

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 111

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 992. [SPECIAL PLATE FOR TOWN OF MATTHEWS.](#) Filed 5/17/12. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE TOWN OF MATTHEWS.*

Amends GS 20-79.4(b) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$20 and requires that \$10 of that amount be transferred quarterly to the Town of Matthews. Effective July 1, 2012.

Intro. by Cotham.

GS 20

Transportation

H 995. [TAX ADJUSTMENT PLAN.](#) Filed 5/17/12. *TO INCREASE THE SALES TAX BY A PENNY, REDUCE THE CORPORATE INCOME TAX RATE BY ONE PERCENT, INCREASE THE PERSONAL EXEMPTION FOR PERSONAL INCOME TAX, GIVE STATE EMPLOYEES AND TEACHERS A TWO PERCENT PAY RAISE, AND PROVIDE ADDITIONAL FUNDS FOR EDUCATION.*

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Amends GS 105-164.4(a) to increase the sales and use tax rate by 1%, from 4.75% to 5.75%. Amends GS 105-164.44F (distribution of taxes imposed on telecommunications service) and GS 105-164.44I (distribution of taxes imposed on telecommunications service and video programming service) to reduce the distributions to counties and cities. States that the tax rate increase applies to sales made on or after July 1, 2012, and the distribution modifications apply to distributions made on or after July 1, 2012. Designates the purposes for which the 1% increase will be used, in priority order.

Amends GS 105-130.3 to reduce the corporate income tax by 1%, from 6.9% to 5.9%, effective for taxable years beginning on or after January 1, 2012. Makes a conforming change to reduce the amount credited to the Public School Building Capital Fund in GS 115C-546.1(b), effective July 1, 2012, and applicable to the calendar quarter ending September 30, 2012.

Effective for taxable years beginning on or after January 1, 2012, amends GS 105-134.6(a1) to increase the personal exemption for personal income tax to \$2,950 for taxpayers with an adjusted gross income up to \$100,000, and to \$2,350 for incomes over \$100,000.

Intro. by Owens.

GS 105, 115C

Education; Employment and Retirement; Taxation

H 996. CHILD DEATH RESEARCH FUNDS. Filed 5/17/12. *TO APPROPRIATE FUNDS TO IMPROVE CHILD DEATH RESEARCH AND INVESTIGATION IN NORTH CAROLINA, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.*

Appropriates \$65,000 for 2011-12 and \$65,000 for 2012-13 from the General Fund to the Department of Health and Human Services, Officer of the Chief Medical Examiner to establish a new child death research position and to reclassify a current research assistant position as a child death research position. Effective July 1, 2011.

Intro. by Earle, Weiss.

APPROP

Budget and Appropriations; Health, Social Services, and Aging

H 997. FUNDS TO PREVENT INFANT MORTALITY. Filed 5/17/12. *TO APPROPRIATE FUNDS TO PREVENT INFANT MORTALITY IN NORTH CAROLINA.*

Appropriates \$870,000 for the 2011-13 biennium from the General Fund to the Department of Health and Human Services, Division of Health Services, and specifies allocations to the March of Dimes, East Carolina School of Medicine, the Healthy Start Foundation, and the UNC School of Medicine. Effective July 1, 2011.

Intro. by Earle.

APPROP

Budget and Appropriations; Health, Social Services, and Aging

H 998. FUNDS TO REDUCE CLASS SIZE IN K-3. Filed 5/17/12. *TO APPROPRIATE FUNDS TO REDUCE CLASS SIZE IN KINDERGARTEN THROUGH THIRD GRADE.*

Appropriates \$92,885,877 for 2012-13 from the General Fund to the Department of Public Instruction to provide as title indicates. Effective July 1, 2012.

Intro. by Glazier, M. Alexander,

APPROP

Budget and Appropriations; Education

Gill, Rapp.

H 999. RESTORE LEA FLEXIBILITY ADJUSTMENT FUNDING. Filed 5/17/12. *TO RESTORE PUBLIC SCHOOL FLEXIBILITY ADJUSTMENT FUNDING.*

Appropriates \$503,067,940 for 2012-13 from the General Fund to the Department of Public Instruction as the title indicates. Asserts that restoring the funding will result in the retention or restoration of an estimated 9,800 teacher, teacher assistant, and other school-based positions. Effective July 1, 2012.

Intro. by Glazier, Michaux, Rapp,

APPROP

Budget and Appropriations; Education

McLawnhorn.

H 1000. COMMUNITY ASSOCIATION MGRS. LICENSING ACT. Filed 5/17/12. *ESTABLISHING THE COMMUNITY ASSOCIATION MANAGERS LICENSURE ACT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HOMEOWNERS ASSOCIATIONS.*

Enacts new Article 6, *North Carolina Community Association Managers Licensure Act*, to GS Chapter 93A. Prohibits a person, on or after October 1, 2012, from acting as a community association manager without first obtaining a license to provide community association management. Requires every community association manager, effective October 1, 2012, to be covered by a fidelity bond of at least \$20,000 or an insurance policy complying with specified provisions, and requires a manager controlling a community association's money or a community association member's money to comply with detailed conditions.

Defines *community association manager* as any person who, for compensation, performs two or more of the listed acts or services for a community association. Exempts specified persons and activities from the licensure requirement. Establishes a seven-member NC Licensure Board for Community Association Managers (Board), with initial appointment by October 1, 2012. Directs the Board to administer Article 6, issue licenses, and perform additional, enumerated duties. Sets out qualifications for licensure as a community association manager and lists fees that may be charged by the Board. Provides for license renewal, and permits the Board to create continuing education programs for licensees. Requires every community association that employs a licensed manager and that meets certain membership guidelines to register with the Board on or before January 1 each year. Grants the Board authority to take disciplinary action against a licensee upon the Board's own initiative or following a complaint by any person. Directs licensees to retain records for at least three years. Makes a violation of Article 6 a Class 2 misdemeanor.

Makes a conforming change to GS 93A-6(a)(12) (disciplinary action by the Real Estate Commission). Allows any person who has been a community association manager in North Carolina for at least three consecutive years to submit proof, within one year of the act's effective date, to the Board and receive a license.

Intro. by Jordan, Justice, R. GS 93A Property, Land Use, and Housing
Moore, Spear.

