

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 122

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Senate Legislative Day 122

Wednesday, June 6, 2012

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SUMMARIES OF BILLS FILED

None

ACTION ON BILLS

June 6, 2012

- NOTES**
1. Digests appearing under "Summaries of Bills Filed" are for bills stamped with today's filing date.
 2. Amendments and committee substitutes adopted today are summarized following the chamber action.
 3. Subscribers can find the digest of every version of each bill online at www.dailybulletin.unc.edu.
 4. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
 5. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
 6. Enacted bills are indicated by #, failed bills by *. Actions that change a bill are indicated by HA or SA.

PUBLIC BILLS

H0111 Handgun Permit Valid in Parks & Restaurants. S If Fav; Re-ref to Com on Finance
03-23-11, 03-29-11

H0149 Terrorism/State Offense. S Passed 2nd & 3rd Reading
H Rec From Senate

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	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
04-05-11, 06-05-12		
H0176 Review DV Program	S	Passed 2nd & 3rd Reading
Participation.	H	Rec From Senate
	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
06-07-11, 06-05-12		
H0233 Department of Correction/Ex-	S	Withdrawn From Com
Offenders.	S	Re-ref Com On Finance
H0244 State Health Plan/Add Schools.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
06-07-11, 06-06-12		
H0261 Intrastate Motor Carrier	S	Reptd Fav Com Substitute
Markings.	SA	Com Substitute Adopted
03-29-11, 06-06-12		
H0302 Charitable Licensing	H	Ratified
Exemption Clarification.		
04-14-11, 05-30-12		
H0345 Modify Move Over Law.	H	Ratified
05-11-11, 05-23-12		
H0438 Accountable Co. Comms./Expand	S	Passed 2nd Reading
Loc. Bd. Auth.		
06-05-12		
H0490 Rename Yadkin River Bridge.	S	Reptd Fav
	S	Re-ref Com On Appropriations/ Base Budget
H0493 Landlord Tenant Law Changes.	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/6/2012
	H	Concurred In S/Com Sub
05-09-11, 05-31-12		
H0589 Divorce/DVPO/Child Support	H	Rec To Concur S Com Sub
Changes.	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/6/2012
	H	Concurred In S/Com Sub
05-04-11, 05-10-11, 05-31-12		
H0637 Adoption Law Changes.	H	Concurred In S/Com Sub
04-20-11, 05-29-12		
H0660 No In Person Service Required/	S	Passed 2nd & 3rd Reading
50C Orders.		
H0673 Street Gang Nuisance	H	Rec To Concur S Com Sub
Abatement.	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/6/2012
	H	Concurred In S/Com Sub
05-16-11, 05-31-12		
H0707 Register of Deeds/Directed	H	Concurred In S/Com Sub
Trustees/Estates.		
06-03-11, 06-04-12		
H0737 Strengthen Child Safety Laws/	S	Reptd Fav Com Substitute
Care Facilities.	SA	Com Substitute Adopted
06-06-12		
H0741 Law Enforcement/Emergency	S	Passed 2nd & 3rd Reading
Vehicle Length.	H	Rec From Senate
	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)

06-08-11, 06-05-12		
H0813 ESC/Jobs Reform.	S	Withdrawn From Com
	S	Re-ref Com On Rules and Operations of the Senate
06-01-11		
H0843 Modernize NC Emergency Management Act.	H	Concurred In S/Com Sub
05-24-11, 05-31-12, 06-05-12		
H0941 Pseudoephedrine Amount Clarifications.	S	Passed 2nd Reading
H0947 Eugenics Compensation Program.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
05-25-12, 05-29-12, 06-05-12		
H0954 ENR Reports Consolidation.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Agriculture/Environment/Natural Resources
05-31-12		
H0960 Protect Homeowners With Underwater Mortgages.	HA	Amend Adopted 2
	H	Passed 2nd & 3rd Reading
06-05-12, 06-06-12		
H0961 Jury Service/Exempt From Ferry Tolls.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Transportation
H0966 Teacher Prepayment and Salary/Pre-K Eligibility	H	Pres. To Gov. 6/6/2012
05-31-12		
H0968 Transfer Evidence Warehouse to DPS.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/6/2012
	H	Passed 2nd & 3rd Reading
H0981 Dix Property Sale to Require GA Approval.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Finance
05-31-12, 06-05-12		
H1008 No Televisions on Death Row.	H	Reptd Fav
	H	Re-ref Com On Appropriations
H1015 Economic Development and Finance Changes.	S	Withdrawn From Cal
	S	Placed On Cal For 6/7/2012
06-05-12		
H1021 Justice Reinvestment Clarifications.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/7/2012
06-06-12		
H1025 Extend Tax Provisions.	S	Withdrawn From Cal
	S	Placed On Cal For 6/7/2012
05-30-12		
H1034 Confirm Tamara Nance to Industrial Comm.	S	Passed 2nd & 3rd Reading
H1035 License Plate Background.	HA	Amend Adopted 1
	H	Passed 2nd Reading
06-05-12, 06-06-12		
H1036 DOT/DENR Study Expedite Water Quality Reg.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Transportation

