

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

School of Government

The University of North Carolina at Chapel Hill

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House Legislative Day 129

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Senate Legislative Day 129

Tuesday, June 19, 2012

Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	1
Action on Bills _____	2
Summaries of Amendments and Committee Substitutes _____	8
Legislation Enacted _____	12
Index by Keyword _____	12
Notes _____	13
Next Sessions _____	13

SUMMARIES OF BILLS FILED

Public Bills

None

Local Bills

None

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ACTION ON BILLS

(as of 7:43 p.m.)

June 19, 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 Amend Firearms Law.	S Withdrawn From Com
	S Re-ref Com On Commerce
03-23-11, 03-29-11, 06-07-12	
H0199 Metal Theft Prevention Act of 2012.	H Ratified
03-31-11, 06-07-12, 06-11-12, 06-12-12	
H0203 Mortgage Satisfaction Forms/ No False Liens.	SA Amend Adopted 1
	S Passed 2nd Reading
	S Withdrawn From Cal
	S Placed On Cal For 6/20/2012
06-07-12, 06-19-12	
H0237 2012 Workers' Compensation Amendments.	H Withdrawn From Cal
	H Ref To Com On Judiciary Subcommittee C
06-07-12, 06-11-12, 06-14-12	
H0391 Research Triangle Park District Amendments.	H Reptd Fav To Concur
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/20/2012
05-30-12, 05-31-12, 06-04-12	
H0438 Accountable Co. Comms./Expand Loc. Bd. Auth.	S Amendment Withdrawn 1
	SA Amend Adopted 2
	S Passed 3rd Reading
	S Engrossed
06-05-12, 06-19-12	
H0462 Contingency Contracts For Audits/Assessments.	S Amend Recon 4
	S Amend Failed 4
	S Passed 3rd Reading
	S Engrossed
06-07-12, 06-12-12, 06-18-12	
H0494 Continuous Alcohol Monitoring Law Changes.	S Withdrawn From Com
	S Re-ref Com On Judiciary II
05-25-11, 06-08-11	
H0512 Rendering Act Amendments.	S Conf Com Reported
	S Placed On Cal For 6/20/2012
	H Conf Com Reported
	H Placed On Cal For 6/20/2012
05-19-11, 06-09-11, 06-15-11, 06-19-12	
H0614 Enact Volunteer Health Care Services Act.	H Withdrawn From Cal
	H Ref To Com On Health and Human Services
04-12-11, 06-07-12, 06-14-12	
H0737 Strengthen Child Safety Laws/	SA Amend Adopted 1

Care Facilities.	S Passed 3rd Reading
	S Engrossed
06-06-12, 06-19-12	
H0819 Coastal Management Policies.	H Withdrawn From Com
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/19/2012
	H Failed concur in S/Com Sub
	H Conf Com Appointed
04-21-11, 06-11-12, 06-12-12	
H0932 Honor NC USO.	H Placed On Cal For 6/20/2012
06-13-12	
H0944 DCR and DENR/Study State Attractions Savings.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Finance
H0964 North Carolina Longitudinal Data System.	S Withdrawn From Com
	S Re-ref Com On Rules and Operations of the Senate
06-12-12, 06-13-12	
H0971 Active Duty Death/Lease Termination.	S Reptd Fav
06-13-12	
H0975 Promote Local/Healthy Food.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Health Care
06-14-12	
H1000 Community Association Mgrs. Licensing Act.	H Withdrawn From Com
	H Re-ref Com On Commerce and Job Development
H1009 MSD Amendments.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
06-14-12	
H1015 Economic Development and Finance Changes.	S Conf Com Appointed
06-05-12, 06-07-12, 06-11-12	
H1022 Honor Rick Rhyne.	H Withdrawn From Com
	H Placed On Cal For 6/20/2012
H1023 Expunction/Nonviolent Offenses.	H Amendment Withdrawn 4
	HA Amend Adopted 5
	H Passed 3rd Reading
	H Ordered Engrossed
06-13-12, 06-18-12, 06-19-12	
H1044 Motorcycle Insurance Discount/Military.	HA Reptd Fav Com Substitute
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/20/2012
06-19-12	
H1055 Eliminate LME Provider Endorsement.-AB	S Passed 2nd & 3rd Reading
H1056 Partnership for Children Participant Records.	S Passed 2nd & 3rd Reading
H1066 Passing Title by Will.	S Passed 2nd & 3rd Reading
05-31-12	
H1067 Co-owners/Unequal Shares/Simultaneous Death.	S Passed 2nd & 3rd Reading
05-31-12	

