

# 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 _____	12
Action on Bills _____	14
Summaries of Amendments and Committee Substitutes _____	19
Legislation Enacted _____	19
Index by Keyword _____	19
Notes _____	20
Next Sessions _____	20

## SUMMARIES OF BILLS FILED

### Public Bills

#### HOUSE BILLS

**H 1034. [CONFIRM TAMARA NANCE TO INDUSTRIAL COMMISSION](#) (=S 817). Filed 5/22/12. TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.**

Identical to S 817, filed 5/17/12.

**Intro. by Folwell.**

JOINT RES

General Assembly

**H 1035. [LICENSE PLATE BACKGROUND](#). Filed 5/22/12. TO AUTHORIZE THE CONTINUED ISSUANCE OF SPECIAL LICENSE PLATES WITH UNIQUE PLATE BACKGROUND DESIGNS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.**

Amends GS 20-63(b) as the title indicates. Makes a conforming change repealing Section 1.1 of SL 2011-392, which repealed GS 20-63(b1). Effective July 1, 2012.

**Intro. by Gillespie.**

GS 20

Transportation

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**H 1036. DOT/DENR STUDY EXPEDITE WATER QUALITY REG.** Filed 5/22/12. *TO DIRECT THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO JOINTLY STUDY EXPEDITING WATER QUALITY REGULATION MONITORING AND IMPLEMENTATION FOR TRANSPORTATION PROJECTS.*

As title indicates. Requires a report to the Joint Legislative Transportation Oversight Committee by December 1, 2012.

**Intro. by Torbett.** STUDY Agriculture, Environment, and Natural Resources; Transportation

**H 1037. INTEREST RATE ON DOT CONDEMNATION DEPOSITS.** Filed 5/22/12. *TO AUTHORIZE A MARKET INTEREST RATE OF INTEREST ON DEPARTMENT OF TRANSPORTATION CONDEMNATION JUDGMENTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION LIFE CYCLE COST ANALYSIS COMMITTEE.*

Amends GS 136-113 to provide that interest at the prime rate plus 1% (rather than the legal rate under GS 24-1) must be added to the damages amount. Effective October 1, 2012.

**Intro. by Torbett.** GS 136 Transportation

**H 1038. AMEND HOV LANE EXEMPTIONS/ALT FUEL VEHICLES.** Filed 5/22/12. *TO AUTHORIZE VEHICLES THAT RUN ON CERTAIN ALTERNATIVE FUELS TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND ALTERNATIVE FUELS.*

Amends GS 20-146.2(a) (HOV lanes) to exempt hybrid-electric motor vehicles and propane or liquefied propane gas vehicles from the HOV lane restrictions. Adds definitions for *hybrid-electric motor vehicle* and *propane or liquefied propane gas vehicle* to GS 20-4.01. Makes a technical correction.

**Intro. by Hager, Hastings.** GS 20 Transportation

**H 1039. ESTABLISH ALTERNATIVE FUELS STUDY COMMISSION.** Filed 5/22/12. *TO ESTABLISH THE NORTH CAROLINA COMMISSION ON ALTERNATIVE FUELS TO STUDY THE USE AND APPLICATION OF ALTERNATIVE FUELS FOR NORTH CAROLINA'S TRANSPORTATION SECTOR, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND ALTERNATIVE FUELS.*

Enacts new Article 3 to GS Chapter 113B, creating the fifteen-member NC Commission on Alternative Fuels (Commission) in the Department of Commerce. Directs the Commission to study the use and development of alternative fuels for transportation in North Carolina. Sets out the Commission's duties and directs it to report annually to specified entities, with the first report due December 1, 2012.

**Intro. by Hager, Hastings.** GS 113B Energy and Utilities; Transportation

**H 1040. NCSU & UNC-C/ALT FUELS RESEARCH FUNDS.** Filed 5/22/12. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR NORTH CAROLINA STATE UNIVERSITY AND THE UNIVERSITY OF NORTH CAROLINA CHARLOTTE TO RESEARCH AND STUDY ALTERNATIVE FUELS FOR TRANSPORTATION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND ALTERNATIVE FUELS.*

Appropriates \$250,000 for 2012-13 from the General Fund to the University of North Carolina Board of Governors, to be used as title indicates. Effective July 1, 2012.

**Intro. by Hager, Hastings.** APPROP Budget and Appropriations; Energy and Utilities

**H 1042. ESTABLISH EFFICIENCY & COST-SAVINGS COMMN.** Filed 5/22/12. *TO ESTABLISH THE JOINT LEGISLATIVE EFFICIENCY AND COST-SAVINGS IN STATE GOVERNMENT STUDY COMMISSION AS RECOMMENDED BY THE LRC COMMITTEE ON EFFICIENCIES IN STATE GOVERNMENT.*

Establishes the ten member Joint Legislative Efficiency and Cost-Savings in State Government Study Commission (Commission) as title indicates. Directs the Commission to study any obsolete programs, cost-reduction opportunities in state government, and redirecting existing funds to meet demands for public services. Authorizes the Commission to require the submission of information from agencies, as detailed. Directs the Commission to make an interim report to the 2013 General Assembly and a final report in 2014, at which time the Commission will terminate.

**Intro. by Blackwell, Avila, Hager, Crawford.** STUDY General Assembly; State Government

**H 1043. ETJ RESTRICTION.** Filed 5/22/12. *TO RESTRICT THE EXERCISE OF EXTRATERRITORIAL JURISDICTION BY MUNICIPALITIES IN CERTAIN INSTANCES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EXTRATERRITORIAL JURISDICTION.*

Enacts new subsection (d1) to GS 160A-360 (territorial jurisdiction) to prohibit cities from extending extraterritorial powers into any area in which the county has adopted and is enforcing a zoning ordinance (current law allows a city to do so under certain conditions). Makes conforming changes. Effective July 1, 2012.

**Intro. by LaRoque, Moffitt.**

GS 160A

Local Government

**H 1044. MOTORCYCLE INSURANCE DISCOUNT/MILITARY.** Filed 5/22/12. *TO ALLOW MEMBERS OF THE MILITARY WHO HAVE TAKEN A COMPARABLE MOTORCYCLE SAFETY PROGRAM PROVIDED BY FEDERALLY CERTIFIED INSTRUCTORS TO RECEIVE THE SAME MOTORCYCLE INSURANCE DISCOUNT AS CITIZENS WHO COMPLETE THE MOTORCYCLE SAFETY INSTRUCTION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS.*

Amends GS 58-36-65 (concerning motorcycle insurance) to provide as title indicates. Applies to policies in effect on or after October 1, 2012.

**Intro. by Shepard, Cook.**

GS 58

Military and Veterans Affairs;  
Transportation

**H 1045. SALARY INCREASE FOR SCHOOL EMPLOYEES.** Filed 5/22/12. *TO INCREASE THE SALARIES OF PUBLIC SCHOOL EMPLOYEES.*

Sets out the monthly salaries for 2012-13 for "A" teachers, ranging from \$3,043 to \$5,886, and for "M" teachers, ranging from \$3,347 to \$6,475. Provides for annual longevity payments, ranging from a rate of 1.5% of base salary to 4.5%, depending on years of state service. Provides for a salary supplement, as detailed, for certified teachers, psychologists, speech pathologists, and audiologists at the six-year degree level and at the doctoral degree level. Places certified psychologists, speech pathologists, audiologists, and school nurses on a salary schedule as specified.

