

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 126

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Senate Legislative Day 126

Wednesday, June 13, 2012

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 1225. [AMERICAN LIBERTY MEMORIAL](#). Filed 6/13/12. HONORING AFRICAN-AMERICAN REVOLUTIONARY WAR PATRIOTS OF NORTH CAROLINA AND SUPPORTING THE PROPOSED NATIONAL LIBERTY MEMORIAL.

As title indicates.

Intro. by Gill, Parmon, Horn, Hall. HOUSE RES

General Assembly

Local Bills

None

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ACTION ON BILLS**June 13, 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	Pres. To Gov.	6/13/2012
H0176 Review DV Program Participation. 06-07-11, 06-05-12	H	Pres. To Gov.	6/13/2012
H0199 Metal Theft Prevention Act of 2012. 03-31-11, 06-07-12, 06-11-12, 06-12-12	H	Withdrawn From Cal H Ref To Com On Judiciary Subcommittee C	
H0235 Amend Grounds/Termination of Parental Rights. 04-05-11, 06-07-12	H	Ratified	
H0237 2012 Workers' Compensation Amendments. 06-07-12, 06-11-12	S	Withdrawn From Cal S Placed On Cal For 6/14/2012	
H0261 Intrastate Motor Carrier Markings. 03-29-11, 06-06-12, 06-07-12	H	Ratified	
H0462 Contingency Contracts For Audits/Assessments. 06-07-12, 06-12-12	S	Withdrawn From Cal S Placed On Cal For 6/14/2012	
H0490 Rename Yadkin River Bridge. 06-11-12	H	Concurred In S Amend	
H0614 Enact Volunteer Health Care Services Act. 04-12-11, 06-07-12	S	Withdrawn From Cal S Placed On Cal For 6/14/2012	
H0741 Law Enforcement/Emergency Vehicle Length. 06-08-11, 06-05-12	H	Ratified	
H0813 Building Code Inspections/ Industrial Machinery. 06-01-11, 06-07-12	H	Concurred In S/Com Sub	
H0819 Coastal Management Policies. 04-21-11, 06-11-12, 06-12-12	H	Rec From Senate H Rec To Concur S Com Sub H Ref To Com On Environment	
H0932 Honor NC USO. 06-13-12	HA	Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)	
H0941 Pseudoephedrine Amount Clarifications. 06-12-12	H	Concurred In S Amend	

H0950 Modify 2011 Appropriations Act.	S Amend Failed 1 S Amend Failed 2 S Amend Failed 3 S Amend Failed 4 S Amend Failed 5 S Amendment Offered 6 SA Amend Adopted 7 S Passed 2nd Reading S Engrossed
05-29-12, 05-30-12, 06-12-12, 06-13-12	
H0957 Authorize Various Special Plates.	H Passed 2nd & 3rd Reading
06-05-12, 06-12-12	
H0964 North Carolina Longitudinal Data System.	HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
06-12-12, 06-13-12	
H0971 Active Duty Death/Lease Termination.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/14/2012
06-13-12	
H0975 Promote Local/Healthy Food.	H Passed 2nd Reading
#H1007 Resolution Honoring SPC Elliott.	H Ratified HR Ch. Res 2012-4
H1015 Economic Development and Finance Changes.	H Failed concur in S/Com Sub H Conf Com Appointed
06-05-12, 06-07-12, 06-11-12	
H1023 Expunction/Nonviolent Offenses.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/14/2012
06-13-12	
H1025 Extend Tax Provisions.	H Ratified
05-30-12, 06-07-12	
H1048 Incapacity to Proceed Amendments.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/14/2012
06-13-12	
H1052 Mechanics Liens/Payment Bond Reforms.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
06-13-12	
H1074 Stop Waste, Fraud, and Abuse in Govt. Act.	HA Reptd Fav Com Substitute H Re-ref Com On Finance
06-13-12	
H1084 HOAs/Planned Community Act Amends.	HA Reptd Fav Com Substitute H Ref To Com On Finance
06-13-12	
H1085 State Health Plan/Statutory Changes.-AB	S Rec From House S Passed 1st Reading S Ref To Com On Insurance
06-06-12, 06-12-12	
H1098 Continue the Sustainable Local Food Advisory.	H Postponed To 6/20/2012
06-12-12	
H1114 NCEMPA/Use of Rate Revenue.	S Rec From House S Passed 1st Reading S Ref To Com On Finance

