

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 124

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Senate Legislative Day 124

Monday, June 11, 2012

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SUMMARIES OF BILLS FILED

HOUSE BILLS

H 1223. [HONOR STATE LIBRARY'S 200TH ANNIVERSARY.](#) Filed 6/11/12. *HONORING THE STATE LIBRARY FOR PROVIDING SERVICE FOR TWO HUNDRED YEARS AND THOSE WHO PLAYED A ROLE IN THE LIBRARY'S SUCCESS.*

As the title indicates.

**Intro. by McLawhorn, Jeffus,
Brubaker, Holloway.**

JOINT RES

General Assembly

SENATE BILLS

S 958. [HONOR JIM FORRESTER.](#) Filed 6/11/12. *HONORING THE LIFE AND MEMORY OF JAMES SUMMERS "JIM" FORRESTER, SR., MD, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

Intro. by Carney.

JOINT RES

General Assembly

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ACTION ON BILLS**June 11, 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

H0149 Terrorism/State Offense. 04-05-11, 06-05-12	H Concurred In S/Com Sub
H0176 Review DV Program Participation. 06-07-11, 06-05-12	H Concurred In S/Com Sub
H0177 Clean Energy Transportation Act. 06-02-11, 06-07-12, 06-11-12	SA Amend Adopted 1 S Passed 2nd & 3rd Reading S Engrossed
H0199 Metal Theft Prevention Act of 2012. 03-31-11, 06-07-12, 06-11-12	SA Amend Adopted 1 S Passed 2nd Reading
H0203 Mortgage Satisfaction Forms/ No False Liens. 06-07-12	S Withdrawn From Cal S Placed On Cal For 6/19/2012
H0235 Amend Grounds/Termination of Parental Rights. 04-05-11, 06-07-12	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 6/12/2012
H0237 2012 Workers' Compensation Amendments. 06-07-12, 06-11-12	SA Amend Adopted 1 S Passed 2nd Reading
H0244 State Health Plan/Add Schools; Whistleblowers. 06-07-11, 06-06-12, 06-07-12	H Rec To Concur S Com Sub H Ref To Com On Insurance H Ref To Com On Insurance
H0261 Intrastate Motor Carrier Markings. 03-29-11, 06-06-12, 06-07-12	H Rec To Concur S Com Sub H Cal Pursuant Rule 36(b) H Placed On Cal For 6/12/2012 H Cal Pursuant 36(b)
H0423 Child Protect. Serv/Child Care Sub./Rent Exempt. 04-20-11, 05-10-11, 06-07-12	S Withdrawn From Cal S Re-ref Com On Rules and Operations of the Senate
H0438 Accountable Co. Comms./Expand Loc. Bd. Auth. 06-05-12	S Withdrawn From Cal S Placed On Cal For 6/19/2012
H0462 Contingency Contracts For Audits/Assessments.	S Withdrawn From Cal S Placed On Cal For 6/12/2012

06-07-12		
H0483 DNA Samples/Additional Felonies.	S	Withdrawn From Cal
	S	Re-ref Com On Appropriations/ Base Budget
05-05-11, 06-07-12		
H0490 Rename Yadkin River Bridge.	SA	Amend Adopted 1
	S	Passed 2nd & 3rd Reading
06-11-12		
H0614 Enact Volunteer Health Care Services Act.	S	Withdrawn From Cal
	S	Placed On Cal For 6/13/2012
04-12-11, 06-07-12		
H0737 Strengthen Child Safety Laws/ Care Facilities.	S	Withdrawn From Cal
	S	Placed On Cal For 6/19/2012
06-06-12		
H0741 Law Enforcement/Emergency Vehicle Length.	H	Placed On Cal For 6/12/2012
06-08-11, 06-05-12		
H0813 Building Code Inspections/ Industrial Machinery.	S	Passed 2nd & 3rd Reading
06-01-11, 06-07-12		
H0819 CAMA setback req'ts./ grandfather clause.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
04-21-11, 06-11-12		
#H0925 Annexation Reform 2	H	Became Law w/o Signature
05-26-11, 05-16-12		
H0952 State Air Toxics Program Reforms.	S	Reptd Fav
05-24-12		
H1007 Resolution Honoring SPC Elliott.	H	Withdrawn From Com
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/12/2012
H1015 Economic Development and Finance Changes.	SA	Amend Adopted 2
	S	Passed 3rd Reading
	S	Engrossed
06-05-12, 06-07-12, 06-11-12		
H1021 Justice Reinvestment Clarifications.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
06-06-12		
H1025 Extend Tax Provisions.	H	Rec To Concur In S Amend 1
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/12/2012
	H	Cal Pursuant 36(b)
05-30-12, 06-07-12		
H1035 License Plate Background.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Finance
06-05-12, 06-06-12		
H1055 Eliminate LME Provider Endorsement.-AB	S	Withdrawn From Cal
	S	Placed On Cal For 6/19/2012
H1056 Partnership for Children Participant Records.	S	Withdrawn From Cal
	S	Placed On Cal For 6/19/2012
H1066 Passing Title by Will.	S	Withdrawn From Cal
	S	Placed On Cal For 6/19/2012
05-31-12		
H1067 Co-owners/Unequal Shares/	S	Withdrawn From Cal