Sets out the base salaries for 2012-13 for school-based administrators (principals and assistant principals), ranging from \$3,781 to \$8,340. Specifies the classification for administrators in alternative schools and cooperative innovative high schools, provides additional details on placing principals on the schedule, and provides for salary supplements and longevity pay. Details the salary procedure for reassignment to a different job classification, and allows for educational stipends.

Sets out the monthly salaries for additional school personnel, ranging from \$3,369 to \$8,486, and for superintendents, ranging from \$4,805 to \$11,398. Provides for longevity pay and salary supplements. Provides an annual salary increase of 1.8% for all permanent, full-time personnel paid from the Central Office Allotment, beginning July 1, 2012.

Allows a one-time bonus of 1.8% for teachers and 2% for principals and assistant principals, who are employed on July 1, 2012, and paid at the top of the salary schedule.

Provides for an annual salary increase of 1.8% for employees paid from the General Fund, and details implementation by local boards of education.

Appropriates \$83,486,172 in recurring funds and \$3,692,182 in nonrecurring funds for 2012-13 from the General Fund to the Department of Public Instruction to implement the act. Appropriates \$37,706 in recurring funds for 2012-13 from the Highway Fund to the Department of Public Instruction to implement the act.

Effective July 1, 2012.

**Intro. by Glazier, Rapp,  
McLawnhorn, Carney.**

APPROP

Budget and Appropriations;  
Education

**H 1046. FUNDS FOR STUDENT 2 STUDENT INITIATIVE.** Filed 5/22/12. *TO APPROPRIATE FUNDS FOR THE STUDENT 2 STUDENT INITIATIVE.*

Appropriates \$510,000 for 2012-13 from the General Fund to the Department of Public Instruction to be used as title indicates. Effective July 1, 2012.

**Intro. by Glazier, Hamilton,  
Martin, Lucas.**

APPROP

Budget and Appropriations;  
Education

**H 1047. RESTORE FUNDS FOR MILITARY BUSINESS CENTER.** Filed 5/22/12. *TO RESTORE FUNDING FOR THE MILITARY BUSINESS CENTER.*

Appropriates \$125,000 for 2012-13 from the General Fund to the Community Colleges System Office as title indicates. Effective July 1, 2012.

**Intro. by Glazier, Floyd, Parfitt, Lucas.** APPROP

Budget and Appropriations; Military and Veterans Affairs

**H 1048. INCAPACITY TO PROCEED AMENDMENTS.** Filed 5/22/12. *TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.*

Amends GS 15A-1002 (determination of incapacity to proceed; temporary commitment; orders) to clarify that the court may appoint a medical expert or evaluator to examine a defendant charged with a misdemeanor or felony and return a report on the defendant's mental health. Allows the court to call the appointed expert to testify at the hearing, with or without the request of either party. Clarifies that a judge must find that an examination is more appropriate to determine capacity when a defendant is ordered to a state facility without an examination (current law makes this provision applicable only to felony charges). Permits the court to order the defendant to a state facility to determine the defendant's capacity at any time in the case of a defendant charged with a felony (current provision also applies to defendants charged with misdemeanors who have been examined). Requires a judge ordering an examination to order the release of confidential information to the examiner, after providing reasonable notice and an opportunity to be heard to the defendant. Requires the court order to include findings of fact to support the determination of the defendant's capacity to proceed. Allows stipulation by the parties to capacity to proceed only. Sets out requirements and timelines to provide examination reports to the court.

Amends GS 15A-1004(c) to add that the court must order that the defendant be examined to determine whether the defendant has the capacity to proceed before being released from custody. Amends GS 15A-1007 (supplemental hearings) to clarify applicable timelines after a defendant gains capacity to proceed. Amends GS 15A-1008 (dismissal) to require (rather than permit) the court to dismiss charges at the earliest of three specified occurrences when the defendant lacks capacity to proceed. Adds provisions related to the circumstances of dismissal, including the allowance to refile charges. Makes a conforming change to repeal GS 15A-1009 (dismissal with leave when defendant incapable of proceeding). Makes additional clarifying changes.

Amends GS 122C-54(b) to require examination reports submitted by a facility to include any treatment recommendation and an opinion on the likelihood that the defendant will gain the capacity to proceed. Amends GS 122C-263(d) (concerning first examinations) to direct the physician or psychologist to examine the respondent for capacity to proceed if the respondent was involuntarily committed for examination. Makes the statutory amendments effective December 1, 2012.

Directs the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (Commission) to adopt rules by December 1, 2012, to require appointed forensic evaluators to meet specified standards. Directs the Commission to adopt guidelines, by December 1, 2012, for the treatment of involuntarily committed persons following a determination of incapacity to proceed.

**Intro. by Randleman, Hurley, Faircloth, McGuirt.** GS 15A, 122C

Courts; Health, Social Services, and Aging

**H 1052. MECHANICS LIENS/PAYMENT BOND REFORMS.** Filed 5/22/12. *TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN, TAX LIEN, AND PAYMENT BOND LAWS.*

Makes modifications to the statutes governing liens on real property as follows. Adds several defined terms and clarifies definitions in GS 44A-7. Makes a conforming change to repeal GS 44A-17. Amends GS 44A-11 to expand the steps required to perfect a claim of lien on real property, including service of the claim of lien upon the record owner of the real property and also upon the contractor if applicable. Amends GS 44A-12 to clarify the form required for claims of lien on real property and to add forms for partial lien waivers and final lien waivers. These changes apply to improvements to real property commenced on or after January 1, 2013, and to improvements with the required first permit obtained on or after January 1, 2013.

Effective when the act becomes law, adds subsection (d) to GS 44A-13 to provide that a former owner of improved property, as described, is not a necessary party in an action to enforce a claim of lien.

Amends GS 44A-18 (concerning perfection of lien upon funds) to clarify that second tier and third tier subcontractors may perfect their claims by service of the notice of claim of lien upon funds to the extent of the claim. Clarifies that a lien on funds granted under this statute arises, attaches, and is effective immediately when the subcontractor first furnishes labor, material, or rental equipment at the improvement site and is perfected when written notice is given to the obligor. Enacts new subsection (g), permitting any owner or contractor against whose interest the lien is claimed to make, receive, or use payments until a claimant provides the required written notice. Amends GS 44A-20(d) to add that a lien waiver signed by the contractor before the claim of lien on real property is filed waives the subcontractor's right to a claim of lien on real property but does not affect the subcontractor's rights to a claim of liens on funds. Makes modifications to the items included by first tier subcontractors on a claim of lien form in GS 44A-23. Amends GS 44A-24 (concerning false statements) to also make any person making a false written statement about the amount due subject to a claim for unfair and

deceptive practice. Makes any person who signs or directs another person to sign the written statement guilty of a Class 1 misdemeanor and subject to a claim for unfair and deceptive practice. Also makes any offense by a licensed contractor or qualifying party that causes harm subject to specified disciplinary action. Amends GS 44A-27 (concerning payment bonds) to require a contractor to furnish a payment bond within seven days of a claimant's written request. Limits the claim as detailed, unless the contractor does not timely provide the payment bond. Sets out a sample notice of public subcontract form and modifies the notice requirements. Requires notice of public subcontract only for portions of claims exceeding \$10,000. Sets out required components for a contractor's project statement, which must be provided for contracts with bonds. Makes additional clarifying and conforming changes to several provisions governing statutory liens on real property. These changes apply to improvements to real property commenced on or after January 1, 2013, and to improvements with the required first permit obtained on or after January 1, 2013.