H 1001. [EO/NO DOMA](#). Filed 5/17/12. *TO REPEAL EXECUTIVE ORDER 85 RELATING TO THE CREATION OF A DEPARTMENT OF MANAGEMENT AND ADMINISTRATION.*

As title indicates. Disapproves the provisions in the Executive Order consolidating and reorganizing certain agencies to create the Department of Management and Administration.

Intro. by Cleveland. HOUSE RES General Assembly; State
Government

H 1002. [BILL OF RIGHTS/DEAF/HEARING IMPAIRED](#). Filed 5/17/12. *ESTABLISHING A BILL OF RIGHTS FOR CHILDREN WHO ARE DEAF OR HEARING IMPAIRED, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EDUCATION REFORM.*

Amends Part 29 of Article 3 of GS Chapter 143B to add new section, "Deaf Child's Bill of Rights."

Presents the General Assembly's findings regarding meeting the needs of children with low-incidence disabilities including the educational, vocational, and extra-curricular needs of deaf and hearing-impaired children.

Defines the term "communication mode or language" as used in Part 29 to refer to (1) American Sign Language; (2) English-based manual or sign system; and (3) oral, aural, or speech-based training.

Provides that in preparing an Individualized Education Program (IEP), as defined in GS 115C-106.3(8), for a deaf or hearing impaired student, the IEP team must consider the child's specific communication mode or language and advise parents of the full continuum of alternative educational placements available to them.

Intro. by Blackwell, Holloway, GS 143B Education; Health, Social Services,
Jordan, Gill. and Aging

H 1003. [CHILD NUTRITION PROGRAM SOLVENCY AND SUPPORT](#). Filed 5/17/12. *(1) TO PROHIBIT LOCAL SCHOOL ADMINISTRATIVE UNITS FROM ASSESSING INDIRECT COSTS TO A CHILD NUTRITION PROGRAM UNLESS THE PROGRAM IS FINANCIALLY SOLVENT AND (2) TO APPROPRIATE FUNDS TO PROMOTE OPTIMAL PRICING FOR CHILD NUTRITION PROGRAM FOODS AND SUPPLIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.*

Amends GS 115C-450 as the title indicates. Defines *indirect costs* as the term is defined in the United States Office of Budget and Management Circular A-87, as revised, and uses the term *cost of operation* as defined in GS 115C-264(c).

Appropriates \$80,000 in recurring funds for 2012-13 from the General Fund to the Department of Public Instruction, Division of School Support, Child Nutritional Services Section, for purposes as the title indicates. Requires the Department of Public Instruction (DPI) to make annual reports to the Joint Legislative Education Oversight Committee beginning on October 1, 2013, and each subsequent year that DPI receives this appropriation. Effective July 1, 2012.

Intro. by Howard. GS 115C, APPROP Education; Budget and
Appropriations

H 1004. [REFORM WORKFORCE DEVELOPMENT](#). Filed 5/17/12. *EXPRESSING THE OPINION OF THE GENERAL ASSEMBLY THAT THE LOCAL PROVISION OF WORKFORCE INVESTMENT ACT SERVICES SHOULD BE STREAMLINED BY REALIGNING LOCAL WORKFORCE DEVELOPMENT AREAS WITH THE*

BOUNDARIES OF COUNCILS OF GOVERNMENTS ESTABLISHED PURSUANT TO G.S. 160A-470, AS RECOMMENDED BY THE PROGRAM EVALUATION DIVISION AND ENDORSED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

As title indicates. Includes whereas clauses related to the Program Evaluation Division's report on workforce development system integration and accountability.

Intro. by Howard. JOINT RES Local Government; State Government

H 1005. FUNDS FOR FSU'S BUTLER BUILDING. Filed 5/17/12. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR RESTORATION AND REPAIRS TO THE G.L. BUTLER BUILDING ON THE CAMPUS OF FAYETTEVILLE STATE UNIVERSITY.*

Appropriates \$350,000 for 2012-13 from the General Fund to the UNC Board of Governors to provide as title indicates. Effective July 1, 2012.

Intro. by Parfitt, Floyd, Lucas. APPROP Budget and Appropriations; Education

H 1006. SPECIAL MOTORCYCLE PLATE FOR VIETNAM VETERANS. Filed 5/17/12. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL MOTORCYCLE PLATE FOR VIETNAM VETERANS OF AMERICA.*

Amends GS 20-79.4(b)(224) as title indicates. Effective July 1, 2012.

Intro. by Committee on Rules, Calendar, and Operations of the House. GS 20 Transportation

H 1007. RESOLUTION HONORING SPC ELLIOTT. Filed 5/17/12. *HONORING THE LIFE AND MEMORY OF DANIEL LUCAS ELLIOTT, NORTH CAROLINA CITIZEN AND SOLDIER.*

As title indicates.

Intro. by Committee on Rules, Calendar, and Operations of the House. JOINT RES General Assembly

H 1008. NO TELEVISIONS ON DEATH ROW. Filed 5/17/12. *TO PROHIBIT TELEVISIONS FOR DEATH ROW INMATES.*

Enacts new GS 148-23.3 to provide as title indicates.

Intro. by Committee on Rules, Calendar, and Operations of the House. GS 148 Criminal Law, Procedure, and Sentencing

H 1009. MSD AMENDMENTS. Filed 5/17/12. *TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO REFLECT POPULATION SHIFTS IN SINGLE-COUNTY DISTRICTS, TO MODIFY REPRESENTATION IN MULTICOUNTY DISTRICTS, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.*

Amends GS 162A-67(a) (Metropolitan Sewerage District boards) to set the number of district board members required when a district expands into another county, so the district lies in two counties. Requires the county in which the largest portion of the district lies to always have three members on the board, and the county in which the lesser portion of the district lies to always have two members. Makes modifications to the appointment process to the district board in GS 162A-67(a)(4). Makes a conforming change. Amends GS 162A-69 to grant a Metropolitan Sewerage District all the powers of a Metropolitan Water District. Effective July 1, 2012.

