

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 138

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Senate Legislative Day 138

Tuesday, July 3, 2012

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SUMMARIES OF BILLS FILED

Public Bills

None

Local Bills

None

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ACTION ON BILLS**July 3, 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

*H0032 Electoral Freedom Act of 2011. S Withdrawn From Com
S Placed On Cal For 7/3/2012
SA Amend Adopted 1
SF Failed 2nd Reading

06-03-11, 07-03-12

H0054 Habitual Misdemeanor Larceny. SA Conf Report Adopted
H Conf Com Reported
H Placed On Cal For 7/3/2012
HA Conf Report Adopted
H Ratified

03-09-11, 05-11-11, 05-16-11, 05-23-12, 07-02-12, 07-03-12

H0203 Mortgage Satisfaction Forms/
No False Liens. H Ratified
H Pres. To Gov. 7/3/2012

06-07-12, 06-19-12, 06-27-12, 07-02-12

H0244 State Health Plan/Add
Schools; Whistleblowers. H Pres. To Gov. 7/3/2012

06-07-11, 06-06-12, 06-07-12, 07-02-12

H0320 Water Resources Flexibility. H Pres. To Gov. 7/3/2012

06-28-12

H0457 Municipal Electric Utilities/
Rate Hearings. H Pres. To Gov. 7/3/2012

06-08-11, 06-28-12

H0462 Contingency Contracts For
Audits/Assessments. H Concurred In S/Com Sub
H Ratified
H Pres. To Gov. 7/3/2012

06-07-12, 06-12-12, 06-18-12

H0494 Continuous Alcohol Monitoring
Law Changes. H Pres. To Gov. 7/3/2012

05-25-11, 06-08-11, 06-29-12

H0572 Accountability for Publicly
Funded Nonprofits. H Pres. To Gov. 7/3/2012

05-16-11, 05-19-11, 06-28-12

H0585 Vehicle Emissions Inspections. SA Conf Report Adopted
H Conf Com Reported
H Placed On Cal For 7/3/2012
HA Conf Report Adopted
H Ratified

05-12-11, 06-14-11, 06-28-12, 07-02-12, 07-03-12

H0614 Enact Volunteer Health Care
Services Act. H Withdrawn From Com
H Placed On Cal For 7/3/2012
H Concurred In S/Com Sub
H Ratified

04-12-11, 06-07-12, 06-14-12
H0799 Licensure by Endorsement/
Military/Spouses. H Pres. To Gov. 7/3/2012

06-03-11, 06-06-11, 06-07-12, 06-28-12
H0819 Coastal Management Policies. HA Conf Report Adopted
H Ratified

04-21-11, 06-11-12, 06-12-12, 07-02-12
H0837 Completion of CPR by Students H Pres. To Gov. 7/3/2012
Required.

05-31-11, 06-28-12
H0914 AEDs in State Buildings. H Pres. To Gov. 7/3/2012
06-28-12

H0953 Amend Environmental Laws 2. H Concurred In S Amend 1
H Concurred In S/Com Sub
H Ratified
H Pres. To Gov. 7/3/2012

06-21-12, 06-28-12
H1023 Expunction/Nonviolent H Pres. To Gov. 7/3/2012
Offenses.

06-13-12, 06-18-12, 06-19-12
H1077 PPP Pilot Toll Project/Ferry SA Amend Adopted 1
Tolls. S Passed 3rd Reading
H Rec From Senate
H Rec To Concur In S Amend 1
H Rec To Concur S Com Sub
H Placed On Cal For 7/3/2012
H Concurred In S Amend
H Concurred In S/Com Sub
H Ratified

06-26-12, 06-27-12, 07-02-12, 07-03-12
H1173 Absconding Prob. Violators H Pres. To Gov. 7/3/2012
Forfeit Benefits.

06-20-12, 06-28-12
S0141 Law Enforcement/Various Other S Pres. To Gov. 7/3/2012
Changes.