H1068 Amend UCC Article 9/Secured Transactions.	S	Reptd Fav
H1069 Intestate Property/Child's Year's Allowance.	S	Passed 2nd & 3rd Reading
H1074 Stop Waste, Fraud, and Abuse in Govt. Act.	H	Postponed To 6/20/2012
06-13-12		
H1075 LME/MCO Governance.	S	Withdrawn From Cal
	S	Re-ref Com On Rules and Operations of the Senate
06-05-12, 06-11-12		
H1081 Provisional Licensure Changes Medicaid.-AB	S	Passed 2nd & 3rd Reading
H1084 HOAs/Planned Community Act Amends.	HA	Reptd Fav Com Sub 2
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
06-13-12, 06-19-12		
H1096 Simplify School Beverage Contract Bids.	S	Withdrawn From Com
	S	Re-ref Com On Rules and Operations of the Senate
H1105 Modify Taxation of HOA Property	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
06-19-12		
H1191 Resolution of Disapproval of Reorganization.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
H1224 Honor Bill Ives.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
H1226 Raleigh Fire Department's 100th Anniversary.	H	Passed 1st Reading
	H	Cal Pursuant 32(a)
	H	Placed On Cal For 6/20/2012
H1227 Disapprove New River Basin Rule.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
S0077 Rental Property/Lithium Battery Smoke Alarms.	S	Rec To Concur H Com Sub
	S	Placed On Cal For 6/20/2012
03-01-11, 05-30-12, 06-14-12		
S0141 Concealed Carry/DA, Ass't DA, Investigator.	HA	Reptd Fav Com Substitute
	H	Re-ref Com On Judiciary Subcommittee B
04-13-11, 06-19-12		
S0229 Amend Environmental Laws 2012.	S	Rec To Concur H Com Sub
	S	Placed On Cal For 6/20/2012
05-03-11, 06-11-12, 06-12-12, 06-13-12, 06-18-12		
S0231 Municipal Incorp Standards/ Water Extensions.	HA	Reptd Fav Com Sub 2
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
06-08-11, 06-07-12, 06-19-12		
S0347 Report Health Care-Associated Infections.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
06-19-12		
S0426 Modify/Clarify Public Finance Statutes.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)

	H	Placed On Cal For 6/20/2012
05-10-11, 05-18-11, 06-19-12		
S0433 Local Human Services Administration.	S	Withdrawn From Cal
	S	Placed On Cal For 6/21/2012
04-06-11, 04-20-11, 04-27-11, 06-14-11, 06-13-12, 06-14-12		
S0443 NC Museum of Art/Cemetery Comm. Changes.	H	Passed 3rd Reading
	H	Ordered Engrossed
06-08-11, 06-14-12, 06-18-12		
S0491 Continue Local Food Advisory Council.	S	Rec To Concur H Com Sub
	S	Placed On Cal For 6/20/2012
06-13-12		
S0518 Landlord/State Bar Notice of Lease Default.	S	Concurred In H/com Sub
06-09-11, 06-06-12		
S0525 Critical Access Behavioral Health Agencies.	S	Rec To Concur H Com Sub
	S	Placed On Cal For 6/20/2012
05-12-11, 06-13-12		
S0572 Omnibus County Bill.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
06-14-11, 06-19-12		
S0647 Mutual Insurance Holding Companies.	HA	Reptd Fav Com Substitute
	H	Re-ref Com On Finance
06-07-11, 06-19-12		
S0656 Right to Choose Physical Therapist.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
06-09-11, 06-19-12		
S0707 School Violence Prevention Act.	H	Passed 3rd Reading
	H	Ordered Engrossed
06-07-11, 06-13-12, 06-18-12		
S0724 An Act to Improve Public Education.	S	Ratified
05-05-11, 06-12-12, 06-14-12		
S0749 Various Motor Vehicle Law Changes.	HA	Amend Adopted 1
	H	Passed 3rd Reading
	H	Ordered Engrossed
04-28-11, 06-13-12, 06-19-12		
S0756 Amend Bail Law/Pretrial Release Programs.	H	Withdrawn From Cal
	H	Re-ref Com On Appropriations Subcommittee on Justice and Public Safety
06-07-11, 06-13-12		
S0798 Various Emergency Management Changes.	S	Ratified
06-13-12		
S0810 Regulatory Reform Act of 2012.	H	Postponed To 6/20/2012
05-24-12, 05-30-12, 05-31-12, 06-04-12, 06-14-12		
S0813 DCR and DENR/Study State Attractions Savings.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
06-11-12		
S0820 Clean Energy and Economic Security Act.	S	Withdrawn From Cal
	S	Placed On Cal For 6/20/2012
06-05-12, 06-13-12, 06-14-12		
S0821 Study and Amend Fisheries	S	Withdrawn From Com