H1055 Eliminate LME Provider Endorsement.-AB	S Rec From House S Passed 1st Reading S Ref To Com On Mental Health & Youth Services
H1056 Partnership for Children Participant Records.	S Rec From House S Passed 1st Reading S Ref To Com On Mental Health & Youth Services
H1075 LME/MCO Governance.	S Rec From House S Passed 1st Reading S Ref To Com On Mental Health & Youth Services
06-05-12	
H1081 Provisional Licensure Changes Medicaid.-AB	S Rec From House S Passed 1st Reading S Ref To Com On Mental Health & Youth Services
H1085 State Health Plan/Statutory Changes.-AB	HA Reptd Fav Com Substitute H Re-ref Com On Finance
06-06-12	
H1096 Simplify School Beverage Contract Bids.	S Rec From House S Passed 1st Reading S Ref To Com On Transportation S Withdrawn From Com S Re-ref Com On Education/ Higher Education
H1114 NCEMPA/Use of Rate Revenue.	HA Reptd Fav Com Substitute H Re-ref Com On Finance
06-06-12	
H1149 New Markets Job Act.	HA Reptd Fav Com Substitute H Re-ref Com On Finance
06-06-12	
H1173 Absconding Prob. Violators Forfeit Benefits.	H Reptd Fav H Re-ref Com On Finance
H1179 Indian Cultural Center/ Terminate Lease.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
06-06-12	
H1220 Legislative Term Limits.	H Passed 1st Reading H Ref To Com On Judiciary
H1221 Modify EO85/Public Health.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee C
S0416 School Buses/State Vehicles/ Tires.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
03-31-11, 06-06-12	
S0444 UNC Nonappropriated Capital Projects.	S Reptd Fav Com Substitute SA Com Substitute Adopted
06-06-12	
S0518 Buyer Choice/Title Insurer & Closing Atty.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
06-09-11, 06-06-12	
S0582 Authorize Indian Gaming/ Revenue.	S Concurred In H/com Sub S Ratified S Pres. To Gov. 6/6/2012
05-16-12, 05-30-12	
S0612 State Leased Space/Study	S Reptd Fav Com Substitute

Commission.	SA Com Substitute Adopted
06-06-12	
S0798 Various Emergency Management Changes.	H Reptd Fav H Cal Pursuant Rule 36(b) H Passed 2nd Reading
S0803 Retirement Administrative Changes.	S Reptd Fav Com Substitute SA Com Substitute Adopted
06-06-12	
S0804 Retirement Technical Changes.	S Reptd Fav
S0808 Changes to Commerce Reporting Requirements.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
06-04-12	
S0810 Regulatory Reform Act of 2012.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
05-24-12, 05-30-12, 05-31-12, 06-04-12	
S0816 Banking Law Modernization Act.	H Passed 3rd Reading
05-23-12, 06-04-12	
S0820 Clean Energy and Economic Security Act.	S Amend Failed 1 S Amend Failed 2 S Passed 2nd & 3rd Reading H Rec From Senate H Passed 1st Reading H Ref To Com On Environment
06-05-12	
S0826 Revenue Laws Tech., Clarifying, & Admin Chngs.	S Passed 3rd Reading S Engrossed H Rec From Senate
05-31-12, 06-04-12	
S0828 Unemployment Insurance Changes.	S Reptd Fav Com Substitute SA Com Substitute Adopted
06-06-12	
S0836 Improve Property Insurance Rate Making.	S Reptd Fav Com Substitute SA Com Substitute Adopted
06-06-12	
S0841 Effective Utilization of PED.	S Passed 2nd & 3rd Reading H Rec From Senate H Passed 1st Reading H Ref To Com On Finance
S0849 Amend Officer Salary Continuation.	S Reptd Fav Com Substitute SA Com Substitute Adopted
06-06-12	
S0851 Boards & Commissions Efficiency Act of 2012.	S Reptd Fav Com Substitute SA Com Substitute Adopted S Re-ref Com On Finance
06-06-12	
S0869 Remove Restriction/Firefighter Disability.	S Reptd Fav
S0888 Ethics Requirements for MPOs/RPOs.	S Reptd Fav Com Substitute SA Com Substitute Adopted
06-06-12	
S0895 DOT Division of Motor Vehicles Leg. Requests.-AB	H Passed 1st Reading H Ref To Com On Transportation
05-30-12	
S0908 Matching Funds Repeal.	S Passed 2nd & 3rd Reading

