



The Daily Bulletin: Thursday, May 31, 2012

PUBLIC/HOUSE BILLS



H 1218 (2011-2012) [SUPPORT NAT'L WOMEN'S HISTORY MUSEUM](#). Filed May 31 2012, *EXPRESSING SUPPORT FOR A NATIONAL WOMEN'S HISTORY MUSEUM IN WASHINGTON, D. C.*

As the title indicates.

Intro. by Gill, Hurley, Adams, Cotham.

[HOUSE RES](#)

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[General Assembly](#)

H 1066 (2011-2012) [PASSING TITLE BY WILL](#). Filed May 22 2012, *TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEVISED BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

House amendment makes the following changes to 1st edition. Changes the act's effective date to October 1, 2012 (was, effective when the act becomes law).

Intro. by Blust, Ross.

[View summary](#)

[Civil Law](#)

H 1067 (2011-2012) [CO-OWNERS/UNEQUAL SHARES/SIMULTANEOUS DEATH](#). Filed May 22 2012, *TO CONFORM THE LAW GOVERNING CO OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

House amendment makes the following changes to 1st edition. Changes the act's effective date to October 1, 2012 (was, effective when the act becomes law).

Intro. by Blust, Ross.

[View summary](#)

[Civil Law](#)

H 843 (2011-2012) [MODERNIZE NC EMERGENCY MANAGEMENT ACT](#). Filed Apr 6 2011, *TO MODERNIZE THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT AND RELATED STATUTES.*

Senate committee substitute makes the following changes to 2nd edition.

I. Changes to Chapter 166A of the General Statutes.

Section 1.(b): Makes the following changes within this section:

GS 166A-19. Short title.

No change from 2nd edition.

GS 166A-19.1. Purposes.

No change from 2nd edition.

GS 166A-19.2. Limitations.

No change from 2nd edition.

GS 166A-19.3. Definitions.

1) Revises subsection (3) to add new definition of disaster declaration as being a gubernatorial declaration that the impact or anticipated impact of an emergency constitutes a disaster of one of the types enumerated in Article 1A of Chapter 166A (specifically, GS 166A-19.21(b)) and renumbers the remaining subsections of this section accordingly.

2) Makes technical correction to statutory citation in subsection (4).

3) Amends subsection (6) definition of emergency to delete reference that the term “emergency” is synonymous with the term “disaster” (change made to conform to new definition of “disaster declaration” added in subsection (3)).

4) Amends subsection (17) by adding the word “federal” to clarify that Hazard Mitigation Grant Program referenced in this subsection is a federal program.

5) Makes other technical and conforming changes.

GS 166A-19.10. Powers of the Governor.

1) Amends subsection (a) to include “mitigation” among the aspects of the state emergency management program.

GS 166A-19.11. Powers of the Secretary of Public Safety.

1) Makes technical change to the title of the Department (was Department of Crime Control and Public Safety).

2) Amends subsection (3) to make grammatical changes and reference “disaster declaration” (was “emergency declaration”).

GS 166A-19.12. Powers of the Division of Emergency Management.

1) Makes technical and conforming change to title of the Department (was Department of Crime Control and Public Safety).

2) Adds new subsection (15) authorizing new power and duty of the Division to utilize and maintain technology enabling efficient and effective communication and management of resources between governmental entities involved in emergency management.

3) Adds new subsection (16) authorizing new power and duty of the Division to establish and operate a 24-hour operations center to serve as the single point of contact for local governments in emergency and disaster events and to coordinate state and local response assets.

4) Adds new subsection (17) authorizing new power and duty of the Division to develop, maintain, and implement emergency response plans for fixed nuclear power generating facilities in or near the state.

5) Adds new subsection (18) authorizing new power and duty of the Division to maintain the state emergency operations center facility to house the state emergency response team when activated for disaster response.

6) Adds new subsection (19) authorizing new power and duty of the Division to serve as the agency responsible for managing intrastate and interstate mutual aid plans and resource procurement in emergency response and recovery.

GS 166A-19.15. County and municipal emergency management.

1) Makes technical conforming change to statutory citation in subsection (f)(4).

GS 166A-19.20. Gubernatorial or legislative declaration of state of emergency.