Simultaneous Death. 05-31-12	S	Placed On Cal For 6/19/2012
H1069 Intestate Property/Child's Year's Allowance.	S	Withdrawn From Cal
H1075 LME/MCO Governance.	S	Placed On Cal For 6/19/2012
	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Placed On Cal For 6/19/2012
06-05-12, 06-11-12		
H1081 Provisional Licensure Changes Medicaid.-AB	S	Withdrawn From Cal
	S	Placed On Cal For 6/19/2012
H1085 State Health Plan/Statutory Changes.-AB	H	Withdrawn From Com
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/12/2012
06-06-12		
H1093 Agricultural Regulatory Reform.	HA	Amend Adopted 1
	H	Passed 2nd & 3rd Reading
06-07-12, 06-11-12		
H1143 Honor Shaw Lady Bears Basketball Team.	H	Adopted
H1179 Indian Cultural Center/ Terminate Lease.	H	Postponed To 6/13/2012
06-06-12		
H1191 Resolution of Disapproval of Reorganization.	H	Withdrawn From Cal
	H	Ref To Com On Rules, Calendar, and Operations of the House
H1219 Honor Members for Their Service.	H	Withdrawn From Cal
	H	Re-ref Com On Rules, Calendar, and Operations of the House
06-05-12		
H1223 Honor State Library's 200th Anniversary.	H	Filed
S0229 Transfer DENR Soil & Water to DACS.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/12/2012
05-03-11, 06-11-12		
S0231 Municipal Incorp Standards/ Water Extensions.	H	Postponed To 6/14/2012
	H	Withdrawn From Cal
	H	Re-ref Com On Rules, Calendar, and Operations of the House
06-08-11, 06-07-12		
S0416 Amend Racial Justice Act.	HA	Reptd Fav Com Sub 2
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/12/2012
03-31-11, 06-06-12, 06-11-12		
S0518 Landlord/State Bar Notice of Lease Default.	H	Passed 2nd & 3rd Reading
06-09-11, 06-06-12		
S0813 DCR and DENR/Study State Attractions Savings.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
06-11-12		
S0815 Reform Workforce Development.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Passed 1st Reading

	H	Re-ref Com On Commerce and Job Development
S0816 Banking Law Modernization Act. 05-23-12, 06-04-12	S	Concurred In H/com Sub
S0821 Study Coastal Fishing & Boating License Fees.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
	S	Re-ref Com On Finance
06-11-12		
S0828 Unemployment Insurance Changes.	H	Passed 1st Reading
	H	Ref To Com On Finance
	H	Passed 1st Reading
	H	Ref To Com On Finance
06-06-12, 06-07-12		
S0836 Improve Property Insurance Rate Making.	S	Withdrawn From Cal
	S	Placed On Cal For 6/11/2012
	SA	Amend Adopted 1
	S	Passed 2nd & 3rd Reading
	S	Engrossed
06-06-12, 06-11-12		
S0868 Wildlife Licenses/Eliminate Penalty.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
06-11-12		
S0869 Remove Restriction/ Firefighter Disability.	H	Withdrawn From Com
	H	Ref To Com On State Personnel
S0881 Transfer Evidence Warehouse to DPS.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Passed 1st Reading
	H	Re-ref Com On Judiciary Subcommittee A
S0910 Sale of a Child/Felony Offense.	SA	Amend Adopted 1
	S	Passed 2nd & 3rd Reading
	S	Engrossed
06-11-12		
S0958 Honor Jim Forrester.	S	Filed