Intro. by McGrady, Moffitt. GS 162A Energy and Utilities; Local Government

H 1010. UNC TV/RESTORE FUNDS. Filed 5/17/12. *TO APPROPRIATE FUNDS TO RESTORE FUNDING ON A RECURRING BASIS FOR THE UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC TELEVISION.*

Appropriates \$10,583,340, of which \$25,199 are receipts, for 2012-13 from the General Fund to the UNC Board of Governors to provide as title indicates. Effective July 1, 2012.

Intro. by Rapp, McLawhorn, Carney, Glazier.

APPROP

Budget and Appropriations;
Education

H 1011. [BUDGET FULL ENROLLMENT GROWTH FOR UNC.](#) Filed 5/17/12. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO FUND FULLY THE ENROLLMENT GROWTH IN THE UNIVERSITY SYSTEM.*

Appropriates \$24,294,287, of which \$6,859,482 are receipts, for 2012-13 from the General Fund to the UNC Board of Governors to provide as title indicates. Effective July 1, 2012.

Intro. by Rapp, Wilkins, McLawhorn, Glazier.

APPROP

Budget and Appropriations;
Education

H 1012. [EFFECTIVE UTILIZATION OF PED.](#) Filed 5/17/12. *TO ENSURE THAT THE RESOURCES OF THE PROGRAM EVALUATION DIVISION ARE UTILIZED EFFECTIVELY BY THE GENERAL ASSEMBLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Enacts new GS 120-36.17 to require each introduced bill or resolution that proposes a study or evaluation by the Program Evaluation Division (PED) to also include an attached impact statement, which estimates the number of personnel, number of hours, and estimated costs required to complete the study or evaluation proposed. Provides that if PED is unable to undertake the study as part of its current work plan, PED must indicate another timeframe for the study. Requires PED to prepare the impact statement within two weeks of the request, and allows for extension. Amends GS 120-36.13(a) (PED work plan), requiring the study or evaluation to be included in the next annual PED work plan with a one year reporting extension if the enacted legislation did not include an impact statement, unless the PED did not provide the statement within the specified time period.

Intro. by Howard.

GS 120

General Assembly

H 1013. [UNC FACULTY & RETENTION FUND.](#) Filed 5/17/12. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO RECRUIT AND RETAIN OUTSTANDING FACULTY AT EACH OF THE CONSTITUENT INSTITUTIONS.*

Appropriates \$5 million for 2012-13 from the General Fund to the UNC Board of Governors as the title indicates. Effective July 1, 2012.

Intro. by Wilkins, Rapp, Carney, Hall.

APPROP

Budget and Appropriations;
Education

SENATE BILLS

S 806. [MODIFY MORTGAGE REGULATION FUNDING \(=H 949\).](#) Filed 5/17/12. *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.*

Identical to H 949, filed 5/16/12.

Intro. by Brown.

GS 53

Banking and Finance

S 807. [PROHIBIT CERTAIN HARVEST OF MENHADEN.](#) Filed 5/17/12. *TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS.*

Enacts new subsection (e) to GS 113-187 to provide as title indicates, and makes a violation a Class A1 misdemeanor. Makes a conforming change to repeal SL 2007-320. Applies to offenses committed on or after December 1, 2012.

Intro. by Brown, Goolsby, Rabon.

GS 113

Agriculture, Environment, and
Natural Resources

S 808. [CHANGES TO COMMERCE REPORTING REQUIREMENTS.](#) Filed 5/17/12. *TO MODERNIZE THE REQUIREMENTS OF THE COMPREHENSIVE STRATEGIC ECONOMIC DEVELOPMENT PLAN AND TO SIMPLIFY AND STREAMLINE OTHER REPORTING REQUIREMENTS FOR THE DEPARTMENT OF COMMERCE.*

Current law requires that the first step in developing the Comprehensive Strategic Economic Plan (GS 143B-434.01) is to develop an environmental scan based on information that is periodically updated. Amends GS 143B-434.01(e) to clarify that the updated information may be provided in whatever manner is most efficient.

Deletes the requirement for a needs assessment.

Replaces the annual report with an annual evaluation. Charges the Economic Development Board (Board) with the responsibility for conducting an annual evaluation of the state's economic performance based on specified statistics. States that the statistics used for evaluation should be made available to policymakers in whatever manner is most efficient. Adds the Joint Legislative Economic Development and Global Engagement Oversight Committee (Global Oversight Committee) to the entities to which the Board must make all data, plans, and reports available. Makes additional clarifying and conforming changes.

Amends GS 143B-435.1 to require that the Department of Commerce (Department) report on all clawbacks triggered under programs that the Department administers to the Joint Legislative Commission on Governmental Operations (Governmental Operations) and the Fiscal Research Division of the General Assembly, in addition to the Revenue Laws Study Committee (Revenue Laws), by April 1 and October 1 of each year.

Repeals GS 143B-437.01(c) to conform to the amended reporting requirements as provided in GS 143B-435.1.

Amends GS 143B-437.07, directing the Department to report on the information required by subsection (a) on or before October 1 (was, March 1). Additionally requires that the report include information for each business or joint private venture to which the state has granted in whole or in part economic development incentives in the previous fiscal year (was, previous five calendar years).

In addition to an online posting of a summary report, directs the Department to also submit a written report by October 1 of each year to the Fiscal Research Division, Governmental Operations, Revenue Laws, and Global Oversight Committee. Clarifies that an economic development incentive includes any grant from the specified programs.

Amends GS 143B-437.08 to add subsection (k) requiring the Secretary of Commerce to submit a written report on the tier rankings required by subsection (c) of GS 143B-437.08 to Governmental Operations and the Fiscal Research Division by November 30 annually.

Repeals GS 143B-437.55(d) regarding reporting requirements for the Economic Investment Committee.

Intro. by Brown. GS 143B Business and Commerce; State Government

S 809. ENVIRONMENTAL TECHNICAL CORRECTIONS 2012 (=H 953). Filed 5/17/12. *TO MAKE CLARIFYING CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Identical to H 953, filed 5/16/12.

Intro. by Rouzer, East, Jackson. GS 113, 113A, 143, 143B Agriculture, Environment, and Natural Resources

S 810. REGULATORY REFORM ACT OF 2012. Filed 5/17/12. *TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) REQUIRE AGENCIES TO GIVE WRITTEN NOTICE BEFORE AUDITING OR EXAMINING A BUSINESS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.*

Repeals Section 1.3 of SL 2011-91, which eliminated the Joint Legislative Administrative Procedure Oversight Committee. Makes clarifying and conforming changes to several provisions of the Administrative Procedure Act. Deletes requirement that the rule-making body must approve a fiscal note for a proposed rule before submission for publication, and modifies the procedure for an agency to post proposed changes on its website.

