

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 102

Vol. 2011, No. 103

Senate Legislative Day 102

*Monday, November 28, 2011*

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## Table of Contents

Summaries of Bills Filed _____	1
Public Bills _____	1
Local Bills _____	1
Action on Bills _____	2
Summaries of Amendments and Committee Substitutes _____	3
Legislation Enacted _____	4
Index by Keyword _____	4
Notes _____	4
Next Sessions _____	4

## SUMMARIES OF BILLS FILED

### *Public Bills*

None

### *Local Bills*

None

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**ACTION ON BILLS****November 28, 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](http://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**

<p><b>H0645 Motor Fuel Excise Tax Adjustment and Studies</b></p> <p>04-20-11, 11-28-11</p> <p><b>H0796 Breweries/Comm. Coll./Supp. Fund. Clarified</b></p> <p>06-15-11, 11-27-11, 11-28-11</p> <p><b>S0009 No Discriminatory Purpose in Death Penalty.</b></p> <p>02-07-11, 06-01-11</p> <p><b>S0224 Professional Sports Agents/ College Athletes.</b></p> <p>06-08-11, 11-28-11</p> <p><b>S0433 Local Human Services Administration.</b></p> <p>04-06-11, 04-20-11, 04-27-11, 06-14-11</p>	<p><b>HA Reptd Fav Com Sub 2</b></p> <p><b>H Re-ref Com On Finance</b></p> <p><b>H Reptd Fav</b></p> <p><b>H Cal Pursuant Rule 36(b)</b></p> <p><b>H Placed On Cal For 11/28/2011</b></p> <p><b>H Passed 2nd Reading</b></p> <p><b>H Reported Fav for adoption</b></p> <p><b>H Placed On Cal For 11/28/2011</b></p> <p><b>HA Conf Report Adopted</b></p> <p><b>S Conf Com Reported</b></p> <p><b>S Placed On Cal For 11/28/2011</b></p> <p><b>SA Conf Report Adopted</b></p> <p><b>S Reptd Fav To Concur</b></p> <p><b>S Placed On Cal For 11/28/2011</b></p> <p><b>S Concurred In H/com Sub</b></p> <p><b>S Ratified</b></p> <p><b>HA Reptd Fav Com Substitute</b></p> <p><b>H Cal Pursuant Rule 36(b)</b></p> <p><b>H Placed On Cal For 11/28/2011</b></p> <p><b>H Passed 2nd &amp; 3rd Reading</b></p> <p><b>S Rec To Concur H Com Sub</b></p> <p><b>S Placed On Cal For 11/28/2011</b></p> <p><b>S Concurred In H/com Sub</b></p> <p><b>H Removed From Cal</b></p> <p><b>H Re-ref Com On Health and Human Services</b></p>
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**LOCAL BILLS**

None

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 645. MOTOR FUEL EXCISE TAX ADJUSTMENT & STUDIES (NEW).** Filed 4/5/11. House committee substitute deletes all provisions of 2nd edition and replaces it with *AN ACT TO PROVIDE A TEMPORARY CAP FOR THE MOTOR FUEL EXCISE TAX RATE, TO ADJUST THE 2011-2012 BUDGET FOR THE DEPARTMENT OF TRANSPORTATION, TO STUDY TRANSPORTATION REVENUES, AND TO STUDY THE IMPACT TO THE STATE OF A REDUCTION IN FEDERAL TRANSPORTATION FUNDING.*

Caps the variable wholesale component of the fuel tax rate at 17½¢ per gallon for January 1, 2012, through June 30, 2012.

*Highway Fund.* Directs the Department of Transportation (DOT) to achieve \$95,835,587 in expenditure savings from the Highway Fund in 2011-12. Requires DOT to continue to use the statutory program distribution formulas for equitable distribution of highway funding throughout the state within a given program. Authorizes DOT to eliminate positions and requires pro rata reductions in programs in order to achieve the Highway Fund savings. Directs DOT to use \$31,744,464 from the unreserved credit balance in the Highway Fund to reduce the amount of the required cut. Amends the Appropriations Act of 2011 (SL 2011-145, as amended) to reflect adjustments made to the Highway Fund as follows: (1) reduces the total 2011-12 appropriation from the Highway Fund to DOT to \$1,985,108,877 (was, \$2,049,200,000) and (2) makes corresponding changes to the Highway Fund availability statement.