LOCAL BILLS

H0296 Sampson-Delinquent Taxpayers. 03-31-11, 06-05-12	H	Concurred In S/Com Sub
H0322 Haywood School Board Filing Period.	S	Passed 2nd & 3rd Reading
H0328 Wayne Sheriff Vacancies. 06-05-12	H	Concurred In S/Com Sub
H0511 Goldsboro-Wayne Airport Authority. 04-21-11, 06-05-12	H	Concurred In S/Com Sub
H0943 Davidson County Annexations.	H	Passed 2nd & 3rd Reading
H0956 Zoning/Johnston County Open Space.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Finance
05-31-12		
H0987 Wake Tech Board of Trustees.	H	Passed 2nd & 3rd Reading
H0991 Jackson Co. Occupancy Tax Changes.	H	Passed 2nd & 3rd Reading

H1059 Asheboro Towing.	H	Passed 2nd & 3rd Reading
H1065 Use Moore School Buses for 2014 US Open.	S	Passed 2nd & 3rd Reading
H1071 Wake School Board Organizational Meeting. 06-11-12	HA	Amend Adopted 1
	H	Passed 2nd & 3rd Reading
H1086 Clay County Courthouse.	H	Postponed To 6/13/2012
H1087 Fontana Dam Occupancy Tax.	H	Passed 2nd Reading
H1091 Orange Grants for Broadband.	H	Withdrawn From Com
	H	Ref To Com On Rules, Calendar, and Operations of the House
H1107 Granville County ABC Profits Distribution Mod.	H	Withdrawn From Com
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/12/2012
H1108 Butner Public Safety Authority Changes.	H	Passed 2nd & 3rd Reading
H1109 Dare CAMA Setback Req'ts./ Grandfather.	H	Postponed To 6/12/2012
H1131 Carteret Commissioner Election.	H	Passed 2nd & 3rd Reading
H1133 Revise Pender County Commissioner Districts.	H	Passed 2nd & 3rd Reading
H1138 Davidson County Design Build.	H	Passed 2nd & 3rd Reading
H1196 Albemarle Mental Health Center Property.	H	Withdrawn From Com
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/12/2012
H1197 Add Stokes Cty to Tax Cert Before Recordation.	H	Passed 2nd & 3rd Reading
H1204 Union County Construction Methods. 06-07-12	H	Passed 2nd & 3rd Reading
H1205 Amend Trespass/Granville County.	H	Passed 2nd & 3rd Reading
H1212 Wake/Chatham Local Act. 06-07-12, 06-11-12	HA	Amend Adopted 1
	H	Passed 2nd Reading
S0236 Adopt State Butterfly; Festivals. 06-09-11, 06-05-12	S	Ratified
S0799 Repair Guilford Local Act. 05-16-12	H	Passed 2nd & 3rd Reading
S0830 Iredell Register of Deeds Satellite Office.	H	Passed 2nd & 3rd Reading
S0905 Currituck CAMA Setback Req'ts./Grandfather.	S	Reptd Fav
S0906 Nags Head Conveyance.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Passed 1st Reading
	H	Ref To Com On Government
S0919 Carteret Commissioner Election.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Passed 1st Reading
	H	Ref To Com On Government
S0932 Union County Construction Methods.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate

	H	Passed 1st Reading
	H	Ref To Com On Government
06-07-12		
S0934 Lower Cape Fear Design-Build.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Passed 1st Reading
	H	Ref To Com On Government
S0939 Fayetteville Review Board.	S	Passed 2nd & 3rd Reading
	H	Rec From Senate
	H	Passed 1st Reading
	H	Re-ref Com On Government
S0949 Town of Boone/ETJ.	S	Withdrawn From Cal
	S	Re-ref Com On Finance
06-07-12		

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 177. [CLEAN ENERGY TRANSPORTATION ACT](#). Filed 2/23/11. Senate amendment makes the following changes to 3rd edition. Provides that in coordinating the interagency task force's study, the State Energy Office is to include environmental benefits in its cost-benefit analysis, include the cost of environmental considerations in its evaluation of the cost of alternative fueled vehicles, and take into consideration environmental impacts in making its recommendations as a result of the study.

Provides that all of the provisions of Part II, which establish the criteria for the operation of electric vehicle charging stations at state-owned rest stops along the highways, become effective March 1, 2013 (was, effective when the act becomes law). Amends the start date for the Department of Transportation to begin reporting on its implementation of operation of electric vehicle charging stations at state-owned rest stops to January 1, 2014 (was, January 1, 2013).

Agriculture, Environment, and
Natural Resources

H 199. [METAL THEFT PROTECTION ACT OF 2012](#). Filed 3/1/11. Senate amendment makes the following changes to 3rd edition.