Amends Section 63 of the 2011 Regulatory Reform Act to provide that specified provisions of that Act become effective in certain contested cases when the US Environmental Protection Agency approvals are issued

or on October 1, 2012 (was, June 15, 2012), whichever occurs first. Makes specified provisions of the Act effective, with regard to certain Medicaid contested cases, when the waiver from the single state agency requirement is granted or on February 1, 2013, whichever occurs first.

Amends GS 116B-73(a) to reduce the amount of time that a person must maintain records under the Unclaimed Property Act to five (rather than ten) years.

Enacts new GS 143B-10.1 to require state agencies authorized to audit a business or individual to provide at least seven days written notice before conducting the audit.

Repeals certain provisions that required drinking well water testing. Amends GS 87-97(i), permitting the Commission for Public Health to require new well water testing for volatile organic compounds, and directing the Commission to consider certain factors when making a rule to require such testing.

Enacts new GS 143B-279.17 to direct the Department of Environment and Natural Resources (DENR) to track the amount of time required to process all permit applications, and to report annually by March 1 on the permit processing times.

Amends Section 3(b) of SL 2011-39 to postpone to January 1, 2013, the date for public swimming pool owners and operators to comply with wading pool fence requirements.

Directs the Commission on Public Health, by July 1, 2013, to adopt rules allowing applicants for sanitary landfills to select one of two specified permit options. Also directs DENR to review fee schedules for sanitary landfill permits, and report any proposed recommendations to the Environmental Review Commission by December 1, 2012.

Makes other clarifying changes.

Intro. by Rouzer, Brown, Davis. GS 87, 116B, 143, 143B, 150B APA/Rule Making; Agriculture, Environment, and Natural Resources; Business and Commerce; Health, Social Services, and Aging; Property, Land Use, and Housing

S 811. ENR REPORTS CONSOLIDATION (=H 954). Filed 5/17/12. *TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Identical to H 954, filed 5/16/12.

Intro. by Rouzer, East, Jackson. GS 130A, 143 Agriculture, Environment, and Natural Resources

S 812. PROTECT DENR FROM CO-APPLICANT LIABILITY (=H 955). Filed 5/17/12. *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.*

Identical to H 955, filed 5/16/12.

Intro. by Rouzer, East, Jackson. GS 143 Agriculture, Environment, and Natural Resources

S 813. DCR AND DENR/STUDY STATE ATTRACTIONS SAVINGS (=H 944). Filed 5/17/12. *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.*

Identical to H 944, filed 5/16/12.

Intro. by Hartsell. STUDY Agriculture, Environment, and Natural Resources

S 814. RESTORE PRIVATE WELL PROGRAM/FUNDS. Filed 5/17/12. *APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO RESTORE THE PRIVATE WELL PROGRAM AND TO ESTABLISH THREE ENVIRONMENTAL HEALTH REGIONAL SPECIALIST POSITIONS DEDICATED TO THE PRIVATE WELL PROGRAM.*

Appropriates \$222,000 in recurring funds for 2012-13 from the General Fund to the Department of Health and Human Services, Division of Public Health, as the title indicates. Allocates the appropriation as follows: (1) \$45,000 for operating expenses for the Private Well Program authorized by GS 87-97 and (2) \$177,00 to establish three Environmental Health Regional Specialist positions dedicated to the Private Well Program. Effective July 1, 2012.

Intro. by Hartsell.

APPROP

Budget and Appropriations; Health,
Social Services, and Aging

S 815. REFORM WORKFORCE DEVELOPMENT. Filed 5/17/12. *INITIATING REFORM OF THE WORKFORCE DEVELOPMENT LAWS OF NORTH CAROLINA, MODIFYING THE COMPOSITION OF THE NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT, AND ESTABLISHING THE JOINT LEGISLATIVE WORKFORCE DEVELOPMENT SYSTEM REFORM COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.*

Amends GS 143B-438.10 (concerning the Commission on Workforce Development) to clarify and expand the Commission's duties, adding, among others, the duty to submit annual reports to the General Assembly, beginning January 15, 2014, and the duty to develop the memorandum of understanding for workforce development programs. Effective January 1, 2013, decreases from 38 to 25 the number of Commission members, as detailed. Provides that the terms of current members expire December 31, 2012. Adds reporting requirements for entities subject to review by the Commission, details a confidentiality provision, and requires appointment of an Advisory Work Group. Sets out a reporting requirement to the newly established Joint Legislative Workforce Development System Reform Oversight Committee.

Directs the Commission to set standards for JobLink Career Centers, as specified, and requires a review of the memorandum of understanding for the Centers, as detailed. Provides for the appointment of a workgroup, composed of representatives from listed entities, to assist with the review, which must be completed by May 15, 2013, with the memorandum effective July 1, 2013. Sets out additional reporting requirements for the Commission.

Amends GS 143B-438.11 to also require local Workforce Development Boards to provide regional workforce development planning and labor market data sharing. Directs the Commission and the Department of Commerce to assist any local board that realigns its service area to the boundaries of a local regional council of governments, and requires quarterly reports, as indicated, on the realignment.

Effective July 1, 2012, amends GS 96-32 to require the Division of Labor and Economic Analysis (DLEA) in the Department of Commerce (rather than the Division of Employment Security) to maintain the common follow-up information management system to track specified performance measures. Adds duties for DLEA, and includes reporting requirements.

Directs the Department of Commerce to develop and implement, by July 1, 2013, a web-based intake system for North Carolina's workforce development efforts, which must include specified information. Directs the NC Community College System Office to end operation of the Workforce Initiatives program.

Creates the sixteen member Joint Legislative Workforce Development System Reform Oversight Committee to monitor and oversee the workforce development system and JobLink Career Centers. Sets out interim and final reporting deadlines, and directs the Committee to terminate upon filing the final report.

Intro. by Hartsell.

GS 96, 143B

Employment and Retirement; State
Government

S 816. BANKING LAW MODERNIZATION ACT (=H 951). Filed 5/17/12. *TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.*

Identical to H 951, filed 5/16/12.

