

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 69

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Senate Legislative Day 69

Tuesday, May 24, 2011

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 930. HONOR VETERANS. Filed 5/24/11. EXPRESSING GRATITUDE TO THE MEMBERS OF THE MILITARY FOR THEIR SERVICE AND HONORING THE MEMORY OF THOSE KILLED IN THE LINE OF DUTY.

As title indicates.

Intro. by Killian, Cleveland.

HOUSE RES

General Assembly

H 931. CONFIRM EDWARD FINLEY TO UTILITIES COMMISSION (=S 778). Filed 5/24/11. PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF EDWARD S. FINLEY, JR., TO THE UTILITIES COMMISSION.

Identical to S 778, filed 5/5/11.

Intro. by Steen.

JOINT RES

General Assembly

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Local Bills

None

ACTION ON BILLS**May 24, 2011**

- NOTES**
1. Digests appearing under "Summaries of Bills Filed" are for bills stamped with today's filing date.
 2. Amendments and committee substitutes adopted today are summarized following the chamber action.
 3. Subscribers can find the digest of every version of each bill online at www.dailybulletin.unc.edu.
 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

H0030 Allow Wage Garnishment to Satisfy Judgments. 04-14-11, 05-23-11	H	Passed 2nd & 3rd Reading
H0098 Breweries to Sell Malt Beverages on Premises. 04-20-11, 05-19-11	S	Passed 2nd & 3rd Reading
H0112 Realign Wake Superior Court Districts. 05-19-11, 05-23-11	S	Rec From House S Passed 1st Reading S Ref To Com On Judiciary I
H0139 Limit Contributions by State Vendors. 04-21-11, 05-23-11	H	Passed 2nd & 3rd Reading
H0200 Appropriations Act of 2011. 04-26-11, 04-28-11, 05-03-11	S	Withdrawn From Com S Re-ref to Finance. If fav, re-ref to Appropriations/ Base Budget. If fav, re-ref to Pensions & Retirement and Aging
H0206 Modify Property Tax Base Exclusions.	S	Rec From House S Passed 1st Reading S Ref To Com On Finance
H0280 County Law Enforcement Service District. 03-31-11	H	Pres. To Gov. 5/24/2011
H0298 Insurance Amendments.-AB 04-27-11, 05-19-11	H	Placed On Cal For 5/25/2011
H0306 Transfer GSC/Revisor of Statutes to GA. 05-17-11	H	Pres. To Gov. 5/24/2011
H0345 Modify Move Over Law. 05-11-11	H	Passed 2nd & 3rd Reading
H0411 Iredell Correctional Facility/ DOT Storage. 05-09-11	H	Withdrawn From Com H Placed On Cal For 5/25/2011
H0453 Allow Salary Protection	H	Placed On Cal For 5/25/2011

Insurance.

H0472 City/County Electronic Notice. H Withdrawn From Com
H Re-ref Com On Rules,
Calendar, and Operations of
the House

H0474 Protect Adult Care Home H Concurred In S/Com Sub
Residents.
04-26-11, 04-28-11, 05-12-11

H0501 Credit Union Ownership of H Placed On Cal For 5/25/2011
Ins. Co.
05-18-11

H0503 Nutrition Stds./All Foods HA Amend Adopted 1
Sold at School. HA Amend Adopted 2
H Passed 2nd Reading
H Withdrawn From Cal
H Placed On Cal For 5/31/2011
05-18-11, 05-24-11

H0575 Service Agreements/Allow H Placed On Cal For 5/25/2011
Reserve Account.
05-18-11

H0582 Amend Felony Firearms Act/ S Rec From House
Increase Penalties. S Passed 1st Reading
S Ref To Com On Judiciary II
05-19-11

H0596 Transfer Surplus Prop. to S Rec From House
Retirement System. S Passed 1st Reading
S Ref To Com On Finance
05-19-11, 05-23-11

H0618 Streamline Oversight/DHHS H Withdrawn From Cal
Service Providers. H Re-ref Com On Appropriations
05-17-11

H0623 Eliminate Agency Final H Postponed To 5/25/2011
Decision Authority.
05-16-11

H0643 Exempt CCPCUA from IBT S Rec From House
Requirements. S Passed 1st Reading
S Ref To Com On Agriculture/
Environment/Natural Resources
05-09-11

H0664 Disclosure/Group Life H Reptd Fav
Insurance. H Cal Pursuant Rule 36(b)
H Placed On Cal For 5/25/2011
H Passed 2nd Reading