	H	Rec From Senate
	H	Passed 1st Reading
	H	Ref To Com On Elections
S0929 Firemen's Retirement Fund/ Board Membership.	S	Reptd Fav Com Substitute
06-06-12	SA	Com Substitute Adopted
S0957 Resolution of Disapproval of Reorganization.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate

LOCAL BILLS

H0296 Sampson-Delinquent Taxpayers.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
03-31-11, 06-05-12		
H0328 Wayne Sheriff Vacancies.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
06-05-12		
H0437 NH County Commissioners Accountability Act.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/6/2012
	H	Concurred In S/Com Sub
06-08-11, 06-05-12		
H0511 Goldsboro-Wayne Airport Authority.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
04-21-11, 06-05-12		
H0943 Davidson County Annexations.	H	Withdrawn From Com
	H	Cal Pursuant Rule 36(b)
H0945 Marion Legislative Annexation.	H	Withdrawn From Com
	H	Cal Pursuant Rule 36(b)
	H	Withdrawn From Cal
	H	Re-ref Com On Finance
H0956 Zoning/Johnston County Open Space.	H	Withdrawn From Com
05-31-12	H	Cal Pursuant Rule 36(b)
H1063 Excuse School Day for Johnston Co. School.	H	Ratified
H1065 Use Moore School Buses for 2014 US Open.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Education/ Higher Education
	S	Withdrawn From Com
	S	Re-ref Com On Rules and Operations of the Senate
H1091 Orange Grants for Broadband.	H	serial referral to Rules added
H1121 Mecklenburg ABC Stores Labor Day 2012.	H	Reptd Fav
	H	serial referral to Govt. stricken

	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/6/2012
	H Passed 2nd & 3rd Reading
H1170 Pender County ABC Law.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/6/2012
	H Passed 2nd & 3rd Reading
S0174 18th Senatorial District Local Act.	S Withdrawn From Com
	S Re-ref Com On State and Local Government
S0236 Adopt State Butterfly; Festivals.	S Rec To Concur H Com Sub
06-09-11, 06-05-12	S Placed On Cal For 6/7/2012
S0799 Repair Guilford Local Act.	H Reptd Fav
05-16-12	H Cal Pursuant Rule 36(b)
S0818 Clay County Courthouse.	S Passed 2nd & 3rd Reading
	H Rec From Senate
	H Passed 1st Reading
	H Ref To Com On Government
S0830 Iredell Register of Deeds Satellite Office.	S Passed 2nd & 3rd Reading
	H Rec From Senate
	H Rec To Concur S Com Sub
	H Ref To Com On Government
S0859 Pilot Mountain/Dobson Even- Year Elections.	S Passed 2nd & 3rd Reading
	H Rec From Senate
	H Passed 1st Reading
06-05-12	H Ref To Com On Government

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 244. [STATE HEALTH PLAN/ADD SCHOOLS; WHISTLEBLOWERS \(NEW\)](#). Filed 3/7/11. Senate committee substitute makes the following changes to 2nd edition.