04-13-11, 06-19-12, 06-27-12, 06-28-12
S0187 Modifications/2012 S Conf Com Reported
Appropriations Act. S Placed On Cal For 7/3/2012
SA Conf Report Adopted
HA Conf Report Adopted
S Ratified

04-06-11, 06-27-12, 06-28-12, 07-03-12
S0191 LME Governance. SA Conf Report Adopted
H Conf Rpt Recon/Withdrawn
H Conf Com Reported
H Placed On Cal For 7/3/2012
HA Conf Report Adopted
S Ratified
S Pres. To Gov. 7/3/2012

03-21-11, 06-26-12, 07-02-12, 07-03-12
S0229 Amend Environmental Laws 2012. S Withdrawn From Com
S Placed On Cal For 7/3/2012
SA Conf Report Adopted
S Ratified
S Pres. To Gov. 7/3/2012

05-03-11, 06-11-12, 06-12-12, 06-13-12, 06-18-12, 06-28-12

S0382 Amend Water Supply/Water Quality Laws.	S Reconsidered Adoption S Placed On Cal For 7/3/2012 SF Conf Report Failed H Withdrawn From Cal H Re-ref Com On Rules, Calendar, and Operations of the House
05-19-11, 06-25-12, 06-26-12, 07-02-12	
S0525 Critical Access Behavioral Health Agencies.	S Pres. To Gov. 7/3/2012
05-12-11, 06-13-12, 07-02-12	
S0635 Minors/Sentencing for 1st Degree Murder.	S Ratified
06-02-11, 07-02-12	
S0707 School Violence Prevention Act.	S Ratified
06-07-11, 06-13-12, 06-18-12, 07-02-12	
S0847 GSC Technical Corrections/ Other Changes.	S Rec To Concur H Com Sub S Placed On Cal For 7/3/2012 S Failed Concur In Com Sub S Conf Com Appointed H Conf Com Appointed S Conf Com Reported S Placed On Cal For 7/3/2012 SA Conf Report Adopted H Conf Com Reported H Placed On Cal For 7/3/2012 HA Conf Report Adopted S Ratified
06-27-12, 06-28-12, 07-02-12, 07-03-12	
S0910 Sale of a Minor/Felony Offense.	HA Conf Report Adopted S Ratified
06-11-12, 06-27-12, 06-28-12, 07-02-12	
#S0961 Adjournment Sine Die.	H Passed 2nd & 3rd Reading S Ratified SR Ch. Res 2012-12

LOCAL BILLS

H1215 Henderson County Occupancy Tax Changes.	HA Conf Report Adopted H Ratified
06-21-12, 06-27-12, 06-28-12, 07-02-12	
S0227 School Bus Crash Reports Name Disclosure.	S Ratified S Pres. To Gov. 7/3/2012
03-16-11, 06-28-12, 07-02-12	
S0905 Currituck CAMA Setback Req'ts./Grandfather.	H Withdrawn From Cal H Re-ref Com On Rules, Calendar, and Operations of the House

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 32. ELECTORAL FREEDOM ACT OF 2011. Filed 2/2/11. Senate amendment makes the following change to 2nd edition. Changes the effective date of the act to January 1, 2013 (was, January 1, 2012).

Elections Law

H 1077. PPP PILOT TOLL PROJECT/FERRY TOLLS. Filed 5/22/12. Senate amendment makes the following change to 4th edition.

Deletes provision that prohibited the Department of Transportation from collecting increased ferry tolls in 2012-13 and that reallocated specified funds.

Transportation

SENATE BILLS

S 187. MODIFICATIONS/2012 APPROPRIATIONS ACT. Filed 3/2/11. Conference report recommends the following changes to 5th edition to reconcile matters in controversy.

Part I. General Provisions.

Decreases the reductions from the General Fund allocations to the Department of Commerce as follows: (1) reduces the reduction from the Rural Economic Development Center to \$1,757,535 (was, \$3,757,535) and (2) reduces the reduction from Commerce State Aid to \$217,540 (was, \$1,217,540) resulting in a total appropriation from the General Fund for Total Current Operations of \$240,413,109 (was, \$237,413,109).

Amends the amounts for General Fund availability used in adjusting the 2012-13 budget by increasing anticipated reversions and increasing the diversion of Golden L.E.A.F Funds. Makes conforming changes to adjust subtotals and revise the total General Fund Availability for 2012-13.

