

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 132

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Senate Legislative Day 132

Monday June 25, 2012

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 1228. [HONOR EDENTON'S 300TH ANNIVERSARY](#). Filed 6/25/12. *HONORING THE FOUNDERS OF THE TOWN OF EDENTON ON THE OCCASION OF THE TOWN'S THREE HUNDREDTH ANNIVERSARY.*

As title indicates.

Intro. by Spear.

JOINT RES

General Assembly

H 1229. [2012 UNC BOG VACANCY ELECTION](#). Filed 6/25/11. *TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING A PERSON TO FILL A VACANCY ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.*

As title indicates. Provides that the resolution is effective upon adoption.

Intro. by T. Moore.

HOUSE RES

General Assembly; Education

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Local Bills

None

ACTION ON BILLS**June 25, 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

#H0014 Use R&R Funds for 2011-2012 Medicaid Costs. 02-24-11, 06-07-11, 06-21-12	H Signed By Gov. 6/25/2012 HR Ch. SL 2012-57
H0512 Rendering Act Amendments. 05-19-11, 06-09-11, 06-15-11, 06-19-12	H Ratified
H0605 Expand Setoff Debt Collection Act. 05-18-11, 06-20-12	H Placed On Cal For 6/26/2012
H0853 End Ct. Orders/Est. Local Intake Procedures. 06-20-12	H Placed On Cal For 6/26/2012
H0953 Environmental Technical Corrections 2012. 06-21-12	H Passed 2nd & 3rd Reading
H0958 NC Zoo Public-Private Ptshp. 06-21-12	H Withdrawn From Cal H Re-ref Com On Rules, Calendar, and Operations of the House
H0964 North Carolina Longitudinal Data System. 06-12-12, 06-13-12, 06-21-12, 06-25-12	SA Amend Adopted 2 S Passed 2nd & 3rd Reading H Rec From Senate H Rec To Concur In S Amend 1 & 2 H Cal Pursuant Rule 36(b) H Placed On Cal For 6/26/2012
H0989 Permanent License Plates. 06-12-12	H Amend Failed 1 H Passed 3rd Reading
H1019 Honor Alan Dickson.	H Reptd Fav H Cal For Immediate Consid H Adopted
H1021 Justice Reinvestment Clarifications. 06-06-12	S Withdrawn From Cal S Placed On Cal For 6/26/2012
H1052 Mechanics Liens/Payment Bond Reforms.	S Rec From House S Passed 1st Reading

06-13-12, 06-20-12	S	Ref To Com On Judiciary I
H1073 UNCHCS Changes.	H	Withdrawn From Com
	H	Re-ref Com On Rules, Calendar, and Operations of the House
H1075 LME/MCO Governance.	S	Withdrawn From Cal
	S	Placed On Cal For 6/26/2012
06-05-12, 06-11-12, 06-21-12	S	Rec From House
H1084 HOAs/Planned Community Act Amends.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
06-13-12, 06-19-12, 06-20-12, 06-21-12	S	Passed 2nd & 3rd Reading
H1096 Simplify Beverage Contract Bids.	H	Rec From Senate
	H	Rec To Concur S Com Sub
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/26/2012
06-21-12	S	Rec From House
H1105 Modify Taxation of HOA Property	S	Passed 1st Reading
	S	Ref To Com On Finance
06-19-12, 06-20-12, 06-21-12	S	Rec From House
H1173 Absconding Prob. Violators Forfeit Benefits.	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
06-20-12	H	Placed On Cal For 6/26/2012
H1222 NC Symphony's 80th Anniversary.		
06-21-12	H	Passed 2nd & 3rd Reading
H1224 Honor Bill Ives.	S	Rec From House
	S	Passed 1st Reading
	S	Placed On Cal For 6/25/2012
	S	Passed 2nd & 3rd Reading
H1228 Honor Edenton's 300th Anniversary.	H	Filed
H1229 2012 UNC BOG Vacancy Election.	H	Filed
S0042 Mech. Liens/PVT Lien Agent.	S	Rec To Concur H Com Sub
	S	Re-ref Com On Judiciary I
03-28-11, 06-20-12, 06-21-12	S	Rec To Concur H Com Sub
S0094 PSAPS Tech Standards/Habitual Misd Larceny.	S	Placed On Cal For 6/26/2012
02-23-11, 06-09-11, 06-20-12	H	Conf Com Reported
S0105 Increase Penalty/Certain 2nd Degree Murders.	H	Placed On Cal For 6/26/2012
	S	Conf Com Reported
	S	Placed On Cal For 6/26/2012
04-20-11, 06-25-12	H	Postponed To 6/26/2012
S0133 Modernize Jury List Procedures.		
06-21-12	S	Concurred In H/com Sub
S0347 Mental Health Crisis Management.		
06-19-12		