Adds a section enacting new GS 135-48.15, which includes a statement of public policy on whistleblower protection, and provides for protection from retaliation and for remedies. Encourages individuals to report activity related to the State Health Plan involving violations of law, fraud, misappropriation of state resources, or gross mismanagement. Prohibits an employer from taking retaliatory action against an employee, or a person acting on the employee's behalf, for the reporting or potential reporting of any of these activities, unless the employer knows or has reason to know the report is inaccurate. Details additional protections, and allows any person injured by retaliatory action to seek remedies in superior court within one year of the violation. Describes the remedies available. Makes a conforming change, enacting new GS 22B-4, to make a contract provision prohibiting an employee's or contractor's ability to report wrongdoing void. Makes these new provisions effective October 1, 2012.

Education; Health, Social Services,
and Aging

H 261. [INTRASTATE MOTOR CARRIER MARKINGS](#). Filed 3/8/11. Senate committee substitute makes the following changes to 2nd edition.

Amends GS 20-101(b) to clarify that a motor vehicle with a weight rating over 26,000 pounds (was, over 10,000 pounds) used in intrastate commerce must have (1) the name of the owner and (2) the motor carrier's identification number preceded by "USDOT" and followed by "NC" printed on each side of the vehicle in letters at least three inches tall, unless the motor vehicle is subject to federal motor carrier safety regulations (clarifies

previous provision). Applies to offenses committed on or after December 1, 2012 (was, December 1, 2011), provided a motor vehicle operator will only be given a warning for a violation between December 1, 2012, and November 30, 2013.

Transportation

H 438. [ACCOUNTABLE CO. COMMS./EXPAND LOC. BD. AUTH.](#) Filed 3/23/11. Correction: Senate committee substitute to the 1st edition amends proposed GS 130A-34.4 to require a local health department by July 1, 2014, among other requirements, to obtain and maintain accreditation in order to be eligible to receive State and federal public health funding from the Division. The act does not require that the department be accredited and organized as a district health department, a single/multi-county health authority, or a consolidated human service agency.

Local Government

H 737. [STRENGTHEN CHILD SAFETY LAWS/CARE FACILITIES.](#) Filed 4/6/11. Senate committee substitute makes the following changes to 1st edition. Amends GS 110-90.2(b) to require the Department of Health and Human Services to ensure certain criminal history checks of providers prior to employment and every three years thereafter, beginning March 1, 2013 (was, March 1, 2012).

Children and Juvenile Law

H 960. [PROTECT HOMEOWNERS WITH UNDERWATER MORTGAGES.](#) Filed 5/16/12. House amendment makes the following changes to 1st edition, as amended. Amends GS 136-112 to provide that (b) (new provision concerning when condemned property has mortgage debt exceeding fair market value) applies to the condemnation of an owner's principal residence.

Property, Land Use, and Housing

H 1021. [JUSTICE REINVESTMENT CLARIFICATIONS.](#) Filed 5/21/12. House committee substitute makes the following changes to 1st edition.

Adds a section to amend GS 15A-1368.3(c) (effect of violation of post-release supervision) to clarify that reimprisonment for a violation of a condition of post-release supervision tolls the running of the supervised release period. Specifies that a supervisee will not be re-released on post-release supervision if the supervisee has served all remaining time on the maximum imposed term. Applies to supervisees violating the conditions of post-release supervision on or after the date the act becomes law.

Adds a section to increase the maximum terms of imprisonment in GS 90-95(h) to include time for post-release supervision. Makes a conforming change to GS 15A-1368.1 to clarify that Article 84A (Post-Release Supervision) in GS Chapter 15A applies to all felons sentenced to active imprisonment under GS 90-95(h). Applies to offenses committed on or after December 1, 2012.

Makes a technical change to the bill title.

Criminal Law, Procedure, and Sentencing

H 1035. [LICENSE PLATE BACKGROUND.](#) Filed 5/22/12. House amendment makes the following changes to 2nd edition. Amends GS 20-79.4(b)(11) to change the phrase on the American Red Cross plate to leave out the phrase "saving lives."

Transportation

H 1085. [STATE HEALTH PLAN/STATUTORY CHANGES.](#) Filed 5/23/12. House committee substitute makes the following changes to 2nd edition. Amends GS 135-48.3 to reserve the General Assembly's right to alter, amend, or repeal Article 3B (State Health Plan for Teachers and State Employees; Long-term Care Benefits) [the right is limited to Parts 2 (Administrative Structure) and 3 (Plan Operation) under current law].