1) Amends subsection (a) to delete reference to Type L emergency (see further discussion on deletion of Type L emergency in summary of changes to GS 166A-19.21 below).

2) Deletes existing subsections (b), (c), (d), and (e) and recodifies these subsections in GS 166A-19.21.

3) Adds new language to subsection (b) requiring that an executive or legislative state of emergency declaration must define the area to which the emergency declaration shall apply.

4) Adds new language to subsection (c) providing that an executive or legislative state of emergency declaration expires when rescinded by the issuing authority.

5) Adds language to subsection (d) that was previously in GS 166A-19.20(g) of 2nd edition; language provides that exercise of

state powers authorized during a declared state of emergency are not contingent on a disaster declaration being issued.

GS 166A-19.21. Gubernatorial disaster declaration.

1) Generally, clarifies distinction between a state of emergency declaration and a disaster declaration: a state of emergency declaration may be issued when an emergency exists; a disaster declaration may be issued if the impact of the emergency results in the finding that a disaster has occurred.

2) Deletes reference to Type L disaster throughout the section; Type L disaster established in 2nd edition in subsection (b)(4) to reference gubernatorial authority to assume control of local authorities and operations when local control is deemed insufficient. Authority now codified in GS 166A-19.30(c) and no longer designated as a Type L disaster (conforming to distinction between state of emergency declaration and disaster declaration). Also deletes subsection (c)(4) relating to expiration of Type L disaster.

3) Makes other technical and conforming changes to reference “disaster” instead of “emergency” where appropriate.

GS 166A-19.22. Municipal or county declaration of state of emergency.

1) Amends subsection (b) to make technical correction to conform to other sections of Article 1A (removes “state of emergency declaration issued pursuant to this section or by ordinance authorized by this section”).

2) Amends subsection (b)(1) to clarify that governing body declaring state of emergency may designate emergency area in part or all of the governing body’s jurisdiction.

3) Amends subsection (b)(2) to clarify that a municipal governing body or mayor may consent to or request county emergency restrictions applying within part or all of the municipal jurisdiction (2nd edition required request or consent by resolution adopted by the municipal governing body).

4) Amends subsection (b)(3) to add authorizations under this subsection be exercised by the board of commissioners or the board chairman (board of commissioners not included in 2nd edition).

GS 166A-19.23. Excessive pricing prohibitions

Adds new section to cross-reference prohibitions against excessive pricing during states of disaster, emergency, or abnormal market disruptions established in existing law under GS 75-37 and 75-38.

GS 166A-19.30. Additional powers of the Governor during a state of emergency.

1) Amends subsection (a) and (b) to delete reference to Type L disaster.

2) Revises subsection (c) to delete reference to Type L disaster and incorporates language in GS 166A-19.20(d)(4) in 2nd edition that provides for circumstances under which Governor may assume control over local authorities and operations during a state of emergency.

GS 166A-19.31. Powers of municipalities and counties to enact ordinances to deal with states of emergency.

1) Amends subsection (a) to make technical conforming change to statutory reference (GS 166A-19.22).

2) Amends subsection (b)(1) to specifically include imposing a curfew among the authorized restrictions and prohibitions and clarifies that evacuations may be ordered as voluntary or mandatory.

3) Amends subsection (b)(4) to provide that restrictions and prohibitions imposed on dangerous weapons and substances shall not apply to lawfully possessed firearms or ammunition. The term “dangerous weapons and substances” is defined in GS 14-288.1, and the term “firearm” is defined in GS 14-409.39(2) (subsection amended in response to federal court decision on constitutional challenge to existing GS 14-288.12(b) and related statutes).

4) Amends subsection (e)(1) to clarify that a prohibition or restriction imposed under a local state of emergency declaration may be terminated by either the official or entity that imposed it (was “governing board” in 2nd edition).

5) Amends subsection (g) to specify October 1, 2012, to conform to the effective date of the act.

GS 166A-19.40. Use of contingency and emergency funds.

No change from 2nd edition.

GS 166A-19.41. State emergency assistance funds.

Amends subsection (b)(2)a.4. to delete reference to Type L disaster.

GS 166A-19.42. State Emergency Response Account.

No change from 2nd edition.

GS 166A-19.60. Immunity and exemption.

