

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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## School of Government

The University of North Carolina at Chapel Hill

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House Legislative Day 65

Vol. 2011, No. 65

Senate Legislative Day 65

*Tuesday, May 17, 2011*

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## SUMMARIES OF BILLS FILED

### *Public Bills*

None

### *Local Bills*

None

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## ACTION ON BILLS

**May 17, 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.	S	Rec From House S Passed 1st Reading S Ref to Judiciary II. If fav, re-ref to Appropriations/ Base Budget
	03-09-11, 05-11-11, 05-16-11		
H0115	North Carolina Health Benefit Exchange.	H	Postponed To 5/25/2011
	03-30-11, 05-10-11		
H0145	Phoebe's Law.	H	Withdrawn From Com H Re-ref Com On Rules, Calendar, and Operations of the House
	03-16-11		
H0197	School Calendar Flexibility/ Inclement Weather.	H	Ratified
	05-05-11		
H0222	Electric Vehicle Incentives.	H	Concurred In S/Com Sub
	04-13-11, 04-14-11, 05-10-11		
H0280	County Law Enforcement Service District.	S	Reptd Fav
	03-31-11		
H0306	Miscellaneous Service/Process Amendments.	S	Reptd Fav Com Substitute SA Com Substitute Adopted
	05-17-11		
H0348	Offenders/No Access to Personnel Records.-AB	HA	Amend Adopted 1 H Passed 2nd Reading
	05-09-11, 05-17-11		
H0366	Special Election Dates.	HA	Amend Adopted 2
	05-12-11, 05-16-11, 05-17-11		
H0402	ARTS NC Special Plate.	H	Reptd Fav H Re-ref Com On Finance
H0408	Amend Criminal Discovery Laws.	S	Rec From House S Passed 1st Reading S Ref To Com On Judiciary I
	05-12-11		
H0493	Landlord Tenant Law Changes.	S	Rec From House

	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
05-09-11		
H0514 Uniform Military and Overseas Voters Act.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
05-12-11		
H0585 NC Energy Independence Study.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Commerce
05-12-11		
H0594 Functionally Equivalent Wastewater Systems.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Agriculture/ Environment/Natural Resources
05-12-11		
H0597 UI/Fix Aggrieved Party Definition.	H	Postponed To 6/7/2011
05-16-11		
H0618 Streamline Oversight/DHHS Service Providers.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/18/2011
05-17-11		
H0623 Eliminate Agency Final Decision Authority.	H	Postponed To 5/23/2011
05-16-11		
H0628 Development Ready Jobs Study.	H	Withdrawn From Com
	H	Re-ref Com On Rules, Calendar, and Operations of the House
H0634 Arthritis Foundation Special Plate.	H	Reptd Fav
	H	Re-ref Com On Finance
H0646 Prison Hospital Completion.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/18/2011
H0649 Amend Grounds/License Revocat'n/Bail Bondsman.	H	Passed 2nd & 3rd Reading
05-16-11		
H0670 Sodium Resolution.	H	Adopted
H0673 Street Gang Nuisance Abatement.	H	Passed 2nd Reading
05-16-11		
H0715 Support Firefighters Week.	H	Adopted
H0750 Stormwater Sys. Owners Asscs./ SD Rules.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Agriculture/ Environment/Natural Resources
05-12-11		
H0769 High School to Work Partnership.	H	Pres. To Gov. 5/17/2011
04-20-11		
H0795 Patient Access to Pathological Materials.	H	Postponed To 5/18/2011
05-12-11, 05-16-11		
H0844 Mountains-to-Sea Trail Special Plate.	H	Reptd Fav
	H	Re-ref Com On Finance