Health, Social Services, and Aging

H 1114. [NCEMPA/USE OF RATE REVENUE.](#) Filed 5/23/12. House committee substitute makes the following changes to 1st edition. Amends SL 2011-129 to set out the local governments of the NC Eastern Municipal Power agency that the act applies to. Makes the change effective July 1, 2014 (was, July 1, 2013).

Adds a section to clarify in GS 159B-39(c) that the amount transferred to other funds of the municipality as a rate of return on the municipality's investment in the electric system may be less than, but not greater than, the specified percentages.

Energy and Utilities

H 1149. NEW MARKETS JOB ACT. Filed 5/24/12. House committee substitute makes the following changes to 1st edition.

Adds a definition for *low income community* and makes changes to the definitions for *long-term debt security*, *qualified active low-income community business*, and *qualified low-income community investment*. Allows a taxpayer to carry forward any tax credit that cannot be claimed in a tax year for the next five tax years (previously, no limit). Adds that tax credits may not be sold or transferred on the open market. Requires the Department of Commerce to begin accepting applications for qualified equity investments before January 31, 2013. Prohibits the Department from accepting applications on or after January 1, 2015. Makes other technical and clarifying changes.

Taxation

H 1179. INDIAN CULTURAL CENTER/TERMINATE LEASE. Filed 5/29/12. House committee substitute makes the following changes to 1st edition. Deletes the provision providing that the Lumbee Tribe enjoys all the rights, privileges, and immunities as an American Indian tribe. Make a conforming change to the title.

State Government

SENATE BILLS

S 416. AMEND RACIAL JUSTICE ACT (NEW). Filed 3/23/11. House committee substitute makes the following changes to 2nd edition.

Deletes all provisions in the previous version and replaces them with *AN ACT TO AMEND THE RACIAL JUSTICE ACT TO PROVIDE FOR THE RELEVANCY OF STATISTICS FROM THE COUNTY OR PROSECUTORIAL DISTRICT WHERE THE CAPITAL DEFENDANT RECEIVED THE DEATH PENALTY*.

Current law provides that a finding that race was the basis of the decision to seek or impose a death sentence may be established if the court finds that race was a significant factor in the decision to seek or impose the death sentence in the county, prosecutorial district, judicial division, or state at the time the sentence was sought or imposed. Amends GS 15A-2011(a) to provide that the finding may be established if the court finds that race was a significant factor in the decision to seek or impose the death penalty in the defendant's case at the time the sentence was sought or imposed, which is the period 24 months before the commission of the offense through the date 24 months after the imposition of the death penalty. Enacts new subsection (a1) to provide that a defendant waives any objection to the imposition of a sentence of life imprisonment without parole when the defendant files a motion under the Racial Justice Act.

Moves several provisions previously included in subsection (b) to new subsection (d) and modifies the new provision as follows: states that evidence relevant to establish a finding that race was a significant factor in decisions to seek or impose the death sentence in the county or prosecutorial district (was, county, prosecutorial district, judicial division, or state) at the time the death penalty was sought may include statistical evidence from the county or prosecutorial district where the defendant was sentenced to death or other evidence that the race of the defendant was a significant factor. Adds judicial officials to the list of individuals who may contribute sworn testimony. Provides that the defendant has the burden of proving that race was a significant factor in decisions to seek or impose the death sentence in the county or prosecutorial district (was, county, prosecutorial district, judicial division, or state) at the time the sentence was sought or imposed. States that statistical evidence alone will not establish that race was a significant factor. Allows the state to offer rebuttal evidence including, but not limited to, statistical evidence. Deletes GS 15A-2012 (hearing procedure). Requires the defendant to raise a claim under the Racial Justice Act at the pretrial conference or in postconviction proceedings. Requires the court to dismiss the claim without an evidentiary hearing if the court finds the motion fails to state a claim and requires a hearing if the court finds the motion states a claim. Directs the court to order that the death sentence not be sought, or to vacate the death sentence and impose a sentence of life imprisonment without parole, if the court finds race was a significant factor.

