook. GS 42 Military and Veterans Affairs;
Property, Land Use, and Housing

H 972. ADD MILITARY FAMILY COUNSELORS. Filed 5/16/12. *TO APPROPRIATE FUNDS FOR ADDITIONAL REGIONAL MILITARY FAMILY COUNSELORS.*

Appropriates \$300,000 for 2012-13 from the General Fund to the Department of Public Instruction for five additional regional military family counselors, as detailed. Effective July 1, 2012.

Intro. by Shepard, Parfitt. APPROP Budget and Appropriations; Military
and Veterans Affairs

H 973. VEHICLE CONDITIONAL SALES/NOTICE. Filed 5/16/12. *TO PROVIDE NOTICE TO CONSUMERS WHEN A CONDITIONAL SALES CONTRACT FOR A VEHICLE IS EXECUTED, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS.*

Amends GS 20-75.1 (conditional delivery of motor vehicle) to provide as title indicates. Sets out the wording of the notice to be included in the purchaser's contract. Applies to conditional sales occurring on or after October 1, 2012. Makes organizational changes.

Intro. by Cook, Shepard.

GS 20

Business and Commerce; Military and Veterans Affairs; Transportation

H 974. ELIMINATE STUDENT COST REDUCED-PRICE BREAKFAST. Filed 5/16/12. *TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR THE CHILD NUTRITION PROGRAM TO ELIMINATE THE STUDENT COST FOR REDUCED-PRICE BREAKFAST IN ORDER TO INCREASE BREAKFAST PARTICIPATION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.*

Appropriates \$1.7 million for 2012-13 from the General Fund to the Department of Public Instruction as the title indicates. Effective July 1, 2012.

Intro. by LaRoque, Sanderson.

APPROP

Budget and Appropriations; Education

H 975. PROMOTE LOCAL/HEALTHY FOOD. Filed 5/16/12. *TO WORK TOWARD DECREASING OBESITY AMONG SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPANTS BY INCREASING THEIR PARTICIPATION IN SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EDUCATION (SNAP-ED) AND MAKING FRESH LOCALLY GROWN PRODUCE AVAILABLE BY INCREASING THE ACCEPTANCE OF ELECTRONIC BENEFITS TRANSFER (EBT) CARDS AT FARMERS MARKETS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.*

As the title indicates. Charges the Department of Health and Human Services (DHHS) with the responsibility of increasing participation by eligible SNAP participants in the SNAP-ED program and with reporting on its progress by October 1, 2013, to the Joint Legislative Oversight Committee on Health and Human Services. Requires a collaborative effort by the Department of Agriculture and Consumer Services (DACS) and DHHS to increase the number of farmers' markets that accept EBT cards and to make the location of these farmers' markets known to SNAP recipients. Directs the DACS and DHHS to make an interim report by March 1, 2013, and a final report by November 1, 2013, to the Joint Legislative Oversight Committee on Health and Human Services.

Intro. by LaRoque, Sanderson.

UNCODIFIED

Agriculture, Environment, and Natural Resources; Health, Social Services, and Aging

H 976. TASK FORCE & WORK GROUP ON PE AND FITNESS. Filed 5/16/12. *TO ESTABLISH THE TASK FORCE ON PHYSICAL EDUCATION AND PHYSICAL ACTIVITY IN SCHOOLS AND TO DIRECT THE STATE BOARD OF EDUCATION TO COORDINATE A WORK GROUP TO EXAMINE THE CURRENT STATUS OF DATA COLLECTION FROM FITNESS TESTING CONDUCTED IN KINDERGARTEN THROUGH EIGHTH GRADE, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.*

Establishes the 16- member Task Force on Physical Education and Physical Activity in Schools (Task Force) with eight members appointed by the President Pro Tempore of the Senate (President Pro Tem) and eight members appointed by the Speaker of the House of Representatives (Speaker). Specifies the qualifications and affiliations of the members to be appointed by the Speaker and the President Pro Tem respectively. Provides for the filling of vacancies and meeting a quorum. Directs the Task Force to examine issues relating to physical education, physical activity, and fitness testing data collection in the schools. Requires the Task Force to recommend a strategic plan to the General Assembly and specifies the content of that plan. Provides other details regarding the powers and operations of the Task Force. Directs the Task Force to submit an interim report to the 2013 Regular Session of the 2013 General Assembly on or before January 15, 2013, and a final report to the 2014 Regular Session of the 2013 General Assembly on or before May 1, 2014. Terminates the Task Force upon the filing of its final report or on May 15, 2014, whichever comes first.

