

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

School of Government

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SUMMARIES OF BILLS FILED

Public Bills

None

Local Bills

None

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ACTION ON BILLS**June 3, 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

H0032 Electoral Freedom Act of 2011. HA Reptd Fav Com Substitute
 H Cal Pursuant Rule 36(b)
 H Placed On Cal For 6/3/2011
 H Postponed To 6/7/2011
 06-03-11

H0036 Government Contractors Must Use E-Verify. HA Reptd Fav Com Sub 2
 H Cal Pursuant Rule 36(b)
 05-19-11, 06-03-11

H0087 Sunshine Act. HA Reptd Fav Com Sub 2
 H Re-ref Com On Judiciary Subcommittee A
 03-16-11, 03-17-11, 06-03-11

H0119 Amend Environmental Laws 2011. H Passed 2nd & 3rd Reading
 06-02-11

H0177 Environmental Technical Corrections 2011. H Passed 2nd & 3rd Reading
 06-02-11

H0200 Appropriations Act of 2011. H Concurred On 2nd Reading
 04-26-11, 04-28-11, 05-03-11, 05-25-11, 05-26-11, 05-31-11, 06-01-11

H0342 High School Accreditation. H Passed 2nd Reading
 03-30-11, 06-02-11

H0344 Tax Credits for Children with Disabilities. HA Reptd Fav Com Substitute
 H Re-ref Com On Appropriations
 06-03-11

H0350 Property Tax Uniformity for Conservation Land. HA Amend Adopted 1
 H Held As Material
 H Placed On Cal For 6/7/2011
 H Amend Recon 1
 H Postponed To 6/8/2011
 06-01-11, 06-03-11

H0374 Eugenics Records/Public Records Exemption. H Reptd Fav
 H Cal Pursuant Rule 36(b)
 H Placed On Cal For 6/3/2011
 H Passed 2nd & 3rd Reading

H0376 Retirement Technical Corrections.-AB H Reptd Fav
 H Re-ref Com On Finance

H0384 Register of Deeds/Fees. HA Amend Adopted 1
 H Passed 2nd & 3rd Reading
 H Ordered Engrossed
 06-02-11, 06-03-11

H0440 Adopt Official Livermush Festivals. HA Amend Adopted 1
 H Passed 2nd Reading

06-01-11, 06-03-11		
H0452 Eliminate "Instant Runoff"/ Public Financing.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)	
06-03-11		
H0462 Study Business Opportunity & Franchise Sales.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Passed 2nd & 3rd Reading	
H0473 Equal Tax Treatment of Gov't Retiree Benefits.	HA Reptd Fav Com Substitute H Re-ref Com On Finance	
06-03-11		
H0538 Remove Restriction/LEO Disability Benefits.	H Withdrawn From Com H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Passed 2nd & 3rd Reading	
H0556 Volunteer Service as a GAL Retirement	H Passed 3rd Reading H Ordered Engrossed	
06-01-11, 06-02-11		
H0571 Prepaid Wireless/Point of Sale Collection.	H Placed On Cal For 6/3/2011 H Passed 2nd Reading H Placed On Cal For 6/6/2011	
05-18-11, 06-02-11		
H0607 Habitual DWI Restoration Clarification.	H Passed 2nd & 3rd Reading	
06-02-11		
H0617 Portable Electronics Insurance Coverage.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Passed 2nd & 3rd Reading	
05-18-11		
H0654 Homeowner/Homebuyer Protection Act.	H Passed 3rd Reading	
06-02-11		
H0659 Capital Procedure/Severe Mental Disability.	H Amend 2 Offered H Amendment Withdrawn 2 H Passed 2nd Reading H Passed 3rd Reading H Ordered Engrossed	
04-20-11, 06-02-11		
H0707 Deeds of Trust/Modernize Procedures.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Passed 2nd & 3rd Reading	
06-03-11		
H0749 Modify State Ports Authority.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Passed 2nd & 3rd Reading	
06-03-11		
H0772 Study SORNA Compliance.	H Passed 2nd & 3rd Reading	
06-02-11		
H0778 Amend Innocence Commission Laws.	H Placed On Cal For 6/7/2011 H Withdrawn From Cal H Placed On Cal For 6/3/2011 HA Amend Adopted 1 H Passed 2nd & 3rd Reading	