Amends subsection (b)(1)b. to make technical change to statutory reference (GS 166A-19.22).

GS 166A-19.61. No private liability.

No change from 2nd edition.

GS 166A-19.62. Civil liability of persons who willfully ignore a warning in an emergency.

Makes technical change to title of statute to read “emergency” instead of “disaster.”

GS 166A-19.70. Ensuring availability of emergency supplies and utility services.

Amends subsection (b) to make technical change to title of Department from Crime Control and Public Safety to Public Safety.

GS 166A-19.71. Accept services, gifts, grants, and loans.

No change from 2nd edition.

GS 166A-19.72. Establishment of mutual aid agreements.

No change from 2nd edition.

GS 166A-19.73. Compensation.

No change from 2nd edition.

GS 166A-19.74. Nondiscrimination in emergency management.

No change from 2nd edition.

GS 166A-19.75. Emergency management personnel.

No change from 2nd edition.

GS 166A-19.76. Leave options for voluntary firefighters, rescue squad workers, and emergency medical service personnel called into service.

No change from 2nd edition.

GS 166A-19.77. Division of Forest Resources designated as emergency response agency.

No change from 2nd edition.

GS 166A-19.78. Governor’s power to order evacuation of public building.

No change from 2nd edition.

GS 166A-19.79. Severability.

No change from 2nd edition.

Section (1).(c).

No change from 2nd edition.

Section (1).(d).

No change from 2nd edition.

II. Conforming Changes

Changes made to Sections 2.(g), (i), (j), (k), (l), (m), (n), (r), (cc), and (ww) are technical and conforming except for the following:

Section 2.(c)

Repeals GS 166A-288.7, which imposed an automatic prohibition against the possession and use of a dangerous weapon off one’s premises when in the vicinity of a riot or during a state of emergency (statute repealed in response to federal court decision on constitutional challenge to this statute).

Intro. by Martin.

[View summary](#)

Public Safety

H 673 (2011-2012) **STREET GANG NUISANCE ABATEMENT**. Filed Apr 6 2011, *TO PROVIDE THAT INDIVIDUALS ENGAGED IN A PATTERN OF STREET GANG ACTIVITY ARE SUBJECT TO INJUNCTIONS AS NUISANCES PURSUANT TO CHAPTER 19 OF THE GENERAL STATUTES.*

Senate committee substitute makes the following changes to 2nd edition.

Adds a provision to proposed Article 13B making an injunction preventing a defendant from engaging in criminal street gang

activities expire after one year. Allows the order to be modified or vacated before the expiration date upon the motion of either party. Changes the act's effective date to October 1, 2012 (was, October 1, 2011), and applies to offenses committed and abatement activities commenced on or after that date.

Intro. by Faircloth.

[View summary](#)

Criminal Law and Procedure

H 981 (2011-2012) **DIX PROPERTY SALE TO REQUIRE GA APPROVAL (NEW)**. Filed May 16 2012, *TO PROHIBIT ANY CONVEYANCE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.*

House committee substitute makes the following changes to 2nd edition. Declares that it is the intent of the General Assembly that the net proceeds from any sale of the real property encompassing the Dorothea Dix Hospital campus be used to facilitate the reform of the mental health, developmental disabilities, and substance abuse services system. Specifies that the funds made available by the sale are to be used to provide additional funding for mental health, developmental disabilities, and substance abuse services institutions and not to supplant appropriations for those services. Amends the title to reflect the added content.

Intro. by Dollar, Burr.

[View summary](#)

State Property, General Assembly, Health and Human Services

H 966 (2011-2012) **TEACHER PREPAYMENT & SALARY/PRE-K ELIGIBILITY (NEW)**. Filed May 16 2012, *TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT PROVISION IN THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT OF 2011, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.*

Senate committee substitute makes the following changes to 1st edition. Changes the title of the act to AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT, CLARIFY ELIGIBILITY FOR THE NC PRE-K PROGRAM, AND ENACT 2012-2013 SALARY SCHEDULES FOR TEACHERS AND SCHOOL ADMINISTRATORS.