Intro. by Brown.

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

Banking and Finance

S 817. CONFIRM TAMARA NANCE TO INDUSTRIAL COMM. Filed 5/17/12. *TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.*

As title indicates.

Intro. by Brown.

JOINT RES

General Assembly

S 819. URGE CONGRESS ADOPT DOMESTIC ENERGY POLICY. Filed 5/17/12. *EXPRESSING THE OPINION OF THE GENERAL ASSEMBLY THAT THERE SHOULD BE A NATIONAL ENERGY POLICY THAT SUPPORTS*

THE RESPONSIBLE EXPLORATION FOR AND DEVELOPMENT OF DOMESTIC ENERGY RESOURCES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMITTEE ON ENERGY POLICY ISSUES.

Sets out whereas clauses related to energy resources and policies. Advocates that the federal 2012-17 leasing plan be amended to include North Carolina's federally managed waters to accelerate resource exploration and development, and include revenue sharing provisions for those waters. Details several legislative opinions related to nuclear waste policy, and encourages the federal government to establish recommended reforms for nuclear fuel disposal. Endorses (1) statutory oversight to implement an energy policy; (2) access to an impact assessment of the major regulations under consideration under the Clean Air and Clean Water acts; and (3) additional oversight of the EPA.

Intro. by Rucho, Rabon, Goolsby.

JOINT RES

Energy and Utilities; General Assembly

S 820. CLEAN ENERGY AND ECONOMIC SECURITY ACT. Filed 5/17/12. TO: (1) ESTABLISH AN OIL AND GAS BOARD WITH JURISDICTION AND AUTHORITY OVER MATTERS RELATED TO OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, AND TO DIRECT THE BOARD TO CREATE A MODERN REGULATORY PROGRAM FOR MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE; (2) AUTHORIZE THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THE PURPOSE OF OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE AND PLACE A MORATORIUM ON PERMITTING RELATED TO THOSE PROCESSES UNTIL JULY 1, 2014; (3) ENACT VARIOUS OTHER PROVISIONS RELATED TO MANAGEMENT OF OIL AND GAS EXPLORATION ACTIVITIES, INCLUDING PROVISIONS RELATED TO LOCAL GOVERNMENT AUTHORITY OVER THESE ACTIVITIES; (4) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY WITH LEGISLATIVE OVERSIGHT OF ALL MATTERS RELATED TO OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, AND OTHER ENERGY-RELATED ISSUES; (5) DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO PURCHASE SCHOOL BUSES THAT OPERATE ON COMPRESSED NATURAL GAS (CNG); (6) DIRECT THE DEPARTMENT OF TRANSPORTATION TO PURCHASE NEW THREE-QUARTER TON PICK UP TRUCKS AND NEW ONE-HALF TON PICK UP TRUCKS THAT OPERATE ON COMPRESSED NATURAL GAS (CNG) OR COMPRESSED NATURAL GAS (CNG) AND GASOLINE; (7) CREATE AN INTERAGENCY TASK FORCE TO ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS FOR THE CONSTRUCTION AND DEVELOPMENT OF COMPRESSED NATURAL GAS (CNG) FUELING INFRASTRUCTURE; (8) ESTABLISH CRITERIA FOR THE OPERATION OF ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT STATE-OWNED REST STOPS ALONG THE HIGHWAYS; (9) ENSURE THE USE OF FUEL-EFFICIENT AND COST-EFFICIENT RETREAD TIRES ON STATE VEHICLES; AND (10) AMEND THE ENERGY JOBS ACT OF 2011 IF THE ENERGY JOBS ACT OF 2011 BECOMES LAW, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ENERGY ISSUES POLICY COMMITTEE.

Establish Oil and Gas Board. Enacts new Part 4, *Oil and Gas Board*, in Article 27 of GS Chapter 113 to establish the nine-member NC Oil and Gas Board (Board), which has jurisdiction and authority concurrent with that of the Department of Environment and Natural Resources (DENR) in the administration and enforcement of oil and gas exploration and development activities and related laws. Details the Board's access to information related to oil and gas exploration and development, and directs the Board, by December 31, 2013, to adopt rules to regulate oil and gas exploration and development in NC and the use of horizontal drilling and hydraulic fracturing, as specified.

Authorizes the Board to exercise quasi-judicial powers in accordance with the Administrative Procedure Act. Provides that the Board makes the final agency decision in contested cases arising from civil penalty assessments made, and rules adopted, under Article 27 (Oil and Gas Conservation) of GS Chapter 113. Permits penalties based on listed factors. Requires the appointment, from members of the Board, of a Committee on Civil Penalty Remissions, which makes the final agency decision on remission requests, as detailed. Authorizes the Attorney General to commence a civil action if the violator does not pay the civil penalty within 30 days. Lists the residency and qualification requirements for the nine Board members, and sets out term, meeting, and leadership details. Requires initial appointments to the Board by August 1, 2012, and makes the first quarterly report due January 1, 2013.

Sets out the Board's reporting requirements to the Joint Legislative Commission on Energy Policy.

Enacts new GS 132-11, requiring all information obtained by the Board and DENR, related to oil and gas exploration and development, to be available for public inspection and examination two years after the Board receives the information, provided the information is not confidential or a trade secret.

Statutory and Rule Changes; Moratorium. Amends GS 113-389 to add four defined terms, including *hydraulic fracturing fluid* and *hydraulic fracturing treatment*. Makes conforming changes to GS 113-391 (DENR's jurisdiction and authority over oil and gas conservation) to make DENR's authority concurrent with that of the newly-established Board, and to remove restrictions on horizontal drilling and hydraulic fracturing. Makes conforming changes to GS 113-393(d) (development of lands as drilling units) and GS 143-214.2(b) (prohibited discharges in state waters). Prohibits DENR from enforcing any rule that would ban horizontal drilling and hydraulic fracturing treatments and related activities, as described. Establishes a moratorium on the issuance of permits for horizontal drilling and hydraulic fracturing in North Carolina through July 1, 2014.