06-02-11, 06-03-11	H Ordered Engrossed
H0799 Licensure by Endorsement/ Military/Spouses.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 HA Amend Adopted 1 H Passed 2nd Reading
06-03-11	
H0824 Nonpartisan Redistricting Process.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Postponed To 6/7/2011
06-03-11	
H0832 Allow Nonattorney Ownership of PC Law Firms.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011
H0850 The Baucum - Reynolds Safe Roads Act.	H Placed On Cal For 6/3/2011 HA Amend Adopted 1 H Ordered Engrossed H Placed On Cal For 6/7/2011
06-02-11, 06-03-11	
H0853 End Ct. Orders/Est. Local Intake Procedures.	H Passed 2nd Reading H Placed On Cal For 6/7/2011
H0896 Facilitate Electronic Listing.	H Passed 2nd & 3rd Reading
06-02-11	
H0903 Port Enhancement Zones.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Withdrawn From Cal H Re-ref Com On Finance
06-03-11	
S0031 Clarify Penalty Unauth. Practice of Medicine.	HA Conf Report Adopted
03-03-11, 04-07-11, 06-02-11	
S0709 Energy Jobs Act.	H Withdrawn From Com H Cal Pursuant Rule 36(b) H Serial Referral to Commerce and Job Development Striken H Withdrawn From Cal H Re-ref Com On Public Utilities
05-04-11, 05-10-11	

LOCAL BILLS

H0096 Additional Alleghany Occupancy Tax.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/6/2011
06-03-11	
H0469 Additional Lumberton Occupancy Tax.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/6/2011
06-03-11	
H0518 Authorize Add'l Person County Occupancy Tax.	H Passed 3rd Reading
06-01-11	

H0552 Greater Asheville Reg. Airport Authority.	HA Amend Adopted 1 H Passed 2nd Reading H Placed On Cal For 6/6/2011
04-21-11, 06-02-11, 06-03-11	
S0155 Local Stormwater Utility Fees.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Passed 2nd & 3rd Reading
03-31-11	
S0431 Fontana Dam Incorporated.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 6/3/2011 H Passed 2nd Reading H Placed On Cal For 6/7/2011

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 32. [ELECTORAL FREEDOM ACT OF 2011](#). Filed 2/2/11. House committee substitute makes the following changes to 1st edition. Amends the definition of a *political party* under GS 163-96(a) by lowering the threshold for qualification as a political party to (1) at least one-fourth of one percent (.25%) of the entire vote cast in votes of any group of voters polled in the last preceding general state election for specified offices or (2) at least .25% of registered and qualified voters in the state as of January 1 of the year of the petition, if qualifying by petition, filed with the State Board of Elections. Amends proposed GS 163-122(a1)(2) by requiring that petitions due under the provision be filed with the county board of elections on or before 12:00 noon on the last Friday of June (previously third Friday of July) preceding the general election. Rewrites proposed GS 163-122(a2) to specify the method for calculating the number of signatures needed for candidates seeking election to a partisan office as an unaffiliated candidate, depending on the office sought. Clarifies that proposed GS 163-111.1 (determination of primary results for political parties) applies only to political parties that, as of January 1 of the year that the primary election is held, have less than 10% of the registered voters in the state. Deletes amendments made in previous edition to GS 163-123 concerning write-in candidates. Makes conforming change to title. Makes other technical and clarifying changes. Effective January 1, 2012, and applies to elections held on or after that date.

Elections Law

H 36. [EMPLOYERS/GOV. CONTRACTORS MUST USE E-VERIFY \(NEW\)](#). Filed 2/3/11. Changes made by the House committee substitute will be summarized in the next *Daily Bulletin*.

State Government; Local
Government; Employment and
Retirement

H 87. [ACCIDENT/TICKET 30-DAY NO CONTACT \(NEW\)](#). Filed 2/10/11. House committee substitute makes the following changes to 5th edition. Deletes all the provisions of the 5th edition and replaces it with *AN ACT TO ESTABLISH A THIRTY-DAY MORATORIUM ON COMMERCIAL COMMUNICATIONS WITH ACCIDENT VICTIMS AND PERSONS CHARGED WITH CERTAIN VIOLATIONS RELATING TO OPERATION OF A MOTOR VEHICLE*.

Adds new GS 84-39 to make it unlawful for an attorney to engage in solicitation to provide legal services to a person if the solicitation concerns a violation of any provision in Part 10 of Article 3 of GS Chapter 20 (Operation of Vehicles and Rules of the Road), or concerns an accident or injury involving the person to whom the solicitation is addressed or a relative of that person, unless the citation was issued or the injury occurred more than 30 days prior to the initiation of the communication to solicit legal services. Makes the violation a Class 1 misdemeanor. Authorizes the North Carolina State Bar to investigate and bring an action against persons charged with violating this statute. Specifies that the provisions in GS 84-37 apply. Provides that this statute is not to be construed to

supersede the authority of district attorneys in such matters. Appears to apply to offenses committed on or after December 1, 2011.