Amends Section 2.2(e) of SL 2011-145, as amended, to transfer \$24,313,760 to the General Fund for the 2012-13 fiscal year from the annual installment payments to the North Carolina State Specific Account that would have been transferred to The Golden L.E.A.F. Inc.

Amends Section 5.3(d) of SL 2012-142 to direct that regardless of GS 18C-164(f) or any other provision of law, excess lottery receipts from the 2011-12 fiscal year in the amount of \$32,133,641 (was, \$25,588,370) are to be allocated for UNC Need-Based Financial Aid.

Part II. Education.

Deletes provision that repealed Section 7.18 (Budgeting of Position Allotments) of House Bill 950, 2012 Regular Session, if that act became law.

Amends Section 7.21(a) of SL 2011-145, as amended, to make the provision applicable for fiscal year 2012-13 (was, 2011-12) and to provide that regarding maximum flexibility for local school administrative units in the spending of state funds, including transfers of funds, for funds related to classroom teacher positions, the salary transferred must be based on the step corresponding to six years of experience on the "A" Teachers salary schedule (was, based on the first step of the Teachers salary schedule). Makes a conforming change to Section 7.18(b) of SL 2012-142. Limits application of this section to the 2012-13 fiscal year only. Provides that it is the intent of the General Assembly in subsequent fiscal years that all transfers of teacher and instructional support personnel positions be based on step zero of the "A" Teachers salary schedule.

Amends GS 115C-84.2 to provide that a school calendar is to include a minimum of 185 days or 1,025 instructional hours (was, a minimum of 185 days and 1,025 instructional hours). Deletes provision authorizing the State Board of Education to grant a waiver to a local board of education to use up to five of the required instructional days as teacher workdays. Makes additional conforming changes.

Provides that except for year round schools, the opening school date for students must be no earlier than the Monday closest to August 26 (was, no earlier than August 25), and the closing date for students must not be later than the Friday closest to June 11 (was, no later than June 10). Makes exceptions to the opening and closing requirements based on *good cause*, defined as meaning schools that have been closed eight days (was, also applied to schools closed for all *or part* of eight days) per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.. Deletes the option of a waiver of this requirement for an *educational purpose*.

Amends GS 115C-238.53 (regarding Cooperative Innovative High School Programs) to provide that a program approved under Part 9 of GS 115C is to provide instruction for at least 185 days or 1,025 instructional hours each school year; however, provides that the requirements of GS 115C-84.2 do not apply to the school calendar of a program approved under Part 9.

Provisions in this section apply beginning with the 2013-14 school year.

Part III. Health and Human Services.

Deletes sections included in previous edition that made changes to provisions concerning the appropriation for READ NC; psychiatric beds; local health department initiatives; and Medicaid funding. Clarifies, in Section 10.23A(f) (Transitions to Community Living Initiative), that the Department of Health and Human Services (DHHS) may make the monthly payment from the \$39,700,000 designated for implementation of the State's plan, and makes other clarifying changes. Clarifies that Section 10.9F(c) (concerning Medicaid recipients eligible for personal care services) becomes effective January 1, 2013 (was, subsections (c) and (d)).

Part IV. Natural and Economic Resources

Repeals Section 13.12A (concerning the Biofuels Center of NC) of the Modify 2011 Appropriations Act. Adds sections to the Modify 2011 Appropriations Act to: appropriate \$1 million for 2012-13 in nonrecurring funds to the Regional Economic Development Commissions; repeal Sections 13.13 (Rural Center/Rural Jobs Fund), 13.13A (Rural Economic Development Center), and 13.14A (Opportunities Industrialization Centers Funds); and allocate an additional \$2 million for 2012-13 to the Rural Economic Development Center. Makes technical changes.

Part V. General Government

Makes a technical change.

Part VI. Transportation

Modifies the appropriation in Section 24.18(b) of the Modify 2011 Appropriations Act to redirect specified funds allocated to the Department of Transportation. Makes technical changes.

Part VI-A. Capital Appropriations

Adds an appropriation of \$1,373,330 from the General Fund to the Department of Public Safety for the Greensboro Readiness Center Renovation and Expansion, as specified. Deletes amendment to Section 18.2 (federal grant matching funds) in the Appropriations Act of 2011.