Adds a new section amending Section 10.7(f) in the Appropriations Act of 2011 to direct the Division of Child Development and Early Education to establish income eligibility requirements for the NC Pre-K program that do not exceed 75% of the state median income; allows up to 20% of enrolled children to have family incomes above the cutoff if they have other designated risk factors (currently, the Division serves at-risk children regardless of income). Repeals Section 10.7(h) in the Appropriations Act of 2011, which established a parent co-payment requirement.

Adds a new section setting salary schedules as follows. Sets out the monthly salaries for 2012-13 for "A" teachers, ranging from \$3,043 to \$5,886, and for "M" teachers, ranging from \$3,347 to \$6,475. Provides that the first step of the school psychologist salary schedule is equivalent to Step 9, corresponding to nine years of experience, on the "M" teacher schedule. Sets out the base salaries for 2012-13 for school-based administrators (principals and assistant principals), ranging from \$3,781 to \$8,340.

Amends SL 2011-145 to place an administrator with a one-year provisional assistant principal's certificate at the higher of the entry-level salary for an assistant principal or the appropriate step on the teacher salary schedule for the 2012-13 fiscal year.

Effective July 1, 2012.

Intro. by Holloway, Johnson, Blackwell, Hilton.

[View summary](#)**Education**

H 954 (2011-2012) [ENR REPORTS CONSOLIDATION](#). Filed May 16 2012, *TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

House committee substitute makes the following changes to 1st edition.

Amends GS 143-215.94M to add four entities that must receive the report on leaking petroleum underground storage tank cleanup. Adds a section repealing GS 113A-35.1(b), which sets out the annual status report requirement for the management plan under GS 113A-35.1(a) on the segment of the New River. Adds a section amending GS 136-28.8(g) to modify a reporting requirement of the Division of Environmental Assistance and Outreach regarding recycled materials. Adds a section amending GS 159I-29(a) to add that the Office of State Budget and Management and the Division of Waste Management need not file a report if no funds are appropriated or available for loans under the Solid Waste Management Loan Program in that year. Makes conforming changes. Adds a section to add the Fiscal Research Division to the list of entities receiving the Biennial State of the Environment report in GS 143B-279.5.

Intro. by Gillespie, Samuelson.

[View summary](#)**Environment**

H 589 (2011-2012) [DIVORCE/DVPO/CHILD SUPPORT CHANGES](#). Filed Apr 4 2011, *TO ELIMINATE THE PROVISION OF LAW THAT STATES ALLEGATIONS IN A DIVORCE COMPLAINT ARE DEEMED DENIED REGARDLESS OF WHETHER THE DEFENDANT FILES A PLEADING DENYING THE ALLEGATIONS, AND TO AMEND THE LAWS RELATING TO DOMESTIC VIOLENCE PROTECTIVE ORDERS, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION; AND TO PROVIDE FOR TERMINATION OF CHILD SUPPORT WHEN A CHILD IS ENROLLED IN AN EARLY COLLEGE PROGRAM.*

Senate committee substitute makes the following changes to 3rd edition.

Deletes amendment to GS 50-10, which removed language stating the allegations in a divorce complaint are deemed denied by the defendant whether or not the defendant denies the allegations in a pleading. Makes a conforming change to the bill title. Amends GS 50B-2(c) (ex parte orders) to clarify that a hearing continuance is limited to one extension of no more than ten days unless all parties consent or for good cause. Changes the act's effective date to October 1, 2012 (was, October 1, 2011), and applies to actions or motions filed on or after that date.

Intro. by Stevens.

[View summary](#)**Family Law**

H 142 (2011-2012) [ECONOMIC DEVELOPMENT & FINANCE CHANGES \(NEW\)](#). Filed Feb 17 2011, *TO MAKE A TECHNICAL CORRECTION TO THE INDUSTRIAL FACILITIES SALES TAX REFUND.*

House amendments make the following changes to 2nd edition.

Amendment #1 amends proposed subsection (a1) to GS 57C-1-22 (which prohibits the Secretary of State from charging unemployed persons a filing fee for articles of organization) to clarify that the exemption applies to individuals not incarcerated and legally residing in the United States at the time of filing. Limits an individual to one fee waiver and authorizes the Secretary to

rely on the individual's affidavit. Changes the penalty for perjury to a Class F felony in GS 14-209 (was, a class 2 misdemeanor under GS 66-167).