Directs the State Board of Education to coordinate a work group to review the status of data collection from the fitness testing taking place in kindergarten through eighth grade. Provides the areas of focus for the work group and guidelines as to the membership of the work group. Directs the work group to report its findings and recommendations to the Task Force by June 30, 2013.

Intro. by LaRoque, Sanderson. STUDY Education; Health, Social Services, and Aging

H 977. SCHOOL MEALTIME. Filed 5/16/12. *TO DIRECT THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO DETERMINE OPTIMAL SEAT TIME FOR STUDENTS EATING MEALS IN PUBLIC SCHOOLS AND TO EXPLORE MEALTIME OPTIONS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.*

As the title indicates. Requires the State Board of Education and the Department of Public Instruction to report to the Joint Legislative Education Oversight Committee on their findings and recommendations by January 1, 2014.

Intro. by LaRoque, Sanderson. UNCODIFIED Education

H 978. FUNDS FOR CHILD NUTRITION STNDS. Filed 5/16/12. *TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR THE CHILD NUTRITION PROGRAM TO ASSIST CHILD NUTRITION PROGRAM IN MEETING NUTRITION STANDARDS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.*

Appropriates \$20 million for 2012-13 from the General Fund to the Department of Public Instruction as the title indicates. Effective July 1, 2012.

Intro. by LaRoque, Sanderson. APPROP Budget and Appropriations; Education

H 979. TECHNICAL CHANGE/EXEMPT PROPERTY FORM. Filed 5/16/12. *TO MAKE TECHNICAL CHANGES TO THE STATUTORY FORM SET FORTH IN G.S. 1C-1603 SO THAT THE FORM CORRESPONDS WITH THE SUBSTANCE OF G.S. 1C-1601, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends GS 1C-1603(c) as title indicates.

Intro. by Ross. GS 1C Civil Law and Procedure

H 980. HONOR SUSAN HILL. Filed 5/16/12. *HONORING NORTH CAROLINA NATIVE SUSAN HILL, A CHAMPION FOR WOMEN'S HEALTH CARE AND REPRODUCTIVE HEALTH CARE SERVICES.*

As the title indicates.

Intro. by Ross, Insko. HOUSE RES General Assembly

H 981. GENERAL ASSEMBLY APPROVE SALE OF DIX PROPERTY. Filed 5/16/12. *TO PROHIBIT ANY CONVEYANCE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.*

Amends GS 146-27 as the title indicates.

Intro. by Dollar, Burr. GS 146 General Assembly; Health, Social Services, and Aging; Property, Land Use, and Housing

H 982. OPPOSITION TO NDAA. Filed 5/16/12. *EXPRESSING OPPOSITION TO THE PROVISIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012 THAT AUTHORIZE, IN DIRECT VIOLATION OF THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF NORTH CAROLINA, MILITARY DETENTION AND TRIAL OF UNITED STATES CITIZENS AND LAWFUL RESIDENTS OF THE UNITED STATES.*

As the title indicates.

Intro. by Bradley. HOUSE RES General Assembly

H 983. ICLEI NONCOMPLIANCE. Filed 5/16/12. *AUTHORIZING THE 2011 GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NORTH CAROLINA SHALL NOT COMPLY WITH ICLEI/AGENDA 21, RELATIVE TO THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT AND THE STATEMENT OF PRINCIPLES FOR THE SUSTAINABLE MANAGEMENT OF FORESTS.*

As the title indicates.

Intro. by Bradley. JOINT RES Agriculture, Environment, and Natural Resources; General Assembly

H 984. [RESTORE FUNDING FOR NCCAT](#). Filed 5/16/12. *TO RESTORE FUNDING FOR THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING.*

Appropriates \$3 million for 2012-13 from the General Fund to the Department of Public Instruction to provide as title indicates. Effective July 1, 2012.

Intro. by Rapp. APPROP Budget and Appropriations;
Education

H 985. [DRIVER EDUCATION FEE PAID WHEN GETTING PERMIT](#). Filed 5/16/12. *TO COLLECT A FEE FOR DRIVER EDUCATION WHEN APPLYING FOR A LIMITED LEARNER'S PERMIT.*

Amends GS 20-11 (limited learner's permit and provisional driver's license) to impose an additional fee of \$45 on an applicant for a limited learner's permit who participated in the driver education program. Makes a conforming change to repeal GS 115C-216(g). Effective July 1, 2012.