06-06-12		
H1179 Indian Cultural Center/ Terminate Lease.	H	Withdrawn From Cal
	HA	Amend Adopted 1
	H	Ordered Engrossed
	H	Ref To Com On Finance
06-06-12, 06-13-12		
H1223 Honor State Library's 200th Anniversary.	H	Passed 2nd & 3rd Reading
H1224 Honor Bill Ives.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H1225 American Liberty Memorial.	H	Filed
S0229 Amend Environmental Laws 2012.	HA	Amend Adopted 5
	HA	Amend Adopted 6
	HA	Amend Adopted 7
	HA	Amend Adopted 8
05-03-11, 06-11-12, 06-12-12, 06-13-12		
S0416 Amend Death Penalty Procedures.	H	Passed 3rd Reading
03-31-11, 06-06-12, 06-11-12		
S0433 Local Human Services Administration.	HA	Reptd Fav Com Sub 2
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
04-06-11, 04-20-11, 04-27-11, 06-14-11, 06-13-12		
S0447 Rewrite Landscape Contractor Laws.	H	Withdrawn From Com
	H	Re-ref Com On Environment
06-07-11, 06-08-11		
S0491 Sedimentation Pollution Control Act Exemption.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
06-13-12		
S0525 Streamline Oversight/DHHS Service Providers.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
05-12-11, 06-13-12		
S0707 School Violence Prevention Act.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
06-07-11, 06-13-12		
S0724 An Act to Improve Public Education.	H	Passed 2nd Reading
05-05-11, 06-12-12		
S0749 Modify Weight Limits for Farm Operations.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
04-28-11, 06-13-12		
S0756 Amend Bail Law/Pretrial Release Programs.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
06-07-11, 06-13-12		
S0798 Various Emergency Management Changes.	HA	Amend Adopted 1
	H	Passed 3rd Reading
06-13-12		
S0806 Modify Mortgage Regulation Funding.	H	Passed 2nd & 3rd Reading
S0813 DCR and DENR/Study State	S	Withdrawn From Cal

Attractions Savings. 06-11-12	S	Placed On Cal For 6/14/2012
S0816 Banking Law Modernization Act. 05-23-12, 06-04-12	S	Pres. To Gov. 6/13/2012
S0820 Clean Energy and Economic Security Act. 06-05-12, 06-13-12	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 6/14/2012
S0824 Expedited Rule Making for Forced Combination. 05-31-12	H	Passed 2nd & 3rd Reading
S0828 Unemployment Insurance Changes. 06-06-12, 06-07-12, 06-13-12	HA H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b)
S0869 Remove Restriction/ Firefighter Disability. 06-13-12	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 6/14/2012
S0889 RPO Area Definition.	H	Passed 2nd & 3rd Reading
S0890 Transportation Reform/Codify Executive Order. 06-12-12	H	Passed 2nd & 3rd Reading
S0895 DOT Division of Motor Vehicles Leg. Requests.-AB 05-30-12, 06-12-12	H	Passed 2nd Reading
S0929 Firemen's Retirement Fund/ Board Membership. 06-06-12	H H H	Reptd Fav Cal Pursuant Rule 36(b) Placed On Cal For 6/14/2012

LOCAL BILLS

H0945 Marion Legislative Annexation.	H	Passed 2nd Reading
H0963 Town of Columbia/Deannexation.	H	Passed 2nd Reading
H1018 Yadkin Valley Career Academy.	H	Passed 2nd & 3rd Reading
H1032 Morganton Deannexation.	H	Passed 3rd Reading
H1041 High Point/Archdale Boundaries.	H H H	Reptd Fav Cal Pursuant Rule 36(b) Placed On Cal For 6/14/2012
H1049 Bladen Community College Fed Loan Program. 06-12-12	H	Passed 2nd & 3rd Reading
H1086 Clay County Courthouse.	H	Passed 2nd & 3rd Reading
H1087 Fontana Dam Occupancy Tax.	S S S	Rec From House Passed 1st Reading Ref To Com On State and Local Government
H1088 Graham/Swain TVA Allocation/ Border.	H H H	Reptd Fav Cal Pursuant Rule 36(b) Placed On Cal For 6/14/2012
H1090 Orange-Alamance Remaining 9% Boundary. 06-13-12	HA H H	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 6/14/2012
H1107 Granville County ABC Profits Distribution Mod.	S S	Rec From House Passed 1st Reading