Laws.	S	Placed On Cal For 6/20/2012
06-11-12		
S0826 Revenue Laws Tech., Clarifying, & Admin Chngs.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
05-31-12, 06-04-12		
S0828 Unemployment Insurance Changes.	HA	Amend Adopted 1
	HA	Amend Adopted 2
	H	Passed 2nd & 3rd Reading
	H	Ordered Engrossed
06-06-12, 06-07-12, 06-13-12, 06-19-12		
S0841 Effective Utilization of PED.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
S0868 Wildlife Licenses/Eliminate Penalty.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
06-11-12		
S0869 Remove Restriction/ Firefighter Disability.	S	Rec To Concur H Com Sub
	S	Ref To Com On Pensions & Retirement and Aging
06-13-12		
S0881 Transfer Evidence Warehouse to DPS.	H	Passed 3rd Reading
	S	Rec To Concur In H Amend
	S	Placed On Cal For 6/20/2012
06-18-12		
S0890 Transportation Reform/Codify Executive Order.	S	Ratified
06-12-12		
S0895 DOT Division of Motor Vehicles Leg. Requests.-AB	S	Concurred In H/com Sub
05-30-12, 06-12-12		
S0929 Firemen's Retirement Fund/ Board Membership.	S	Ratified
06-06-12		
S0951 Cleveland County Corr. Facil. Prop Transfer.	S	Reptd Fav

LOCAL BILLS

H0180 Wilmington Voluntary Annexations.	S	Reptd Fav
06-05-12		
H0943 Davidson County Annexations.	S	Reptd Fav
	S	Re-ref Com On Finance
H0988 Averagesboro Township TDA Changes.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/20/2012
H1018 Yadkin Valley Career Academy.	S	Reptd Fav
H1032 Morganton Deannexation.	S	Reptd Fav
	S	Re-ref Com On Finance
H1041 High Point/Archdale Boundaries.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government

H1050 Elizabethtown Industr. Park Deannexation.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/19/2012
	H Passed 2nd Reading
H1051 Elizabethtown Hayfields Deannexation.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/19/2012
	H Passed 2nd Reading
H1088 Graham/Swain TVA Allocation/Border.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Finance
H1090 Orange-Alamance Remaining 9% Boundary.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
06-13-12	
H1106 Apex Annexation.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/20/2012
H1107 Granville County ABC Profits Distribution Mod.	S Reptd Fav
H1108 Butner Public Safety Authority Changes.	S Reptd Fav
H1110 Matthews/Stallings Boundary Adjustment.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
H1122 Martin County Fire Districts.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
H1123 Durham County Memorial Stadium.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
H1133 Revise Pender County Commissioner Districts.	S Reptd Fav
H1138 Davidson County Design Build.	S Reptd Fav Com Substitute
	SA Com Substitute Adopted
06-19-12	
H1169 Town of Burgaw/Deannexation.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
H1202 Roanoke Rapids Deannex/Halifax N'hmp Airport.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
06-13-12	
H1205 Amend Trespass/Granville County.	S Reptd Fav
H1206 Butner Boundary Clarification.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
06-13-12	