Amendment #2 extends the expiration for the provision holding local governments harmless for repealed reimbursements in GS 105-521 from 2012 to 2014. Makes a conforming change to the Secretary of Revenue's reporting requirement and to the bill title.

Intro. by T. Moore, Hager, Hastings.

[View summary](#)

Business and Commerce, Tax

H 493 (2011-2012) [LANDLORD TENANT LAW CHANGES](#). Filed Mar 28 2011, *AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS*.

House committee substitute makes the following changes to 1st edition. Deletes all provisions of previous edition with the exception of amendments to GS 42-34.1 (regarding rent pending execution of judgment), GS 42-51 (regarding permitted uses of deposit), GS 42A-11(b), and GS 42A-17 (new subsection concerning cleaning fees in vacation rental agreements).

Amends GS 42-25.9(d) by increasing the value of property either abandoned or left after eviction, which a landlord may deliver to a nonprofit, to \$750 or less (previously \$500 or less). Amends GS 42-25.9(h) by stating that property valuing less than \$500 (currently, less than \$100) and remaining on the premises at the time of execution of a writ of possession in an action of summary ejectment will be deemed abandoned five days after execution, and may be disposed of by the landlord.

Enacts new subsection (c) to GS 42-26 providing that in an action for summary ejectment based on the tenant doing or omitting an act for which the lease may be terminated, the lease may provide that acceptance of partial rent or partial housing subsidy payment does not waive the tenant's breach. States that the landlord's exercise of the right of re-entry is not an unfair and deceptive trade practice.

Clarifies GS 42-51(a)(3) by providing that security deposits may be used for damages as the result of the nonfulfillment of a rental period, except where the tenant terminated the rental agreement under GS 42-45, GS 42-45.1, or because the tenant was forced to leave the property because of the landlord's violation of Article 2A of GS Chapter 42 or was constructively evicted by the landlord's violation of GS 42-42(a).

Directs the General Statutes Commission to study and recommend to the 2012 General Assembly changes to the statutes to provide for the orderly and prompt removal by a landlord of the personal property of a deceased tenant where the heirs are not readily identifiable or available to take possession of the property. This provision is effective when it becomes law.

Makes other technical and clarifying changes.

Intro. by Howard, Blust, Randleman.

[View summary](#)

Property and Housing

H 493 (2011-2012) [LANDLORD TENANT LAW CHANGES](#). Filed Mar 28 2011, *AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS*.

Senate committee substitute makes the following changes to 2nd edition.

Adds a section enacting new GS 28A-25-1.2 to set out a procedure for a landlord to remove personal property left in a dwelling unit after the tenant, who was the sole occupant, dies. Requires the landlord to file an affidavit, as specified, and pay a \$30 fee to transfer the remaining property to the landlord, provided (1) the landlord waits 10 days after the paid rental period expires, (2) there is no appointed personal representative, and (3) there is no other affidavit related to the decedent's estate filed in the applicable county. Requires the landlord to provide a copy of the affidavit to the tenant's contact person, or to post notice if there is no designated contact person. Details the options for the landlord to store property from a dwelling unit after filing an affidavit.

Allows the landlord to sell the property, as described, or give the property to a nonprofit organization 90 days after filing the affidavit, provided no personal representative has been appointed and no affidavit stating the decedent died testate or intestate has been filed. Directs the landlord to provide an accounting to the clerk of court after taking the property to a nonprofit, or detailing how sale proceeds were applied. Permits the landlord to give the decedent's personal property, if the property values \$500 or less, to a nonprofit organization without filing an affidavit and after taking inventory; requires the nonprofit to keep the property separate for 30 days. Provides for actual damages if a landlord violates these statutory requirements, and authorizes the procedure for removing personal property as an alternative to a summary ejectment action. Makes a conforming change by enacting new GS 42-36.3, and makes conforming changes to GS 42-25.7 and the bill title. Makes a clarifying change to GS 42-34.1. Changes the act's effective date to October 1, 2012 (was, October 1, 2011), and applies to all actions for summary ejectment filed on or after that date and to personal property owned by a tenant who dies on or after that date.

Intro. by Howard, Blust, Randleman.