	S	Ref To Com On State and Local Government
H1109 Dare CAMA Setback Req'ts./ Grandfather.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
H1110 Matthews/Stallings Boundary Adjustment.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
H1122 Martin County Fire Districts.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
H1169 Town of Burgaw/Deannexation.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
H1181 Study Municipal Local Option Sales Tax.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
06-13-12		
H1196 Albemarle Mental Health Center Property.	S	Rec From House
	S	Passed 1st Reading
	S	Ref to State and Local Government. If fav, re-ref to Finance
H1199 Lake Lure Convey Property. 06-12-12	H	Passed 2nd & 3rd Reading
H1200 Winston-Salem Firefighters Retirement.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
06-13-12		
H1202 Roanoke Rapids Deannex/ Halifax N'hmp Airport.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
06-13-12		
H1206 Butner Boundary Clarification.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
06-13-12		
H1207 Granville/Person Local Stormwater Fees.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
H1212 Wake/Chatham Local Act.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
06-07-12, 06-11-12		
H1217 Asheville/Woodfin Boundary Adjustments.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012
S0805 Isothermal Community College Fed Loan Program.	H	Passed 2nd & 3rd Reading
05-30-12, 06-12-12		
S0906 Nags Head Conveyance.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/14/2012

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 932. HONOR NC USO. Filed 5/25/11. House committee substitute makes the following changes to 1st edition. Changes the bill from a House Resolution to a Joint Resolution and makes conforming changes. Adds a whereas clause recognizing the Jacksonville USO facility's support to specified citizens who are also now specifically honored by the resolution. Updates data on the number of people served by numerous centers and programs. Adds additional examples of programs sponsored by the USO. Amends the description of individuals served by college campus satellite locations.

General Assembly

H 950. MODIFY 2011 APPROPRIATIONS ACT. Filed 5/16/12. Senate amendment makes the following change to 4th edition.

Amendment #7 adds a section, enacting new GS 147-64.6D, to require each audit report prepared for a state agency by a certified public accountant to itemize the number of hours used and the total cost for conducting the audit and preparing the report.

Budget and Appropriations

H 964. NC LONGITUDINAL DATA SYSTEM. Filed 5/16/12. House amendment makes the following changes to 2nd edition. Clarifies that specified appointments to the North Carolina Longitudinal Data System Board are to be made by the General Assembly upon recommendation by the President Pro Tem of the Senate and Speaker of the House of Representatives (was, members were appointed by the President Pro Tem and Speaker).

Education

H 971. ACTIVE DUTY DEATH/LEASE TERMINATION. Filed 5/16/12. House committee substitute makes the following changes to 1st edition.

Amends proposed subsection (a3) to GS 42-45 to add that termination of the military member's lease obligations also terminates the lease obligations of any cotenants who are immediate family members. Adds an official casualty report or a letter from the commanding officer as types of documents that can be shown. Deletes language stating that the provision does not apply if the member's death was due to willful misconduct.

Military and Veterans Affairs;
Property, Land Use, and Housing

H 1023. EXPUNCTION/NONVIOLENT OFFENSES. Filed 5/21/12. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 15A-145.5, which provides for expunction of nonviolent misdemeanors or felonies, to require the petition for expunction to include an affidavit that the person filing the petition has been of good moral character since the date of the conviction for the nonviolent misdemeanor or felony (was, an affidavit that the petitioner has been of good behavior since the completion of any sentence received for the nonviolent misdemeanor or felony). Makes conforming changes inserting the *good moral character* standard and replacing the phrase *completion of any sentence* with the term *conviction*.

Amends the requirements for the content of the petition to include a search by the Department of Justice for any outstanding warrants on pending criminal cases.

Directs district attorneys to engage in their best efforts to contact and notify any victim of the expunction request before the date of the hearing of the petition. Directs the presiding judge to consider during the petition hearing, any other information the court deems relevant, including affidavits or other testimony from law enforcement officers, district attorneys, and victims of the crimes committed by the petitioner.

Expands the findings necessary for the court to grant the petition for expunction to include findings that the petitioner (1) has remained of good moral character and (2) has no outstanding warrants or pending criminal cases. Provides that if the court ascertains the specified findings, the court *may* (was, shall) grant the expunction and order the person restored in the eyes of the law to the person's former status. Directs the court to include in its order a finding as to the reason it denies a petition.

Requires any other state or local government agency to expunge its records upon receiving from the petitioner an expunction order entered under this section.

Criminal Law, Procedure, and
Sentencing

H 1048. INCAPACITY TO PROCEED AMENDMENTS. Filed 5/22/12. House committee substitute makes the following changes to 1st edition.

Deletes the proposed changes to GS 122C-263(d) (concerning first examinations). Enacts new GS 122C-278 (reexamination for capacity to proceed prior to discharge) to provide that a respondent who is involuntarily committed to either inpatient or outpatient treatment under GS Chapter 122C cannot be discharged from custody or the outpatient case terminated until the person has been examined for capacity to proceed and a report is filed with the clerk of court in compliance with GS 15A-1002. Effective December 1, 2012.

Makes technical changes.