Previously: General Assembly;
Local Government; State
Government
Now: Business and Commerce;
Employment and Retirement

H 96. ADDL. ALLEGHANY/JACKSON OT (NEW). Filed 2/15/11. House committee substitute makes the following changes to 1st edition. Amends SL 1991-162, as amended by SL 2004-106, to provide that when the Allegheny County Board of Commissioners adopts a resolution levying a room occupancy tax, the resolution must require that the county remit, on a quarterly basis, 100% of the net proceeds of the occupancy tax levied under the act to the Allegheny Tourism Development Authority (Authority). Directs the Authority to use at least two-thirds of those funds to promote travel and tourism in Allegheny County and use the remainder for tourism-related expenses. Provides that the Authority is created when the Allegheny Board of Commissioners adopts a resolution levying a room tax. Requires at least one-half (previously three-fourths) of the members of the Authority be individuals who are actively involved in the promotion of travel and tourism in the county. Makes other technical changes.

Rewrites SL 1985-969, as amended, which provides for a Jackson County occupancy tax to provide as follows. Details the additional room occupancy tax, authorization of additional tax, administration of the tax, distribution, and use of tax revenues, and creation of the Jackson County Tourism Development Authority (Tourism Authority). Details membership, duties, and reporting requirements of the Tourism Authority. Makes conforming change to GS 153A-155. Makes conforming changes to the bill title.

Previously: Allegheny
Now: Allegheny; Jackson

H 119. AMEND ENVIRONMENTAL LAWS 2011. Filed 2/16/11. House committee substitute makes the following changes to 1st edition. Amends GS 143-350 to define *gray water* and *gray water system*. Rewrites GS 143-355.5 to acknowledge that it is the public policy of North Carolina that the reuse of treated or reclaimed water, along with gray water or captured rain water, is critical to meeting the existing and future needs of the state. Creates new subsection (c) to GS 143-355.5 to direct the Environmental Management Commission (Commission) to adopt rules to encourage and promote the safe and beneficial use of gray water, as detailed. Creates new subsection (d) to GS 143-355.5 to direct the Department of Environment and Natural Resources to develop policies and procedures to promote the adoption and installation of gray water systems. Makes a conforming change to GS 130A-335(b). Enacts new GS 160A-202 to prohibit a city from adopting ordinances against the installation and maintenance of cisterns and rain barrels.

Rewrites Section 5 of SL 2007-438, as amended, to clarify that the nutrient offset payment schedule will expire when the rules establishing the new payment schedule become effective.

Authorizes the Commission for Public Health to adopt rules to incorporate all or part of the United States Food and Drug Administration Food Code 2009. Creates new subsection (a5) to GS 130A-248 to provide that the Department of Health and Human Services may grant a variance from the rules adopted pursuant to the statute if the Department determines that the issuance of the variance will not result in a health hazard or nuisance condition.

Creates new subsection (a1) to GS 113A-54.1 to provide that draft erosion and sedimentation control plans for the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, may be submitted without a landowner's written consent, so long as the landowner has been provided with prior notice of the project.

Changes title to *AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS*.

Agriculture, Environment, and
Natural Resources

H 177. ENVIRONMENTAL TECHNICAL CORRECTIONS 2011. Filed 2/23/11. House committee substitute makes the following changes to 1st edition. Makes a technical change to GS 18B-1105(b), and makes a clarifying change to the bill title.

Agriculture, Environment, and
Natural Resources

H 344. [TAX CREDITS FOR CHILDREN WITH DISABILITIES](#). Filed 3/14/11. House committee substitute makes the following changes to 1st edition. Rewrites proposed GS 105-151.33 to include in the definition of *eligible dependent child* a child who receives special education or related services on a daily basis. Requires an eligible dependent child to be reevaluated every three years by the local educational agency. Clarifies proposed GS 105-151.33(d), concerning instances in which a taxpayer may not qualify for a credit as follows: (1) the child was placed in a nonpublic school or facility by a public agency at public expense, (2) the child was 19 (previously 22) years old or older during the entire semester, (3) the child graduated from high school prior to the end of the semester, or (4) the child spent any time enrolled as a full-time student taking at least 12 hours of academic credit in a postsecondary educational institution. Creates new subsection (i) to proposed GS 105-151.33 to define *special education and related services*. Amends proposed GS 115C-472.15 to direct the State Board of Education to use revenues in the fund to reimburse local educational agencies for reevaluations and revised individualized education programs. Makes other clarifying and technical changes. Makes change to the Department of Revenue's reporting requirement date, from January 1, 2012, to October 1, 2013.