H0845 Annexation Reform Act of 2011.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Finance
05-03-11, 05-11-11		
H0869 Aurora Fossil Museum Special Plate.	H	Reptd Fav
	H	Re-ref Com On Finance
H0921 Preconstruction Grant Development Fund.	H	Withdrawn From Com
	H	Re-ref Com On Commerce and Job Development
S0125 Regional Schools.	H	Passed 1st Reading
	H	Ref To Com On Education
04-26-11, 05-11-11		
S0244 Fire and Rescue/Survivor's Benefit.	S	Pres. To Gov. 5/17/2011
03-31-11		
S0245 Medicaid Billing by Local Health Departments.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/18/2011
03-17-11, 05-17-11		
S0271 Commercial and Other M/V Law Changes.-AB	S	Passed 2nd & 3rd Reading
05-04-11		
S0279 Clarify Renewable Energy Resource Definition.	S	Reptd Fav
S0316 Add'l Section 1915 Medicaid Waiver Sites.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/18/2011
03-24-11		
S0345 Encourage Invest to Retain Art 3A Installment.	H	Withdrawn From Com
	H	Re-ref Com On Rules, Calendar, and Operations of the House
S0384 Conforming Changes/Persons W/ Disabilities Act.	H	Passed 2nd & 3rd Reading
S0484 REPS Credits at Cleanfields Parks.	S	Withdrawn From Cal
	S	Placed On Cal For 5/24/2011
05-10-11		
S0489 Effectiveness of Job Creation Programs.	S	Passed 2nd & 3rd Reading
05-12-11		
S0525 Streamline Oversight/DHHS Service Providers.	S	Passed 2nd & 3rd Reading
05-12-11		
S0537 Increase In Rem Foreclosure Fee.	S	Reptd Fav
S0576 Changes to Fees for Teacher Certification.	S	Withdrawn From Cal
	S	Placed On Cal For 5/19/2011
04-27-11, 05-12-11		
S0602 Domestic Fowl Stray/ Commercial Poultry Lands.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
05-17-11		
S0670 Revise Membership/Hearing Aid Fitters Board.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
05-12-11, 05-17-11		
S0676 Clarify Water & Well Rights/ Private Property.	H	Passed 1st Reading
	H	Ref to the Com on

		Environment, if favorable, Commerce and Job Development
05-03-11, 05-12-11		
S0731 Zoning/Design and Aesthetic Controls.	SA Amend Adopted 1 S Passed 2nd & 3rd Reading S Engrossed	
05-10-11, 05-17-11		

### LOCAL BILLS

H0118 Winston-Salem/Daily Currency/ Coins Deposits.	S Reptd Fav	
H0256 Incorporate Lake James.	H Withdrawn From Com H Re-ref Com On Rules, Calendar, and Operations of the House	
H0371 Winston-Salem/Informal Bids Electronically.	S Reptd Fav	
H0414 Amend Rutherford County Occupancy Tax.	S Rec From House S Passed 1st Reading S Ref To Com On Finance	
H0415 Topsail Beach/Nags Head/ Littoral Rights.	H Ratified	
05-04-11		
H0471 Buncombe County Commission Districts.	S Reptd Fav	
H0506 Wrightsville Beach/Abandoned Vessels.	S Reptd Fav	
04-14-11		
H0516 Mount Airy Charter Amendments.	S Rec From House S Passed 1st Reading S Ref To Com On State and Local Government	
H0523 CHANGE Winston-Salem/Forsyth Election Method.	HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed	
05-12-11, 05-17-11		
H0528 Duplin Elections.	H Passed 3rd Reading	
H0532 Graham County/Cemetery Tax By General Law.	S Reptd Fav S Re-ref Com On Finance	
H0537 Wilkes Fire Tax Dist. Boundaries.	S Reptd Fav	
04-14-11		
H0565 Morehead City/Beaufort Boundary.	H Passed 3rd Reading	
H0566 Grantsboro Charter Amendment.	S Reptd Fav	
S0288 Atlantic Beach/Beaufort/ Parking.	S Concurred In H/com Sub	
05-11-11		

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 306. TRANSFER GSC/REVISOR OF STATUTES TO GA (NEW)**. Filed 3/9/11. Senate committee substitute makes the following changes to 1st edition.

Deletes all provisions of 1st edition and replaces it with *AN ACT TO TRANSFER THE GENERAL STATUTES COMMISSION, THE RESPONSIBILITY FOR THE CODIFICATION OF THE GENERAL STATUTES, THE REVISOR OF STATUTES AND THE STAFF FOR THESE FUNCTIONS TO THE GENERAL ASSEMBLY*. Recodifies Article 2 of GS Chapter 114 as Article 7D of GS Chapter 120, entitled *Codification of Statutes*. Amends recodified GS 120-36.21 to direct the Legislative Services Officer to assign to General Assembly staff specified duties previously designated to the Division of Legislative Drafting and Codification of Statutes in the Department of Justice (Division). Makes conforming changes and specifies that the General Assembly staff member who performs duties under GS 120-36.21(2) is the Revisor of Statutes. Enacts new GS 114-8.4 to permit the Department of Justice to (1) prepare bills at the request of the Governor and state officials and advise in connection with those bills and (2) advise and assist local governments to draft legislation. Makes conforming changes to various statutes to transfer codification duties to the Legislative Services Office and to transfer the General Statutes Commission (Commission) to the General Assembly. Amends GS 164-12, providing that the Commission will be located within the General Assembly for administrative purposes only. Amends GS 164-18, authorizing the Commission to report recommended legislation to each annual session of the General Assembly. Repeals GS 143A-53 (transferred the Commission to the Department of Justice).