Intro. by Gillespie. GS 20 Transportation

H 986. [ANSON COUNTY AGRI-CIVIC CENTER FUNDS \(=S 802\)](#). Filed 5/16/12. *TO APPROPRIATE FUNDS TO HELP ANSON COUNTY BUILD AN AGRI-CIVIC CENTER.*

Identical to S 802, filed 5/16/12.

Intro. by McGuirt. APPROP Budget and Appropriations; Anson

H 989. [PERMANENT LICENSE PLATES](#). Filed 5/16/12. *TO LIMIT ELIGIBILITY FOR PERMANENT REGISTRATION PLATES TO GOVERNMENTAL ENTITIES, AND TO REFORM THE PROCESS BY WHICH ELIGIBLE ENTITIES APPLY FOR AND ARE ISSUED PERMANENT REGISTRATION PLATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.*

Amends GS 20-84 (permanent registration plates) to require every eligible entity that receives a permanent registration plate to register the plate under the entity's full legal name. Makes conforming changes. Continues to permit the issuance of permanent plates for motor vehicles owned by the state, a state agency, a local government, a board of education, and adds motor vehicles owned by a community college. Deletes all other entities and persons from the list of those eligible to receive a permanent plate. Authorizes the Division of Motor Vehicles (DMV) to revoke all permanent plates that are 90 days or more past due inspection. Amends GS 117-33 to state that a telephone membership corporation is not eligible to receive a permanent plate. Directs DMV to cancel all permanent plates issued to non-state entities and reissue new permanent plates with a new design by January 15, 2013. Effective July 1, 2012.

Intro. by Howard. GS 20 Transportation

H 990. [SPECIAL PLATE FOR RETIRED REGISTER OF DEEDS](#). Filed 5/16/12. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR RETIRED REGISTERS OF DEEDS.*

Amends GS 20-79.4(172) to expand on the register of deeds special plate authorization to also authorize a plate for a retired register of deeds. Effective July 1, 2012.

Intro. by Torbett. GS 20 Transportation

SENATE BILLS

S 797. [ENSURE TIMELY PAYMENT OF 2012 MEDICAID COSTS](#). Filed 5/16/12. *TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; AND TO PROHIBIT THE DRAWING DOWN OR TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR.*

Directs the Governor, State Controller, and necessary state officials to make the following budget adjustments, listed in priority order and not to exceed \$205.5 million, to pay Medicaid providers in 2011-12: (1) transfer a minimum of \$50 million within the Department of Health and Human Services (DHHS), as detailed; (2) transfer \$10.5 million from the Repairs and Renovations Reserve Account currently allocated to DHHS; (3) transfer \$105 million in projected General Fund reversions; (4) appropriates \$20 million of projected revenue overcollections for 2011-12; and (5) transfer additional \$20 million from the Repairs and Renovations Reserve Account. Sets out reporting requirements and prohibits the Governor or any state official from drawing down or transferring unearned or borrowed funds, if the action creates or increases a financial obligation in 2012-13.

Intro. by Brunstetter, Hunt, Stevens.

UNCODIFIED

Health, Social Services, and Aging

S 798. VARIOUS EMERGENCY MANAGEMENT CHANGES. Filed 5/16/12. *TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT STATUTES; AND TO ESTABLISH THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE.*

Under current law, disasters in the state are classified as Type I, II, or III. Amends GS 166A-6 to extend the expiration dates for Type I, II, and III disaster declarations. Provides that the expiration of a Type II or III disaster does not affect the state's obligations under federal-state agreements entered into prior to the expiration of the disaster declaration.

Amends GS 166A-15 to clarify that no private liability attaches to a person, firm, or corporation, as well as any successors in interest, who allows the designation of any part, parts, or whole of personal or real property for activities or functions relating to emergency management as provided for in GS Chapter 166A or elsewhere in the General Statutes.

Adds new subdivision (11) to GS 166A-4 to define *State Emergency Response Team*. Makes a conforming change to GS 166A-5(3)a.

Amends GS 166A-5(3) to include coordination with the Commissioner of Agriculture, or the Commissioner's designee, to revise or amend the NC Emergency Operations Plan regarding agricultural matters to the functions of the state emergency management program.

Adds new Article 12Q to GS Chapter 120 to establish the 12-member Joint Legislative Emergency Management Oversight Committee (Committee). Provides for the appointment of six members of the Senate by the President Pro Tempore of the Senate and six members of the House of Representatives by the Speaker of the House of Representatives. Designates term lengths and service requirements, and provides for the filling of a vacancy. Specifies the purpose and powers of the Committee, directing the Committee to examine on a continuing basis issues related to emergency management in North Carolina and make ongoing recommendations to the General Assembly regarding emergency management in the state. Provides that the Committee may make interim reports to the General Assembly and those reports may contain any legislation needed to implement a recommendation from the Committee. Provides criteria for the organization of the Committee.