Taxation; Education

H 384. [REGISTER OF DEEDS/FEES](#). Filed 3/16/11. House committee substitute makes the following changes to 1st edition. Amends GS 161-10 (uniform fees of registers of deeds) to set the fee for registering or filing an instrument at \$26 (was, \$30) for the first 15 pages plus \$4 (was, \$5) for each additional page. Sets the fee for registering or filing any deed of trust or mortgage at \$56 for the first 15 pages and \$4 for each additional page (previous edition deleted these fees). Amends GS 161-11.3 to direct \$6.20 (was, \$3.20) of the \$56 fee collected for registering or filing a deed of trust or mortgage to be set aside annually and placed in a nonreverting Automation Enhancement and Preservation Fund. Rewrites GS 161-11.5 to direct \$6.20 (was, \$5) of each fee collected under GS 161-10(a)(1) and (a)(1a) to be remitted by the register of deeds to the county finance officer, who will remit the funds to the State Treasurer on a monthly basis to be credited as follows: (1) 55% to the Floodplain Mapping Fund (was, 50%); (2) 24% to the General Fund as nontax revenue (was, 25%); and (3) 21% to the Department of Cultural Resources (was, 25%). Directs the Revenue Laws Study Committee to review the effect of this act to determine whether the changes have simplified the collection and remittance of fees, and to study the effect the fee changes had on revenue collections in the counties. Requires the Committee to report to the General Assembly and to recommend whether the new provisions should expire. The above provisions expire July 1, 2013.

Amends GS 161-14(b), requiring certain instruments presented for registration to have a blank margin of three inches at the top of the first page and blank margins of at least one-quarter inches (was, one-half) on the remaining sides of the first page and on all sides of subsequent pages, and to have at least 9 point (was, 10 point) font size, in addition to other requirements under existing law. Makes a conforming change to the bill title.

Effective October 1, 2011, and applies to instruments registered on or after that date.

Property, Land Use, and Housing

H 384. [REGISTER OF DEEDS/FEES](#). Filed 3/16/11. House amendment makes the following changes to 2nd edition. Amends GS 161-11.5 to provide that fees remitted under the statute be credited as follows: (1) 20% (previously 24%) to the General Fund as nontax revenue; and (2) 25% (previously 21%) to the Department of Cultural Resources (with 55% still credited to the Floodplain Mapping Fund).

Property, Land Use, and Housing

H 440. [ADOPT OFFICIAL LIVERMUSH FESTIVALS](#). Filed 3/23/11. House amendment makes the following changes to 3rd edition. Clarifies that the Marion Livermush Festival is adopted as the official spring livermush festival of NC (was, the Marion Community and McDowell County Livermush Festival).

State Government

H 452. [JUDICIAL ELECTIONS CHANGES \(NEW\)](#). Filed 3/23/11. House committee substitute makes the following changes to 1st edition.

Deletes the repeal of Article 22D of GS Chapter 163, which establishes the North Carolina Public Campaign Fund as an alternative source of campaign financing available to candidates for Justice of the Supreme Court and

Judge of the Court of Appeals. Makes conforming changes reinstating subsections (e2) and (e3) to GS 163-278.13 (subsections were repealed in 1st edition). Deletes the repeal of GS 105-159.2.

Recodifies GS 163-329, as amended in this act, as GS 163-120. Repeals the remainder of Article 25 of GS Chapter 163, which sets out the process for conducting nonpartisan judicial races. Repeals GS 163-278.64A (special participation provisions for candidates in vacancy elections).

Amends various partisan election procedural statutes to include judicial candidates. Allows a judicial candidate to decide whether or not to have the candidate's party affiliation printed on the general election ballot. Exempts judicial candidates from the straight-party ticket vote. Makes conforming changes necessary to implement the repeal of Article 25 of GS Chapter 163.

Makes conforming change to the title.

Effective with respect to primaries and elections held on or after January 1, 2012.