Modifies provisions in GS Chapter 44A to remove registered mail as an option for providing notice.

Amends GS 105-362(b)(2) (concerning discharge of lien on real property) to clarify that a part of real property, listed as one parcel and then divided into a separate parcel, must (was, may) be released from the tax lien, after the part's assessed value has been certified by the county assessor (was, tax supervisor) and payment of all past-due taxes on both parcels and all penalties and interest have been paid. Applies to taxes imposed in tax years beginning on or after July 1, 2012.

**Intro. by Stevens.**

GS 44A, 105

Taxation; Business and Commerce

**H 1053. IMPROVE PROPERTY INSURANCE RATE MAKING (=S 836).** Filed 5/22/12. *TO IMPROVE THE RATE-MAKING PROCESS AND THE AFFORDABILITY OF PROPERTY INSURANCE FOR LOW-INCOME HOMEOWNERS BY REQUIRING THAT MORE THAN ONE CATASTROPHE MODEL BE USED TO ESTIMATE POTENTIAL LOSSES FOR PURPOSES OF A RATE FILING; AND BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL; AND BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS; AND BY PROVIDING FOR A PREHEARING CONFERENCE FOR THE COMMISSIONER OF INSURANCE TO SCRUTINIZE CATASTROPHE MODELING WHEN SUCH MODELING IS THE BASIS FOR ANY FACTOR IN A RATE FILING FOR WHICH THE COMMISSIONER HAS ISSUED A NOTICE OF HEARING; AND BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW; AND BY REQUIRING THAT, WHEN THE COST OF REINSURANCE IS INCLUDED AS A FACTOR IN A PROPOSED RATE, CERTAIN SUPPORTING INFORMATION BE PROVIDED AND THAT THE FILING INCLUDE ONLY THE REINSURANCE COST SPECIFIC TO PROPERTY INSURANCE LOSSES IN NORTH CAROLINA; AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON PROPERTY INSURANCE RATE MAKING.*

Identical to S 836, filed 5/21/12.

**Intro. by Dockham.**

GS 58

Business and Commerce;  
Property, Land Use, and Housing

**H 1054. CLEAN ENERGY AND ECONOMIC SECURITY ACT (=S 820).** Filed 5/22/12. *(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 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 PICKUP TRUCKS AND NEW ONE-HALF TON PICKUP 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.

Identical to S 820, filed 5/17/12.

**Intro. by Hager, Gillespie, K. Alexander, R. Moore.** GS 113, 115C, 120, 132, 143 Agriculture, Environment, and Natural Resources; Energy and Utilities

**H 1055. ELIMINATE LME PROVIDER ENDORSEMENT (=S 835).** Filed 5/22/12. *RELATING TO PROVIDER ENDORSEMENT FUNCTIONS OF LOCAL MANAGEMENT ENTITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.*

Identical to S 835, filed 5/21/12.

**Intro. by Burr, Dollar.** GS 122C Health, Social Services, and Aging

**H 1056. PARTNERSHIP FOR CHILDREN PARTICIPANT RECORDS (=S 834).** Filed 5/22/12. *TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PROGRAMS FUNDED BY THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN OR OTHER LOCAL PARTNERSHIPS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.*

Identical to S 834, filed 5/21/12.

**Intro. by Burr, Dollar.** GS 132 Health, Social Services, and Aging

**H 1057. RESTORE FUNDS FOR PROJECT C.A.R.E.** Filed 5/22/12. *TO RESTORE FUNDING TO THE DIVISION OF AGING AND ADULT SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE PROJECT CAREGIVER ALTERNATIVES TO RUNNING ON EMPTY PROGRAM.*

Appropriates \$500,000 from the General Fund to the Department of Health and Human Services, Division of Aging and Adult Services, to be used as title indicates. Effective July 1, 2012.

**Intro. by Weiss, Insko, Earle, M. Alexander.** APPROP Budget and Appropriations; Health, Social Services, and Aging

**H 1058. REFORM WORKFORCE DEVELOPMENT (=S 815).** Filed 5/22/12. *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.*

Identical to S 815, filed 5/17/12.

**Intro. by Howard.** GS 96, 143B Employment and Retirement; State Government

**H 1060. NORTH CAROLINA URBAN EMPOWERMENT INITIATIVE.** Filed 5/22/12. *TO CREATE THE NORTH CAROLINA URBAN EMPOWERMENT INITIATIVE.*

Enacts new Part 22 in Article 10 of GS Chapter 143B to establish the North Carolina Urban Empowerment Initiative Fund (Fund) within the Department of Commerce (Department). States that the purpose of the Urban Empowerment Initiative (Initiative) is to provide empowerment firms with economic development assistance, grant support, and working capital loans; to coordinate with existing federal and state programs; to increase participation in the export market, provide access to resources, and improve marketing. Defines *empowerment firm* as a business that is (1) minority owned; (2) in Mecklenburg, Guilford, or Forsyth counties; and (3) in operation for at least five consecutive years. Requires the Department and firms receiving funds from the Fund to report annually on the allocation of funds to specified legislative entities by September 1.

Requires the Secretary of Commerce (Secretary) to award Fund grants of up to \$1.5 million to large empowerment firms and grants of up to \$250,000 to small empowerment firms. Allows grants to be used for (1)

building purchase or lease, (2) building upfit, (3) energy efficiency and water conservation renovations, (4) signs, and (5) business equipment purchase or lease. Sets out application requirements.

Requires the Secretary to award capital loans from the Fund of up to \$600,000 to large empowerment firms and up to \$100,000 to small empowerment firms. Caps the loan interest rate at 3.5%. Reduces the loan principal by specified amounts for firms that hire specified classes of employees.

Appropriates \$30 million for 2012-13 from the General Fund to the Initiative to support the Program. States the intent to provide an aggregate appropriation of \$150 million in equal installments over the next five years to support the program.

**Intro. by K. Alexander, R. Moore, Brandon.** GS 143B; APPROP

Business and Commerce; Budget and Appropriations

**H 1061. HIGH POINT FURNITURE MARKET FUNDS.** Filed 5/22/12. *TO APPROPRIATE FUNDS FOR THE HIGH POINT FURNITURE MARKET.*

Appropriates \$806,478 for 2012-13 from the General Fund to the Department of Commerce and appropriates \$1.2 million for 2012-13 from the Highway Fund to the Department of Transportation as title indicates. Effective July 1, 2012.

**Intro. by Jeffus, Faircloth.**

APPROP

Budget and Appropriations

**H 1062. UNCG/NCA&T NANOSCIENCE/NANOENGINEERING FUNDS.** Filed 5/22/12. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE ADDITIONAL RESOURCES FOR THE JOINT SCHOOL OF NANOSCIENCE AND NANOENGINEERING ON THE CAMPUS OF THE GATEWAY UNIVERSITY RESEARCH PARK OF THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AND NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.*

Appropriates \$2 million for 2012-13 from the General Fund to the UNC Board of Governors as title indicates. Provides that the funds become part of the continuation budget beginning with 2012-13. Effective July 1, 2012.