Amends GS 66-415(7) to clarify that *regulated metals property* does not include precious metals. Makes clarifying changes in proposed GS 66-416(b) to the records required for each purchase of regulated metals property by a secondary metals recycler. Deletes provision requiring any secondary metals recycler not convicted of a specified felony to hold and retain nonferrous metals for a certain amount of time. Increases the limitation on cash purchases from \$50 to \$100 for nonferrous metal property. Allows the revocation of a permit for six months if the owner or employees at a fixed site are convicted of three or more violations of proposed Part 3 *within a ten-year period*.

Makes other clarifying changes and makes a technical correction. Clarifies that pawnbroker licenses and permits to engage as a dealer purchasing precious metals that are valid on October 1, 2012 (was, December 1, 2012) will continue in force until their natural expiration, unless otherwise revoked or suspended under applicable law. Act applies to offenses committed on or after October 1, 2012 (was, December 1, 2012).

Business and Commerce; Criminal
Law, Procedure, and Sentencing

H 237. [2012 WORKERS' COMPENSATION AMENDMENTS](#). Filed 3/3/11. Senate amendment makes the following changes to 2nd edition. Provides that in spite of GS 97-31.1, which specifies the determination of the effective date for every act of the General Assembly that changes the benefits provided in GS Chapter 97, the North Carolina Workers' Compensation Act, this act is effective when it becomes law. Provides that GS 97-25.6, as amended (reasonable access to medical information), applies to claims pending on or after the effective date. Provides that GS 97-27(b), as amended, applies to travel expenses incurred for examinations under that

subsection on or after the effective date. Provides that GS 97-29(b), as amended, and GS 96-32.2(a), as amended, apply to compensable claims arising on or after June 24, 2011.

Employment and Retirement

H 490. RENAME YADKIN RIVER BRIDGE. Filed 3/28/11. Senate amendment makes the following change to 1st edition. Deletes provision authorizing the Department of Transportation to use \$1,000 of appropriated funds for signage displaying the name of the Yadkin River Veterans Memorial Bridge.

Transportation

H 819. COASTAL MANAGEMENT POLICIES (NEW). Filed 4/6/11. Senate committee substitute makes the following changes to 2nd edition.

Adds a section, enacting new GS 113A-107.1, to set out the process for the Coastal Resources Commission (Commission), with the Division of Coastal Management, to define and develop rates of sea-level rise for regulatory purposes. Requires the Commission to use statistically significant, peer-reviewed historical data generated from generally accepted scientific and statistical methods to determine the rates. Authorizes the Commission to use historic rates of sea-level rise to estimate future rates of rise, but prohibits consideration of accelerated rates of sea-level rise unless such rates come from statistically significant, peer-reviewed data and are consistent with historic trends. Requires the Commission to consider rates of sea-level rise for oceanfront shorelines, including the specified regions, independent from rates for estuarine shorelines, as specified. Requires all other state agencies and entities to use the Commission's definitions and rates of sea-level rise in their policies. Encourages other state agencies, public entities, and academic institutions to engage in sea-level research for non-regulatory purposes. Specifies that all rules and regulations related to sea-level rise are subject to the Administrative Procedure Act.

Adds a section to designate 20 counties as *coastal area* counties as of July 1, 2012, in GS 113A-103(2).

Previous version prohibited the Commission from denying a development permit based on failure to meet the oceanfront setback under 15A NCAC 07H .0306(a)(2). New version directs the Commission to study the feasibility of creating an exception to the rule under similar circumstances. Directs the Commission to use the most recent erosion rates instead of the 1998 rates, and to report to specified parties by December 31, 2012.

Adds a section directing the Commission to study the feasibility of creating a new Area of Environmental Concern for the lands and waters adjacent to the mouth of the Cape Fear River. Provides details on the study and requires reporting by December 31, 2013.

Adds a section directing the Commission to study the feasibility of eliminating the Inlet Hazard Area of Environmental Concern and incorporating certain development standards into the Ocean Erodible Area of Environmental Concern. Provides additional details on the study and requires reporting by January 31, 2015.

Changes the bill title to *AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES*.