[View summary](#)

Property and Housing

H 391 (2011-2012) [RTP DISTRICT AMENDMENTS \(NEW\)](#). Filed Mar 16 2011, *TO MODERNIZE PROCUREMENT METHODS USED BY THE SECRETARY OF ADMINISTRATION AND STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES*.

Senate amendment makes the following changes to 2nd edition. Provides that for a multijurisdictional industrial park satisfying the criteria of GS 143B-437.08(h), the boards of commissioners of the counties involved in a multi-county district are to determine if there is a current need in each participating county to levy a tax. Provides that if one or more of the boards of commissioners in a multijurisdictional industrial park determines that there is not a current need to levy a tax for all or part of the property, then the county or counties are under no obligation to levy the tax. Permits a participating county in a multijurisdictional industrial park to elect to levy a tax for all or part of the property within its jurisdictional boundaries without setting an effectively uniform rate of tax but prohibits the tax rate from exceeding that allowed in GS 143B-317(b). Amends GS 153A-317(b) to prohibit levying an additional property tax rate in excess of 20¢ on each \$100 value of property subject to taxation (was, 15¢ on each \$100). Makes conforming changes to the title.

Intro. by Avila, Torbett.

[View summary](#)

Local Government

PUBLIC/SENATE BILLS

S 795 (2011-2012) [EXCELLENT PUBLIC SCHOOLS ACT](#). Filed Apr 23 2012, *TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR START AND END DATES; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY EXCELLENCE; END TENURE; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION*.

Senate amendment makes the following changes to 3rd edition.

Amendment #2 deletes the provision that removed the office of Superintendent of Public Instruction from the list of offices that may use the Voter-Owned Elections Fund. Makes a conforming change to the bill title. Amends GS 115C-238.53 to delete

proposed subsection (g) and instead provide in subsection (d) that cooperative innovative high school programs must provide instruction for at least 185 days or 1,025 hours (was, 180 days) during the school year. Specifies that GS 115C-84.2 (general school calendar) does not apply to these programs. Makes a clarifying change.

Intro. by Apodaca, P. Berger, Tillman.

[View summary](#)

[Budget/Appropriations, Education](#)

S 405 (2011-2012) [AMEND IRRIGATION CONTRACTORS' LICENSING LAWS](#). Filed Mar 23 2011, *AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES.*

House committee substitute makes the following changes to 3rd edition.

Effective when the act becomes law, adds a section to allow certain irrigation contractors who meet specified conditions related to years of experience and who submit an application for licensure before October 1, 2012, to receive a license without taking the examination. Makes a conforming change to the bill title. Amends proposed subsection (b) to GS 89G-11 (disciplinary action) to clarify that the NC Irrigation Contractors' Licensing Board may also assess investigatory costs against an applicant or licensee. Makes other clarifying and technical changes, and changes the act's effective date to October 1, 2012 (was, October 1, 2011).

Intro. by Hartsell, Brown.

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[Agriculture, Occupational Licensing](#)

S 955 (2011-2012) [ADJOURNMENT SINE DIE](#). Filed May 31 2012, *PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY.*

Provides that the Senate and House of Representatives will adjourn sine die on Tuesday, June 19, 2012.

Intro. by Apodaca, Hartsell.

[JOINT RES](#)

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[General Assembly](#)

S 824 (2011-2012) [EXPEDITED RULE MAKING FOR FORCED COMBINATIONS](#). Filed May 17 2012, *TO REQUIRE THE SECRETARY OF REVENUE'S INTERPRETATION OF THE LAW CONCERNING THE SECRETARY'S AUTHORITY TO ADJUST NET INCOME OR REQUIRE A COMBINED RETURN BE MADE THROUGH RULE MAKING AND TO PROVIDE AN EXPEDITED PROCESS FOR RULE MAKING ON THIS ISSUE.*

Senate amendment makes the following changes to 1st edition. Recodifies proposed new section of Article 9, GS Chapter 105 as GS 105-262.1 (was, GS 105-262A) and makes conforming changes. Makes a technical correction.

Intro. by Rucho, Hartsell.

[View summary](#)

[Department of Revenue, APA/Rule Making, Tax](#)

S 826 (2011-2012) [REVENUE LAWS TECH., CLARIFYING, & ADMIN CHANGES](#). Filed May 17 2012, *TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS.*

Senate committee substitute makes the following changes to 1st edition.