Elections Law

H 469. ADDL. LUMBERTON & ST. PAULS OCCUP. TAX (NEW). Filed 3/24/11. House committee substitute makes the following changes to 1st edition. Amends SL 1998-112, as amended by SL 2006-34, authorizing the board of commissioners of the Town of St. Pauls to levy an additional room occupancy tax up to 3% of the gross receipts derived from the rental of accommodations taxable under the section. Directs that St. Pauls may not levy a tax as authorized unless it also levies taxes under subsection (a) and (a1) of the section. Makes a technical change. Makes conforming change to the title.

Robeson

H 473. EQUAL TAX TREATMENT OF GOV'T RETIREE BENEFITS. Filed 3/24/11. House committee substitute makes the following changes to 1st edition.

Amends GS 105-134.6(b) by enacting new subdivision (5c) to provide for a 10-year phase-in of a full state income tax deduction for all state, local, and federal government retirees' pensions beginning with the 2011 taxable year and complete as of the 2020 taxable year. Bases the phase-in period on the retiree's vesting date in the retirement plan. Effective for taxable years beginning on or after January 1, 2011, and repealed for taxable years beginning on or after January 1, 2020.

Makes GS 105-134.1(13), as amended in this act, effective when it becomes law (was, effective for taxable years beginning on or after January 1, 2011).

Makes GS 105-134.6(b) as amended in the 1st edition concerning governmental retirees from other states, effective for taxable years beginning on or after January 1, 2020 (was, effective for taxable years beginning on or after January 1, 2011).

Taxation; Employment and Retirement

H 552. GREATER ASHEVILLE REG. AIRPORT AUTHORITY. Filed 3/30/11. House committee substitute makes the following change to 2nd edition. Clarifies that any real and/or personal property of the counties of Buncombe and Henderson and the City of Asheville may be granted and conveyed to the Greater Asheville Regional Airport Authority either by gift or for such consideration as *allowed by federal law* and as it may be deemed wise.

Buncombe; Henderson

H 552. GREATER ASHEVILLE REG. AIRPORT AUTHORITY. Filed 3/30/11. House amendment makes the following changes to 3rd edition. Removes provision in the act that states the act is to be construed broadly to include additional and supplementary powers not specifically detailed in the act.

Buncombe; Henderson

H 571. PREPAID WIRELESS/POINT OF SALE COLLECTION. Filed 3/30/11. House committee substitute makes the following changes to 2nd edition. Deletes provision from previous edition which repealed GS 62A-40(15). Amends GS 62A-40(15) to include definitions for *prepaid wireless telecommunications service* (currently prepaid wireless telephone service) and *retail transaction*.

Rewrites GS 62A-43 to clarify that the monthly 911 service charge for service other than prepaid wireless telecommunications service is 70¢ or a lower amount set by the 911 Board. Provides for a 911 service charge on each retail purchase of prepaid wireless telecommunications service occurring in North Carolina in the amount of 70¢ for each retail transaction of prepaid wireless telecommunications service or a lower amount set by the 911

Board. Directs the 911 Board to set the service charge for prepaid wireless telecommunications service at the same rate as the monthly service charge for nonprepaid service. Directs that the 911 Board must notify the Department of Revenue of a change in the rate for prepaid wireless telecommunications service at least 90 days before the changes become effective. Requires the Department of Revenue to provide notice of a change in the rate at least 45 days before the change becomes effective only on the Department's website.

Amends GS 62A-44(b) to clarify that all funds remitted by the Department of Revenue from prepaid wireless telecommunications service charges are allocated for monthly distributions to primary PSAPs pursuant to GS 62A-46 and grants to PSAPs pursuant to GS 62A-47. Clarifies that the 911 service charge for prepaid wireless telecommunications service is in addition to sales tax imposed, and that notice of the service charge must be separately stated on an invoice, receipt, or other reasonable notification to the consumer by the seller at the time of the retail transaction. Specifies the definition of a retail transaction occurring in the state.

Provides method for which a seller must remit the 911 service charge for prepaid wireless telecommunications service to the Department of Revenue. Provides, and details, that the administration, auditing, requests for review, making returns, promulgation of rules and regulations by the Secretary of Revenue, additional taxes and liens, assessments, refunds, and penalty provisions of Article 9 of GS Chapter 105 apply to the collection of the 911 service charge for prepaid wireless telecommunications service.

Removes provisions included in the previous edition regarding definitions in proposed GS 62A-59, instances when prepaid wireless telecommunications services are sold with one or more other products or services for a single, nonitemized price, and tax base measurement of the amount of prepaid wireless E 911 service charge that is collected by a seller.