**Intro. by Jeffus, Faircloth.**

APPROP

Budget and Appropriations

**H 1064. SHALE GAS/DEVELOP REG. PRGM./LEG. OVERSIGHT.** Filed 5/22/12. *TO (1) EXTEND THE STUDY OF OIL AND GAS EXPLORATION IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE; (2) TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO FORMULATE SPECIFIC LEGISLATIVE RECOMMENDATIONS FOR REGULATION OF THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING; (3) REQUIRE ENHANCED CONSUMER AND LANDOWNER PROTECTIONS IN CONNECTION WITH LEASES EXECUTED FOR THE EXPLORATION AND EXTRACTION OF OIL OR GAS; (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; AND (5) APPROPRIATE FUNDS FOR ADDITIONAL STAFFING REQUIRED.*

*Development of Regulatory Program.* Includes legislative findings and references to the Department of Environment and Natural Resources (DENR) March 2012 draft report on oil and gas resources. Directs DENR and other specified entities to continue studying oil and gas exploration in North Carolina and the use of horizontal drilling and hydraulic fracturing, and to gather information necessary to create standards and regulatory requirements for the management of natural gas exploration and development activities. Lists issues to be addressed, including the development of a modern oil and gas regulatory program, and the potential for an oil and gas board. Sets out reporting requirements for DENR on the study and recommendations with specified reports due December 1, 2012; March 1, 2013; July 1, 2013; and March 1, 2014.

*Consumer Protection Provisions.* Amends GS 113-420 (notice and entry to property) to require an oil or gas developer or operator to give written notice to the surface owner of property at least 14 days (rather than seven) before the date of entry, when the oil or gas operations will not disturb the surface. Requires written notice of 30 days (rather than 14) when the oil or gas operations will disturb the surface. Requires oil or gas personnel to carry identification. Provides that entry onto land creates a rebuttable presumption that the surface owner properly protected the developer or operator personnel against personal injury or property damage while on the land. Rewrites GS 113-421 to create a rebuttable presumption that an oil or gas developer or operator is responsible for contamination of a water supply within 2,500 feet of the applicable oil or gas well. Details the remedy and compensation for the contamination and damage, and sets out the procedure for rebutting the presumption. Modifies the indemnification clause under GS 113-422.

Amends GS 113-423 to require a developer or operator to provide copies to the surface owner of specified statutory provisions and a consumer protection publication before executing a lease or conveyance to separate

rights to oil or gas from the freehold estate of surface property. Provides for royalty payments of at least 12.5% on the oil or gas produced from the property, and requires the lease separating oil or gas rights to state whether the property's water supplies will be used, at the landowner's permission and with full compensation. Requires the developer or operator to initially test water supplies within 2,500 feet of a well operation and follow-up two times within 24-month period. Provides for recordation of leases and notice of assignment within 30 days. Enacts new GS 113-423.1 to permit the developer or operator and the surface owner to enter into an agreement setting out the rights and obligations of the parties. Requires minimal intrusion upon and damage to the land surface, as detailed. Enacts new GS 113-425 to require landmen, as defined, to register with DENR, and allows DENR to deny registration and penalize registrants. Directs the Consumer Protection Division of the NC Department of Justice and the NC Real Estate Commission to develop a publication on consumer protection issues and landowner rights by October 1, 2012. Amends GS 113-380 to clarify that any violation of Article 27 (Oil and Gas Conservation) of GS Chapter 113 is a Class 1 misdemeanor. Amends GS 113-410 to impose a penalty not to exceed \$25,000 (was, \$1,000) a day for violations. Makes other conforming and clarifying changes.

Enacts new subsection (b2) to GS 47E-4 (required disclosures under the Residential Property Disclosure Act) to require property owners to provide an oil, gas, and mineral rights disclosure statement to a purchaser, as specified. Makes conforming changes to GS Chapter 47E. Applies to real estate transfers or dispositions occurring on or after December 1, 2012. Requires the Real Estate Commission to develop the disclosure form by October 1, 2012.

Directs DENR and the Consumer Protection Division to study North Carolina's law and other states' laws on compulsory pooling and to report findings by January 1, 2013.

Appropriates \$300,000 to establish three positions in DENR dedicated to hydraulic fracturing matters.

*Create 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.

**Intro. by Gillespie, Stone.** APPROP, GS 47E, 113, 120 Agriculture, Environment, and Natural Resources; Budget and Appropriations; Energy and Utilities

**H 1066. PASSING TITLE BY WILL (=S 846).** Filed 5/22/12. *TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEvised BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to S 846, filed 5/21/12.

**Intro. by Blust, Ross.** GS 28A, 31 Trusts, Estates, and Wills

**H 1067. CO-OWNERS/UNEQUAL SHARES/SIMULTANEOUS DEATH (=S 845).** Filed 5/22/12. *TO CONFORM THE LAW GOVERNING CO-OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to S 845, filed 5/21/12.

**Intro. by Blust, Ross.** GS 28A, 41 Trusts, Estates, and Wills

**H 1068. AMEND UCC ARTICLE 9/SECURED TRANSACTIONS (=S 844).** Filed 5/22/12. *TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE RELATING TO SECURED TRANSACTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to S 844, filed 5/21/12.

**Intro. by Blust, Ross.** GS 25 Business and Commerce

**H 1069. INTESTATE PROPERTY/CHILD'S YEAR'S ALLOWANCE (=S 843).** Filed 5/22/12. *TO INCREASE THE MINIMUM AMOUNT OF INTESTATE PERSONAL PROPERTY PASSING TO THE SURVIVING SPOUSE AND THE AMOUNT OF THE YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE FOR A SURVIVING CHILD, TO REINSERT ERRONEOUSLY REMOVED REFERENCES TO A CHILD'S "NEXT FRIEND" IN THE STATUTES RELATING TO A CHILD'S YEAR'S ALLOWANCE, AND TO SPECIFY THAT THE CHILD'S YEAR'S ALLOWANCE MAY BE PAID TO A WIDOWER ON THE CHILD'S BEHALF AS WELL AS TO A WIDOW, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to S 843, filed 5/21/12.

**Intro. by Blust, Ross.** GS 29,30 Trusts, Estates, and Wills



**H 1070. GENERAL STATUTES COMM. TECHNICAL CORRECTIONS (=S 847).** Filed 5/22/12. *TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to S 847, filed 5/21/12.

**Intro. by Blust, Ross.**

GS 7B, 14, 15A, 20, 25, 28A, 30, 44A, 62, 101, 105, 120, 122A, 130A, 131E, 135, 143C, 153A, 159, 163

Children and Juvenile Law; Criminal Law, Procedure, and Sentencing; Transportation; Trusts, Estates, and Wills; Energy and Utilities; Taxation; General Assembly; Property, Land Use, and Housing; Health, Social Services, and Aging; Employment and Retirement; State Government; Local Government; Elections Law

**H 1072. FUNDS MH/DD SERVICES.** Filed 5/22/12. *APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, TO INCREASE LOCAL INPATIENT BED CAPACITY AND PROVIDE CRISIS SERVICES TO INDIVIDUALS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES AND BEHAVIORAL HEALTH CARE NEEDS.*

Amends the 2011 Appropriations Act to increase the 2012-13 allocation of funds for the purchase of local inpatient psychiatric beds or bed days by \$10 million to \$39,121,644. Appropriates \$2 million from the General Fund to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to provide Systemic, Therapeutic, Assessment, Respite, and Treatment Team services. Effective July 1, 2012.