H1207 Granville/Person Local Stormwater Fees.	S Reptd Fav
	S Re-ref Com On Finance
H1216 Town of Wallace/Satellite Annexations.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/19/2012
	H Passed 2nd Reading
06-14-12	
H1217 Asheville/Woodfin Boundary Adjustments.	H Passed 3rd Reading
	H Ordered Engrossed
06-14-12	
#S0818 Clay County Courthouse.	S Ratified
	SR Ch. SL 2012-32
S0848 Durham City Assessments.	S Reptd Fav
S0857 Add Stokes Cty to Tax Cert Before Recordation.	S Reptd Fav
S0859 Pilot Mountain/Dobson Even-Year Elections.	S Rec To Concur H Com Sub
	S Placed On Cal For 6/20/2012
06-05-12, 06-14-12	
S0876 Mooresville Deannexation.	S Reptd Fav
	S Re-ref Com On Finance
S0884 Wake Tech Board of Trustees.	S Reptd Fav
S0900 Surf City Deannexation.	S Reptd Fav
S0901 Ocean Isle Beach Satellite Annexations.	S Reptd Fav
S0918 Amend Durham County Occupancy Tax Uses.	S Reptd Fav
S0935 Abolish Avery County Coroner.	S Reptd Fav
S0949 Town of Boone/ETJ.	S Withdrawn From Com
	S Placed On Cal For 6/20/2012
06-07-12	

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 203. MORTGAGE SATISFACTION FORMS/NO FALSE LIENS. Filed 3/1/11. Senate amendment makes the following changes to 2nd edition. Amends proposed GS 14-118.6(b) to allow an entity to refuse to file a lien or encumbrance (was, the entity shall not allow the lien or encumbrance to be filed) when there is a reasonable suspicion that it is false. Adds that no entity is liable for filing or refusing to file a lien or encumbrance under the statute. Provides that in order for a judge to order the lien or encumbrance to be filed when there is an appeal, the judge must find that the lien or encumbrance is authorized by statute and the record appears on its face to contain all of the information required by the statute under which it was offered.

Banking and Finance; Criminal
Law, Procedure, and Sentencing;
Property, Land Use, and Housing

H 438. ACCOUNTABLE CO. COMMS/EXPAND LOC. BD. AUTH. Filed 3/23/11. Senate amendment makes the following changes to 2nd edition.

Amendment #2 clarifies in GS 153A-77(a) that a board of county commissioners that assumed control of a local health board *after January 1, 2012*, and does not delegate powers and duties of that board to a consolidated health services board must appoint an advisory committee. Amends GS 153A-77(e) to also require a human services director to appoint, with the county manager's approval, a person meeting the specified qualifications of a local health director. Amends GS 153A-76 to also prohibit a board of county commissioners from abolishing or

consolidating into a human services agency a public health authority. Removes \$5 million allocation to the Division of Public Health for the health improvement incentive program. Makes a conforming change.

Local Government

H 512. RENDERING ACT AMENDMENTS. Filed 3/29/11. Conference report recommends the following changes to 4th edition to reconcile matters in controversy.

Amends proposed GS 106-168.14A, which subjects collectors of waste kitchen grease to certain provisions, to delete all provisions in previous edition (related to licensure and violations), and instead requires any collector of waste kitchen grease, as defined, to provide the purchaser with a statement of ownership. Amends proposed GS 14-79.2 (unlawful acts and penalties) to add two unlawful activities; retains penalty provisions. Specifies that a container of grease with a name on the container is presumed to be owned by the named person. Retains modifications to GS 106-168.5 (clarifying inspection committee), with a conforming change, and to GS 106-168.8, which requires proof of liability insurance of \$1 million. Deletes all other amendments to provisions in Article 14A (Licensing and Regulation of Rendering Plants and Operations) of GS Chapter 106. Deletes the defined term *farmer* and the changes made to the definition for *collector* in GS 106-168.1. Makes conforming changes to the bill title. Changes the act's effective date to January 1, 2013 (was, January 1, 2012).

Criminal Law, Procedure, and
Sentencing; Agriculture,
Environment, and Natural
Resources

H 737. STRENGTHEN CHILD SAFETY LAWS/CHILD FACILITIES. Filed 4/6/11. Senate amendment makes the following changes to 2nd edition. Amends GS 110-90.2 to reinstate the January 1, 1996, effective date (was, proposed effective date of March 1, 2013) for the requirement that child care providers' criminal histories be checked before employment and every three years after. Changes the effective date of the act from when the act becomes law to January 1, 2013.