Includes the following provisions related to the act's applicability. Specifies that the act does not change any procedure for filing motions for appropriate relief in capital cases. Specifies that the act, including all provisions relevant to a finding that race was a significant factor in seeking or imposing the death penalty, applies to any motions for appropriate relief filed under the NC Racial Justice Act and applies to any hearing that commenced before this act's effective date. Provides a person 60 days from this act's effective date to amend a motion for appropriate relief filed under the Racial Justice Act. States that any hearings commenced before this act's effective date will be continued and will not reconvene for at least 60 days. Specifies that the act does not authorize any additional motions for appropriate relief. States that the act does not apply to a motion for

appropriate relief filed under the Racial Justice Act, if the court, before this act's effective date, made findings of fact and conclusions of law after an evidentiary hearing; however, makes any further proceedings subject to the act if the trial court's order is vacated or overturned. Includes a severability clause.

Applies to all capital trials held before, on, or after the date the act becomes law, and to all capital defendants sentenced to death before, on, or after that date.

Previously: State Government;
Local Government; Transportation;
Education
Now: Criminal Law, Procedure,
and Sentencing

S 444. NONAPPROPRIATED CAPITAL PROJECTS (NEW). Filed 3/28/11. Senate committee substitute makes the following changes to 1st edition.

Modifies the capital improvement projects and costs authorized to be constructed and financed to provide as follows: (1) \$3 million for Winkler Residence Hall and \$9,765,000 for Belk Residence Hall at Appalachian State University; (2) \$40 million for Belk Residence Hall at East Carolina University; (3) \$6.2 million for Phytotron Energy Savings Performance Contract at NC State University; (4) \$4.75 million for Mountain Area Health Education Center Facility Acquisition at UNC Asheville; (5) \$11.7 million for Chilled Water Infrastructure Improvements, \$12 million for Steam and Hot Water Infrastructure Improvements, and \$8 million for Craige Parking Deck at UNC Chapel Hill; (6) \$49.5 million for Campus Infrastructure, \$38,407,410 for Residence Hall Phase XII, and \$10 million for Cedar/Hickory/Sycamore Renovation at UNC Charlotte; (7) \$3,432,000 for Lee Street Parking Lot and \$16,640,000 for Reynolds and Grogan Residence Hall at UNC Greensboro; and (8) \$13.5 million for Restore the Core, \$14.5 million for New Student Housing, \$7.5 million South Campus Acquisitions and Improvements, and \$7 million for North Campus Acquisitions and Improvement at Winston-Salem State University. Modifies the projects and costs authorized to be planned and financed to provide as follows: (1) \$5 million for New Student Center and \$500,000 for Williams Dining Hall Kitchen at NC A&T University, (2) \$700,000 for Student Health Services Center at NC Central University, (3) \$5 million for Athletic Facilities Master Plan and Improvements and \$5 million for Odum Village Replacement at UNC Chapel Hill, and (4) \$1.5 million for Restore the Core at Winston-Salem State University. Deletes projects at Fayetteville State University and UNC Pembroke.

Adds sections to detail special provisions related to the Chill Water Infrastructure Improvements at UNC Chapel Hill and the New Student Housing and South Campus projects at Winston-Salem State University. Amends GS 18B-1006(a) to provide that the prohibition on the sale of beer and wine at school and college campuses does not apply to any stadiums that support a specified NASCAR-sanctioned track owned or leased by the institution that limit the sale of beer and wine to events not sponsored or funded by the institution.

Adds a section to authorize 29 capital projects at state agencies to be funded with receipts or with other non-General Fund sources.

Budget and Appropriations;
Education

S 518. LANDLORD/STATE BAR NOTICE OF LEASE DEFAULT (NEW). Filed 4/5/11. House committee substitute makes the following changes to 2nd edition. Deletes the provisions of the 2nd edition and replaces it with *AN ACT TO REQUIRE LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES*.

Enacts new GS 42-14.4 to require a landlord to notify the State Bar (Bar) 15 days before destroying any potentially confidential materials (defined as client files, trust or operating account records, or other materials related to client matters) that remain on the premises after a landlord obtains possession of the premises from a tenant that the landlord knows is an attorney. Applies when the landlord obtains possession of the premises by summary ejectment or other means. Allows the landlord to move the materials into storage during the 15-day period after notice. Allows the Bar, or its designee, to take possession of the materials within the 15-day period, without a court order and at the Bar's expense. Provides for the landlord to return the materials to the tenant at the tenant's request, provided that the landlord has not received a court order directing otherwise. Allows the landlord to destroy the materials if the Bar does not take possession within the 15-day period. Makes a conforming change to GS 44A-2. Effective October 1, 2012.