Intro. by Brunstetter.

GS 120, 166A

Emergency Services

S 800. EUGENICS COMPENSATION PROGRAM (=S 947). Filed 5/16/12. *TO PROVIDE MONETARY COMPENSATION TO PERSONS ASEXUALIZED OR STERILIZED UNDER THE AUTHORITY OF THE EUGENICS BOARD OF NORTH CAROLINA.*

Identical to S 947, filed 5/16/12.

Intro. by McKissick, Hartsell, Kinnaird.

GS 105, 108A, 132, 143B

State Government; Taxation; Health, Social Services, and Aging

S 801. ACCESSIBLE ELECTRONIC INFORMATION ACT. Filed 5/16/12. *TO ESTABLISH AND MAINTAIN AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE.*

Adds new Article 4, *Accessible Electronic Information Act*, to GS Chapter 168, directing the Division of Services for the Blind in the Department of Health and Human Services (DHHS) to establish and administer a statewide electronic information service to provide news and other timely information to blind and disabled persons. Appropriates \$75,000 for 2012-13 from the General Fund to DHHS for the service. Effective July 1, 2012.

Intro. by Purcell.

APPROP, GS 168

Budget and Appropriations; Health, Social Services, and Aging

S 802. ANSON COUNTY AGRI-CIVIC CENTER FUNDS. Filed 5/16/12. *TO APPROPRIATE FUNDS TO HELP ANSON COUNTY BUILD AN AGRI-CIVIC CENTER.*

Appropriates \$5 million for 2012-13 from the General Fund to Anson County for use as the title indicates. Effective July 1, 2012.

Intro. by Purcell.

APPROP

Budget and Appropriations; Anson

S 803. RETIREMENT ADMINISTRATIVE CHANGES. Filed 5/16/12. *TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS.*

Amends GS 120-32.01(c) to prohibit including tax records and tax-related documents of members and beneficiaries from being accessible via direct online read-only access to active and retired member information or records maintained by the Retirement Systems Division.

Amends GS 128-27(k), which provides for an increase in retirement allowances, granting exclusive authority to determine the feasibility of a postretirement increase in allowance to the discretion of the Board of Trustees. Permits the Board of Trustees to fund a cost-of-living increase in a specified percentage amount in any year regardless of any increase or decrease in the Consumer Price Index.

Under current law, subdivision (2) of GS 135-1(20) defines retirement as meaning the termination of employment and complete separation from active service without the express or implied intent or agreement to return to service. Amends GS 135-1(20) to provide that service in a state-funded educational attraction is not considered service for the purposes of subdivision (20).

Amends GS 128-30(d)(3) to delete language requiring that the length of the payment period for each employer be the same after the "accrued liability contributions" begin.

Amends GS 120-4.32 (legislative retirement system) to add payments to the State Health Plan as authorized deductions from a beneficiary's retirement benefits. Provides that monthly deduction may be paid to the State Health Plan for the beneficiary or any dependent designated by the beneficiary. Also adds identical provisions regarding deductions of payments to the State Health Plan to GS 128-38.3 (retirement system for counties, cities, and towns), GS 135-18.8 (retirement system for teachers and state employees), and GS 135-75 (consolidated judicial retirement act).

Amends GS 135-106(b) regarding long-term disability benefits to add the requirement that eligibility for a long-term disability benefit is contingent upon the beneficiary having become a member prior to August 1, 2011, subject to five- and ten-year vesting requirements. Provides that solely for the purpose of conversion from long-term disability to service requirement, noncontributory creditable service granted while receiving disability benefits under Article 6 (Disability Income Plan of North Carolina) of GS Chapter 135 is deemed to be membership service with regards to a long-term disability beneficiary who became a member on or after August 1, 2011, and would ordinarily be ineligible for a retirement benefit without 10 years of membership service.

Amends GS 147-69.2(b)(8) to add the Retiree Health Benefit Fund to the entity collectively known as the Retirement Systems.

Effective July 1, 2012.

Intro. by Stevens.

GS 120, 128, 135, 147

State Government; Employment and Retirement

S 804. RETIREMENT TECHNICAL CHANGES. Filed 5/16/12. *TO MAKE TECHNICAL AND CONFORMING CHANGES TO STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS.*

Amends various provisions of the state retirement systems as follows. Amends GS 128-24 (membership of Local Governmental Employees' Retirement System) to require employees to notify the Board of Trustees of their participation in the system within 30 days (rather than 90 days).