**Intro. by Gill, Insko, Earle, Farmer-Butterfield.**

APPROP

Budget and Appropriations; Health, Social Services, and Aging

**H 1073. UNCHCS CHANGES.** Filed 5/22/12. *TO CLARIFY THE PURPOSE OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM, TO INCREASE THE AUTHORITY OF THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS TO GOVERN THE HEALTH CARE SYSTEM, TO REDUCE THE NUMBER AND CHANGE THE COMPOSITION OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE HEALTH CARE SYSTEM, TO INCREASE THE SYSTEM'S ACCOUNTABILITY AND TRANSPARENCY, TO CLARIFY ITS STATUS AS A STATE AGENCY, AND TO LIMIT FUTURE EXPANSION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS.*

Amends GS 116-37 (concerning the UNC Health Care System) to provide that the University of North Carolina Health Care System (System) is governed by the UNC Board of Governors (Board) and administered by the board of directors, in order to meet the goals of education, research, patient care, and community service (currently, the System operates as an affiliated enterprise of UNC). Directs the Board to reconstitute the board of directors for the System, effective November 1, 2012, with three members, as specified, and nine at-large members appointed by the Board, as detailed (reduces membership from up to 27 to 12 total). Makes additional clarifying changes to members' terms, and makes conforming changes throughout to grant the Board certain authority, or, by delegation, the board of directors. Removes exemption from the State Budget Act for System trust funds. Requires the System to provide a proportionate share of indigent care, as compared with non-state owned health care systems, in each county where the System provides medical services. Directs the Board and the NC Hospital Association to develop, by July 1, 2013, methods to measure and compare the provision of indigent care services between health care systems. Requires the Board to report annually by November 30 to the Joint Legislative Commission on Governmental Operations on the System's financial and operational affairs. States that all System nonprofit corporations must complete an IRS Form 990 each year and provide a copy to the Board.

Prohibits the System from using any available funds to expand services to additional geographic areas without specific authorization from the General Assembly. Deletes provisions governing purchasing, real property acquisition and disposal, and construction by the System. Makes conforming changes to reference the Board in

GS 116-37.2 (UNC Hospitals funds), GS 143-56 (exemptions from purchasing requirements), and GS 146-22(c) (concerning acquisition of property).

Effective October 1, 2012.

**Intro. by Moffitt.**

GS 116, 143, 146

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

## SENATE BILLS

**S 844. AMEND UCC ARTICLE 9/SECURED TRANSACTIONS.** Filed 5/21/12. *TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE RELATING TO SECURED TRANSACTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

*2010 UCC Article 9 Amendments.* Amends several defined terms in GS 25-9-102(a) and adds a definition for *public organic record*. Amends GS 25-9-105 to clarify that a secured party has control of electronic chattel paper if a system showing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned. Makes conforming changes. Adds two subsections to GS 25-9-316 (concerning change in governing law) to set out rules applicable to collateral and to financing statements filed against an original debtor, after a change in jurisdiction. Makes a conforming change. Amends GS 25-9-406(i) to add that the provision making legal restrictions on the assignment of security interests ineffective does not apply to an assignment or transfer that is prohibited by the NC State Lottery Act. Amends GS 25-9-502(c)(3) to add that a record of mortgage must provide the debtor's individual name to satisfy the requirement for a financing statement. Amends GS 25-9-503 (name of debtor and secured party) to modify the way the debtor's name must be provided on a financing statement. Adds guidance regarding the name of the decedent and multiple drivers for licenses or identification cards issued by the state. Adds two subsections to GS 25-9-518, permitting specified persons to file an information statement for a filed record, provided the statement meets listed conditions. References updated versions of the financing statement and amendment form in GS 25-9-521. Makes additional technical and clarifying changes to several provisions in Article 9 (Secured Transactions) of GS Chapter 25.

*Transition Provisions.* Details the effect of this act on security interests perfected and on interests not perfected before the act's effective date. Specifies the effectiveness of certain actions, related to financial statements, taken before the act's effective date. Lists persons entitled to file an initial financing statement or continuation statement. States that the relative priorities of claims established before the act's effective date are determined under Article 9 as the article existed before this act became effective.

*Effective Date.* Specifies that the act applies to transactions and liens within the act's scope, except as provided under the transition provisions, even if the transaction or lien was entered into before the act becomes effective. States that the act does not affect an action or proceeding commenced before the act's effective date. Effective July 1, 2013.

**Intro. by Hartsell.**

GS 25

Business and Commerce

**S 856. HONOR SENATOR BOB CARPENTER.** Filed 5/22/12. *HONORING THE LIFE AND MEMORY OF ROBERT C. "BOB" CARPENTER, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

**Intro. by Davis.**

SENATE RES

General Assembly

**S 858. STATE AIR TOXICS PROGRAM REFORMS (=H 952).** Filed 5/22/12. *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.*

Identical to H 952, filed 5/16/12.

**Intro. by East.**

GS 143

Agriculture, Environment, and  
Natural Resources

**S 860. SALES OF MOTOR VEHICLES/UNITS OF GOVERNMENT.** Filed 5/22/12. *TO ELIMINATE THE ODOMETER MILEAGE REPORT REQUIREMENTS AND ESTABLISH A RETAIL PRICE PAID FOR EXCISE TAX PURPOSES FOR NEW VEHICLE SALES BY MANUFACTURERS DIRECTLY TO THE STATE, A UNIT OF*

*LOCAL GOVERNMENT, VOLUNTEER FIRE DEPARTMENTS, OR RESCUE SQUADS IN CONFORMITY WITH FEDERAL GOVERNMENT CONTRACT SPECIFICATIONS.*

Amends GS 20-347(d), adding a new subdivision (6), to provide that the mileage disclosure requirements of the statute do not apply to a vehicle sold by a manufacturer directly to a state agency, a unit of local government, a volunteer fire department, or a volunteer rescue squad.

Amends GS 105-187.3(b) regarding the retail price paid for excise tax purposes for new vehicle sales as the title indicates.

**Intro. by Vaughan.** GS 20, 105 Transportation; Taxation

**S 861. HIGH POINT FURNITURE MARKET FUNDS (=H 1061).** Filed 5/22/12. *TO APPROPRIATE FUNDS FOR THE HIGH POINT FURNITURE MARKET.*

Identical to H 1061, filed 5/22/12.

**Intro. by Vaughan, Robinson.** APPROP Budget and Appropriations

**S 862. UNCG/NCA&T NANOSCIENCE/NANOENGINEERING FUNDS (=H 1062).** Filed 5/22/12. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE ADDITIONAL RESOURCES FOR THE JOINT SCHOOL OF NANOSCIENCE AND NANOENGINEERING ON THE CAMPUS OF THE GATEWAY UNIVERSITY RESEARCH PARK OF THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AND NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.*

Identical to H 1062, filed 5/22/12.

**Intro. by Vaughan, Robinson.** APPROP Budget and Appropriations

**S 863. MODIFY 2011 APPROPRIATIONS ACT.** Filed 5/22/12. *TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.*

Blank bill.

**Intro. by Brunstetter.** APPROP Budget and Appropriations

**S 864. MECHANICS LIENS/PAYMENT BOND REFORMS (=H 1052).** Filed 5/22/12. *TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN, TAX LIEN, AND PAYMENT BOND LAWS.*

Identical to H 1052, filed 5/22/12.

**Intro. by Brunstetter.** GS 44A, 105 Business and Commerce; Taxation

**S 865. HONOR SENATOR BOB CARPENTER (=S 856).** Filed 5/22/12. *HONORING THE LIFE AND MEMORY OF ROBERT C. "BOB" CARPENTER, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

Identical to S 856, filed 5/22/12.