Clarifies that sellers that collect the 911 service charge for prepaid wireless telecommunications service to retain all of the service charges collected in the first three calendar months beginning on or after July 1, 2013. Provides that the Department of Revenue may retain the cost of collection, up to \$700,000, of the 911 service charges for prepaid wireless telecommunications service remitted from collections by sellers of the charge for the first 12 calendar months beginning on or after July 1, 2013.

Makes other technical, clarifying, and organizational changes to the act, including a clarifying change to the title.

Energy and Utilities; Taxation

H 622. NURSING HOMES/FOOD SERVICE INSPECTIONS (NEW). Filed 4/5/11. House committee substitute makes the following changes to 1st edition. Deletes all provisions of previous edition and replaces them with *AN ACT PROVIDING THAT NURSING HOMES AND NURSING HOME BEDS LICENSED UNDER CHAPTER 131E OF THE GENERAL STATUTES THAT ARE ALSO CERTIFIED BY MEDICARE AND MEDICAID SHALL BE LIMITED TO ONE INSPECTION PER YEAR UNLESS THE FACILITY RECEIVES A GRADE "B" OR LOWER ON ITS ANNUAL INSPECTION*. Enacts new subsection (a1) to GS 130A-235, limiting the frequency of food service inspections in nursing homes or nursing home beds licensed under Part 1 of Article 5 or Part 1 of Article 6 of GS Chapter 131E and certified by the Centers for Medicare and Medicaid Services to one inspection per year. However, if the facility receives a grade "B" or lower, then the county may conduct inspections until the food service operation achieves a grade "A" sanitation score. Makes a conforming change to the bill title. Effective October 1, 2011.

Previously: APA/Rule Making
Now: Health, Social Services, and
Aging

H 707. DEEDS OF TRUST/MODERNIZE PROCEDURES. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 45-36.6(e) to require a document of rescission to also be signed and acknowledged as required by law for a conveyance of an interest in real property. Makes a conforming change throughout the act. Clarifies that the entire act is effective October 1, 2011, and makes conforming changes to reference the date throughout the act. Makes other technical, clarifying, and organizational changes.

Property, Land Use, and Housing

H 733. MODIFY PROPERTY FINDER PROVISIONS (NEW). Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Enacts new GS 75-43 prohibiting any agreement to reunite a consumer with property that has not yet escheated to the state under GS Chapter 116B from including total fees and costs that exceed 35% of the value of the property, or from offering to reunite the owner with property held by a state agency. Makes an agreement in violation of the statute void and unenforceable, and makes a violation an unfair

trade practice. Provides that the statute does not apply to agreements to recover property presumed abandoned under GS 116B-78. Effective October 1, 2011.

Deletes amendments made to GS 116B-53(c) in previous edition. Makes a conforming change. Makes amendments to GS 116B-78 (concerning property that is presumed abandoned) effective when the act becomes law (was, effective October 1, 2011).

Changes the title to *AN ACT TO LIMIT THE FEE THAT CAN BE CHARGED TO LOCATE PROPERTY THAT HAS NOT YET ESCHEATED TO THE STATE, TO PREVENT AGREEMENTS TO LOCATE PROPERTY THAT IS BOTH HELD BY A STATE AGENCY AND HAS NOT YET ESCHEATED TO THE STATE, AND TO CLARIFY THE APPLICABILITY OF AGREEMENTS TO LOCATE ESCHEATED PROPERTY.*

State Government

H 749. MODIFY STATE PORTS AUTHORITY. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Deletes amendments to GS 143B-454 made in the previous edition. Enacts new subsection (i) to GS 143B-452 to limit membership terms on the State Ports Authority (Authority) to 12 consecutive years. Rewrites GS 143B-455 to include additional language stating that the Authority is subject to GS 146-29.1 and must report in detail all transactions relating to the acquisition or disposition of real property or any estate or interest in real property to the Joint Legislative Commission on Governmental Operations. Rewrites GS 143B-465(c) to provide that, before exercising an exemption under the subsection, the Authority, through its Executive Director, must give written notice of the Authority's intent to exercise the exemption to the Secretary of Administration and to individual members of the Authority's board. Requires the Executive Director to report to the Authority's board at each meeting on any contracts to which an exemption was applied since the last meeting of the board. Deletes provisions in proposed GS 143B-468.1 (rental of Authority properties) and instead enacts new GS 143B-468.1 to provide that contracts for services published in the Authority's tariff for which the price deviates by more than 20% from the published tariff rate must be approved by the Council of State prior to the Authority entering into the contract. Directs the Authority to report quarterly to the Joint Legislative Commission on Government Operations on any such contracts. Makes other clarifying changes.