Courts; Health, Social Services,
and Aging

H 1052. MECHANICS LIENS/PAYMENT BOND REFORMS. Filed 5/22/12. House committee substitute makes the following changes to 1st edition.

Deletes changes made to the definition of *improve* in GS 44A-7. Amends GS 44A-12(f) (concerning lien waivers) to add that the provisions do not apply to lien waivers or subordinations obtained by specified parties as a part of any real estate or financing transactions. Amends GS 44A-13 (concerning actions to enforce claims) to add provisions related to subsequent purchasers of improved property and lenders as parties after a claim of lien is discharged. Amends proposed subsection (e) to GS 44A-27 to state that there is no obligation to provide a notice of public subcontract for claims of \$20,000 (was, \$10,000) or less. Makes conforming changes. Amends GS 44A-27(b) to specify that a claim does not include labor or materials provided more than 75 days (was, 60 days) before the claimant's service of the notification of public subcontract to the contractor, unless the contractor failed to timely provide a copy of the payment bond. Makes clarifying changes. Makes a technical change to the bill title.

Taxation; Business and Commerce

H 1074. STOP WASTE, FRAUD, AND ABUSE IN GOVT. ACT. Filed 5/22/12. House committee substitute makes the following changes to 1st edition.

Amends GS 135-111 to make GS 135-18.11 (improper receipt of decedent's retirement allowance or disability benefits) applicable to a decedent's monthly benefit under the Disability Income Plan of North Carolina.

Deletes changes to GS 128-21(7a) and GS 135-1(7a), which created a rebuttable presumption that any salary or remuneration paid for the principal purpose of enhancing a member's benefits under the plan is not compensation.

Makes technical and conforming changes. Makes clarifying changes to the title.

State Government; Employment
and Retirement

H 1084. HOAS/PLANNED COMMUNITY ACT AMENDS. Filed 5/23/12. House committee substitute makes the following changes to 1st edition.

Amends GS 47F-3-108 (meetings, Planned Community Act) and GS 47C-3-108 (meetings, Condominium Act) to declare null and void any actions taken at a meeting that is held in violation of the association's bylaws or any provision of the respective Chapters. Provides that no association members are bound by any ruling made in that meeting.

Makes additional technical and clarifying changes. Amends the title to make clarifying changes.

Property, Land Use, and Housing;
Taxation

H 1090. ORANGE-ALAMANCE REMAINING 9% BOUNDARY. Filed 5/23/12. House committee substitute makes the following changes to 1st edition. Makes a technical change only.

Alamance; Orange

H 1179. INDIAN CULTURAL CENTER/TERMINATE LEASE. Filed 5/29/12. House amendment makes the following changes to 2nd edition. Requires that the termination of the lease of the Indian Cultural Center property be *pursuant to the terms of the lease*. Removes the provision exempting the disposition of the property from approval by either the Governor or Council of State.

State Government

H 1181. STUDY MUNICIPAL LOCAL OPTION SALES TAX (NEW). Filed 5/29/12. House committee substitute makes the following changes to 1st edition. Deletes all provisions of the previous edition and replaces them with *AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT*.

Provides as title indicates, and requires reporting to the 2013 General Assembly.

Previously: Carteret

Now: General Assembly; Local Government; Taxation

H 1200. WINSTON-SALEM FIREFIGHTERS RETIREMENT. Filed 5/30/12. House committee substitute makes the following changes to 1st edition. Changes the date by which the city must determine the amount of salary deduction for members of the Winston-Salem Firemen's Retirement Fund Association, equal to the amount determined by the Trustees, to July 1, 2012 (was, 2011). Changes the effective date of the act to July 1, 2012 (was, 2011). Makes a technical change.

Forsyth

H 1202. ROANOKE RAPIDS DEANNEX/HALIFAX N'HMPPT AIRPORT. Filed 5/30/12. House committee substitute makes the following change to 1st edition.

Changes the effective date for removing the property annexed by SL 2005-9 from the corporate limits of Roanoke Rapids to June 30, 2012 (was, June 30, 2013).

Halifax; Northampton

H 1206. BUTNER BOUNDARY CLARIFICATION. Filed 5/30/12. House committee substitute makes the following changes to 1st edition. Specifies an additional plat of land that is included in the description of the town's boundaries.

Granville

SENATE BILLS

S 229. AMEND ENVIRONMENTAL LAWS 2012. Filed 3/7/11. House amendments make the following changes to 3rd edition, as amended.

Amendment #5 replaces provision under previously proposed subsection (d2) to GS 143-214.5 which required a local government to treat up to two noncontiguous properties as a single, contiguous property for determining compliance with a local water supply watershed protection program, with a requirement that a local government must allow an applicant to average development density on up to two noncontiguous properties if eight, listed conditions are met.