H0686 Payable on Death Accounts. H Passed 2nd Reading
05-23-11

H0687 Atty Fees/City or County HA Amend Adopted 1
Action Outside Auth. H Passed 2nd Reading
05-23-11, 05-24-11

H0697 Study Stroke Prevention in S Rec From House
AFib. S Passed 1st Reading
S Ref To Com On Rules and
Operations of the Senate

H0758 Establish Arts Education H Reptd Fav
Commission. H Cal Pursuant Rule 36(b)
H Placed On Cal For 5/25/2011

H0762 Landowner Protection Act. HA Amend Adopted 1
H Amend Failed 2

	H Passed 2nd & 3rd Reading
	H Ordered Engrossed
05-18-11, 05-24-11	
H0805 Additional Name Change Requirements.	HA Amend Adopted 1
	H Passed 2nd & 3rd Reading
	H Ordered Engrossed
05-23-11, 05-24-11	
H0823 Governance of the Dep't of Public Instruction.	HA Reptd Fav Com Substitute
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 5/25/2011
05-24-11	
H0843 Modernize NC Emergency Management Act.	HA Amend Adopted 1
	H Passed 2nd & 3rd Reading
	H Ordered Engrossed
05-24-11	
H0914 AEDs in State Buildings.	H Reptd Fav
	H Re-ref Com On Appropriations
H0930 Honor Veterans.	H Filed
H0931 Confirm Edward Finley to Utilities Commission.	H Filed
S0063 Clarify Permit Req. Collection Agency E'ee.	S Passed 2nd & 3rd Reading
05-23-11	
S0149 No Nonmetallic Knuckles.	S Passed 2nd & 3rd Reading
05-23-11	
S0183 Selective Vegetation Removal/ State Highways .	SA Amend Adopted 1
	S Passed 2nd & 3rd Reading
	S Engrossed
04-28-11, 05-19-11, 05-24-11	
S0245 Medicaid Billing by Local Health Departments.	S Ratified
03-17-11, 05-17-11, 05-18-11	
S0247 Eliminate Means Test From 529 Deduction.	S Pres. To Gov. 5/24/2011
S0316 Add'l Section 1915 Medicaid Waiver Sites.	S Ratified
03-24-11, 05-19-11	
S0320 Municipal Systems.	H Passed 1st Reading
	H Ref To Com On Government
05-18-11	
S0382 Required Withholding For Nonresidents.	S Passed 3rd Reading
05-19-11	
S0385 Small Business Assistance Records.	S Passed 2nd & 3rd Reading
05-23-11	
S0405 Amend Irrigation Contractors' Licensing Laws.	H Passed 1st Reading
	H Ref to the Com on Environment, if favorable, Finance
04-28-11, 05-18-11	
S0484 REPS Credits at Cleanfields Parks.	S Passed 2nd & 3rd Reading
05-10-11	
S0512 Authorize Overnight Respite Pilot.	H Reptd Fav
	H Cal Pursuant Rule 36(b)

05-12-11		H	Placed On Cal For 5/25/2011
S0560 Sport Shooting Range Protection.		S	Passed 2nd & 3rd Reading
05-23-11			
S0581 Clarify Motor Vehicle Laws.		H	Passed 1st Reading
		H	Ref To Com On Finance
S0590 Terminal Rental Adjustment Clauses.		H	Passed 1st Reading
		H	Ref To Com On Finance
S0608 Health Care Sharing Organizations.		H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/25/2011
S0685 Modify Regulation of Proprietary Schools.		H	Passed 1st Reading
		H	Ref To Com On Education
05-11-11, 05-18-11			
S0727 No Dues Checkoff for School Employees.		S	Withdrawn From Cal
		S	Placed On Cal For 5/25/2011
05-19-11			
S0743 Encourage Volunteer Health Care Providers.		S	Reptd Fav Com Substitute
		SA	Com Substitute Adopted
		S	Re-ref Com On Finance
05-24-11			

LOCAL BILLS

H0118 Winston-Salem/Daily Currency/Coins Deposits.		H	Concurred In S Amend 1
05-18-11			
H0284 Wayne County Design Build.		H	Rec To Concur S Com Sub
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/25/2011
04-11-11, 04-13-11, 05-18-11			
H0292 Incorporate Rougemont.		HA	Amend Adopted 1
		H	Passed 2nd Reading
05-24-11			
H0367 Roanoke Rapids Deannexation.		S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
H0440 Huntersville E-Mail Lists/Electronic Access.		H	Withdrawn From Com
		H	Re-ref Com On Rules, Calendar, and Operations of the House
H0441 Cornelius E-Mail Lists/Electronic Access.		H	Withdrawn From Com
		H	Re-ref Com On Rules, Calendar, and Operations of the House
H0486 Tryon Deannexation.		S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
H0573 Raleigh/Wake Forest Boundary.		S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
05-12-11			