Transfers all statutory authority, powers, records, personnel, and funds of the General Statutes Commission from the Department of Justice to the General Assembly as a Type II transfer. States that all administrative rules of the Commission are repealed, but are adopted as Commission policies until the Commission amends or repeals them. States that all rights and duties of North Carolina, acting through the Attorney General and the Division will remain unchanged, but will be executed by the Legislative Services Office. Transfers three specified positions to the General Assembly.

Effective June 1, 2011.

Previously: Civil Law and  
Procedure; APA/Rule Making;  
Courts  
Now: General Assembly; State  
Government

**H 348. OFFENDERS/NO ACCESS TO PERSONNEL RECORDS**. Filed 3/14/11. House amendment makes the following changes to 2nd edition. Deletes proposed GS 126-28.1, which imposed penalties on public officials or employees providing offenders access to personnel files. Deletes amendments to GS 14-258.1, which imposed penalties on offenders possessing prohibited records. Makes conforming changes, and makes a conforming change to the bill title.

Criminal Law, Procedure, and  
Sentencing

**H 366. SPECIAL ELECTION DATES**. Filed 3/15/11. House amendment makes the following changes to 2nd edition, as amended. Deletes proposed GS 163-14, concerning the ability of the board of county commissioners to call a special election if a vacancy occurs in an elective office. Makes conforming change to the title.

Elections Law; Local Government

**H 523. CHANGE WINSTON-SALEM/FORSYTH ELECTION METHOD**. Filed 3/30/11. House amendment makes the following changes to 2nd edition. Amends Paragraph 1 of the Winston Salem Charter (Charter), as amended, by adding that the mayor must be elected by all the qualified voters of Winston-Salem. Clarifies that, except as provided in Section 12J, the mayor serves a term of four years commencing, as provided by GS 160A-68, at the organizational meeting of the city council following the election. Makes a conforming change to Paragraph 2, concerning city council member terms. Further amends the Charter by deleting language defining a *qualified political party*. Deletes provision concerning the filed notice of candidacy and pledge. Makes other conforming changes.

Forsyth

**H 618. STREAMLINE OVERSIGHT/DHHS SERVICE PROVIDERS.** Filed 4/5/11. House committee substitute makes the following changes to 1st edition. Deletes all provisions of previous edition except the provision stating General Assembly findings and the provision requiring the Secretary of Health and Human Services (Secretary) to allow private sector development of an Internet-based data archive for provider records. Adds that the data warehouse will not store consumer records. Establishes within the Joint Legislative Oversight Committee on Health and Human Service, or upon authorization of the Legislative Research Commission, a 20 member Task Force to review and recommend a resolution to the duplicative regulatory oversight of Department of Health and Human Services (DHHS) services provided, regulated, or licensed under GS Chapter 122C or 131D, other than GS 131D-6 and Article 2 of GS Chapter 131D. Details the Task Force's membership, meeting timeline, duties, updating and reporting requirements, and directs the Task Force to develop legislative recommendations to accomplish specified directives by April 2012. Directs DHHS, effective January 1, 2012, to modify and consolidate LME endorsement, the Frequency and Extent of Monitoring Tool, and the Provider Monitoring Tool. Directs the Secretary to prepare a rate-setting memorandum for every change or adjustment made by DHHS in service definition, policy, rule, or provider requirements that impacts services provided in accordance with this act. Directs the Secretary to dissolve North Carolina Treatment Outcomes Program Performance System Advisory Committee, and requires the Secretary to establish a task force to study the North Carolina Treatment Outcomes Program Performance System by August 1, 2011. Directs the Secretary to annually review policy updates made by specified accrediting bodies and to take the actions necessary to ensure that DHHS policy or procedural requirements do not duplicate the updated accreditation standards. Makes a conforming change to the bill title. Makes other technical changes.