Amends GS 128-28(m) to add that the actuarial calculations and the Board of Trustees' minutes are part of the Plan Documentation governing the Local Governmental Employees' Retirement System, in order to preclude employer discretion in the determination of benefits. Makes a corresponding change to GS 135-6(l) (Teachers' and State Employees' Retirement System (TSERS)).

Amends GS 128-26(e) (concerning creditable service) to add that unused sick leave may not be credited to a member at retirement if the member's last day of service is more than one year before the member's effective date of retirement. Makes corresponding changes to GS 135-4 (TSERS), prohibiting the credit if the last day is more than five years before the effective date.

Amends GS 120-4.31 (Legislative Retirement System compliance with the Internal Revenue Code (Code)) to add that the Plan must not base contributions or benefits on annual compensation above the limits allowed by the Code. Specifies that the Plan does not have mandatory distributions, and makes other clarifying changes. Modifies the definition for *eligible retirement plan*, and defines *direct rollover*. Makes corresponding changes to GS 128-38.2 (Local Governmental Employees), GS 135-18.7 (TSERS), and GS 135-74 (Judicial Retirement Act).

Amends GS 120-4.28 to allow the payment of retirement allowance in a lump sum to the contingent beneficiary if the designated beneficiary dies before receiving all allowances. Clarifies the definition of *teacher* in GS 135-1(25).

Amends GS 120-4.9 to provide that TSERS is a governmental plan, and that specified nondiscrimination rules in the Code do not apply. Requires all member employee and employer contributions to be made to funds held in trust to distribute trust principal and income to retired members and their beneficiaries, and to pay other determinable benefits. Requires the retirement system to have a consolidated Plan document, as detailed. Makes

corresponding changes to GS 128-22 (Local Governmental Employees), GS 135-2 (TSERS), and GS 135-54 (Judicial Retirement Act).

Makes clarifying changes to GS 128-28(f) (voting rights for Local Governmental Employees' system) and GS 135-6(e) (voting rights for TSERS).

Makes additional technical and clarifying changes.

Effective July 1, 2012.

Intro. by Stevens.

GS 120, 128, 135, 147

Employment and Retirement

Local Bills

HOUSE BILLS

H 943. DAVIDSON COUNTY ANNEXATIONS. Filed 5/16/12. *TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY.*

As title indicates. Applies to any annexation ordinance adopted after the date the act becomes law.

Intro. by Dockham, R. Brown.

DAVIDSON

Davidson

H 945. MARION LEGISLATIVE ANNEXATION. Filed 5/16/12. *TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE CITY IS CONSTRUCTED.*

As title indicates. Describes the territory to be annexed.

Intro. by Gillespie.

MCDOWELL

McDowell

H 956. ZONING/JOHNSTON COUNTY OPEN SPACE. Filed 5/16/12. *RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON COUNTY.*

Current law, under subsection (c) of GS 153A-331, allows a developer to provide funds to a county that the county may use to acquire recreational land or areas for the development or subdivision within the immediate area. Amends GS 153A-331(c) to specify that the purchased land must serve subdivisions or developments within the county (was, within the immediate area) and to restrict the use of the funds for the acquisition or development of recreation, park, or open space sites. Applies only to Johnston County.

Intro. by Daughtry.

JOHNSTON

Johnston

H 963. TOWN OF COLUMBIA/DEANNEAXATION. Filed 5/16/12. *REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA.*

As title indicates. Specifies that the act has no effect on liens outstanding before the act becomes law.

Intro. by Owens.

TYRRELL

Tyrrell

H 987. WAKE TECH BOARD OF TRUSTEES. Filed 5/16/12. *TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE.*

Amends GS 115D-12(b) to provide as title indicates.

Intro. by Weiss, Ross, Murry, Jackson.

WAKE

Wake

H 988. AVERASBORO TOWNSHIP TDA CHANGES. Filed 5/16/12. *TO MAKE CHANGES TO THE AVERASBORO TOWNSHIP TOURISM DEVELOPMENT AUTHORITY.*

Amends SL 1987-142, as amended, to require Averasboro to remit occupancy tax proceeds to the Averasboro Township Tourism Development Authority (Authority) on a monthly (was, quarterly) basis. Expands Authority membership from seven to nine members as described, and removes the one-year term limitation. Amends chair and co-chair designations, meeting times, and naming of the ex officio finance officer. Expands on the Authority's duties. Applies to the distribution of the occupancy tax proceeds on or after the earlier of October 1, 2012, or the date specified in a resolution adopted under the act.