Amendment #6 enacts new subsection (e1) to GS 143-214.23 to specify that local governments must not treat land within a riparian buffer as state or local government property, unless the land was acquired by conveyance or eminent domain. Makes a conforming change to the bill title.

Amendment #7 removes modifications added in the previous version to conditions required before residences can encroach on the buffer under the Neuse River Basin and Tar-Pamlico River Basin riparian buffer rules.

Amendment #8 amends SL 2011-298 to provide that the exemption allowed to certain transfers of water in the Central Coastal Plain Capacity Use Area from interbasin transfer certification requirements will expire if the cumulative volume of water transfers not regulated under a certificate initiated on or after August 31, 2007, exceeds 20.3 million gallons per day (was, 8 million gallons per day). Makes conforming changes, and a conforming change to the bill title.

Agriculture, Environment, and
Natural Resources

S 433. LOCAL HUMAN SERVICES ADMINISTRATION. Filed 3/28/11. House committee substitute makes the following changes to 4th edition.

Amends GS 153A-76 to prohibit a board of county commissioners from consolidating an area mental health, developmental disabilities, and substance abuse services board into a consolidated human services board. Also prohibits abolishing an area mental health, developmental disabilities, and substance abuse services board,

except as provided in GS Chapter 122C. Specifies that these prohibitions do not apply to any board that has exercised the powers and duties of an area mental health, developmental disabilities, and substance abuse board as of January 1, 2012. Further amends the statute to prohibit a board from abolishing, assuming control over, or consolidating into a human services agency a public hospital.

Amends GS 153A-77 to require a board of county commissioners that has assumed direct control of a local health board and does not delegate the powers and duties of that board to a consolidated health service board to appoint an advisory committee. Makes other clarifying changes to the authority of the board of county commissioners. Requires a consolidated human services board that is not exercising powers and duties of an area mental health, developmental disabilities, and substance abuse services board to include four consumers of human services as members. Makes conforming changes.

Deletes section requiring the Department of Health and Human Services to allocate \$5 million to the Division of Public Health for the incentive program.

Requires the Program Evaluation Division to make its report on the feasibility of a transfer of the Division of Public Health to the University of North Carolina by February 1, 2013 (was, February 1, 2012).

Local Government; Health, Social
Services, and Aging

S 491. CONTINUE LOCAL FOOD ADVISORY COUNCIL (NEW). Filed 3/31/11. House committee substitute makes the following changes to 1st edition.

Deletes all provisions in the previous edition and replaces them with *AN ACT TO EXTEND THE SUNSET ON THE LAW ESTABLISHING THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL*. Extends the sunset on the law creating the NC Sustainable Local Food Advisory Council from July 31, 2012, to July 31, 2015. Modifies one appointment to the Council. Amends GS 106-832 to remove the Council's authority to consider program and policy issues, other than the listed issues, that the Council considers pertinent.

Agriculture, Environment, and
Natural Resources

S 525. CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES (NEW). Filed 4/6/11. House committee substitute makes the following changes to 2nd edition.

Deletes all provisions in the previous edition and replaces with *AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES*. Directs the Department of Health and Human Services to verify that Critical Access Behavioral Health Agencies (CABHAs) are the only providers of these Medicaid services: (1) Community Support Team; (2) Intensive In-Home; and (3) Child and Adolescent Day Treatment, to be provided according to specified state and federal guidelines. Requires each CABHA to provide certain services in the same LME-MCO network region, as detailed. Sets out staffing requirements for CABHAs.

Health, Social Services, and Aging

S 707. SCHOOL VIOLENCE PREVENTION ACT. Filed 4/19/11. House committee substitute makes the following changes to 2nd edition.

Except as otherwise indicated, the following provisions are effective December 1, 2012 and apply to offenses committed on or after that date.

Amends GS 14-453(7c) to expand the definition of *profile* to include a web site user's personal page or a section of a page containing significant, unique, or identifying information about a web site user.

Amends GS 14-458.1(a) to clarify the role of intent in the offense of cyber-bullying. Except as otherwise made unlawful in Article 60 (computer related crime) of GS Chapter 14, makes it unlawful to: (1) make a true or false statement intending to immediately provoke and that is likely to provoke a third party to stalk or harass a minor; (2) sign up a minor for a pornographic Internet site with the intent to torment or intimidate the minor; or (3) sign up a minor for any electronic mailing lists or instant messaging service with authorization from the minor or the minor's parent or guardian, with the intent to intimidate or torment the minor. Amends new GS 14-458.2 to make parallel changes clarifying the role of intent in the offense of cyber-bullying by students of school employees.