S0382 Required Withholding For Nonresidents.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/26/2012
05-19-11, 06-25-12	
S0426 Public Finance Laws/Municipal Service Dists.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 6/25/2012 H Passed 2nd Reading
05-10-11, 05-18-11, 06-19-12	
S0444 Nonappropriated Capital Projects.	H Passed 3rd Reading
06-06-12, 06-14-12, 06-20-12	
S0447 Rewrite Landscape Contractor Laws.	H Withdrawn From Cal H Re-ref Com On Commerce and Job Development
06-07-11, 06-08-11, 06-21-12	
S0472 Kinston Public Enterprises.	H Withdrawn From Cal H Re-ref Com On Rules, Calendar, and Operations of the House
04-19-11, 06-21-12	
S0521 Rule in Dumpor's Case/Broker Price Opinions.	S Rec To Concur H Com Sub S Placed On Cal For 6/26/2012
05-02-11, 06-20-12	
S0572 County Broadband Grants.	S Concurred In H/com Sub
06-14-11, 06-19-12	
S0647 Mutual Insurance Holding Companies.	S Rec To Concur H Com Sub S Placed On Cal For 6/26/2012
06-07-11, 06-19-12	
S0656 Right to Choose Physical Therapist.	S Concurred In H/com Sub
06-09-11, 06-19-12	
S0661 Audit Roanoke Island Commission and Friends.	S Rec To Concur H Com Sub S Placed On Cal For 6/26/2012
05-10-11, 06-20-12	
S0699 Courts and Invetigations.	H Passed 2nd Reading
06-21-12	
S0803 Retirement Administrative Changes.	H Postponed To 6/26/2012
06-06-12, 06-20-12	
S0804 Retirement Technical Changes.	H Passed 2nd & 3rd Reading
S0810 Regulatory Reform Act of 2012.	S Rec To Concur H Com Sub S Placed On Cal For 6/26/2012
05-24-12, 05-30-12, 05-31-12, 06-04-12, 06-14-12, 06-20-12, 06-21-12	
S0815 Reform Workforce Development.	H Passed 2nd & 3rd Reading
S0821 Study and Amend Fisheries Laws.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 6/26/2012
06-11-12, 06-20-12, 06-25-12	
S0828 Unemployment Insurance Changes.	S Conf Com Reported S Placed On Cal For 6/26/2012 H Conf Com Reported H Placed On Cal For 6/26/2012
06-06-12, 06-07-12, 06-13-12, 06-19-12, 06-25-12	
S0836 Improve Property Insurance Rate Making.	H Reptd Fav H Cal Pursuant Rule 36(b)

06-06-12, 06-11-12	H	Placed On Cal For 6/26/2012
S0909 Increase Deduction for Rescue Workers.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
S0951 Cleveland County Corr. Facil. Prop Transfer.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 6/25/2012
	HF	Failed 2nd Reading
	H	Reconsidered 2nd Reading
	H	Postponed To 6/26/2012
06-20-12, 06-25-12		
S0958 Honor Jim Forrester.	H	Passed 2nd & 3rd Reading
S0959 Welcome Home Vietnam Veterans Day.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate

LOCAL BILLS

H0156 Lenoir Fox Trapping.	S	Withdrawn From Com
	S	Re-ref Com On Judiciary I
03-30-11		
H0180 Wilmington Voluntary Annexations.	S	Passed 3rd Reading
	H	Rec From Senate
	H	Rec To Concur S Com Sub
	H	Held As Material
	H	Ref To Com On Rules, Calendar, and Operations of the House
06-05-12, 06-20-12		
H0552 Asheville Airport/WNC Agricultural Center.	S	Withdrawn From Cal
	S	Placed On Cal For 6/26/2012
04-21-11, 06-02-11, 06-03-11, 06-06-11, 06-07-12		
H0987 Wake Tech Board of Trustees.	S	Withdrawn From Com
	S	Re-ref Com On State and Local Government
H1032 Morganton Deannexation.	S	Passed 3rd Reading
H1071 Wake School Board Organizational Meeting.	S	Withdrawn From Com
	S	Re-ref Com On State and Local Government
06-11-12		
H1088 Graham/Swain TVA Allocation/Border.	S	Passed 3rd Reading
H1138 Davidson County Design Build.	H	Concurred In S/Com Sub
06-19-12		
H1212 Wake/Chatham Local Act.	S	Withdrawn From Com
	S	Re-ref Com On State and Local Government
06-07-12, 06-11-12		
H1215 Henderson County Occupancy Tax Changes.	H	Passed 3rd Reading
06-21-12		
S0876 Mooresville Deannexation.	S	Passed 3rd Reading
	H	Rec From Senate
	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of