Property, Land Use, and Housing

S 612. STATE LEASED SPACE/PED STUDY (NEW). Filed 4/14/11. Senate committee substitute makes the following changes to 1st edition.

Deletes provisions creating and providing for the Joint Legislative Study Commission on State Leased Space and instead directs the Program Evaluation Division (Division) of the General Assembly to study the same matters related to the leasing of property by state agencies, as well as any other matters the Division deems relevant. Directs the Division to report findings and recommendations to specified entities at a date to be determined. Deletes appropriation to the General Assembly. Makes conforming changes to the bill title. Changes effective date to July 1, 2012 (was, July 1, 2011).

Previously: General Assembly;
State Government; Budget and
Appropriations
Now: General Assembly; State
Government

S 803. RETIREMENT ADMINISTRATIVE CHANGES. Filed 5/16/12. Senate committee substitute makes the following changes to 1st edition. Amends several statute captions to reflect changes made by the act.

Employment and Retirement; State
Government

S 828. UNEMPLOYMENT INSURANCE CHANGES. Filed 5/17/12. Senate committee substitute makes the following changes to 1st edition.

Amends GS 96-15(f) to allow all interested parties to waive the recording of testimony at a claim hearing (previously required the parties to enter into a stipulation of issues and waive the evidentiary hearing). Makes organizational changes and expands on the amendments in the previous version concerning stipulations of the facts. Requires that the decision to accept or reject a stipulation be in a recorded hearing.

Amends GS 96-14 (Disqualification for Benefits) to include in the acts meeting the definition of “discharge for misconduct connected with the work” convictions concerning controlled substances if the offense is related to or connected with work or in violation of a work rule or policy (was, conviction while employed by said employer).

Employment and Retirement

S 836. IMPROVE PROPERTY INSURANCE RATE MAKING. Filed 5/21/12. Senate committee substitute makes the following changes to 1st edition.

Adds a section amending GS 58-36-15(b) to add that all property insurance rate filings are open to the public unless necessary to maintain the confidentiality of testimony. Requires the Department of Insurance to receive public comments on the filing at least 30 days before the Department issues a notice of hearing. Adds a section amending GS 58-36-20(a), which concerns disapproval of filings, to require the Commissioner of Insurance to specify the overall rates that the Bureau may use, after the Commissioner finds the proposed rates in the filing excessive. Requires the Commissioner to make findings of fact on the evidence in the filing and at the hearing. Adds a section, amending GS 58-36-10, to add a standard related to the cost of reinsurance to protect against catastrophic exposure to the rate-making method. Deletes provisions amending GS 58-36-10(3) (concerning modeled losses), GS 58-36-20 (modified the hearing process), and the addition of subsection (d2) to GS 58-36-15 (required supporting data for certain filings). Makes conforming changes to the bill title.

Business and Commerce

S 849. AMEND OFFICER SALARY CONTINUATION. Filed 5/21/12. Senate committee substitute makes the following changes to 1st edition.

Amends GS 143-166.13 to specify that the term *eligible person* or *person* means any individual listed under GS 143-166.13(a) or (b). Makes conforming changes to provisions in Article 12B (Salary continuation plan for certain state law enforcement officers) of GS Chapter 143, and makes other technical and clarifying changes.

Employment and Retirement;
Emergency Services

S 851. BOARDS & COMMISSIONS EFFICIENCY ACT OF 2012. Filed 5/21/12. Senate committee substitute makes the following changes to 1st edition.

Restores the following boards, commissions, and committees: Governor’s Advisory Council on Aging; Beaver Damage Control Advisory Board; Consumer and Advocacy Advisory Committee for the Blind; Drought Management Advisory Council; Edenton Historical Commission; Electronic Recording Council; Committee on Inaugural Ceremonies; Interagency Coordinating Council of Children from Birth to Five with Disabilities and their Families; Mountain Area Resources Technical and Advisory Council; Mountain Resources Commission; NC

Sustainable Communities Task Force; NC Sustainable Local Food Advisory Council; and NC Travel and Tourism Board.