Amends proposed GS 14-458.2 to expand the definition of school employee to apply to employees, independent contractors, or the employees of independent contractors of a regional school created under GS 115C-238.62. Amends the definition for student to include persons enrolled at charter schools, public schools, and regional schools as well as persons who have been suspended or expelled from any of these schools within the last year.

Provides that when a complaint is received under Article 17 (Screening of Delinquency and Undisciplined Complaints) of GS Chapter 7B based on a student's violation of proposed GS 14-458.2, the student may enter

into a diversion contract (referral to one of a specified list of resources) under GS 7B-1706 upon a finding of legal sufficiency under that statute.

Amends GS 15A-301 to delete provision requiring written approval of the district attorney prior to the issuance of an arrest warrant or criminal summons for a school employee for an offense that occurred while the employee was discharging the employee's duties of employment. Provides that no warrant for arrest or criminal summons may be issued for a school employee for a misdemeanor offense that occurred while the employee was discharging his or her duties other than by a magistrate who has been appointed by the chief district court judge to hear such matters. Effective on or after the date that a magistrate is appointed by the chief district judge to perform the function set out in this section.

Recodifies proposed GS 115C-532.1 (Probation officer visits at school; limitations) as GS 115C-46.2 under Article 5 of GS Chapter 115C. Modifies language in proposed GS 14-33.3 and moves it to GS 14-33(c1).

Amends GS 115C-288(g) to delete provision that a principal is not required to report to law enforcement acts in addition to those required to be reported by law. Deletes provision that subjects a principal who willfully fails to make a report to law enforcement under this subsection subject to demotion or dismissal. Prohibits anything in this subsection from being interpreted to interfere with the due process rights of school employees or the privacy rights of students.

Enacts new GS 15A-1331B to provide that a prayer for judgment that is continued for more than 12 months is an improper disposition of a Class B1, B2, C, D, or E felony.

Enacts new GS 115C-289.1 to provide that a school employee's supervisor has a duty to report intimidation of a school employee when the supervisor has actual notice that the school employee has been a victim of an assault by a student resulting in physical injury. Provides that the term supervisor as used in this subsection does not include the principal or superintendent. Also prohibits intimidation of a school employee by a principal, superintendent, or supervisor. Amends proposed GS 115C-366.4 to provide that a superintendent may modify, in writing, the required transfer of an individual student on a case-by-case basis. Amends GS 115C-390.3 to require local boards of education to adopt guidelines for an employee's response if the employee has personal knowledge or actual notice of an altercation between students. Effective with the beginning of the 2012-13 school year.

Makes technical and organizational changes.

Education; Criminal Law,
Procedure, and Sentencing

S 749. VARIOUS MOTOR VEHICLE LAW CHANGES (NEW). Filed 4/19/11. House committee substitute makes the following changes to 2nd edition.

Adds new sections to amend the state's transportation laws as follows.

Amends GS 20-7(s) to require drivers licenses of limited duration to display a mark on the face of the license designating the limited duration. Applies to drivers licenses issued on or after January 1, 2013.

Amends GS 20-51 to exempt a header trailer transported to or from a dealer or after a sale or repair to the farm or another dealership from registration requirements.

Current law prohibits the operation of certain types of farm equipment on a highway that is an access highway or part of the National System of Interstate and Defense Highways. Amends GS 20-116(j) to require the Department of Transportation (DOT) to develop an authorization and approval process for such equipment to operate on the National System, according to listed guidelines. Requires all farm equipment operated on any highway to display red flags, as clarified, or a flashing light (previously required red flags). Makes conforming changes.

Amends GS 20-118(c)(12) to modify the conditions required to exempt a vehicle or vehicle combination from the weight limitations and penalties under GS 20-118. Exempts vehicles transporting any of the listed items within 150 miles from the source (expands items allowing exemption). Also exempts vehicles meeting certain vehicle configurations (expands and modifies previous changes). Makes conforming changes. Amends GS 20-118(c)(16) to modify the conditions, under that subdivision, required to be exempted from the weight limitations and penalties.

Amends GS 20-118.4 to also exempt oversize vehicles from the weight and size restrictions during the performance of emergency preparedness and fire prevention duties. Permits orange flags to be used to meet display requirements.

Amends GS 20-127 to require windows in vehicles subject to equipment regulations under 49 CFR 393 to comply with those requirements. Exempts for-hire passenger vehicles and common carriers from specified window tinting restrictions. Enacts new GS 20-137.4A(a1) to make it unlawful for any person to operate a commercial motor vehicle subject to specified federal regulations on a public street or vehicular area while using a

mobile telephone or other electronic device. Makes these provisions apply to offenses committed on or after December 1, 2012.