Misc. Provisions. Enacts new GS 113-388A, authorizing cities and counties to impose a one-time impact fee, up to \$30,000, for each oil or gas well; the fee must be calculated as detailed, and may be appealed. Enacts new GS 113-415A to make invalid any local ordinance that prohibits oil and gas exploration and development activities, and the use of horizontal drilling or hydraulic fracturing. Provides a Board hearing process when exploration and development activities would be prevented by a local ordinance, and sets out the procedure to appeal the Board's decision. Renames the Division of Land Resources in DENR as the Division of Energy, Mineral, and Land Resources.

Energy Policy Oversight Commission. Enacts new Article 33 in GS Chapter 120, creating a ten-member Joint Legislative Commission on Energy Policy (Commission) to oversee energy policy in North Carolina. Details the membership, term limits, organization, and powers of the Commission.

Compressed Natural Gas-Fueled Equipment. Directs the Department of Public Instruction to purchase, in specified phases, school buses that operate on compressed natural gas (CNG), beginning July 1, 2013. Directs the Department of Transportation (DOT) to purchase, in specified phases, new 3/4 ton and 1/2 ton pickup trucks that operate on CNG or on CNG and gasoline, beginning July 1, 2013. Provides for the creation of an interagency task force to establish public-private partnerships with the CNG industry to develop infrastructure supporting the CNG vehicles. Includes reporting requirements.

Electric Vehicles and Retread Tires. Authorizes the DOT to operate electric vehicle charging stations at state-owned rest stops, provided two detailed conditions are met. Sets out reporting requirements.

Amends GS 115C-249.1 (concerning the purchase, repair, or refurbishment of school bus tires) to prohibit contracts executed on or after July 1, 2012, from including any specification for retread rubber formulations. Also requires the contracts to require pre-cure fuel efficient rated retreaded tires. Amends GS 143-63.2 (concerning the purchase, repair, or refurbishment of state vehicle tires) to require all contracts executed on or after July 1, 2011, excluding contracts in place for future purchases, to comply with the statute. Makes conforming changes.

Energy Jobs Act of 2011. Makes several changes to the Energy Jobs Act of 2011 (SB 709) if the Act becomes law, as follows. Makes clarifying changes to the provision requiring the development of a regional energy strategy (was, regional energy compact) for the exploration and development of offshore energy resources and requires final recommendations by December 31, 2012. Repeals provision requiring DENR's report on onshore shale gas resources. Amends GS 113B-3 to change the deadline for appointments to the Energy Jobs Council to September 1, 2012 (rather than October 1, 2011). Amends Council membership qualifications. Makes additional clarifying changes.

Includes legislative findings and statements of intent, and incorporates specified recommendations from DENR's March 2012 draft report on oil and gas resources.

Intro. by Rucho, Blake, Walters. GS 113, 115C, 120, 132, 143

Agriculture, Environment, and
Natural Resources; Energy and
Utilities; State Government

S 821. STUDY COASTAL FISHING & BOATING LICENSE FEES. Filed 5/17/12. *TO DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS.*

As title indicates. Requires reporting to the Legislative Research Commission Committee on Marine Fisheries by September 1, 2012.

**Intro. by Brown, Goolsby,
Rabon.**

STUDY

Agriculture, Environment, and
Natural Resources

S 822. PROTECT PLASTIC WASTE RECYCLING STREAM. Filed 5/17/12. *TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS MEET STANDARDS FOR COMPOSTABLE PRODUCTS AND BE CLEARLY LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC FEEDSTOCKS.*

Adds new subdivision to GS 130A-309.10(e) (concerning plastic container labeling) to prohibit any person from distributing or selling a plastic container that is labeled as biodegradable unless the container meets the Standard Specification for Compostable Plastics, includes a "Do Not Recycle" label, and does not include a resin identification label. Makes organizational changes.

Appropriates \$2,000 for 2012-13 from the General Fund to the Department of Environment and Natural Resources to develop educational resources on the plastic labeling changes.

Applies to plastic containers distributed, sold, or offered for sale after January 1, 2013.

Intro. by Kinnaird.

APPROP, GS 130A

Agriculture, Environment, and
Natural Resources; Budget and
Appropriations

S 823. REPEAL PROHIBITION ON TEACHER PREPAYMENT (=H 966). Filed 5/17/12. *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.*

Identical to H 966, filed 5/16/12.

**Intro. by Tillman, Preston,
Soucek.**

UNCODIFIED

Education

S 824. EXPEDITED RULE MAKING FOR FORCED COMBINATION. Filed 5/17/12. *TO REQUIRE THE SECRETARY OF REVENUE'S INTERPRETATION OF THE LAW CONCERNING THE SECRETARY'S AUTHORITY TO ADJUST NET INCOME OR REQUIRE A COMBINED RETURN BE MADE THROUGH RULE MAKING AND TO PROVIDE AN EXPEDITED PROCESS FOR RULE MAKING ON THIS ISSUE.*

Enacts new GS 105-262A to provide an expedited procedure for the adoption of rules administering GS 105-130.5A, which authorizes the Secretary of Revenue (Secretary) to adjust the net income or require a combined return from a corporation that fails to accurately report state net income. States that the Secretary may not, except for a voluntary redetermination, redetermine state net income until the Secretary adopts a rule under this proposed statute. Directs the Secretary to prepare a fiscal note for a proposed new rule or a proposed change to a rule that has a substantial economic impact (at least \$500,000 in a 12-month period), and sets out a procedure to publish and allow written comment on the fiscal note. Allows the Secretary to adopt a rule through the procedure in GS 150B-21.1(a3) (procedure for adopting a temporary rule), and requires electronic notification to persons on the mailing list and interested parties. Makes the rule subject to review, according to the detailed procedure in the statute, if any person objects and requests review by 5:00 p.m. on the third day after notification. Limits the matters that the Rules Review Commission may consider. Specifies that rules adopted under this statute become effective on the last day of the month the Codifier of Rules enters the rule in the NC Administrative Code. Makes conforming changes to GS 105-262 and GS 150B-1(d)(4).

Provides that the Secretary is not required to prepare a fiscal note for a proposed new rule submitted before December 31, 2012. Allows a taxpayer to rely on the interpretation of GS 105-130.5A in the Department of Revenue's April 17, 2012 Directive for the 2012 tax year. Permits the Secretary to issue a proposed denial of a refund or proposed assessment under GS 105-130.5A for any taxable year after January 1, 2012, after a rule adopted pursuant to GS 105-262A becomes effective.