Intro. by Lewis.

HARNETT

Harnett

SENATE BILLS

S 796. DAVIDSON COUNTY ANNEXATIONS. Filed 4/25/12. *TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY AND THE APPROVAL OF THE VOTERS OF THE AREA TO BE ANNEXED IN A REFERENDUM BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY.*

As title indicates. Requires the Davidson County Board of Commissioners to hold a public hearing on the resolution at least seven days before action is taken. Applies to any annexation ordinance adopted after the date the act becomes law.

Intro. by Bingham.

DAVIDSON

Davidson

S 799. REPAIR GUILFORD LOCAL ACT. Filed 5/16/12. *TO REMEDY INFIRMITIES FOUND BY A FEDERAL COURT IN A LOCAL ACT RELATING TO ELECTION OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY.*

Makes several modifications to Section 3 in SL 2011-407 concerning election and districts for the Guilford County Board of Commissioners.

Intro. by Rucho.

GUILFORD

Guilford

S 805. ISOTHERMAL COMMUNITY COLLEGE FED LOAN PROGRAM. Filed 5/16/12. *TO PROVIDE THAT ISOTHERMAL COMMUNITY COLLEGE MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.*

Amends GS 115D-401(e), as title indicates.

Intro. by Westmoreland.

RUTHERFORD

Rutherford

ACTION ON BILLS

May 16, 2012

- 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

H0645 Motor Fuel Excise Tax Adjustment and Studies	S Passed 1st Reading S Ref to Finance. If fav, re- ref to Appropriations/Base Budget
04-20-11, 11-28-11	
H0925 LRC Study Metropolitan Sewerage/Water System.	S Reptd Fav Com Substitute SA Com Substitute Adopted S Re-ref Com On Finance S Reptd Fav Com Substitute SA Com Substitute Adopted S Com Sub Ruled Material
05-26-11, 05-16-12	
H0940 Adjourn Reconvened Session.	H Withdrawn From Cal H Re-ref Com On Rules, Calendar, and Operations of the House
H0941 Pseudoephedrine Amount Clarifications.	H Filed

H0942	Pseudoephedrine Record Keeping Clarification.	H	Filed
H0944	DCR and DENR/Study State Attractions Savings.	H	Filed
H0946	Restore Funding for Teaching Fellows Program.	H	Filed
H0947	Eugenics Compensation Program.	H	Filed H Passed 1st Reading H Ref to the Com on Judiciary, if favorable, Finance, if favorable, Appropriations
H0948	Repeal Literacy Test.	H	Filed
H0949	Modify Mortgage Regulation Funding.	H	Filed
H0950	Modify 2011 Appropriations Act.	H	Filed
H0951	Banking Law Modernization Act.	H	Filed
H0952	State Air Toxics Program Reforms.	H	Filed
H0953	Environmental Technical Corrections 2012.	H	Filed
H0954	ENR Reports Consolidation.	H	Filed
H0955	Protect DENR from Co- Applicant Liability.	H	Filed
H0957	NC Transportation Museum Special Plate.	H	Filed
H0958	NC Zoo Public-Private Ptshp.	H	Filed
H0959	Streamline DOT Sale of Unused Properties.	H	Filed
H0960	Protect Homeowners With Underwater Mortgages.	H	Filed
H0961	Jury Service/Exempt From Ferry Tolls.	H	Filed
H0962	Repeal Ferry Tolls.	H	Filed
H0964	No Liability for Private Schools.	H	Filed
H0965	Broaden Successful AP Participation.	H	Filed
H0966	Repeal Prohibition on Teacher Prepayment.	H	Filed
H0967	Yadkin Valley Career Academy Funding.	H	Filed
H0968	Transfer Evidence Warehouse to DPS.	H	Filed
H0969	Dept. of Public Safety/Tech & Other Changes.	H	Filed
H0970	Honor UNC-P's Anniversary.	H	Filed
H0971	Active Duty Death/Lease Termination.	H	Filed
H0972	Add Military Family Counselors.	H	Filed
H0973	Vehicle Conditional Sales/ Notice.	H	Filed
H0974	Eliminate Student Cost Reducd- Price Breakfst.	H	Filed
H0975	Promote Local/Healthy Food.	H	Filed