Adds two sections to make technical and clarifying changes to GS 105-134.5 and GS 105-134.6. Adds a new section to provide a tax credit under Article 3J in GS Chapter 105 (tax credits for small businesses) for the tax years of 2007-2010 to a taxpayer who files an amended return before January 1, 2013, provided the taxpayer (1) did not timely claim a credit, (2) would have been ineligible to claim a credit because the taxpayer did not meet the statutory environmental impact standard before SL 2010-147 (which modified the standard and made the changes retroactive to January 1, 2007) was enacted, and (3) satisfies the standard after the enactment of SL 2010-147.

Adds sections to make clarifying changes to provisions in GS Chapter 105, and amends GS 105-160.3(b) to add that an estate or trust is not allowed an education expenses credit. Makes clarifying changes to the definition of over-the-counter drug in GS 105-164.3(25a). Makes clarifying changes to the provisions concerning tax on unregistered vehicles in GS 105-330.3. Makes additional technical and clarifying changes.

Intro. by Rucho, Hartsell.

[View summary](#)

[Banking and Finance, Transportation, Property and Housing, Tax](#)

S 810 (2011-2012) [REGULATORY REFORM ACT OF 2012](#). Filed May 17 2012, *TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) REQUIRE AGENCIES TO GIVE WRITTEN NOTICE BEFORE AUDITING OR EXAMINING A BUSINESS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.*

Senate amendments make the following changes to 2nd edition, as amended.

Amendment #3 adds a section amending GS 130A-250 to exempt seasonal markets operated from temporary shelters and selling the operator's products from the food and lodging facility sanitation regulations. Makes a conforming change to the bill title.

Amendment #4 enacts new GS 95-4.1, requiring the Department of Labor to provide at least 72 hours' notice before auditing or inspecting a business or individual, unless otherwise directed by federal law. Makes a conforming change to the bill title.

Amendment #5 adds a section amending GS 143B-437.013(a) to clarify that a port enhancement zone must be comprised of part or all of one or more contiguous census tracts, census block groups, or both, among other requirements. Effective in tax years beginning on or after January 1, 2013. Makes a conforming change to the bill title.

Intro. by Rouzer, Brown, Davis.

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**Business and Commerce, Environment/Natural Resources,
State Agencies, Department of Environment and Natural
Resources, APA/Rule Making, Public Health**

LOCAL/HOUSE BILLS

H 956 (2011-2012) [ZONING/JOHNSTON COUNTY OPEN SPACE](#). Filed May 16 2012, *RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON COUNTY*.

House committee substitute makes the following changes to 1st edition. Provides guidance on the development of a formula to determine the amount of the funding from the developer to the county for the purchase of recreational land to serve a development or subdivision. Also provides that the subdivision control ordinance may allow a combination of partial payment of funds and partial dedication of land based on the decision of the county governing body that the combination is in the best interest of the community to be served. Makes clarifying changes.

Intro. by Daughtry.

[Johnston](#)

[View summary](#)

LOCAL/SENATE BILLS

S 956 (2011-2012) [ROANOKE RAPIDS DEANNEX/HALIFAX N'HMPT AIRPORT](#). Filed May 31 2012, *TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY*.

Identical to [H 1202](#), filed 5/30/12.

As title indicates. Effective June 30, 2013, removes the property annexed by SL 2005-9 from the corporate limits of Roanoke Rapids.

Amends SL 1997-275, as amended, to expand and modify the powers of the Halifax-Northampton Regional Airport Authority to include, among other things, the power to jointly own facilities with private parties. Makes a conforming change.

Intro. by Jones.

[Halifax, Northampton](#)

[View summary](#)

S 954 (2011-2012) [MUNICIPALITIES ENFORCE PUBLIC TRUST RIGHTS](#). Filed May 31 2012, *PROVIDING THE TOWNS OF TOPSAIL BEACH, SURF CITY, AND NORTH TOPSAIL BEACH AUTHORITY TO CONDEMN AND REMOVE ESPECIALLY DANGEROUS BUILDINGS AND STRUCTURES ON THE PUBLIC TRUST OCEAN AND ESTUARINE BEACHES WITHIN THEIR RESPECTIVE JURISDICTIONS*.