State Government

H 778. AMEND INNOCENCE COMMISSION LAWS. Filed 4/6/11. House amendment makes the following changes to 2nd edition. Amends proposed GS 15A-1471(d) to add that the Commission incurs all costs associated with ensuring compliance with FBI requirements and NDIS criteria.

Criminal Law, Procedure, and
Sentencing

H 799. LICENSURE BY ENDORSEMENT/MILITARY/SPOUSES. Filed 4/6/11. House amendment makes the following change to 1st edition. Directs that for the purposes of proposed GS 93B-15.1 (regarding licensure for military personnel and military spouses), the State Board of Education will be considered an occupational licensing board when issuing teacher licenses under GS 115C-296.

Employment and Retirement;
Military and Veterans Affairs

H 824. NONPARTISAN REDISTRICTING PROCESS. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Amends provisions regarding preparations for redistricting to provide that identical bills embodying a legislative and congressional redistricting plan are to be delivered also to the members of the Senate and the House of Representatives (was, only specified delivery to the Principal Clerks of the Senate and of the House of Representatives). Adds as a redistricting standard that plans be drawn to comply with federal and state law. Clarifies that for state legislative districts the "whole county" provision must be followed in a manner consistent with federal law. Makes technical changes.

Changes the effective date to apply beginning with the 2020 census (was, act applied beginning with 2020 census but with additional conditions specified if plan was not final as of October 1, 2011).

Elections Law

H 850. THE BAUCUM-REYNOLDS SAFE ROADS ACT. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Rewrites proposed GS 20-137.4B to provide that the trier of fact may infer that

the use of a mobile phone or additional technology, as defined in GS 20-137.3, was a proximate cause of the reportable crash in any civil action for damages resulting from the crash (previous edition made use of a mobile phone or additional technology an aggravating factor). Makes a conforming change to the bill title. Effective October 1, 2011 (was, December 1, 2011), and applies to causes of action arising on or after that date.

Transportation

H 850. THE BAUCUM-REYNOLDS ROADS ACT. Filed 4/6/11. House amendment makes the following changes to 2nd edition. Rewrites proposed GS 20-137.4B to provide that in a civil action for damages resulting from a reportable crash resulting in death or serious injury, if the trier of fact finds that a mobile phone or additional technology, as defined, was in use by the driver at the time of the accident, the trier of fact may infer that the use of the mobile phone or technology was a proximate cause of the accident.

Transportation

H 887. ZONING/TEMP. FAMILY HEALTH CARE STRUCTURES. Filed 5/3/11. House committee substitute makes the following changes to 1st edition. Deletes GS 153A-341.1, which was proposed in the previous edition, and instead enacts new GS 153A-341.3 to direct counties exercising zoning powers under Article 18 of GS Chapter 153A to comply with new GS 160A-383.5 (Zoning of temporary health care structures). Rewrites proposed GS 160A-383.5(a) to include a new defined term, *first or second degree relative*, and to clarify other defined terms. Creates new subsections to proposed GS 160A-383.5 to provide that a city must consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with the statute if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person. Authorizes a city to charge a permit fee up to \$100 and an annual renewal fee up to \$50. Provides that temporary family health structures are to be treated as tangible personal property for purposes of taxation. Increases the time allowed for the removal of any temporary family health care structure from 30 days to 60 days after the physically or mentally impaired person is no longer receiving, or is no longer in need of, assistance. Makes other technical, clarifying, and organizational changes to proposed GS 160A-383.5.

Rewrites GS 130A-250 to exempt temporary family health care structures from the regulation of food and lodging facilities. Rewrites GS 131D-2.1(10) to provide that temporary health care structures are exempt from regulatory requirements for multiunit assisted housing with service programs. Rewrites GS 160A-442(2) to provide that temporary family health care structures are considered dwellings provided that any ordinance provision requiring minimum square footage does not apply to temporary family health care structures.

Includes severability clause. Clarifies that no county or city may impose a fee on any temporary family health care structure existing on July 1, 2011.

Local Government; Health, Social Services, and Aging

H 896. FACILITATE ELECTRONIC LISTING (NEW). Filed 5/4/11. House committee substitute makes the following changes to 1st edition. Repeals GS 105-304(a1) which provides for the electronic listing of personal property (provision was amended in the 1st edition) and GS 105-304(b)(3), defining *electronic* as used in the statute.