**Intro. by Davis.** JOINT RES General Assembly

**S 866. MODIFY 2011 APPROPRIATIONS ACT.** Filed 5/22/12. *TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.*

Blank bill.

**Intro. by Stevens.** APPROP Budget and Appropriations

**S 867. NCEMPA/USE OF RATE REVENUE.** Filed 5/22/12. *PROVIDING THAT THE CITIES AND TOWNS THAT ARE MEMBERS OF THE NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY SHALL USE REVENUE DERIVED FROM RATES FOR ELECTRIC SERVICE FOR PAYING THE DIRECT AND INDIRECT COSTS OF OPERATING THE ELECTRIC SYSTEM, TRANSFERRING AMOUNTS THAT REPRESENT A RATE OF RETURN ON THE INVESTMENT IN THE ELECTRIC SYSTEM, AND MAKING DEBT SERVICE PAYMENTS.*

As title indicates. Effective July 1, 2013.

**Intro. by Newton.** UNCODIFIED Energy and Utilities; Local Government

**S 868. WILDLIFE LICENSES/ELIMINATE PENALTY.** Filed 5/22/12. *ADJUSTING THE DATES OF VALIDITY FOR LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION TO ELIMINATE THE PENALTY FOR EARLY RENEWAL.*

Amends GS 113-270.1B to provide that licenses are valid for 12 months from the effective date printed on the license; defines effective date as the latter of (1) the date of purchase of a new license or (2) the first day after the expiration of a currently valid license of the same type held by the licensee. Effective July 1, 2012.

**Intro. by Newton, Brown.** GS 113 Animal Law

**S 869. REMOVE RESTRICTION/FIREFIGHTER DISABILITY.** Filed 5/22/12. *TO REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF DUTY.*

Amends GS 128-27(c) as title indicates. Effective July 1, 2012.

**Intro. by Daniel, Newton, Carney.** GS 128 Emergency Services

**S 870. 2012 YOUTH SKIN CANCER PREVENTION ACT.** Filed 5/22/12. *IMPOSING AGE RESTRICTIONS ON THE USE OF TANNING EQUIPMENT IN TANNING FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.*

Amends GS 104E-9.1(a)(2) to prohibit persons less than 18 years old from using tanning equipment (current law prohibits use by persons 13 years and younger without a prescription).

**Intro. by Purcell.** GS 104E Health, Social Services, and Aging

**S 871. RESTORE FUNDING FOR TEACHING FELLOWS PROGRAM (=H 946).** Filed 5/22/12. *TO RESTORE FUNDING FOR THE TEACHING FELLOWS PROGRAM.*

Identical to H 946, filed 5/16/12.

**Intro. by Purcell.** APPROP Budget and Appropriations;  
Education

**S 874. ARTS EDUCATION AS A GRADUATION REQUIREMENT.** Filed 5/22/12. *DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL, AS RECOMMENDED BY THE ARTS EDUCATION COMMISSION.*

As title indicates. Directs the State Board of Education to require the credit beginning with students entering the ninth grade in 2015.

**Intro. by Brunstetter.** UNCODIFIED Education

### Local Bills

### HOUSE BILLS

**H 1041. HIGH POINT/ARCHDALE BOUNDARIES.** Filed 5/22/12. *TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT.*

As title indicates. Specifies that the act does not affect outstanding liens of Archdale or High Point. Effective July 1, 2012.

**Intro. by Faircloth.** GUILFORD Guilford

**H 1049. BLADEN COMMUNITY COLLEGE FED LOAN PROGRAM.** Filed 5/22/12. *TO PROVIDE THAT BLADEN COMMUNITY COLLEGE MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.*

Amends GS 115D-40.1(e) to provide as the title indicates.

**Intro. by Brisson.** BLADEN Bladen

**H 1050. ELIZABETHTOWN INDUSTR. PARK DEANNEXATION.** Filed 5/22/12. *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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.*

As title indicates. Repeals four specified annexation ordinances that were adopted on June 6, 2011. Effective June 29, 2012.

**Intro. by Brisson.** BLADEN Bladen

**H 1051. [ELIZABETHTOWN HAYFIELDS DEANNEXATION.](#)** Filed 5/22/12. *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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.*

As title indicates. Repeals three specified annexation ordinances that were adopted on June 6, 2011. Effective June 29, 2012.

**Intro. by Brisson.** BLADEN Surry

**H 1059. [ASHEBORO TOWING.](#)** Filed 5/22/12. *TO ALLOW THE CITY OF ASHEBORO TO TOW MOTOR VEHICLES IMPEDING THE OPERATION OF THE DOWNTOWN FARMERS' MARKET.*

Amends GS 160A-302 (off-street parking facilities) as title indicates. Specifies that the authority is limited to the city-owned parking lot used by the downtown farmers' market facility.

**Intro. by Brubaker.** RANDOLPH Randolph

**H 1063. [EXCUSE SCHOOL DAY FOR JOHNSTON CO. SCHOOL.](#)** Filed 5/22/12. *TO GIVE THE JOHNSTON COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST AT MCGEE'S CROSSROADS ELEMENTARY SCHOOL.*

As title indicates. Allows the Johnston County Board of Education to excuse one instructional day at the school due to a day missed because of a water line break. Applies only to the 2011-12 school year.

**Intro. by Langdon.** JOHNSTON Johnston

**H 1065. [USE MOORE SCHOOL BUSES FOR 2014 US OPEN.](#)** Filed 5/22/12. *TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO (I) PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE 2014 U.S. OPEN GOLF TOURNAMENT AND (II) BEGIN THE 2013-2014 SCHOOL YEAR ONE WEEK EARLIER.*

As title indicates.

**Intro. by Boles.** MOORE Moore

**H 1071. [WAKE SCHOOL BOARD ORGANIZATIONAL MEETING.](#)** Filed 5/22/12. *TO PROVIDE FOR THE DATE FOR THE ORGANIZATIONAL MEETING OF THE WAKE COUNTY BOARD OF EDUCATION TO BE GOVERNED BY GENERAL LAW.*

As title indicates.

**Intro. by Gill, Ross, Murry, Jackson.** WAKE Wake

## SENATE BILLS

**S 857. [ADD STOKES CTY TO TAX CERT BEFORE RECORDATION.](#)** Filed 5/22/12. *TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.*

As title indicates.

**Intro. by East.** STOKES

**S 859. [PILOT MOUNTAIN EVEN-YEAR MUNICIPAL ELECTIONS.](#)** Filed 5/22/12. *TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN ARE HELD IN EVEN-NUMBERED YEARS BEGINNING IN 2012.*

Amends a section and adds a section to the town charter to provide as the title indicates.

**Intro. by East.** SURRY Surry

**S 872. [ORANGE GRANTS FOR BROADBAND.](#)** Filed 5/22/12. *TO AUTHORIZE ORANGE COUNTY TO PROVIDE GRANTS TO PROMOTE BROADBAND IN UNSERVED AREAS FOR ECONOMIC DEVELOPMENT IN THE COUNTY.*

As title indicates.

**Intro. by Kinnaird.** ORANGE Orange

**S 873. ORANGE-ALAMANCE REMAINING 9% BOUNDARY.** Filed 5/22/12. *TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY-ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.*

Provides background on the boundary line survey and resulting agreement between Alamance County and Orange County. Authorizes Alamance County and Orange County to maintain the current taxing, elections, education, and other government functions in the transition areas affected by the act until July 1, 2013.