S0120 New Bern Charter Amendments. 03-22-11, 05-19-11	H	Placed On Cal For 5/25/2011
S0200 Alamance/Orange 9% Boundary.	H	Passed 3rd Reading
S0201 Alamance/Orange Boundary. 04-14-11	H	Passed 3rd Reading

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 292. INCORPORATE ROUEMONT. Filed 3/9/11. House amendment makes the following change to 1st edition.

Amends Section 3.3 of the Rougemont Charter by deleting the provision that allows the mayor to vote only when there is an equal division on any question or matter before the Town Council.

Durham

H 503. NUTRITION STDS/ALL FOODS SOLD AT SCHOOL. Filed 3/29/11. House amendments make the following changes to 2nd edition. Amendment #1 deletes language requiring the State Board of Education to cooperate with stakeholders in adopting rules regarding food and beverages sold or served to students. Amendment #2 adds new subsection (h1) to GS 115C-238.29F, requiring charter schools participating in the National School Lunch Program to comply with nutritional rules adopted by the State Board of Education for competitive foods and beverages sold or served to students. Charter schools must comply beginning with 2012-13 school year. Makes a conforming change to the bill title.

Education

H 687. ATTY FEES/CITY OR COUNTY ACTION OUTSIDE AUTH. Filed 4/6/11. House amendment makes the following changes to 2nd edition.

Amends proposed GS 6-21.6, clarifying that the court may award reasonable attorneys' fees and costs to a successful party, *provided* that if the court also finds that the city's or county's action was an abuse of discretion, then the court must award attorneys' fees and costs.

Civil Law and Procedure; Local
Government

H 762. LANDOWNER PROTECTION ACT. Filed 4/6/11. House amendment makes the following change to 2nd edition. Clarifies that in the event GS 14-159.6(a) conflicts with a local act, the local act prevails.

Property, Land Use, and Housing;
Animal Law; Criminal Law,
Procedure, and Sentencing

H 805. ADDITIONAL NAME CHANGE REQUIREMENTS. Filed 4/6/11. House amendment makes the following changes to 2nd edition. Amends proposed GS 101-5(a) to remove a statement of whether or not an applicant has been adjudicated a bankrupt or is subject to a current judgment from the list of required submissions by name change applicants. Makes a conforming change. Clarifies that the act is effective when it becomes law.

Courts

H 823. GOVERNANCE OF THE DEP'T OF PUBLIC INSTRUCTION. Filed 4/6/11. House committee substitute makes the following changes to 1st edition.

Subject to approval by the voters at the May 8, 2012, statewide election (was, November 6, 2012 election), amends Section 4 of Article IX of the North Carolina Constitution to (1) make the Superintendent of Public Instruction (Superintendent) the chair and chief administrative officer of the State Board of Education (SBE), (2) require the Superintendent to appoint all state-level personnel necessary for the administration and supervision of the state's public schools, (3) add a fourth at-large appointment to the SBE, (4) require that the General Assembly elect all at-large appointments, and (5) reduce the term of office for SBE members to overlapping terms of six

years (was, made the Superintendent head of the Department of Public Instruction (DPI), made the State Board of Education (SBE) an advisory body, and served overlapping terms of eight years). Provides that if a majority of votes are cast in favor of these proposed constitutional amendments, then the amendments become effective January 1, 2013.

Modifies the membership of the SBE to include the Superintendent, the Lieutenant Governor, the Treasurer, eight members appointed by the Governor, two members elected by the House of Representatives, and two members elected by the Senate (was, modified the membership of the SBE to include the Superintendent, the Lieutenant Governor, the Treasurer, three appointees by the Governor, four appointees by the Speaker of the House of Representatives, and four appointees by the President Pro Tempore of the Senate). Provides that vacancies are to be filled by the appointing or electing authority for the unexpired term, and that appointments made by the Governor to fill vacancies are not subject to confirmation by the General Assembly.

Deletes the proposed conforming changes to multiple statutes, which transferred all the duties, powers, rights, and obligations of the SBE to the Superintendent and provided that the SBE serve as an advisory body to the Superintendent.