H0976	Task Force & Work Group on PE and Fitness.	H	Filed
H0977	School Mealtime.	H	Filed
H0978	Funds for Child Nutrition Stnds.	H	Filed
H0979	Technical Change/Exempt Property Form.	H	Filed
H0980	Honor Susan Hill.	H	Filed
H0981	General Assembly Approve Sale of Dix Property.	H	Filed
H0982	Opposition to NDAA.	H	Filed
H0983	ICLEI Noncompliance.	H	Filed
H0984	Restore Funding for NCCAT.	H	Filed
H0985	Driver Education Fee Paid When Getting Permit.	H	Filed
H0986	Anson County Agri-Civic Center Funds.	H	Filed
H0989	Permanent License Plates.	H	Filed
H0990	Special Plate for Retired Register of Deeds.	H	Filed
S0582	Clarify Indian Gaming Authority.	S	Reptd Fav Com Substitute SA Com Substitute Adopted S Com Sub Ruled Material S Re-ref Com On Appropriations/ Base Budget S Reptd Fav S Placed On Cal For 5/16/2012 S Passed 2nd & 3rd Reading
05-16-12			
S0797	Ensure Timely Payment of 2012 Medicaid Costs.	S	Filed S Passed 1st Reading S Ref To Com On Appropriations/ Base Budget S Reptd Fav S Placed On Cal For 5/16/2012 S Passed 2nd & 3rd Reading
S0798	Various Emergency Management Changes.	S	Filed S Passed 1st Reading S Ref To Com On Judiciary I
S0800	Eugenics Compensation Program.	S	Filed
S0801	Accessible Electronic Information Act.	S	Filed
S0802	Anson County Agri-Civic Center Funds.	S	Filed
S0803	Retirement Administrative Changes.	S	Filed
S0804	Retirement Technical Changes.	S	Filed

LOCAL BILLS

H0005	Kinston Annexation Repealed.	S	Reptd Fav Com Substitute SA Com Substitute Adopted S Com Sub Ruled Material S Re-ref Com On Finance S Reptd Fav
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02-10-11, 05-16-12

H0943	Davidson County Annexations.	H	Filed
H0945	Marion Legislative Annexation.	H	Filed
H0956	Zoning/Johnston County Open Space.	H	Filed
H0963	Town of Columbia/Deannexation.	H	Filed
H0987	Wake Tech Board of Trustees.	H	Filed
H0988	Averasboro Township TDA Changes.	H	Filed
S0796	Davidson County Annexations.	S	Passed 1st Reading S Ref To Com On State and Local Government
S0799	Repair Guilford Local Act.	S	Filed S Passed 1st Reading S Ref To Com On Redistricting S Reptd Fav S Placed On Cal For 5/16/2012 SA Amend Adopted 1 S Passed 2nd & 3rd Reading S Engrossed
05-16-12			
S0805	Isothermal Community College Fed Loan Program.	S	Filed

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 5. LOCAL DEANNEXATIONS (NEW). Filed 1/26/11. Senate committee substitute makes the following changes to 2nd edition. Deletes all provisions of the 2nd edition and replaces it with *AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY DEANNEXING SPECIFIED LOCAL INVOLUNTARY ANNEXATION AREAS, BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS*. As title indicates. Repeals the following involuntary annexation ordinances and prohibits involuntary annexation of the following for 12 years: (1) Kinston, as described in 1st edition of House Bill 5, 2011 session; (2) Lexington, as described in 1st edition of House Bill 37, 2011 session; (3) Rocky Mount, as described in 1st edition of House Bill 56, 2011 session; (4) Wilmington, as described in 1st edition of House Bill 180, 2011 session; (5) Asheville/Biltmore Lake as described in 1st edition of House Bill 236, 2011 session; (6) Marvin ordinance, affecting the area described in specified village council ordinance; (7) Southport ordinance, affecting areas A and B, as described; (8) Goldsboro, as described in 1st edition of Senate Bill 314, 2011 session; and (9) Fayetteville Gates Four, as described in 1st edition of House Bill 231, 2011 session. Makes conforming repeals of SL 2011-173 and SL 2011-177. Effective July 1, 2012.

Davidson; Lenoir; Edgecombe;
Nash; New Hanover; Buncombe;
Martin; Wayne; Cumberland;
Brunswick

H 925. ANNEXATION REFORM 2 (NEW). Filed 5/16/2012. Senate committee substitute makes the following changes to 2nd edition.

Deletes all the provisions of the 2nd edition and replaces it with *AN ACT TO REQUIRE A VOTE OF THE RESIDENTS PRIOR TO THE ADOPTION OF AN ANNEXATION ORDINANCE INITIATED BY A MUNICIPALITY*. Enacts new GS 160A-58.64 as the title indicates. Provides that if less than a majority of voters approve the annexation, then the municipality may not proceed with annexing that area for 36 months.

