

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 97

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Senate Legislative Day 97

Monday, September 12, 2011

Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	2
Action on Bills _____	2
Summaries of Amendments and Committee Substitutes _____	3
Legislation Enacted _____	5
Index by Keyword _____	5
Notes _____	5
Next Sessions _____	6

SUMMARIES OF BILLS FILED

Public Bills

SENATE BILLS

S 792. [ADJOURNMENT RESOLUTION](#). Filed 9/12/11. *FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.*

Provides that the Senate and House of Representatives will adjourn on Wednesday, September 14, 2011, and reconvene on Monday, November 7, 2011, at noon. Limits the matters that may be considered during the reconvened session to the following: (1) US Congress and General Assembly redistricting and related matters, as listed; (2) veto overrides on bills returned by the Governor; (3) election laws bills; (4) bills concerning a Tribal Compact; (5) bills addressing natural disasters; and (6) a joint resolution further adjourning the 2011 Regular Session.

Intro. by Apodaca.

JOINT RES

General Assembly

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Local Bills

None

ACTION ON BILLS**September 12, 2011**

- 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

H0335 Maintenance of Prisons. 04-13-11, 06-14-11, 07-28-11	S Withdrawn From Cal
H0823 Governance of the Dep't of Public Instruction.	S Withdrawn From Com S Re-ref Com On Judiciary I S Reptd Fav Com Substitute SA Com Substitute Adopted S Placed On Cal For 9/12/2011 SA Amend Adopted 1 S Passed 2nd & 3rd Reading S Engrossed H Rec To Concur S Com Sub H Placed On Cal For 9/13/2011
05-24-11, 05-25-11, 09-12-11	
S0354 Rental Property/Lithium Battery Smoke Alarms.	H Withdrawn From Com H serial referral stricken bill is re-referred to Rules, Calendar, and Operations of the House HA Reptd Fav Com Substitute H Placed On Cal For 9/13/2011
05-04-11, 09-12-11	
S0514 Nutrient Management Plan Only For NSW.	H Withdrawn From Com H Re-ref Com On Rules, Calendar, and Operations of the House HA Reptd Fav Com Sub No, 2 H Cal For Immediate Consid H Amend Failed 1 H Passed 2nd & 3rd Reading S Rec To Concur H Com Sub S Placed On Cal For 9/13/2011
06-15-11, 09-12-11	

S0580 AOC Omnibus Courts Act.	S	Withdrawn From Cal
	S	Conf Com Appointed
	H	Withdrawn From Cal
	H	Conf Com Appointed
	H	Conf Com Reported
	S	Conf Com Reported
	H	Held As Material
	H	Placed On Cal For 9/13/2011
06-07-11, 06-16-11, 07-28-11, 09-12-11		
S0792 Adjournment Resolution.	S	Filed
	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
	S	Reptd Fav

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 823. [SPEAKER/PRO TEM TERM LIMITS \(NEW\)](#). Filed 4/6/11. Senate committee substitute deletes the provisions of the 3rd edition and replaces them with *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO SERVICE FOR FOUR CONSECUTIVE TWO-YEAR TERMS IN THOSE OFFICES*. Subject to approval by the voters at the November 6, 2012, general election, adds a new provision under Section 15 of Article II of the North Carolina Constitution, prohibiting a person from serving as Speaker of the House of Representatives (Speaker) for more than four consecutive General Assemblies. Provides that only service as Speaker for any part of an odd-numbered year constitutes service as Speaker for that General Assembly for the purposes of Section 15, as amended.

Subject to approval by the voters at the November 6, 2012, general election, adds a new provision under Section 14 of Article II of the North Carolina Constitution, prohibiting a person from serving as President Pro Tempore (President Pro Tem) for more than four consecutive General Assemblies. Provides that only service as President Pro Tem for any part of an odd-numbered year constitutes service as President Pro Tem for that General Assembly for the purposes of Section 14, as amended.

Provides that if the majority vote is in favor of the proposed amendments that (1) the State Board of Elections is to certify the amendments to the Secretary of State, and (2) the amendments become effective upon certification.