Children and Juvenile Law

H 1023. EXPUNCTION/NONVIOLENT OFFENSES. Filed 5/21/12. House amendment #5 makes the following changes to 2nd edition, as amended. Amends GS 15A-145.4(a)(5) (excluding from the definition of the term *nonviolent felony* a felony offense in GS Chapter 90 where the offense involves methamphetamines, heroin, or possession with intent to sell or deliver or sell and deliver cocaine) to provide that if a prayer for judgment continued has been entered for an offense classified as either a Class G, H, or I felony, the prayer for judgment continued is subject to expunction under the procedures in the statute.

Criminal Law, Procedure, and
Sentencing

H 1044. MOTORCYCLE INSURANCE DISCOUNT/MILITARY. Filed 5/22/12. House committee substitute makes the following changes to 1st edition. Provides that the act applies to policies issued or renewed (was, applied to policies in force) on or after October 1, 2012.

Military and Veterans Affairs;
Transportation

H 1084. HOAS/PLANNED COMMUNITY ACT AMENDS. Filed 5/23/12. House committee substitute makes the following changes to 2nd edition. Deletes Part III of the act (amendments to taxation of property owned by associations). Makes a conforming change to the title.

Previously: Property, Land Use,
and Housing; Taxation
Now: Property, Land Use, and
Housing

H 1105. MODIFY TAXATION OF HOA PROPERTY (NEW). Filed 5/23/12. House committee substitute makes the following changes to 1st edition.

Deletes all provisions of previous edition and replaces them with *AN ACT TO SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS ASSOCIATIONS*.

Enacts new subsection (a1) to GS 105-277.8 (taxation of nonprofit homeowners' association property) to provide that the value of extraterritorial common property, which is real property meeting specified conditions and

owned by a nonprofit homeowners' association, is subject to taxation in the jurisdiction in which the property is entirely contained and only in the amount of the local tax of that jurisdiction. Makes conforming changes. Effective for taxes imposed for taxable years beginning on or after July 1, 2012.

Previously: Employment and Retirement
Now: Taxation

H 1138. DAVIDSON COUNTY DESIGN BUILD. Filed 5/24/12. House committee substitute makes the following changes to 1st edition. Limits Davidson County's use of the design-build method to up to five projects involving the construction or renovation of county-owned buildings. Increases the number of teams that the county must solicit for bids from three to five. Sets the act to expire on June 30, 2014.

Davidson

SENATE BILLS

S 141. LAW ENFORCEMENT/VARIOUS OTHER CHANGES (NEW). Filed 2/24/11. House committee substitute makes the following changes to 2nd edition.

Deletes all provisions in previous version and replaces them with *AN ACT TO CREATE NEW FELONY FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO INCREASE THE BENCHMARK FOR PUBLICLY BIDDING LOTTERY COMMISSION CONTRACTS, TO MODIFY THE LOTTERY COMMISSION CONFLICT OF INTEREST PROVISIONS, AND TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS.*

Current law makes first degree trespass a Class 2 misdemeanor. Amends GS 14-159.12 to make first degree trespass a Class I felony when committed on the premises of any of the following: (1) a facility owned or operated by an electric power supplier that is one of five specified types of facilities, (2) a dam or reservoir used to generate hydroelectric power, (3) a facility using water in a described manner for a public water system, or (4) a facility owned or operated by a natural gas local distribution company or related entity. Makes first degree trespass a Class H felony if one of the previously listed elements exists *and* the offense (1) is committed with the intent to disrupt the facility's operation, (2) involves risk of serious bodily injury, or (3) is committed by three or more people acting in concert. Applies to offenses committed on or after September 1, 2012.

Amends GS 15A-1413 (concerning trial judges' authority to act on motions for appropriate relief) to allow a senior resident superior court judge or chief district court judge discretion when assigning a motion for appropriate relief. Specifies that the motion must be assigned to the judge who presided at the trial or otherwise handled the case when possible. Makes conforming changes to GS 15A-1413 and GS 15A-1420. Amends GS 15A-1420 to set out the procedure and timeline to assign, review, and rule on a motion for appropriate relief in noncapital cases. Authorizes the court to grant an extension of time, up to 30 days, to comply with any requirement related to motions in noncapital cases. Requires in capital cases that the judge review the motion and enter an order directing the State to file its answer within 60 days of the date of the order. Requires the calendaring of the case for a hearing, if necessary, without unnecessary delay. Specifies that the parties may enter into an agreement for appropriate relief, including an agreement as to any aspect, procedural or otherwise, of a motion for appropriate relief. Applies to motions for appropriate relief filed on or after December 1, 2012.