Intro. by Rucho, Hartsell.

GS 105, 150B

Taxation

S 825. APPRAISAL MGMT CO REPORTED TO DEPT OF REVENUE. Filed 5/17/12. *TO REQUIRE THE NORTH CAROLINA APPRAISAL BOARD TO REPORT THE RECORDS OF APPRAISAL MANAGEMENT COMPANIES TO THE NORTH CAROLINA DEPARTMENT OF REVENUE.*

Enacts new subsection (b1) to GS 93E-2-9 (concerning NC Appraisal Board records) to provide as title indicates. Lists the information that the Board must report annually. Effective December 1, 2012.

Intro. by Rucho, Hartsell.

GS 93E

Taxation

S 826. REVENUE LAWS TECH., CLARIFYING, & ADMIN CHNGS. Filed 5/17/12. *TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS.*

Makes technical and clarifying changes to various provisions in GS Chapter 105 and to GS 160A-536(e)(2). Rewrites GS 105-228.90(b)(1b) to update to January 1, 2012, the reference to the Internal Revenue Code. Makes a technical change to GS 20-63(b1) and corrects two license plate fees in GS 20-79.7(a).

Amends GS 105-113.38 (bond requirement) to specify that a bond may also include an irrevocable letter of credit. Amends GS 105-120.2(c), expanding the definition of *holding company*. Amends GS 105-164.4B(a) to add provisions that apply when determining where to source the sale of a product. Restores language in new GS 105-

164.12C, effective August 7, 2009, concerning treatment of items given away by a retailer. Amends GS 105-187.43(b) to require a taxpayer who is consistently liable for \$20,000 (was, \$10,000) of tax on piped natural gas a month to make a monthly prepayment of the next month's tax liability. Amends GS 161-10 (uniform fees of registers of deeds) to delete the fee for subsequent instruments and instead imposes an additional \$10 fee for each additional reference, as detailed; this provision currently expires July 1, 2013.

Effective December 1, 2012, amends several provisions in the Emergency Program to Reduce Home Foreclosures Act to reference the State Home Foreclosure Prevention Project as a project of the Housing Finance Agency. Makes conforming changes removing references to the Commission of Banks, removes the sunset date, and states that the Housing Finance Agency assumes responsibilities of the Prevention Project by December 31, 2012.

Amends GS 105-330.2(b1) (concerning motor vehicle taxes) to clarify that the owner of a motor vehicle may appeal the appraised value (was, the appraised value or taxability) of the vehicle. Adds subsection (b2), detailing the process to appeal the vehicle's eligibility for an exemption or exclusion. Amends GS 105-330.3 to set out the procedure for collecting tax on an unregistered vehicle. Amends GS 105-330.4(c) to add that enforcement remedies do not apply to unpaid taxes on a vehicle for which the tax year begins on or after August 1, 2013. Repeals GS 105-330.5(e) (concerning small under- or over-payment of tax). Makes other clarifying and conforming changes to Article 22A (motor vehicles) in GS Chapter 105 and to the applicable session laws.

Intro. by Rucho, Hartsell. GS 20, 45, 105, 143, 160A, 161 State Government; Taxation

S 827. EXTEND TAX PROVISIONS. Filed 5/17/12. *TO EXTEND THE SUNSET OF CERTAIN TAX PROVISIONS AS PROPOSED BY THE REVENUE LAWS STUDY COMMITTEE.*

Amends SL 2009-505 to extend to July 1, 2013, the development tier one designation of seafood industrial parks. Extends the following tax credits through January 1, 2014: GS 105-129.16D(d) (constructing renewable fuel facilities); GS 105-129.16F(b) (biodiesel producers); GS 105-129.16G(b) (Work Opportunity); GS 105-129.82(a) (Article 3J credits for growing businesses); GS 105-130.48(f) and GS 105-151.30(f) (recycling oyster shells); GS 105-151.28(d) (long-term care insurance premiums); GS 105-151.31(c) (earned income); GS 105-131.32(c) (adoption expenses); and GS 105-163.015 (qualified business investments).

Amends GS 105-164.14A(a) to extend the sales tax refund through January 1, 2014, for the following: passenger air carrier fuel; aviation fuel bought by professional motorsports racing team; and analytical services businesses. Amends GS 105-164.14B(f) to extend through January 1, 2014, the sales tax refund for certain industrial facilities.

Intro. by Rucho, Hartsell, Blue. GS 105 Taxation

S 828. UNEMPLOYMENT INSURANCE CHANGES. Filed 5/17/12. *TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.*

Sets out legislative findings related to the Governor's Executive Orders that extended unemployment benefits, finds the orders invalid, and ratifies and validates the effect of Executive Order No. 113, which extended benefits through February 29, 2012. Declares any executive order issued by the Governor to extend unemployment insurance benefits void, unless the order is based on authority expressly conferred by the General Assembly or by the US Congress.

Amends Section 6.16(d) (three year look-back period for unemployment insurance) in the Appropriations Act of 2011 to extend the sunset on the three year look-back provision to January 1, 2013. Makes conforming changes to GS 96-12.01(a1)(4)c.3. and GS 96-12.01(a1)(4)e. Applies retroactively to January 1, 2012.

Amends GS 96-14(2) (concerning disqualification for benefits) to clarify and expand the definition for "discharge for misconduct *connected with the work*" and the acts and conduct included within that definition. Amends GS 96-15(b)(2) (concerning claims for benefits) to provide any interested employer 10 days (currently, 30 days) to protest a claim, following delivery of notice (currently, following the earlier of mailing or delivery of notice) of the filing of a claim against the employer's account. Makes clarifying changes to GS 96-15(f), providing for appeal to the Board of Review if a stipulation of issues is rejected. Makes these provisions effective November 1, 2012.

Amends GS 110-129.2(j) (concerning the New Hire Directory) to add the definition for *newly hired employee*, to conform to federal law, and makes a conforming change to GS 110-129.2(c). Effective July 1, 2012.

Intro. by Rucho, Hartsell. GS 96, 110 Employment and Retirement

S 829. STUDY REORGANIZATION OF FISH & WILDLIFE MGMT. Filed 5/17/12. *TO DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE*

COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISH AND WILDLIFE MANAGEMENT IN THE STATE.