Amends GS 20-383 to clarify that personnel of the Department of Crime Control and Public Safety also have the authority to enforce motor carrier regulations and applicable provisions in GS Chapter 62.

Enacts new subsection (c) to GS 136-28.5 to specify that bids and documents submitted in response to requests for proposal under GS Chapter 136 are not public record until DOT issues a decision. Applies to bids and documents submitted for advertisements and requests for proposal advertised or requested on or after July 1, 2012.

Amends GS 136-89.213 to set out provisions related to the confidentiality of information maintained by the Turnpike Authority.

Amends GS 147-86.23 to specify that past-due interest and penalties do not apply to money owed to the Turnpike Authority for tolls.

Provides additional direction to the DOT related to sealed ship containers. Specifies that the provisions of the Clean Coastal Water and Vessel Act, as they apply to ferry vessels operated by the DOT, become effective June 30, 2013. States that prosecutions for offenses committed before the effective date of the section of the act modifying the applicable offense are not affected by this act.

Makes other clarifying changes, and changes the bill title to *AN ACT TO AMEND THE STATE'S LAWS PERTAINING TO TRANSPORTATION*.

Transportation; Agriculture,
Environment, and Natural
Resources

S 756. AMEND BAIL LAW/PRETRIAL RELEASE PROGRAM. Filed 4/19/11. House committee substitute makes the following changes to 2nd edition.

Amends GS 15A-534(a) to reinstate execution of an unsecured appearance bond as a possible condition of pretrial release, and makes conforming changes (first edition deleted execution of an unsecured appearance bond as a possible condition of pretrial release). Removes requirement that the secured appearance bond executed in conjunction with a condition requiring electronic monitoring be set at a minimum of \$1,000. Makes a conforming change to the title. Makes stylistic changes.

Provides that as one of the criteria required to impose the condition of a pretrial release program, that the judicial official must find as fact that a period of at least 48 hours (was, 72 hours) has elapsed from the date and time of the defendant's arrest (was, on the defendant's release order). Prohibits the pretrial release program from contacting or otherwise attempting to gain access to the defendant before the 48-hour (was, 72 hour) period expires.

Makes the entire act effective December 1, 2012 (was, December 1, 2011) including new GS 15A-534.7(d), which prohibits the appropriation of state government funds for the pretrial release program or its activities (was previously effective, July 1, 2011).

Criminal Law, Procedure, and
Sentencing

S 798. VARIOUS EMERGENCY MANAGEMENT CHANGES. Filed 5/16/12. House amendment makes the following changes to 1st edition.

Makes changes to the NC Emergency Management Act, which was enacted by SL 2012-12, as follows. Doubles the set amount of time before various types of disaster declarations expire. Specifies that the expiration of a type II or III disaster declaration does not affect the state's obligations under federal-state agreements entered into before the declaration's expiration. Makes clarifying changes to the provision prohibiting private liability, and clarifies that the provision applies if the use of the property is subject to the order or control of state or local government. Adds a definition for *State Emergency Response Team*. Makes conforming changes. Adds, to the powers and duties of the Division of Emergency Management, managing the State Emergency Response Team and the duty to coordinate with the Commissioner of Agriculture to amend or revise the Emergency Operations Plan, as specified. Makes these provisions effective October 1, 2012.

Emergency Services

S 820. CLEAN ENERGY AND ECONOMIC SECURITY ACT. Filed 5/17/12. House committee substitute makes the following changes to 2nd edition.

NC Mining and Energy Commission. Amends proposed Part 6A in Article 7 of GS Chapter 143B, which creates the NC Mining and Energy Commission (Commission) as follows. Removes the Commission's power to hear permit appeals and conduct full hearings on decisions made by the Department of Environment and Natural

Resources (DENR) under the Oil and Gas Conservation Act. Makes conforming changes. Increases from 14 to 15 the number of members on the Commission, and makes modifications to the membership, including replacing members in the oil and gas exploration field with local government representatives. Specifies that a member may be reappointed to two consecutive three-year terms (previously allowed indefinite successive terms). Authorizes the chair to create other committees composed of Commission members, including a Committee on Mining, and prohibits a member from hearing or voting on any matter in which the member has an economic interest. Moves the provisions setting out the factors the Commission must consider when evaluating violations to GS 113-410 (penalties) and requires consideration of those factors when determining penalties. Also moves provision permitting the Attorney General to initiate a civil action for nonpayment of civil penalties to GS 113-410. Makes the changes concerning the Commission effective August 1, 2012 (was, October 1, 2012).