Requires a law enforcement officer, where no initial appearance is required on the criminal moving violation when the citation is issued, to verbally notify the provisional licensee that the permit or license is subject to revocation and provide written notice of the revocation and hearing process (currently requires officer to execute report and take licensee before judicial official if permit or license is subject to revocation). Enacts new subsection (d1) to GS 20-13.3 to detail the procedure applicable when a revocation report is filed with the clerk of superior court and the provisional licensee is not present. Enacts new subsection (d2) to detail the hearing required before a magistrate or judge when the provisional licensee contests the validity of the revocation. Requires the judicial official to also personally inform the licensee of the right to such hearing when the report is filed and the licensee is present. Specifies the appropriate judicial official to receive the filed report. Makes conforming and clarifying changes. Applies to offenses committed on or after December 1, 2012.

Amends GS 18C-151 (concerning Lottery Commission contracts) to require contracts for \$300,000 (was, \$90,000) or more to meet the specified conditions. Clarifies the term *shareholders* in relation to awarded contracts.

Amends SL 2011-236 (concerning payable on death accounts) to clarify the procedure for entering such agreements, following the enactment of that law.

Courts; Criminal Law, Procedure,
and Sentencing

S 231. MUNICIPAL INCORPORATION STANDARDS (NEW). Filed 3/7/11. House committee substitute makes the following changes to 3rd edition. Amends GS 120-163(c) (concerning statement in petition listing the services that the proposed municipality will offer) to provide that in order to qualify for offering a service, the proposed municipality must either provide the service directly or through a contract in which the contracting party is compensated by the proposed municipality. Makes an exception for water distribution or wastewater treatment if the entire area of the proposed municipality is within the water and sewer authority or special district's service area. Deletes provision detailing requirements to be met in order for the proposed municipality to qualify for providing police protection.

Deletes proposed GS 160A-329 (extension of water or sewer service by other public entities near municipal limits). Makes a conforming deletion in the bill title.

Local Government

S 347. MENTAL HEALTH CRISIS MANAGEMENT (NEW). Filed 3/15/11. House committee substitute makes the following changes to 1st edition.

Deletes all provisions in the previous edition and replaces them with *AN ACT RELATING TO REASONABLE SAFETY AND CONTAINMENT MEASURES FOR MANAGING PATIENTS PENDING INVOLUNTARY COMMITMENT PLACEMENT*.

Enacts new GS 122C-263.2 to provide that an acute care hospital or other site of first examination that is not operating as a licensable mental health facility is not acting as a 24-hour facility; operating a psychiatric, substance abuse, or special care unit; offering psychiatric or substance abuse services; or acting as a mental health facility, when using reasonable safety or containment measures and precautions, as listed, to manage patients pending involuntary commitment placement.

Directs the Department of Health and Human Services to study specified LME activities related to acute care inpatient admissions and crisis services and to report quarterly to the General Assembly beginning October 1, 2012, and ending December 31, 2013.

Health, Social Services, and Aging

S 426. PUBLIC FINANCE LAWS/MUNICIPAL SERVICE DISTRICTS (NEW). Filed 3/24/11. House committee substitute makes the following changes to 3rd edition.

Removes the provisions that modified special assessments for critical infrastructure needs. Amends GS 160A-537(d) to permit a resolution defining a service district to be immediately effective if the resolution states that general obligation bonds *or special obligation bonds* may be authorized for the project. Makes conforming changes.

Local Government

S 572. COUNTY BROADBAND GRANTS (NEW). Filed 4/12/11. House committee substitute makes the following changes to 2nd edition.

Deletes all provisions in the previous version and replaces them with *AN ACT TO MAKE STATEWIDE THE AUTHORITY PREVIOUSLY GRANTED TO NASH COUNTY SO AS TO ALLOW COUNTIES TO PROVIDE GRANTS TO PROMOTE HIGH-SPEED INTERNET ACCESS SERVICE IN UNSERVED AREAS FOR ECONOMIC DEVELOPMENT AND TO MAKE OTHER CLARIFYING CHANGES*.