As title indicates. Requires reporting to the Legislative Research Commission Committee on Marine Fisheries by October 1, 2012. States the General Assembly's intent to transfer the Marine Fisheries Commission to the Wildlife Resources Commission, and to merge the Division of Marine Fisheries and the Wildlife Resources Commission into a new Fish and Wildlife Resources Commission, effective July 1, 2013.

Intro. by Brown, Goolsby, Rabon. STUDY Agriculture, Environment, and Natural Resources

Local Bills

HOUSE BILLS

H 991. JACKSON CO. OCCUPANCY TAX CHANGES. Filed 5/17/12. *TO POSTPONE THE EFFECTIVE DATE OF CHANGES MADE TO THE JACKSON COUNTY OCCUPANCY TAX DURING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY.*

Amends SL 2011-170 to postpone changes made to Jackson County's occupancy tax until January 1, 2013.

Intro. by Haire. JACKSON Jackson

H 993. IREDELL REGISTER OF DEEDS SATELLITE OFFICE. Filed 5/17/12. *TO ALLOW IREDELL COUNTY TO ESTABLISH A SATELLITE REGISTER OF DEEDS OFFICE AND TO AUTHORIZE THE RECORDING OF DOCUMENTS AT THAT OFFICE.*

Enacts new GS 161-14.4 as the title indicates. Applies only to Iredell County.

Intro. by Mills. IREDELL Iredell

H 994. ROCKINGHAM COUNTY DESIGN-BUILD. Filed 5/17/12. *TO ALLOW THE COUNTY OF ROCKINGHAM TO USE DESIGN-BUILD DELIVERY METHODS.*

As title indicates.

Intro. by Jones, Holloway. ROCKINGHAM Rockingham

SENATE BILLS

S 818. CLAY COUNTY COURTHOUSE. Filed 5/17/12. *TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY.*

Exempts Clay County from the requirements of GS 143-128, 143-129, 143-131, and 143-132 as the title indicates. Expires June 30, 2015.

Intro. by Davis. CLAY Clay

S 830. IREDELL REGISTER OF DEEDS SATELLITE OFFICE (=H 993). Filed 5/17/12. *TO ALLOW IREDELL COUNTY TO ESTABLISH A SATELLITE REGISTER OF DEEDS OFFICE AND TO AUTHORIZE THE RECORDING OF DOCUMENTS AT THAT OFFICE.* Identical to H 993, filed 5/17/12.

Intro. by Carney. IREDELL Iredell

S 831. MORGANTON DEANNEXATION. Filed 5/17/12. *REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON.*

Removes two tracts as described from Morganton's corporate limits. Effective June 30, 2012.

Intro. by Daniel. BURKE Burke

ACTION ON BILLS

May 17, 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

H0925	Annexation Reform 2	S	Com Sub Ruled Material
		S	Passed 2nd Reading
	05-26-11, 05-16-12		
S0800	Eugenics Compensation Program.	S	Passed 1st Reading
		S	Ref To Com On Appropriations/ Base Budget
S0801	Accessible Electronic Information Act.	S	Passed 1st Reading
		S	Ref to Health Care. If fav, re-ref to Appropriations/ Base Budget
S0802	Anson County Agri-Civic Center Funds.	S	Passed 1st Reading
		S	Ref To Com On Appropriations/ Base Budget
S0803	Retirement Administrative Changes.	S	Passed 1st Reading
		S	Ref To Com On Pensions & Retirement and Aging
S0804	Retirement Technical Changes.	S	Passed 1st Reading
		S	Ref To Com On Pensions & Retirement and Aging
S0806	Modify Mortgage Regulation Funding.	S	Filed
S0807	Prohibit Certain Harvest of Menhaden.	S	Filed
S0808	Changes to Commerce Reporting Requirements.	S	Filed
S0809	Environmental Technical Corrections 2012.	S	Filed
S0810	Regulatory Reform Act of 2012.	S	Filed
S0811	ENR Reports Consolidation.	S	Filed
S0812	Protect DENR from Co- Applicant Liability.	S	Filed
S0813	DCR and DENR/Study State Attractions Savings.	S	Filed
S0814	Restore Private Well Program/ Funds.	S	Filed
S0815	Reform Workforce Development.	S	Filed
S0816	Banking Law Modernization Act.	S	Filed
S0817	Confirm Tamara Nance to Industrial Comm.	S	Filed
S0819	Urge Congress Adopt Domestic Energy Policy.	S	Filed
S0820	Clean Energy and Economic Security Act.	S	Filed
S0821	Study Coastal Fishing & Boating License Fees.	S	Filed
S0822	Protect Plastic Waste	S	Filed

	Recycling Stream.		
S0823	Repeal Prohibition on Teacher Prepayment.	S	Filed
S0824	Expedited Rule Making for Forced Combination.	S	Filed
S0825	Appraisal Mgmt Co Reported to Dept of Revenue.	S	Filed
S0826	Revenue Laws Tech., Clarifying, & Admin Chngs.	S	Filed
S0827	Extend Tax Provisions.	S	Filed
S0828	Unemployment Insurance Changes.	S	Filed
S0829	Study Reorganization of Fish & Wildlife Mgmt.	S	Filed

LOCAL BILLS

H0005	Local Deannexations 02-10-11, 05-16-12	S	Passed 2nd Reading
S0805	Isothermal Community College Fed Loan Program.	S	Passed 1st Reading S Ref To Com On Education/ Higher Education
S0818	Clay County Courthouse.	S	Filed
S0830	Iredell Register of Deeds Satellite Office.	S	Filed
S0831	Morganton Deannexation.	S	Filed

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 608. [HONOR B HOLT](#). Filed 4/4/11. House committee substitute makes the following changes to 1st edition. Adds additional "whereas" clauses recognizing the achievements of Bertha "B" Merrill Holt. Effective upon adoption.

General Assembly

Legislation Enacted

None

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Notes

Due to a technical error House actions for today do not appear in the Action on Bills section above. To view House actions please see the General Assembly website:

[Bills with House action.](#)

NEXT SESSIONS

May 21, 2012

HOUSE convenes at 7:00 p.m.

SENATE convenes at 7:00 p.m.