Property, Land Use, and Housing;
Agriculture, Environment, and
Natural Resources

H 1015. ECONOMIC DEVPT. & FINANCE CHANGES. Filed 5/21/12. Senate amendment makes the following changes to 3rd edition. Deletes the amendment to GS 105-129.84(c), which allowed carryforwards by a taxpayer of any unused portion of a credit for a period of 20 years provided the Secretary of Commerce made a written determination that the taxpayer is expected to purchase or lease, and place in service in connection with an eligible business within a two-year period, at least the minimum investment amount of business and real property (was, at least \$150,000). Defined a *minimum investment amount* to be \$100 million for an eligible business in a development tier one area, and \$150 million for any other eligible business.

Now provides that notwithstanding GS 10-129.84(c), if the Secretary of Commerce determines in writing that the taxpayer is expected to purchase or lease and place in service at least \$100 million worth of business and property in a tier one area, in connection with an eligible business within a two-year period, any unused portion of a credit under Article 3J (tax credits for growing businesses) of GS Chapter 105 may be carried forward for the succeeding 20 years. Provides that if the taxpayer does not make the required investment, the five year carryforward applies. Effective beginning on or after January 1, 2012, and expires January 1, 2013.

Business and Commerce; Energy
and Utilities; Taxation

H 1071. WAKE SCHOOL BOARD ORGANIZATIONAL MEETING. Filed 5/22/12. House amendment makes the following changes to 1st edition. Changes the effective date to December 1, 2012 (was, effective when the act became law).

Wake

H 1075. LME/MCO GOVERNANCE. Filed 5/22/12. Senate committee substitute makes the following changes to 2nd edition.

Adds new section enacting Part 2B, *Behavioral Health Authority*, in Article 4 of GS Chapter 122C to provide for the creation of behavioral health authorities. Authorizes the governing board of a local management entity (LME), which has been successfully operating as a managed care organization under a 1915(b)/(c) Medicaid Waiver for at least three years, to create a behavioral health authority, subject to approval by the Secretary of the Department of Health and Human Services, to manage resources for mental health, intellectual and other developmental disabilities, and substance abuse services. Requires the behavioral health authority to fulfill all listed purposes, including ongoing communication and coordination with other organized systems and maintaining a local presence. Specifies that the LME area board becomes the board of directors for the behavioral health authority, with terms and membership as detailed. Enumerates powers of the behavioral health authority, including the power to perform public relations and community advocacy functions and the power to acquire property.

Details the liability provisions applicable to persons serving as directors, trustees, and officers of a behavioral health authority. Specifies that the Local Government Budget and Fiscal Control Act, except for Part 1 (budgets), Part 2 (capital reserve funds), and Part 3 (fiscal control) of Article 3, applies to behavioral health authorities. Requires a behavioral health authority to appoint a finance officer and lists the officer's powers. Sets forth additional provisions related to a behavioral health authority's budget and provides for annual audits. Authorizes an authority to issue revenue bonds, borrow money, and purchase property under specified instruments. Permits the authority to enter into a contract for less than \$5 million without approval by the Local Government Commission, except as detailed.

Requires a behavioral health authority to establish Local Consumer and Family Advisory Committees and adopt the state's policy on clients' rights. Provides that a behavioral health authority has the same duties and responsibilities for involuntary commitments as area authorities. Requires an authority to establish Medicaid grievance procedures and to comply with statutory provisions for consumer and provider appeals. States that an authority is not a disinterested public agent, may not serve as the guardian for an individual adjudicated incompetent, and may not contract with a third party to serve as guardian for an individual who receives or could receive behavioral healthcare managed by the authority. Provides for disclosure of competitive healthcare information, as defined, according to specified provisions. States that proposed Part 2B controls if inconsistent with other laws. Makes conforming changes to the definition of *local management entity* in GS 122C-3(21) and to GS 122C-115(a). Makes other conforming changes.

Amends GS 122C-118.1(b) to add as a member of an area board an administrator from a hospital providing mental health, developmental disabilities, and substance abuse emergency services to serve as a nonvoting member and participate only in board activities that are open to the public.

Deletes sections amending GS 153A-76 and GS 153A-77, which prohibited a county board of commissioners from consolidating an area mental health, developmental disabilities, and substance abuse board into a consolidated human services board, or from abolishing an area board.

Amends GS 122C-154 and GS 122C-121 to prohibit salary adjustments above the normal allowable salaries for area authority employees and directors without prior approval from the Director of the Office of State Personnel.

Makes technical changes to the bill title.

Health, Social Services, and Aging

H 1093. AGRICULTURAL REGULATORY REFORM. Filed 5/23/12. House amendment makes the following changes to 2nd edition. Modifies the effective date to clarify that the amendment to GS 150B-21.2, requiring specified notice to the Board of Agriculture, applies to proposed rules for which a notice of text is published in the NC Register on or after August 1, 2012.