Requires all papers, documents, and instruments required or permitted to be filed or registered, involving residents and property affected by the resurvey of the boundary line to be recorded in the county to which the property has been reassigned by this act, on and after January 1, 2013. Sets out specific provisions related to real and personal property in the affected areas, causes of action, voter registration records, jury lists, and properties taxed by both counties on or after January 1, 2007. Allows any child who was a resident of any area reassigned by this act on the date of ratification and who was a student in the Orange or Alamance County school system during the 2011-12 school year, to attend school in the same school system. Releases the counties from any liability resulting from the uncertain boundary line.

States that this act controls if in conflict with SL 2010-61, as amended.

Provides that any boundary line between the counties previously surveyed, recognized, adopted, described, utilized, or ratified, except the 91% adopted by SL 2011-88, is modified as specified in this act.

Adopts the official boundary line regarding the remaining 9% between Alamance County and Orange County, as described and approved by the Alamance County Board of Commissioners on December 6, 2010 and by the Orange County Board of Commissioners on December 14, 2010.

**Intro. by Kinnaird.**

ORANGE, ALAMANCE

Alamance; Orange

## ACTION ON BILLS

May 22, 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](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

H0803 Allow Court to Assess Atty Fees/50C Orders. 04-20-11, 05-22-12	S Reptd Fav Com Substitute SA Com Substitute Adopted
H0925 Annexation Reform 2 05-26-11, 05-16-12	H Rec From Senate
H0970 Honor UNC-P's Anniversary.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/23/2012
H0981 Dix Property Sale to Require GA Approval.	H Withdrawn From Com H Re-ref Com On Health and Human Services
H1014 Reform Oversight of State-Owned Vehicles.	H Passed 1st Reading H Ref to the Com on Finance, if favorable, Appropriations
H1015 Set Public Utility and Insurance Reg. Fees.	H Passed 1st Reading H Ref To Com On Finance
H1017 Changes to Commerce Reporting	H Passed 1st Reading

	Requirements.	H	Ref To Com On Commerce and Job Development
H1019	Honor Alan Dickson.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H1020	Patriot Outreach.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H1021	Justice Reinvestment Clarifications.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H1022	Honor Rick Rhyne.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H1023	Expunction/Nonviolent Offenses.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C
H1024	Unemployment Insurance Changes.	H	Passed 1st Reading
		H	Ref To Com On Finance
H1025	Extend Tax Provisions.	H	Passed 1st Reading
		H	Ref To Com On Finance
H1026	Revenue Laws Tech., Clarifying, & Admin Chngs.	H	Passed 1st Reading
		H	Ref To Com On Finance
H1027	Expedited Rule Making for Forced Combination.	H	Passed 1st Reading
		H	Ref To Com On Finance
H1028	Appraisal Mgmt Co Reported to Dept of Revenue.	H	Passed 1st Reading
		H	Ref To Com On Finance
H1030	Accountability for Taxpayer Investment Act.	H	Passed 1st Reading
		H	Ref To Com On Finance
H1031	Smarter Gov/Business Intelligence Initiative.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development
H1033	Honor Veterans.	H	Passed 1st Reading
		H	Cal Pursuant 32(a)
		H	Placed On Cal For 5/23/2012
H1034	Confirm Tamara Nance to Industrial Comm.	H	Filed
H1035	License Plate Background.	H	Filed
H1036	DOT/DENR Study Expedite Water Quality Reg.	H	Filed
H1037	Interest Rate on DOT Condemnation Deposits.	H	Filed
H1038	Amend HOV Lane Exemptions/Alt Fuel Vehicles.	H	Filed
H1039	Establish Alternative Fuels Study Commission.	H	Filed
H1040	NCSU & UNC-C/Alt Fuels Research Funds.	H	Filed
H1042	Establish Efficiency & Cost- Savings Commn.	H	Filed
H1043	ETJ restriction.	H	Filed
H1044	Motorcycle Insurance Discount/ Military.	H	Filed

H1045	Salary Increase for School Employees.	H	Filed
H1046	Funds for Student 2 Student Initiative.	H	Filed
H1047	Restore Funds for Military Business Center.	H	Filed
H1048	Incapacity to Proceed Amendments.	H	Filed
H1052	Mechanics Liens/Payment Bond Reforms.	H	Filed
H1053	Improve Property Insurance Rate Making.	H	Filed
H1054	Clean Energy and Economic Security Act.	H	Filed
H1055	Eliminate LME Provider Endorsement.-AB	H	Filed
H1056	Partnership for Children Participant Records.	H	Filed
H1057	Restore Funds for Project C.A.R.E.	H	Filed
H1058	Reform Workforce Development.	H	Filed
H1060	North Carolina Urban Empowerment Initiative.	H	Filed
H1061	High Point Furniture Market Funds.	H	Filed
H1062	UNCG/NCA&T Nanoscience/ Nanoengineering Funds.	H	Filed
H1064	Shale Gas/Develop Reg. Prgm./ Leg. Oversight.	H	Filed
H1066	Passing Title by Will.	H	Filed
H1067	Co-owners/Unequal Shares/ Simultaneous Death.	H	Filed
H1068	Amend UCC Article 9/Secured Transactions.	H	Filed
H1069	Intestate Property/Child's Year's Allowance.	H	Filed
H1070	General Statutes Comm. Technical Corrections.	H	Filed
H1072	Funds for MH/DD Services.	H	Filed
H1073	UNCHCS Changes.	H	Filed
H1074	Stop Waste, Fraud, and Abuse in Govt. Act.	H	Filed
H1075	LME/MCO Governance.	H	Filed
H1076	Authorize Reciprocity Agreements for Tolls.-AB	H	Filed
H1077	Increase DOT Public-Private Partnerships.-AB	H	Filed
H1078	Privacy of Turnpike Authority Toll Data.-AB	H	Filed
H1079	DOT Division of Motor Vehicles Leg. Requests.-AB	H	Filed
H1080	Update Ch. 136 with Term "Chief Engineer".-AB	H	Filed
H1081	Provisional Licensure Changes Medicaid.-AB	H	Filed
S0798	Various Emergency Management	S	Reptd Fav



Changes.