Amends SL 2011-163 to provide as title indicates. Requires a county to notify potential applicants of the grant, as indicated, and to consider requests for proposals from qualified private providers of high-speed Internet access service in the county before awarding a grant. Specifies that the act does not apply to any broadband grant process initiated by Nash County before June 1, 2012. Makes a conforming change.

Previously: Local Government;
Taxation

Now: Local Government;
Community and Economic
Development

S 647. MUTUAL INSURANCE HOLDING COMPANIES. Filed 4/18/11. House committee substitute makes the following changes to 2nd edition.

Deletes provision in proposed GS 58-10-300 (special financial requirements) that exempted mutual insurance holding companies' investments in subsidiaries from the restrictions on investment activities in GS 59-19-10. Adds a section, amending GS 58-31-40, to direct the Commissioner of Insurance to examine every state property for fire safety as often as required by NC Building Code Council fire code (previously required examination at least once a year). Makes a conforming change to the bill title.

Business and Commerce

S 656. RIGHT TO CHOOSE PHYSICAL THERAPIST. Filed 4/19/11. House committee substitute makes the following change to 2nd edition.

Changes the act's effective date from October 1, 2011, to October 1, 2012. Makes a technical change.

Health, Social Services, and Aging

S 749. VARIOUS MOTOR VEHICLE LAW CHANGES. Filed 4/19/11. House amendment makes the following changes to 3rd edition.

Amends proposed subsection (a1) to GS 136-89.213, concerning the collection of tolls and identifying information, to clarify that the Turnpike Authority must maintain the confidentiality of all information required to be kept confidential under federal law (adds federal law citation). Makes a conforming change, permitting the Authority to exchange the confidential information with specified entities.

Transportation; Agriculture,
Environment, and Natural
Resources

S 828. UNEMPLOYMENT INSURANCE CHANGES. Filed 5/17/12. House amendments make the following changes to 4th edition.

Amendment #1 amends GS 96-14(2) (concerning disqualification for benefits) to clarify and modify the definition and description for the term "misconduct connected with the work." Specifies that the listed examples are prima facie evidence of misconduct, which may be rebutted by the claimant. Restores, as an example, the failure to adequately perform employment duties as shown by at least three written reprimands in the year immediately preceding termination. Makes a technical change.

Amendment #2 removes language setting out General Assembly findings related to the Governor's Executive Orders, which extended unemployment insurance benefits.

Employment and Retirement

Legislation Enacted

SL 2012-31 (H 7). COMM. COLLEGES/OPT OUT OF FED'L LOAN PROGRAM. *AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM*. Summarized in *Daily Bulletin* 1/26/11 and 2/22/11. Enacted June 18, 2012. Effective July 1, 2011.

Education

SL 2012-32 (S 818). CLAY COUNTY COURTHOUSE. *AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY*. Summarized in *Daily Bulletin* 5/17/12. Enacted June 19, 2012. Effective June 19, 2012.

Clay

Index by Keyword

Agriculture, Environment, and Natural Resources

H 512, 3

S 749, 6

Banking and Finance

H 203, 2

Business and Commerce

S 647, 5

Children and Juvenile Law

H 737, 3

Clay

S 818, 6

Community and Economic Development

S 572, 5

Courts

S 141, 4

Criminal Law, Procedure, and Sentencing

H 1023, 3

H 203, 2

H 512, 3
S 141, 4
Davidson
H 1138, 3
Education
H 7, 6
Employment and Retirement
H 1105, 3
S 828, 6
Health, Social Services, and Aging
S 347, 5
S 656, 5
Local Government
H 438, 2
S 231, 5

S 426, 5
S 572, 5
Military and Veterans Affairs
H 1044, 3
Property, Land Use, and Housing
H 1084, 3
H 203, 2
Taxation
H 1084, 3
H 1105, 3
S 572, 5
Transportation
H 1044, 3
S 749, 6

Notes

None

NEXT SESSIONS

June 20, 2012

HOUSE convenes at 1:00 p.m.

SENATE convenes at 2:00 p.m.