Rewrites the title as *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION A MEMBER OF AND CHAIR OF THE STATE BOARD OF EDUCATION, TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE ALL STATE-LEVEL APPOINTMENTS NECESSARY FOR SUPERVISION AND ADMINISTRATION OF THE FREE PUBLIC SCHOOLS, TO MODIFY THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION TO INCLUDE AN ADDITIONAL AT-LARGE MEMBER, TO REQUIRE THE GENERAL ASSEMBLY TO ELECT ALL AT-LARGE MEMBERS, AND TO CREATE A SIX-YEAR TERM OF OFFICE FOR STATE BOARD OF EDUCATION MEMBERS.*

Constitutional Amendment;
Education

H 843. [MODERNIZE NC EMERGENCY MANAGEMENT ACT.](#) Filed 4/6/11. House amendment makes the following change to 1st edition. Amends the act to specify the effective date is October 1, 2011, for the entire act (previously amendments to GS 14-415.4(c)(6) were effective February 1, 2011).

Emergency Services

SENATE BILLS

S 183. [SELECTIVE VEGETATION REMOVAL/STATE HIGHWAYS.](#) Filed 3/2/11. Senate amendment makes the following changes to 3rd edition.

Amends GS 136-18.7 to add that the fee for certain selective vegetation removal permits may be used for the costs of administering the permit process and for highway beautification planting. Amends GS 136-133, clarifying that the fee for outdoor advertising structures must not exceed a \$150 initial fee and a \$60 annual renewal fee (was, \$90 annual renewal fee). Deletes requirement that \$30 of each fee be used for highway beautification projects. Amends proposed GS 136-133.1(e) to specify that the complete removal of any trees, except for native dogwoods and native redbuds, and all other vegetation will be permitted in the specified cut and removal zone if the applicant submits a plan for beautification and replanting at the relevant site. Directs the Department of Transportation (DOT) to develop rules for compensatory replanting, as indicated. Provides additional details on replanting. Specifies that the \$400 fee for a selective vegetation permit imposed under GS 136-18.7 is nonrecurring for sites at which the applicant implements an approved replanting plan. Amends proposed GS 136-133.5(c), requiring the DOT to reveal substantial, material evidence (was, some evidence) that the unlawful destruction or illegal cutting would create, increase, or improve a view to a proposed outdoor advertising sign from the main traveled way of the nearest controlled route before denying a permit. Adds a section to make conforming changes to GS 136-127. Directs DOT to adopt temporary rules to administer the act, effective when the act becomes law. Makes other clarifying and conforming changes.

Business and Commerce;
Transportation

S 743. [ENCOURAGE VOLUNTEER HEALTH CARE PROVIDERS.](#) Filed 4/19/11. Senate committee substitute makes the following changes to 1st edition. Amends GS 90-21.16 to clarify that a nonprofit community health

referral service that refers low income patients to physicians for free services is not liable for the acts or omissions of the physician if the nonprofit community health center maintains the requisite liability insurance (currently, the physician must maintain liability coverage for the service). Makes other clarifying and conforming changes, and makes a conforming change to title.

Health, Social Services, and Aging

Legislation Enacted

SL 2011-84 (H 129). [LEVEL PLAYING FIELD/LOCAL GOV'T COMPETITION](#). AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS. Summarized in *Daily Bulletin* 2/17/11, 3/23/11, 3/24/11, 3/28/11, 4/27/11, 4/28/11, and 5/2/11. Enacted May 21, 2011. Effective May 21, 2011, except as otherwise provided.

Business and Commerce; Energy and Utilities; Local Government

SL 2011-85 (S 323). [STATE HLTH PLAN/APPROPRIATIONS & TRANSFER II](#). AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER. Summarized in *Daily Bulletin* 4/19/11, 4/20/11, and 4/28/11. Enacted May 23, 2011. Part I is effective July 1, 2011, except as otherwise provided. Part II is effective January 1, 2012, except as otherwise provided. The remainder is effective May 23, 2011, except as otherwise provided.

Budget and Appropriations; Health, Social Services, and Aging

SL 2011-86 (H 537). [WILKES FIRE TAX DIST. BOUNDARIES](#). AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES COUNTY. Summarized in *Daily Bulletin* 3/30/11 and 4/14/11. Enacted May 23, 2011. Effective May 23, 2011.

Wilkes

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Notes

None

NEXT SESSIONS

May 25, 2011

HOUSE convenes at 2:00 p.m.

SENATE convenes at 9:30 a.m.