Makes the elimination effective on June 30, 2019 (rather than June 30, 2012) for the following boards, commissions, and committees: Brain Injury Advisory Council; NC Child Fatality Task Force (was, eliminated June 30, 2013); and Justus-Warren Heart Disease and Stroke Prevention Task Force.

Restores Governor's Crime Commission, reduces voting members from 38 to 24 and makes modifications to the members, and renames as NC Crime Commission. Effective July 1, 2012.

Eliminates the NC Housing Coordination and Policy Council, and expands the NC Housing Partnership's powers (previously eliminated the Partnership and amended the Council).

Deletes amendments made in the previous version to the following boards, commissions, and committees: NC Center for the Advancement of Teaching Board of Trustees; NC Council on Developmental Disabilities; NC Historical Commission; NC Council on the Holocaust; State Advisory Council on Indian Education; U.S.S. NC Battleship Commission; NC Medical Care Commission; and UNC Center for Public Television Board of Trustees.

Increases the proposed number of members on the NC Arts Council to 18 (was, 12), and makes conforming changes.

Increases the proposed number of members on the Coastal Resources Advisory Council to 26 (was, 24), makes modifications to the member qualifications, and specifies certain dates for term expiration.

Increases the proposed number of members on the NC Economic Development Board to 22 (was, 21), and makes modifications to the members and effective term start dates.

Increases the proposed number of members on the NC Financial Literacy Council to 10 (was, 9), and makes conforming changes.

Increases the proposed number of members on the NC Geographic Information Coordinating Council to 22 (was, 20), specifies three-year terms, and makes modifications to the appointing authority. Provides for staggered terms, as detailed.

Reduces the proposed number of members on the NC Human Relations Commission to nine (was, 11).

Increases the proposed number of members on the State Library Commission to 12 (was, 11), and makes conforming changes.

Increases the proposed number of members on the NC Advisory Commission on Military Affairs to 17 (was, 15) and makes conforming changes.

Increases the proposed number of members on the NC Museum of Art Board of Trustees to 25 (was, 11), and makes conforming changes. Provides for staggered terms.

Modifies the appointing authorities for members on the NC Agricultural Finance Authority.

Increases the proposed number of members on the NC Coastal Resources Commission to 11 (was, 9) and makes conforming changes.

Reduces the proposed number of members on the Domestic Violence Commission to 19 (was, 20).

Increases the proposed number of members on the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services to 20 (was, 19), and makes conforming changes.

Makes modifications to the membership qualifications on the NC Partnership for Children Board of Directors.

Increases the proposed number of members on the Tobacco Trust Fund Commission to 15 (was, 13), and makes conforming changes.

Increases the proposed number of members on the NC Commission on Workforce Development to 25 (was, 18), and makes conforming changes, effective January 1, 2013.

Makes clarifying changes to the member qualifications for the State Board of Examiners of Electrical Contractors.

Deletes amendments made to the NC Veterinary Medical Board fees.

Adds a section amending GS 143B-289.52 to provide that a supermajority of the Marine Fisheries Commission is six members, and a supermajority is required to override recommendations from the Division of Marine Fisheries related to overfishing.

Requires UNC to report annually to the General Assembly, beginning January 1, 2013, on the continuing nursing shortage.

Makes other conforming and clarifying changes.

State Government

S 888. [ETHICS REQUIREMENTS FOR MPOS/RPOS](#). Filed 5/23/12. Senate committee substitute makes the following changes to 2nd edition.

Requires members of Metropolitan Planning Organizations and Rural Transportation Planning Organizations to electronically file an initial Statement of Economic Interest with the State Ethics Commission by April 15, 2013, which must include information current as of December 31, 2012.

Transportation; Ethics and
Lobbying

S 929. FIREMEN'S RELIEF FUND/BOARD MEMBERSHIP (NEW). Filed 3/29/12. Senate committee substitute makes the following change to 1st edition. Makes a technical change.

Emergency Services

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

June 7, 2012

HOUSE convenes at 12:00 noon.

SENATE convenes at 1:00 p.m.