*Highway Trust Fund.* Reduces the total 2011-12 appropriation from the Highway Trust Fund to DOT to \$1,082,481,420 (was, \$1,115,410,000), and distributes the reduction, in specified amounts, among the following operations: intrastate, aid to municipalities, secondary roads, and urban loops. Makes corresponding changes to the Highway Trust Fund availability statement. Authorizes DOT to eliminate positions.

Directs DOT to make a detailed report on the required reductions to specified appropriations committees by February 10, 2012.

*Studies.* Directs the Joint Legislative Transportation Oversight Committee (Committee) to study reforming the current fuel excise tax formula. Provides details on the study requirements and authorizes the committee to hire a consultant with expertise in transportation finance. Requires the Committee to report to the 2013 General Assembly. Also directs the Committee to study the impact of a federal allocation reduction if the US Congress reduces such transportation funding by more than 10% before the 2012 Regular Session convenes.

Previously: Cleveland  
Now: Budget and Appropriations;  
Transportation; Taxation

**H 796. BREWERIES/COMM. COLL./SUPP. FUND. CLARIFIED (NEW).** Filed 4/6/11. Conference report recommends the following changes to 2nd edition to reconcile matters in controversy. The conference report deletes all provisions of the previous edition and replaces it with *AN ACT TO ALLOW ALL PERMITTEES THAT HAVE BEEN ISSUED A BREWERY PERMIT BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO SELL AT RETAIL MALT BEVERAGES THAT HAVE BEEN MANUFACTURED AT THE BREWERY OR AT ANOTHER LOCATION OUT OF STATE BY THE SAME PERMITTEE ONLY ON THE PREMISES OF THE BREWERY AFTER RECEIVING THE PROPER PERMITS, TO CLARIFY THAT CERTAIN HIGH SCHOOL STUDENTS MAY BE PERMITTED TO TAKE NONCREDIT COURSES AT STATE COMMUNITY COLLEGES, AND TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO ALLOT SMALL COUNTY SUPPLEMENTAL FUNDING TO THE CHEROKEE COUNTY SCHOOLS.*

Amends GS 18B-1104(7), as amended by SL 2011-107 (allowing breweries to sell malt beverages on brewery premises), to add that the holder of a brewery permit may also sell malt beverages manufactured by the permittee in another state that have been approved for sale in NC by the Alcoholic Beverage Control Commission only at the brewery after receiving the required permit. Makes an organizational change. Amends GS 115D-20(4), as amended, to authorize local community colleges to permit high school students 16 years and older to take noncredit courses, except adult basic skills (was, high school students permitted to take noncredit courses in safe driving only). Authorizes the Department of Public Instruction to allot funds from the Small County Supplemental Funding Allotment to the Cherokee County Schools for 2011-12, provided the amount allotted does not exceed the 2010-11 allotment.

Previously: Alcoholic Beverage Control  
 Now: Alcoholic Beverage Control; Education

## SENATE BILLS

**S 224. [ADDITIONAL APPOINTMENTS FOR 2011 \(NEW\)](#).** Filed 3/3/11. House committee substitute deletes all provisions of the 2nd edition, and instead makes four additional appointments to specified public offices, upon the recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Previously: Business and Commerce; Education  
 Now: General Assembly

## Legislation Enacted

None

## Index by Keyword

Alcoholic Beverage Control  
 H 796, 4  
 Budget and Appropriations  
 H 645, 3  
 Business and Commerce  
 S 224, 4  
 Cleveland  
 H 645, 3

Education  
 H 796, 4  
 S 224, 4  
 General Assembly  
 S 224, 4  
 Taxation  
 H 645, 3  
 Transportation  
 H 645, 3

## Notes

None

## NEXT SESSIONS

**November 29, 2011**

**HOUSE convenes at 12:00 noon.**

**SENATE convenes at 12:01 a.m. No votes are to be taken during this session, anticipating adjournment only.**