Amends GS 105-296(c), clarifying that it is the responsibility of the assessor to provide notice via newspaper and public posting of the listing of personal property for property tax purposes at least 10 days prior to the date the property is to be listed. Also clarifies that the notice must contain all of the information specified in this subsection. Amends the list of items that must be included in the notice to add the following: requires a statement that the county allows electronic listing of personal property, and the timetable and procedures for electronic listing if the county provides for electronic listing of personal property under GS 105-310.1. Makes an organizational change.

Amends GS 105-307 to provide for the electronic listing of personal property under GS 105-310.1 (was, GS 105-304). Declares that a resolution that provides a general extension of time for the electronic listing of personal property must continue in effect until it is revised or rescinded unless otherwise stated in the resolution. Provides that despite the individual extension time limitations provided in subsection (c) of GS 105-307, if the county has provided for electronic listing of personal property under GS 105-310.1, then the extensions granted for electronic listing of personal property cannot extend beyond June 1.

Adds new GS 105-310.1 to provide for the electronic listing of personal property. Provides that the Department of Revenue may establish the standards and requirements for electronic listing of personal property after consultation with the counties. Authorizes the board of county commissioners to provide for the electronic listing of personal property. Provides definitions for the terms *electronic listing* and *electronics* as used in this statute.

Amends GS 105-311 to clarify that the completed abstract (was, a return) must be filed with the assessor on a form approved by the Department of Revenue. Adds *limited liability company* to the business entities directed as to the filing of the complete abstract. Clarifies that the required affirmation on a taxpayer's abstract may be signed by an agent of the taxpayer who is authorized by a principal officer of the taxpayer in a manner prescribed by the Department of Revenue. Provides that if a county has provided for electronic listing of personal property under GS 105-310.1, then personal property abstracts may be submitted by electronic listing. Prohibits acceptance of an abstract submitted by electronic listing unless the affirmation on the abstract is signed as prescribed in subsection (a) of this statute. Permits the affirmation to be signed using an electronic signature method approved by the Department of Revenue.

Makes this act effective when it becomes law (was, effective January 1, 2012).

Taxation; Local Government

H 903. [PORT ENHANCEMENT ZONES](#). Filed 5/4/11. House committee substitute makes the following change to 1st edition. Amends proposed 143B-437.012(a) to require in the definition of *port enhancement zone* that all of the area is located within 20 miles (previously 15 miles) of a state port and capable of being used to enhance port operations.

Taxation; State Government

SENATE BILLS

S 745. [BEER FRANCHISE LAW CLARIFICATIONS](#). Filed 4/19/11. Senate committee substitute makes the following changes to 1st edition. Adds new subsection (a1) to GS 18B-1305 providing for the termination of a franchise agreement by a small brewery. Makes a conforming change to GS 18B-1304.

Amends GS 18B-1304 to create an exception to the provision that makes it unlawful for a supplier, an officer, agent, or representative of a supplier to prohibit a wholesaler from distributing the product of any other supplier. Makes it unlawful for a supplier, an officer, agent, or representative of a supplier to withdraw money from or otherwise access a wholesaler's bank accounts without the wholesaler's consent (was, also made it unlawful to require a wholesaler to participate in an arrangement for the payment or crediting by an electronic fund transfer without the wholesaler's consent).

Amends GS 18B-1307 providing that in determining whether the proposed transferee or merged wholesaler is a qualified person, the supplier must consider (was, may consider), but is not limited to, the specified factors. Makes technical changes. Makes a conforming change to the bill title.

Alcoholic Beverage Control

Legislation Enacted

SL 2011-106 (S 247). [ELIMINATE MEANS TEST FROM 529 DEDUCTION](#). AN ACT TO ELIMINATE THE INCOME THRESHOLD FOR CONTRIBUTIONS TO AN ACCOUNT IN THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY. Summarized in *Daily Bulletin* 3/7/11. Enacted June 3, 2011. Effective June 3, 2011.

Taxation

SL 2011-107 (H 98). [BREWERIES TO SELL MALT BEVERAGES ON PREMISES](#). AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY. Summarized in *Daily Bulletin* 2/15/11, 4/20/11, and 5/19/11. Enacted June 3, 2011. Effective June 3, 2011.

Alcoholic Beverage Control

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Notes

An abbreviated *Daily Bulletin* showing the calendar action for the House will be published on June 4, 2011. The Senate leaders announced that no votes will be taken in the Senate session scheduled for Saturday, June 4, 2011. The next regular *Daily Bulletin* will be published on Monday, June 6, 2011.

NEXT SESSIONS

June 4, 2011

HOUSE convenes at 12:05 a.m.

SENATE convenes at 10:00 a.m.