S0816	Banking Law Modernization Act.	S	Reptd Fav
S0832	Provisional Licensure Changes Medicaid.-AB	S	Passed 1st Reading S Ref To Com On Health Care
S0833	General Assembly Approve Sale of Dix Property.	S	Passed 1st Reading S Ref to Health Care. If fav, re-ref to Finance
S0834	Partnership for Children Participant Records.	S	Passed 1st Reading S Ref To Com On Health Care
S0835	Eliminate LME Provider Endorsement.-AB	S	Passed 1st Reading S Ref To Com On Health Care
S0836	Improve Property Insurance Rate Making.	S	Passed 1st Reading S Ref To Com On Insurance
S0837	Reform Workforce Development.	S	Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0838	Technical Change/Exempt Property Form.	S	Passed 1st Reading S Ref To Com On Finance
S0839	Reform Oversight of State- Owned Vehicles.	S	Passed 1st Reading S Ref To Com On Finance
S0840	Permanent License Plates.	S	Passed 1st Reading S Ref To Com On Finance
S0841	Effective Utilization of PED.	S	Passed 1st Reading S Ref To Com On Program Evaluation
S0842	Child Nutrition Program Solvency and Support.	S	Passed 1st Reading S Ref To Com On Health Care
S0843	Intestate Property/Child's Year's Allowance.	S	Passed 1st Reading S Ref to Judiciary I. If fav, re-ref to Finance
S0844	Amend UCC Article 9/Secured Transactions.	S	Passed 1st Reading S Ref To Com On Finance
S0845	Co-owners/Unequal Shares/ Simultaneous Death.	S	Passed 1st Reading S Ref To Com On Judiciary I
S0846	Passing Title by Will.	S	Passed 1st Reading S Ref to Judiciary I. If fav, re-ref to Finance
S0847	General Statutes Comm. Technical Corrections.	S	Passed 1st Reading S Ref To Com On Judiciary I
S0849	Amend Officer Salary Continuation.	S	Passed 1st Reading S Ref To Com On Insurance
S0850	Legislative Oversight of Fish & Wildlife Mgmt.	S	Passed 1st Reading S Ref To Com On Agriculture/ Environment/Natural Resources
S0851	Boards & Commissions Efficiency Act of 2012.	S	Passed 1st Reading S Ref To Com On Program Evaluation
S0852	Transfer Fraud Unit.	S	Passed 1st Reading S Ref To Com On Insurance
S0853	NCCS 50th Anniversary Special Plate.	S	Held As Filed
S0854	Prohibit Use of Tax-Zapper Software.	S	Held As Filed
S0855	Amend Court Recording Requirements.	S	Held As Filed
S0856	Honor Senator Bob Carpenter.	S	Filed

S0858	State Air Toxics Program Reforms.	S	Filed
S0860	Sales of Motor Vehicles/Units of Government.	S	Filed
S0861	High Point Furniture Market Funds.	S	Filed
S0862	UNCG/NCA&T Nanoscience/Nanoengineering Funds.	S	Filed
S0863	Modify 2011 Appropriations Act.	S	Filed
S0864	Mechanics Liens/Payment Bond Reforms.	S	Filed
S0865	Honor Senator Bob Carpenter.	S	Filed
		S	Pursuant to Rule 40(b) placed on today's calendar 5/22/2012
		S	Passed 2nd & 3rd Reading
		H	Rec From Senate
S0866	Modify 2011 Appropriations Act.	S	Filed
S0867	NCEMPA/Use of Rate Revenue.	S	Filed
S0868	Wildlife Licenses/Eliminate Penalty.	S	Filed
S0869	Remove Restriction/Firefighter Disability.	S	Filed
S0870	2012 Youth Skin Cancer Prevention Act.	S	Filed
S0871	Restore Funding for Teaching Fellows Program.	S	Filed
S0874	Arts Education as a Graduation Requirement.	S	Filed

### LOCAL BILLS

H0005	Local Deannexations 02-10-11, 05-16-12	H	Rec From Senate
H0180	Wilmington Annexation Suspension.	S	Withdrawn From Com
		S	Re-ref Com On State and Local Government
H1016	Lower Cape Fear Design-Build.	H	Passed 1st Reading
		H	Ref to the Com on Government, if favorable, Finance
H1018	Yadkin Valley Career Academy.	H	Passed 1st Reading
		H	Ref To Com On Education
H1029	Mayodan Manager Residency.	H	Passed 1st Reading
		H	Ref To Com On Government
H1032	Morganton Deannexation.	H	Passed 1st Reading
		H	Ref to the Com on Government, if favorable, Finance
H1041	High Point/Archdale Boundaries.	H	Filed
H1049	Bladen Community College Fed Loan Program.	H	Filed
H1050	Elizabethtown Industr. Park Deannexation.	H	Filed
H1051	Elizabethtown Hayfields	H	Filed

Deannexation.	
H1059 Asheboro Towing.	H Filed
H1063 Excuse School Day for Johnston Co. School.	H Filed
H1065 Use Moore School Buses for 2014 US Open.	H Filed
H1071 Wake School Board Organizational Meeting.	H Filed
H1082 Nags Head Conveyance.	H Filed
S0848 Durham City Assessments.	S Passed 1st Reading S Ref To Com On State and Local Government
S0857 Add Stokes Cty to Tax Cert Before Recordation.	S Filed
S0859 Pilot Mountain Even-Year Municipal Elections.	S Filed
S0872 Orange Grants for Broadband.	S Filed
S0873 Orange-Alamance Remaining 9% Boundary.	S Filed

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 803. [ALLOW COURT TO ASSESS ATTY FEES/50C ORDERS.](#)** Filed 4/6/11. Senate committee substitute makes the following changes to 2nd edition. Changes effective date from October 1, 2011, to October 1, 2012.  
Civil Law and Procedure

### Legislation Enacted

None

### Index by Keyword

Agriculture, Environment, and Natural Resources	H 1072, 9
H 1036, 2	S 861, 11
H 1054, 6	S 862, 11
H 1064, 8	S 863, 11
S 858, 10	S 866, 11
Alamance	S 871, 12
S 873, 14	Business and Commerce
Animal Law	H 1052, 5
S 868, 12	H 1053, 5
Bladen	H 1060, 7
H 1049, 12	H 1068, 8
H 1050, 12	S 844, 10
Budget and Appropriations	S 864, 11
H 1040, 2	Children and Juvenile Law
H 1045, 3	H 1070, 9
H 1046, 3	Civil Law and Procedure
H 1047, 4	H 803, 19
H 1057, 6	Courts
H 1060, 7	H 1048, 4
H 1061, 7	Criminal Law, Procedure, and Sentencing
H 1062, 7	H 1070, 9
H 1064, 8	Education

H 1045, 3	Military and Veterans Affairs
H 1046, 3	H 1044, 3
H 1073, 10	H 1047, 4
S 871, 12	Moore
S 874, 12	H 1065, 13
Elections Law	Orange
H 1070, 9	S 872, 13
Emergency Services	S 873, 14
S 869, 12	Property, Land Use, and Housing
Employment and Retirement	H 1053, 5
H 1058, 6	H 1070, 9
H 1070, 9	Randolph
Energy and Utilities	H 1059, 13
H 1039, 2	State Government
H 1040, 2	H 1042, 2
H 1054, 6	H 1058, 6
H 1064, 8	H 1070, 9
H 1070, 9	H 1073, 10
S 867, 11	Surry
General Assembly	H 1051, 13
H 1034, 1	S 859, 13
H 1042, 2	Taxation
H 1070, 9	H 1052, 4
S 856, 10	H 1070, 9
S 865, 11	S 860, 11
Guilford	S 864, 11
H 1041, 12	Transportation
Health, Social Services, and Aging	H 1035, 1
H 1048, 4	H 1036, 2
H 1055, 6	H 1037, 2
H 1056, 6	H 1038, 2
H 1057, 6	H 1039, 2
H 1070, 9	H 1044, 3
H 1072, 9	H 1070, 9
H 1073, 10	S 860, 11
S 870, 12	Trusts, Estates, and Wills
Johnston	H 1066, 8
H 1063, 13	H 1067, 8
Local Government	H 1069, 8
H 1043, 3	H 1070, 9
H 1070, 9	Wake
S 867, 11	H 1071, 13

## Notes

None

## NEXT SESSIONS

May 23, 2012

**HOUSE convenes at 2:00 p.m.**

**SENATE convenes at 2:00 p.m.**