Amends GS 160A-58.55 to (1) to require that the date for the referendum on annexation be set for the next municipal general election that is more than 45 days from the date of the resolution of intent, and (2) eliminate provisions concerning the petition to deny annexation and replace it with the referendum requirement. Makes conforming changes to GS 160A-58.55, GS 160A-58.51(2), and GS 160A-60(a).

Effective July 1, 2012 and applies to any annexation ordinance initiated by a municipality on or after that date.

Local Government

H 925. [ANNEXATION REFORM 2](#). Filed 5/4/11. Senate committee substitute makes the following change to 3rd edition.

Amends proposed GS 160A-58.64(c) to clarify that *only* registered voters of the proposed annexation area will be allowed to vote on the referendum.

Local Government

SENATE BILLS

S 582. [AUTHORIZE INDIAN GAMING/REVENUE \(NEW\)](#). Filed 4/12/11. Senate committee substitute makes the following changes to 1st edition.

Deletes all provisions in the previous edition. Enacts new GS 14-292.2 to allow specified Class III gaming activities (gaming machines, live table games, defined raffles, and defined video games) to be conducted on Indian lands, provided the games are conducted according to a valid, federally-approved Class III Tribal-State Gaming Compact and the revenues are paid to the Indian Gaming Education Revenue Fund. Makes a conforming change to repeal GS 14-306.1A(e). Enacts new GS 143C-9-7 to establish the Indian Gaming Education Revenue Fund to allot nonreverting funds to local school administrative units, charter schools, and regional schools based on average daily membership.

Lottery and Gaming

S 799. [REPAIR GUILFORD LOCAL ACT](#). Filed 5/16/12. Senate amendment makes the following change to 1st edition.

Clarifies that the at-large commissioner is elected for a four-year term.

Guilford

Legislation Enacted

None

Index by Keyword

Agriculture, Environment, and Natural Resources

H 952, 6
H 953, 7
H 954, 7
H 955, 7
H 958, 8
H 975, 11
H 983, 12

Anson

H 986, 13
S 802, 14

Banking and Finance

H 949, 3
H 951, 6

Brunswick

H 5, 20

Budget and Appropriations

H 946, 2
H 950, 3
H 958, 8
H 965, 9
H 967, 9
H 972, 10
H 974, 11
H 978, 12
H 984, 13
H 986, 13
S 801, 14
S 802, 14

Buncombe

H 5, 20

Business and Commerce

H 973, 11	S 801, 14
Civil Law and Procedure	Johnston
H 979, 12	H 956, 16
Constitutional Amendment	Lenoir
H 948, 3	H 5, 20
Courts	Local Government
H 961, 8	H 925, 21
Criminal Law, Procedure, and Sentencing	Lottery and Gaming
H 969, 10	S 582, 21
Cumberland	Martin
H 5, 20	H 5, 20
Davidson	McDowell
H 5, 20	H 945, 16
H 943, 16	Military and Veterans Affairs
S 796, 17	H 971, 10
Edgecombe	H 972, 10
H 5, 20	H 973, 11
Education	Nash
H 946, 2	H 5, 20
H 964, 9	New Hanover
H 965, 9	H 5, 20
H 966, 9	Property, Land Use, and Housing
H 967, 9	H 959, 8
H 974, 11	H 960, 8
H 976, 11	H 971, 10
H 977, 12	H 981, 12
H 978, 12	Rutherford
H 984, 13	S 805, 17
Elections Law	State Government
H 948, 3	H 944, 2
Emergency Services	H 947, 2
S 798, 14	H 958, 8
Employment and Retirement	H 968, 9
S 803, 15	S 800, 14
S 804, 16	S 803, 15
General Assembly	Taxation
H 970, 10	H 947, 2
H 980, 12	S 800, 14
H 981, 12	Transportation
H 982, 12	H 957, 7
H 983, 12	H 959, 8
Guilford	H 960, 8
S 799, 17, 21	H 961, 8
Harnett	H 962, 8
H 988, 16	H 973, 11
Health, Social Services, and Aging	H 985, 13
H 941, 1	H 989, 13
H 942, 2	H 990, 13
H 947, 2	Tyrrell
H 975, 11	H 963, 16
H 976, 11	Wake
H 981, 12	H 987, 16
S 797, 13	Wayne
S 800, 14	H 5, 20

Notes

None

NEXT SESSIONS

May 17, 2012

HOUSE convenes at 12:00 noon.

SENATE convenes at 11:00 a.m.