	the House
S0900 Surf City Deannexation.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/26/2012
S0901 Ocean Isle Beach Satellite Annexations.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 6/26/2012
S0905 Currituck CAMA Setback Req'ts./Grandfather.	H Withdrawn From Cal
	H Re-ref Com On Rules, Calendar, and Operations of the House
S0919 Carteret Commissioner Election.	H Passed 2nd & 3rd Reading
S0932 Union County Construction Methods.	H Passed 2nd & 3rd Reading
06-07-12	
S0934 Lower Cape Fear Design-Build.	H Passed 2nd & 3rd Reading
S0939 Fayetteville Review Board.	H Postponed To 6/26/2012
06-21-12	
S0949 Town of Boone/ETJ.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
06-07-12	

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 964. [NC LONGITUDINAL DATA SYSTEM](#). Filed 5/16/12. Senate amendment makes the following change to 3rd edition, as amended.

Amendment #2 modifies proposed subdivision (43) of GS 105-259(b), to clarify disclosure of certain information to the NC Longitudinal Data System.

Education

SENATE BILLS

S 105. [INCREASE PENALTIES/MURDER AND DWI DEATHS \(NEW\)](#). Filed 2/22/11. Conference report recommends the following changes to 2nd edition to reconcile matters in controversy.

Adds whereas clauses declaring that the state must prove malice to obtain a second degree murder conviction, recognizing that North Carolina case law provides that malice may be shown in three different ways, and enumerates the three different ways of showing malice.

Amends proposed GS 14-17(b) to define second degree murder as any murder other than that which is defined as first degree murder in GS 14-17(a) or murder of an unborn child in GS 14-23.2. Declares that any person who commits second degree murder is to be punished as a Class B1 felon; however, clarifies the exceptions that permit a person convicted of murder in the second degree to be punished as a Class B2 felon.

Amends GS 20-141.4(b) regarding felony death by vehicle as follows: (1) makes repeat felony death by vehicle a Class B2 felony, (2) directs the court to sentence a defendant convicted of aggravated felony death by vehicle in the aggravated range of the appropriate Prior Record Level in spite of the provisions of GS 15A-1340.17, and (3) makes felony death by vehicle a Class D (was, Class E) felony and authorizes intermediate punishment for a defendant who is a Prior Record Level 1 offender notwithstanding the provisions of GS 15A-1340.17. Makes a conforming change to GS 20-141.4(a6). Amends the title to reflect added bill content.

Effective December 1, 2012, and applies to offenses committed on or after that date.

Criminal Law, Procedure, and
Sentencing

S 382. AMEND WATER SUPPLY/WATER QUALITY LAWS (NEW). Filed 3/21/11. House committee substitute makes the following changes to 2nd edition.

Deletes all the provisions in the previous edition and replaces them with *AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE*.

Enacts new GS 160A-329, prohibiting a city from denying water and sewer service to a property owner in an urban growth area for reasons not applied to property owners within the city's corporate limits. Permits the city to charge the property owner up to twice the rate for services and the cost of necessary infrastructure improvements.

Sets out directives regarding a specified rule for Jordan Lake new development, including delaying the implementation of a local stormwater management program until the later of August 10, 2013, within three months of the date when the Rules Review Commission approves a local program, or when the Division of Water Quality first renews a NPDES stormwater permit.

Previously: Taxation
Now: Agriculture, Environment,
and Natural Resources; Local
Government

S 821. STUDY AND AMEND FISHERIES LAWS. Filed 5/17/12. House committee substitute makes the following changes to 3rd edition.

Among other things, previous version directed specified entities to study the reorganization of fish and wildlife management in the state. New version directs those entities to study the reorganization of *fisheries management* in the state. Makes conforming changes.

Agriculture, Environment, and
Natural Resources

S 828. UNEMPLOYMENT INSURANCE CHANGES. Filed 5/17/12. Conference report recommends the following change to 5th edition to reconcile matters in controversy.

Restores a provision, previously deleted by amendment, stating that any executive order issued by the Governor to extend unemployment insurance benefits is void ab initio, unless authorized by the General Assembly or the U.S. Congress. Applies retroactively to January 1, 2012.