Agriculture, Environment, and
Natural Resources

H 1212. WAKE/CHATHAM LOCAL ACT. Filed 5/30/12. House amendment makes the following changes to 2nd edition. Adds Apex, Fuquay-Varina, Holly Springs, and Raleigh to the scope of the act, and makes a conforming change to the bill title.

Chatham; Wake

SENATE BILLS

S 229. AMEND ENVIRONMENTAL LAWS 2012 (NEW). Filed 3/7/11. House committee substitute makes the following changes to 2nd edition.

Deletes all provisions in the previous version and replaces them with a new act amending various environmental and natural resources laws as follows.

Amends GS 143-214.7(e) to require the Environmental Management Commission to include specified information on stormwater capture and reuse in the annual status report on stormwater control programs submitted to the Environmental Review Commission. Directs the Department of Environment and Natural Resources (DENR) to study reallocating the water supply in the John H. Kerr Reservoir from hydropower to water supply storage, as detailed, and to report to the Environmental Review Commission by June 1, 2014. Directs DENR to study possible contamination by degradable plastic products, as detailed, and to report to the Environmental Review Commission by January 15, 2013. Directs the Division of Public Health in the Department of Health and Human Services (DHHS) to hire staff, by October 1, 2012, to implement and analyze the Lead-Based Paint Hazard Management Program for Renovation, Repair, and Painting, and report to specified entities, as detailed, by January 31, 2013.

Enacts new subsection (b1) to GS 143-214.7A (stormwater control best management practices) to set out standards for stormwater from Type 1 solid waste compost facilities and clarify that the Division of Water Quality will only require water quality permits for such facilities if required by federal law. Makes clarifying changes to GS 143-214.7A(b), which sets out standards for other solid waste compost facilities. Enacts new subsections (c3) and (c4) to GS 143-214.7 (stormwater runoff rules and programs) to prohibit DENR from requiring stormwater control measures that provide standing water at public airports or at development projects within five miles of the edge of an airport operations area. Provides for replacement of existing controls with alternative measures. Enacts new subsection (d2) to GS 143-214.5 to require local governments to treat up to two non-contiguous properties as a single, contiguous property when determining compliance with the water supply watershed protection program, provided three specified property conditions are met.

Amends SL 2011-394 to clarify the conditions that must be met for a single-family residence to encroach on the buffer under the Neuse River Basin and Tar-Pamlico River Basin riparian buffer rules. Amends GS 143-215.8B to require the Environmental Management Commission to review and revise basinwide water quality management plans every ten years (rather than every five years), and makes conforming changes; makes conforming changes to GS 143-215.1(c6). Clarifies the definition for *community water system* in GS 130A-313(10)a. Authorizes DHHS to grant a variance from the setback distances from existing private drinking water wells after finding specified criteria, provided the well meets listed requirements. Provides for rule-making by the Commission for Public Health and sets out effective dates for the rules. Amends GS 20-183.2(c) to remove the Environmental Management Commission's authority to add counties to those subject to a motor vehicle emissions inspection program and makes a conforming change to repeal GS 143-215.107A(d).

Enacts new subsection (b5) to GS 143-215.94B to allow the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund to cover costs to hold harmless any commercial underground storage tank that poses an imminent hazard to the environment if the owner or operator cannot be located or fails to take action within 90 days of notification. Amends GS 143-215.94G(d) to require the Secretary to seek reimbursement for these costs and for the costs spent from the Noncommercial Fund. Makes conforming changes. Prohibits the Coastal Resources Commission from denying, on the basis of the setback requirements in 15A NCAC 07H .0306(a)(2), a development permit for the replacement of a single-family or duplex residential dwelling with a floor area greater than 5,000 square feet, provided that the residential structure (1) was constructed before August 11, 2009, (2) does not exceed its original footprint, (3) meets the minimum setback required under 15A NCAC 07H .0306(a)(2)(A), (4) cannot be rebuilt to satisfy the specified ocean hazard setback, and (5) is rebuilt as far landward as feasible. Requires the Coastal Resources Commission to adopt temporary rules, as described, by October 1, 2012.

Amends GS 130A-309.57(c) to the adoption of rules to require permitted scrap tire collectors to contract only with processing facilities that confirm access to a facility to receive scrap tires and requires DENR to begin rule-making by October 1, 2012. Enacts new subsection (h1) to GS 130A-291.1 to require a permitted septage management firm to notify DENR within 10 days after the firm places a pumper truck in service that was not previously included in the firm's permit and to make the truck available for inspection.