Previously: Constitutional
Amendment; Education
Now: Constitutional Amendment;
General Assembly

H 823. SPEAKER/PRO TEM TERM LIMITS. Filed 4/6/11. Senate amendment makes the following changes to 4th edition. Provides that for the purpose of calculating the four consecutive terms limitation for the Speaker of the House of Representatives (Speaker), service as Speaker in any part of a two-year term of the General Assembly is counted as service as Speaker in that General Assembly (was, provided that only service as Speaker for any part of an odd-numbered year constituted service as Speaker for that General Assembly).

Provides that for the purpose of calculating the four consecutive terms limitation for the President Pro Tempore of the Senate (President Pro Tem), service as President Pro Tem in any part of a two-year term of the General Assembly is counted as service as President Pro Tem in that General Assembly (was, provided that only service as President Pro Tem for any part of an odd-numbered year constituted service as President Pro Tem for that General Assembly).

Deletes proposed amendments to Sections 14 and 15 of Article II of the NC Constitution, which provided that the initial convening of a regular session of the General Assembly after the members' terms begin constitutes a new General Assembly for the purposes of Section 14 and 15 of Article II.

Constitutional Amendment;
General Assembly

SENATE BILLS

S 354. FURTHER MODIFY 2011 APPOINTMENTS BILL (NEW). Filed 3/16/11. House committee substitute deletes all provisions of 2nd edition and replaces with *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2011 APPOINTMENTS BILL*. Adds two appointments, upon recommendation of the President Pro Tempore, and two appointments, upon recommendation of the Speaker, to specified boards and commissions. Further amends SL 2011-176 and SL 2011-406 to modify appointees and effective and term dates.

Previously: Property, Land Use,
and Housing
Now: General Assembly

S 514. DEFENSE OF MARRIAGE (NEW). Filed 4/5/11. House committee substitute deletes all provisions of 2nd edition and replaces them with *AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE BETWEEN ONE MAN AND ONE WOMAN IS THE ONLY DOMESTIC LEGAL UNION THAT SHALL BE VALID OR RECOGNIZED IN THIS STATE*. Subject to a vote at the statewide election held on the first primary in 2012, enacts new Section 6 to Article 14 of the North Carolina Constitution. States that marriage between one man and one woman is the only domestic legal union that is valid or recognized in North Carolina. Specifies that a private party is not prohibited from entering into contracts with another private party, and provides that courts may adjudicate rights pursuant to such contracts.

Previously: Agriculture,
Environment, and Natural
Resources
Now: Constitutional Amendment;
Family Law

S 580. [AOC OMNIBUS COURTS ACT](#). Filed 4/12/11. Conference report recommends the following changes to 2nd edition, as amended, to reconcile matters in controversy.

The conference report, reported in and digested on 7/28/11, is withdrawn. New conference report amends GS 105-130.5A, as enacted by SL 2011-390 (concerning forced combinations), allowing the Secretary of Revenue (Secretary) and a corporation to jointly determine and agree to an alternative filing method that accurately reports state net income if the Secretary believes that the corporation's state net income properly attributable to business carried on in North Carolina is not accurately reported on the required, separate return because of intercompany transactions, without making a finding that such transactions lack economic substance or are not at fair market value. Authorizes the Secretary to allow any reasonable method to redetermine the corporation's state net income. Makes clarifying changes to the effective dates for provisions in SL 2011-390. Makes conforming changes to the bill title.

Previously: Courts; Criminal Law, Procedure, and Sentencing; Elections Law; Employment and Retirement; Property, Land Use, and Housing; Trusts, Estates, and Wills; Family Law
Now: Courts; Criminal Law, Procedure, and Sentencing; Elections Law; Employment and Retirement; Property, Land Use, and Housing; Trusts, Estates, and Wills; Family Law; Taxation

Legislation Enacted

None

Index by Keyword

Agriculture, Environment, and Natural Resources

S 514, 4

Constitutional Amendment

H 823, 3, 4

S 514, 4

Courts

S 580, 5

Criminal Law, Procedure, and Sentencing

S 580, 5

Education

H 823, 3

Elections Law

S 580, 5

Employment and Retirement

S 580, 5

Family Law

S 514, 4

S 580, 5

General Assembly

H 823, 3, 4

S 354, 4

S 792, 1

Property, Land Use, and Housing

S 354, 4

S 580, 5

Taxation

S 580, 5

Trusts, Estates, and Wills

S 580, 5

Notes

None

NEXT SESSIONS

September 13, 2011

HOUSE convenes at 11:00 a.m.

SENATE convenes at 12:00 p.m.