Employment and Retirement

S 951. CLEVELAND CTY. PROP TRANSFER/ABC DEF. (NEW). Filed 5/30/12. House committee substitute makes the following changes to 2nd edition.

Corrects the identification of the parcel to be conveyed by the state to the Board of Trustees of Cleveland Community College. Effective July 1, 2014.

Rewrites GS 18B-101(7b) to amend the definition of a *historic ABC establishment*. Makes conforming changes to the title.

Except as otherwise indicated, effective when the act becomes law.

Previously: Cleveland
Now: Cleveland; Alcoholic
Beverage Control

Legislation Enacted

SL 2012-47 (S 859). PILOT MOUNTAIN/DOBSON EVEN-YEAR ELECTIONS. *AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN EVEN-NUMBERED YEARS.* Summarized in *Daily Bulletin* 5/22/12, 6/5/12, and 6/14/12. Enacted June 21, 2012. Effective June 21, 2012.

Surry

SL 2012-48 (H 1018). YADKIN VALLEY CAREER ACADEMY. *AN ACT TO AUTHORIZE APPROVAL OF THE YADKIN VALLEY REGIONAL CAREER ACADEMY AS A COOPERATIVE INNOVATIVE HIGH SCHOOL*

FOR THE 2012-2013 SCHOOL YEAR. Summarized in *Daily Bulletin* 5/21/12. Enacted June 21, 2012. Effective June 21, 2012.

Education; Davidson

SL 2012-49 (H 1107). [GRANVILLE COUNTY ABC PROFITS DISTRIBUTION MOD.](#) AN ACT AMENDING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROFITS IN GRANVILLE COUNTY. Summarized in *Daily Bulletin* 5/23/12. Enacted June 21, 2012. Effective June 21, 2012.

Granville

SL 2012-50 (H 1108). [BUTNER PUBLIC SAFETY AUTHORITY CHANGES.](#) AN ACT TO MAKE MODIFICATIONS TO THE BUTNER PUBLIC SAFETY AUTHORITY. Summarized in *Daily Bulletin* 5/23/12. Enacted June 21, 2012. Effective June 21, 2012.

Granville

SL 2012-51 (H 1133). [REVISE PENDER COUNTY COMMISSIONER DISTRICTS.](#) AN ACT TO REVISE PENDER COUNTY COMMISSIONER DISTRICTS. Summarized in *Daily Bulletin* 5/24/12. Enacted June 21, 2012. Effective beginning with the 2014 primary and general election.

Pender

SL 2012-52 (H 1205). [AMEND TRESPASS/GRANVILLE COUNTY.](#) AN ACT TO MAKE IT UNLAWFUL TO GO ON CERTAIN POSTED PROPERTY WITHOUT WRITTEN PERMISSION. Summarized in *Daily Bulletin* 5/30/12. Enacted June 21, 2012. Effective October 1, 2012.

Granville

SL 2012-53 (H 224). [FOXFIRE VILLAGE ASSESSMENT VALIDATED.](#) AN ACT TO VALIDATE A SPECIAL ASSESSMENT LEVIED BY FOXFIRE VILLAGE. Summarized in *Daily Bulletin* 3/2/11. Enacted June 21, 2012. Effective June 21, 2012.

Moore

SL 2012-54 (H 943). [DAVIDSON COUNTY ANNEXATIONS.](#) AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY. Summarized in *Daily Bulletin* 5/16/12. Enacted June 21, 2012. Effective June 21, 2012.

Davidson

SL 2012-55 (H 1207). [GRANVILLE/PERSON LOCAL STORMWATER FEES.](#) AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES. Summarized in *Daily Bulletin* 5/30/12. Enacted June 21, 2012. Effective June 21, 2012.

Granville; Person

SL 2012-56 (S 816). [BANKING LAW MODERNIZATION ACT.](#) AN ACT TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS. Summarized in *Daily Bulletin* 5/17/12, 5/23/12, and 6/4/12. Enacted June 21, 2012. Effective October 1, 2012, except as otherwise provided.

Banking and Finance

SL 2012-57 (H 14). [USE R&R FUNDS FOR 2011-2012 MEDICAID COSTS.](#) AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO USE REPAIRS AND RENOVATIONS FUNDS TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR. Summarized in *Daily Bulletin* 6/21/12. Enacted June 25, 2012. Effective June 25, 2012.

Budget and Appropriations; Health,
Social Services, and Aging

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Notes

None

NEXT SESSIONS

June 26, 2012**HOUSE convenes at 2:00 p.m.****SENATE convenes at 2:00 p.m.**