Amends Article 9 (Solid Waste Management) of GS Chapter 130A to consolidate certain DENR reporting requirements under GS 130A-294(i). Directs DENR to report to additional specified bodies by January 1 (was, October 1) each year on the hazardous waste management program, as detailed. Effective December 31, 2017, amends GS 130A-294(i), as amended by this act, to modify several reporting requirements related to mercury reduction. Recodifies GS 130A-310.2(b) (notification to legislators about inactive hazardous substance or waste

disposal site) as new subsection (a1) in GS 130A-310.10, and requires reporting before October 1 (rather than January 1) each year. Amends GS 143-215.94M to make the report due November 1 (was, September 1) each year, and adds four entities that must receive the report on leaking petroleum underground storage tank cleanup. Makes conforming changes. Repeals GS 113A-35.1(b), which sets out the annual status report requirement for the management plan under GS 113A-35.1(a) on the segment of the New River. Amends GS 136-28.8(g) to modify a reporting requirement of the Division of Environmental Assistance and Outreach regarding recycled materials. Amends GS 159I-29(a) to add that the Office of State Budget and Management and the Division of Waste Management need not file a report if no funds are appropriated or available for loans under the Solid Waste Management Loan Program in that year. Adds the Fiscal Research Division to the list of entities receiving the Biennial State of the Environment report in GS 143B-279.5.

Requires the Commission for Public Health, by July 1, 2013, to adopt rules allowing landfill applicants to apply for permits to construct and permits to operate a phase of landfill development for up to 20 years and amend the permits to operate subsequent phases for up to 20 years, with permit reviews 5 years after issuance. Also requires rules for issuance of permits for up to 20 years for construction and operation of transfer stations. Requires DENR to review the fee schedule and report to the ERC by December 1, 2012.

Amends GS 106-202.19(a) to add five types of unlawful conduct related to galax and Venus flytrap under the Plant Protection and Conservation Act. Makes technical changes. Amends GS 113-135.1(a) to increase the fine from \$10 to \$25 for a violation of Wildlife Resources Commission rules. Applies to violations and offenses committed on or after October 1, 2012. Specifies that prosecutions for offenses committed before October 1, 2012 are not abated or affected, and statutes that would be applicable but for this act remain applicable.

Amends Marine Fisheries Commission advisory committees in GS 143B-289.57 as follows. Effective July 1, 2012, merges 2 standing advisory committees, reduces from 4 to 2 the number of regional advisory committees, and makes conforming changes to the Fishery Resource Grant Program in GS 113-200. Effective when the act becomes law, details term expiration dates and member requirements for the affected committees. Amends 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.

Makes conforming changes to GS 77-92(a) and GS 77-93(b)(2).

Changes the bill title to reflect new content.

Agriculture, Environment, and
Natural Resources

S 416. AMEND DEATH PENALTY PROCEDURES (NEW). Filed 3/23/11. House committee substitute makes the following changes to 3rd edition. Changes the title to *AN ACT TO AMEND DEATH PENALTY PROCEDURES*.

Amends GS 15-188 (manner and place of execution) to delete the requirement that the Governor and Council of State must approve of the execution protocols. Applies to executions scheduled after the effective date of this act.

Current law requires the state to give prior notice of the intent to try a case as a capital case and to comply with the time limits for the notice of intent to proceed with a capital case as stated in Rule 24 of the General Rules of Practice for the Superior and District Courts. Amends GS 15A-2004(b) to provide that the court may discipline or sanction the prosecution for failing to comply with the time requirements of Rule 24 but prohibits the court from declaring the case to be a non-capital case based on the failure to meet the Rule 24 time requirements. Requires that the court continue the case in order to avoid any prejudice to the defendant. Effective for Rule 24 hearings on or after the date this act becomes effective.

Amends GS 15A-2011 to define *the time the sentence was sought or imposed*, as the period from 10 years before the commission of the offense through the date that is two years after the imposition of the death penalty (was, the period 24 months before the commission of the offense through the date 24 months after the imposition of the death penalty). Adds that evidence relevant to establish a finding that race was a significant factor in decisions to seek or impose death may include statistical evidence derived from the county or prosecutorial district where the defendant was sentenced to death, or other evidence, that race was a significant factor in decisions to exercise peremptory challenges during jury selection.