Part VI-B. Salaries and Benefits

Adds new Section 25.5 to the Modify 2011 Appropriations Act to allow full-time, permanent state employees, who meet specified conditions, five additional days of annual leave, as detailed.

Makes additional technical and clarifying changes.

Budget and Appropriations

S 191. LME GOVERNANCE. Filed 3/2/11. Conference report adopted by both the House and Senate recommends the following changes to 4th edition to reconcile matters in controversy. Amends GS 122C-118.1 to permit a board of county commissioners in a multicounty area with a catchment population of at least 1.25 million to appoint members of the area board in a manner other than that set out in statute, subject to approval from the Secretary, by January 1, 2013. Extends to October 1, 2013 (was, July 1, 2013) the date by which all area boards must meet the requirements of GS 122C-118.1.

Health, Social Services, and Aging

S 847. GSC TECHNICAL CORRECTIONS/OTHER CHANGES. Filed 5/21/12. Conference report recommends the following changes to 4th edition to reconcile matters in controversy.

Recedes from Amendment #4, which made specified changes to House Bill 177, Clean Energy Transportation Act; provided for electric vehicle charging stations; and included a study requirement. Recedes from Amendment #7, which made amendments to GS 143-59 concerning price preference for resident bidders.

Deletes amendments made to GS 143-59 concerning preference given to resident bidders. Deletes provision that repealed provisions providing for electric vehicle charging stations in House Bill 177. Deletes provisions that amended language in House Bill 950, Modify 2011 Appropriations Act, concerning tolls on Interstate 95.

Business and Commerce; Children and Juvenile Law; Courts; Criminal Law, Procedure, and Sentencing; Education; Elections Law; Employment and Retirement; Energy and Utilities; General Assembly; Health, Social Services, and Aging; Local Government; Property, Land Use, and Housing; State Government; Taxation; Transportation; Trusts, Estates, and Wills

Legislation Enacted

SL 2012-142 (H 950). [MODIFY 2011 APPROPRIATIONS ACT.](#) AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES. Enacted July 2, 2012. Effective July 1, 2012, except as otherwise provided.

Budget and Appropriations

SL 2012-143 (S 820). [CLEAN ENERGY AND ECONOMIC SECURITY ACT.](#) AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY. Summarized in *Daily Bulletin* 5/17/12, 6/5/12, 6/13/12, and 6/14/12. Enacted July 2, 2012. Sections 1(a)–(h), 2(a)–(n), 3(a)–(d), and 6(a) and (b) are effective August 1, 2012. Sections 4(g) and 5 are effective October 1, 2012. The remainder is effective July 2, 2012.

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

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Notes

This will be the last regular issue of the *Daily Bulletin*. The School of Government will publish additional *Daily Bulletins* as needed to report final action on bills pending approval of the Governor. The next *Daily Bulletin* will be published when the General Assembly convenes for an organizational session on January 9, 2013 (provided that S847 becomes law). We will resume regular publication of the *Daily Bulletin* when the General Assembly convenes on January 30, 2013.

The North Carolina Constitution provides that the Governor has thirty days to consider legislation presented in the last ten days of a legislative session. Any bills not acted on become law at the end of that period. If the Governor should veto a bill, the General Assembly must reconvene within forty days after adjournment for the sole purpose of reconsidering the vetoed bill (unless a majority of members of each chamber state in written requests that such a session is not necessary).

The summaries from the Daily Bulletin are available to subscribers online at <http://www.dailybulletin.unc.edu/>. The summaries are compiled by bill number so that entering a bill number retrieves a document with a summary of the original bill and each amendment, committee substitute, and conference report for that bill. This service covers the legislative sessions from 1987 through the present. The current session's *Daily Bulletins* are also available at the same site. Subscribers will need a username and password to access these online documents. Please e-mail Christine Wunsche at christinew@ncleg.net to receive yours.

NEXT SESSIONS

January 30, 2013

HOUSE convenes at 12:00 p.m.

SENATE convenes at 12:00 p.m.