Regulatory Program. Adds several defined terms in GS 113-389 and modifies the definitions for *hydraulic fracturing fluid* and *hydraulic fracturing treatment*. Enacts new subsection (a3) to GS 113-391 to direct the Environmental Management Commission to adopt rules, after considering the Commission's recommendations, for stormwater control and the regulation of toxic air emissions related to oil and gas development and drilling (previously granted this authority to the Commission). Makes clarifying and conforming changes to the rules to be adopted by the Commission. Makes clarifying changes to GS 113-415 (concerning conflicting laws). Clarifies that changes pertaining to the regulatory program, authorizing studies, and requiring rule adoption are effective August 1, 2012.

Landowner and Public Protections. Replaces references to private drinking water wells and water supply wells with the term water supplies in the provisions concerning water contamination. Restores provision requiring compensation for any damage to a water supply in use before the developer or operator started activities, which is due to those activities. Adds that the developer or operator must provide, before beginning activities, a bond running to the surface owner that will cover reclamation of the surface owner's property if the developer or operator is not the surface owner of the property. Provides that a developer or operator must comply with other requirements to remediate contamination. Requires the developer or operator to provide a replacement water supply, as detailed, if a water supply of the surface owner or third parties is contaminated due to the developer's or operator's activities. Requires the developer or operator to provide the surface owner, if such person is not the lessor, with specified landowner rights publications. Deletes provision that allowed royalty payments to be reduced by production costs. Adds a requirement that payments must be paid within 60 days of execution of the lease, with interest charged on late payment. Requires any lease with a surface owner to include a notification to lenders and sets out form language. Requires all leases to be subject to a three-day right of withdrawal. Sets out procedure to cancel the lease within this period. Clarifies that landmen manage oil or gas interests (deletes mineral interests).

Modifies a whereas clause related to the report issued by DENR. Makes other clarifying changes. Clarifies that changes authorizing horizontal drilling and hydraulic fracturing and the creation of the Energy Policy Oversight Commission become effective August 1, 2012 (was, October 1, 2012).

Agriculture, Environment, and
Natural Resources; Energy and
Utilities; State Government

S 828. UNEMPLOYMENT INSURANCE CHANGES. Filed 5/17/12. House committee substitute makes the following changes to 3rd edition.

Adds sections related to unemployment compensation fraud detection and other unemployment benefit provisions, as follows.

Amends GS 96-9(c)(2) (charging of benefit payments) to require the Division of Employment Security (DES) to charge benefits to an employer's account after determining that an overpayment was made to a claimant, provided (1) the employer failed to respond timely or adequately to a DES request for claim information and (2) the employer exhibits a pattern of failure to respond. Applies to an overpayment established on or after October 1, 2013.

Enacts new subsection (h) to GS 96-18 (penalties) to impose a mandatory federal penalty of 15% of the amount of the fraudulent overpayment, payable to the Unemployment Insurance Fund. Makes conforming and technical changes to GS 96-6(a). Applies to overpayments determined to be fraudulent on or after October 1, 2013.

Amends GS 96-18(a) (penalties for fraudulently obtained unemployment insurance benefits) to make a person guilty of a Class I felony if the wrongfully obtained benefit is more than \$400 and guilty of a Class 1 misdemeanor if the benefit is \$400 or less (under current law, Class 1 misdemeanor is only penalty). Makes clarifying and conforming changes. Applies to offenses committed on or after December 1, 2012.

Repeals GS 96-18(g)(1) (ten-year statute of limitations on recovering fraudulent overpayments) and rewrites GS 96-18(g)(2) to remove the three-year statute of limitations on recovering all other overpayments. Applies to an overpayment established on or after October 1, 2012.

States the desire for North Carolina to participate in the Unemployment Insurance Compensation Debt Program by January 1, 2013, and sets out reporting requirements for DES on the implementation of the Treasury Offset Program.

Amends Article 4 (Job Training, Education, and Placement Information Management) in GS Chapter 96 to replace references to DES with references to the Labor and Economic Analysis Division. Directs DES to provide information requested by the Division to accomplish the Division's purpose and functions. Makes clarifying and conforming changes and makes a conforming change to the Article title.

Makes modifications to GS 96-4(x)(1) related to the disclosure and redisclosure of confidential information.
Employment and Retirement

S 869. REMOVE RESTRICTION/FIREFIGHTER DISABILITY. Filed 5/22/12. House committee substitute makes the following changes to 1st edition. Makes technical changes only.

Emergency Services

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

June 14, 2012

HOUSE convenes at 11:00 a.m.

SENATE convenes at 11:00 a.m.