Health, Social Services, and Aging

## SENATE BILLS

**S 245. MEDICAID BILLING BY LOCAL HEALTH DEPARTMENTS.** Filed 3/7/11. House committee substitute makes the following changes to 2nd edition. Amends proposed GS 130A-34.2(b) to clarify that the required data must be provided in a format specified by the Division of Public Health (Division). Amends proposed GS 130A-34.2(c) to direct local health departments, district health departments, and consolidated human services agencies to make encounter-level data available for the Division, in a format specified by the Division, in order to comply with federal grant reporting requirements (previously, the entities were not required to submit encounter-level data). Specifies that local health departments are not required to use Common Name Data System for any purpose. Amends proposed GS 130A-34.2(e) to clarify that local health departments, district health departments, and consolidated human services agencies retain the responsibility to supply the Division of Medical Assistance and/or the Centers for Medicare and Medicaid Services with documentation to support audit processes and procedures to confirm and validate cost study reimbursement data. Clarifies the definition of *aggregate data*. Authorizes local health departments, district health departments and consolidated human services agencies to rebill outside of the Health Information System any unpaid Medicaid claims submitted between December 1, 2010, and the effective date (the date the act becomes law).

Local Government; Health, Social Services, and Aging

**S 602. DOMESTIC FOWL STRAY/COMMERCIAL POULTRY LANDS.** Filed 4/14/11. Senate committee substitute makes the following change to 1st edition. Amends proposed GS 68-25(b), clarifying that a person is guilty of a Class 3 misdemeanor if the person permits any domestic fowl to run at large on the lands of a commercial poultry operation *of any other person* after receiving actual or constructive notice.

Agriculture, Environment, and Natural Resources

**S 670. REVISE MEMBERSHIP/HEARING AID FITTERS BOARD.** Filed 4/19/11. Senate committee substitute makes the following changes to 2nd edition. Clarifies that the term of the member currently serving on North Carolina State Hearing Aid Dealers and Fitters Board who was appointed by the Governor from a list of audiologists compiled by the North Carolina Speech and Hearing Association expires on the effective date of the act, and directs the Governor to fill the vacancy on the Board with a person who represents the interest of hearing aid consumers, in accordance with GS 93D-3, as amended (previously, the terms of the two audiologist Board members expired on the act's effective date).

Health, Social Services, and Aging

**S 731. [ZONING/DESIGN AND AESTHETIC CONTROLS](#).** Filed 4/19/11. Senate amendment makes the following changes to 2nd edition.

Amends proposed GS 160A-381(g) and proposed GS 153A-340(j) to provide that certain municipal and county subdivision and zoning regulations relating to building design elements may not be applied to single family residential structures in zoning districts with densities of five or fewer dwelling units per acre (was, may not be applied to residential structures containing four or fewer dwelling units) except under specified circumstances. Amends the specified circumstances to also include: (1) circumstances where the regulations are imposed as conditions relating to the allowance of density bonuses or modifications of open space, setbacks or required yards, lot coverage, lot size, buffering or screening regulations otherwise generally applicable in a zoning district; and (2) circumstances when the regulations are applied to manufactured or modular housing in a manner consistent with GS 160A-383.1 and federal law. Makes additional technical and clarifying changes to both proposed subsections. Changes the title to *AN ACT TO CLARIFY WHEN A MUNICIPALITY OR A COUNTY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS*. Clarifies that the act is effective when it becomes law and applies to development approvals made on or after the effective date.

Local Government; Property, Land Use, and Housing

## Legislation Enacted

**SL 2011-76 (H 193). [TOPSAIL BEACH RECALL ELECTIONS](#).** *AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH*. Summarized in *Daily Bulletin* 2/28/11, 3/24/11, and 3/28/11. Enacted May 16, 2011. Effective May 16, 2011.

Pender

**SL 2011-77 (H 194). [TOPSAIL BEACH CHARTER AMENDMENT](#).** *AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE*. Summarized in *Daily Bulletin* 2/28/11. Enacted May 16, 2011. Effective May 16, 2011.

Pender

**SL 2011-78 (H 415). [TOPSAIL BEACH/NAGS HEAD/LITTORAL RIGHTS](#).** *AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWNS OF TOPSAIL BEACH AND NAGS HEAD AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS*. Summarized in *Daily Bulletin* 3/21/11 and 5/4/11. Enacted May 17, 2011. Effective May 17, 2011.

Dare; Pender

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## Notes

None

## NEXT SESSIONS

May 18, 2011

**HOUSE convenes at 2:00 pm**

**SENATE convenes at 3:00 pm**