Clarifies the repeal of GS 15A-2012 (hearing procedure under the Racial Justice Act, Article 101 of GS Chapter 15A).

Makes organizational changes.

Criminal Law, Procedure, and
Sentencing

S 813. DCR AND DENR/STUDY STATE ATTRACTIONS SAVINGS. Filed 5/17/12. Senate committee substitute makes the following change to 1st edition.

Changes the reporting due date for the first report on the number of visitors per car used to calculate visitor counts at state parks from April 1, 2013, to October 1, 2013.

Agriculture, Environment, and
Natural Resources

S 821. STUDY AND AMEND FISHERIES LAWS (NEW). Filed 5/17/12. Senate committee substitute makes the following changes to 1st edition.

Adds the Deputy Secretary for Transit (Deputy Secretary) of the Department of Transportation to the list of parties studying coastal fishing license fees and the titling of vessels.

Adds new sections to direct the Executive Director of the Wildlife Resources Commission, the Director of the Division of Marine Fisheries in the Department of Environment and Natural Resources, and the Deputy Secretary to study the reorganization of fish and wildlife management. Requires reporting to the Legislative Research Commission Committee on Marine Fisheries by October 1, 2012. States the General Assembly's intent to transfer the Marine Fisheries Commission to the Wildlife Resources Commission, and to merge the Division of Marine Fisheries and the Wildlife Resources Commission into a new Fish and Wildlife Resources Commission, effective July 1, 2013.

Adds new sections to enact new subsection (e) to GS 113-187 to prohibit any person from taking menhaden or Atlantic thread herring with a purse seine net from a mother ship and one or more runner boats in coastal fishing waters, and makes a violation a Class A1 misdemeanor. Makes a conforming change to repeal SL 2007-320. Applies to offenses committed on or after December 1, 2012.

Adds new sections to amend Marine Fisheries Commission advisory committees in GS 143B-289.57 as follows. Effective July 1, 2012, merges two standing advisory committees, reduces from four to two the number of regional advisory committees, and makes conforming changes to the Fishery Resource Grant Program in GS 113-200. Effective when the act becomes law, details term expiration dates and member requirements for the affected committees.

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.

Makes conforming changes to the bill title.

Agriculture, Environment, and
Natural Resources

S 836. IMPROVE PROPERTY INSURANCE RATE MAKING. Filed 5/21/12. Senate amendment makes the following changes to 2nd edition. Amends proposed GS 58-36-10(7), which adds a standard related to the cost of reinsurance to protect against catastrophic exposure within the state, to delete provisions that identify types of relevant information that may be considered in determining the provision to reflect the cost of reinsurance. Additionally deletes provision permitting the use of catastrophe models, and modeled or hypothetical reinsurance programs in determining the provision to reflect the cost of reinsurance. Deletes provision which authorized the Commissioner of Insurance to adopt rules providing information to be included in support of the provision to reflect the cost of reinsurance. Provides that rates may (was, shall) include a provision reflecting costs of reinsurance to protect against catastrophic exposure.

Business and Commerce

S 868. WILDLIFE LICENSES/ELIMINATE PENALTY. Filed 5/22/12. Senate committee substitute makes the following change to 1st edition.

Changes the act's effective date from July 1, 2012, to July 1, 2013.

Animal Law

S 910. SALE OF A CHILD/FELONY OFFENSE. Filed 5/29/12. Senate amendment makes the following changes to 1st edition. Deletes the appropriation to the Department of Public Safety to cover the costs of increased prison bed capacity. Deletes the appropriation to the NC Conference of District Attorneys (Conference) for educating investigators and district attorneys about the new law and conducting a study of additional measures that may be taken. Retains the requirement that the Conference study additional measures that may be taken to stop criminal activities involving the sale of children. Makes a conforming change to the bill title.

Previously: Criminal Law,
Procedure, and Sentencing;
Budget and Appropriations;
Now: Criminal Law, Procedure,
and Sentencing

Legislation Enacted

SL 2012-11 (H 925). [ANNEXATION REFORM 2](#). AN ACT TO REQUIRE A VOTE OF THE RESIDENTS PRIOR TO THE ADOPTION OF AN ANNEXATION ORDINANCE INITIATED BY A MUNICIPALITY. Summarized in *Daily Bulletin* 5/16/12. Enacted June 10, 2012. Effective July 1, 2012.

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Notes

None

NEXT SESSIONS

June 12, 2012

HOUSE convenes at 2:00 p.m.

SENATE convenes at 3:00 p.m.