As the title indicates. Expresses the limits on the exercise of this authority by a city or town. Specifies that the condemnation and removal actions may not be used to take actions that are merely convenient to public health or sanitation nor to abate a nuisance that does not meet the standard of being especially dangerous to life. Applies only to the towns of Topsail Beach, Surf City, and

North Topsail Beach.

Intro. by Rabon.

Onslow, Pender

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 142: ECONOMIC DEVELOPMENT & FINANCE CHANGES (NEW).

House: Amend Adopted 2

House: Amendment Withdrawn 3

House: Passed 2nd Reading

House: Amend Adopted 1

H 149: TERRORISM/STATE OFFENSE.

Senate: Re-ref Com On Judiciary 1

Senate: Withdrawn From Com

H 160: CHECK-OFF DONATION: BREAST CANCER SCREENING.

Senate: Withdrawn From Com

Senate: Re-ref Com On Finance

H 302: CHARITABLE LICENSING EXEMPTION CLARIFICATION.

Senate: Passed 2nd & 3rd Reading

H 340: UTILITIES COMMISSION/CRIMINAL RECORDS CHECK.

Ratified

H 345: MODIFY MOVE OVER LAW.

House: Withdrawn From Com

House: Placed On Cal For 6/5/2012

H 391: RTP DISTRICT AMENDMENTS (NEW).

Senate: Amend Adopted 1

Senate: Amends Ruled Material

H 493: LANDLORD TENANT LAW CHANGES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 503: PARENT CHOICE/CLARIFY PRE-K (NEW).

Senate: Passed 2nd & 3rd Reading

H 517: MAGISTRATES/CALENDARING (NEW).

House: Rec To Concur S Com Sub

House: Ref To Com On Judiciary Subcommittee B

H 589: DIVORCE/DVPO/CHILD SUPPORT CHANGES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 637: ADOPTION LAW CHANGES.

House: Rec From Senate

H 673: STREET GANG NUISANCE ABATEMENT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 778: AMEND INNOCENCE COMMISSION LAWS.

Pres. To Gov. 5/31/2012

H 821: ALLOW DOT TO USE RECYCLED ASPHALT.

Senate: Passed 2nd & 3rd Reading

H 843: MODERNIZE NC EMERGENCY MANAGEMENT ACT.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 925: ANNEXATION REFORM 2 (NEW).

Pres. To Gov. 5/31/2012

H 942: PSEUDOEPHEDRINE RECORD KEEPING CLARIFICATION.

House: Passed 2nd & 3rd Reading

H 950: MODIFY 2011 APPROPRIATIONS ACT.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: Ref To Com On Appropriations/Base Budget

H 954: ENR REPORTS CONSOLIDATION.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

H 960: PROTECT HOMEOWNERS WITH UNDERWATER MORTGAGES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 6/4/2012

H 966: TEACHER PREPAYMENT & SALARY/PRE-K ELIGIBILITY (NEW).

Senate: Placed On Cal For 5/31/2012

Senate: Amend Failed 1

Senate: Passed 2nd & 3rd Reading

Senate: Reptd Fav Com Substitute
Senate: Com Substitute Adopted
Senate: Re-ref Com On Appropriations/Base Budget
Senate: Reptd Fav

H 981: DIX PROPERTY SALE TO REQUIRE GA APPROVAL (NEW).

House: Reptd Fav Com Substitute
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 6/4/2012

H 1025: EXTEND TAX PROVISIONS.

House: Passed 2nd & 3rd Reading

H 1034: CONFIRM TAMARA NANCE TO INDUSTRIAL COMM.

Senate: Rec From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 1066: PASSING TITLE BY WILL.

House: Amend Adopted 1
House: Passed 2nd & 3rd Reading
House: Ordered Engrossed

H 1067: CO-OWNERS/UNEQUAL SHARES/SIMULTANEOUS DEATH.

House: Passed 2nd & 3rd Reading
House: Ordered Engrossed
House: Amend Adopted 1

H 1068: AMEND UCC ARTICLE 9/SECURED TRANSACTIONS.

House: Passed 2nd & 3rd Reading

H 1069: INTESTATE PROPERTY/CHILD'S YEAR'S ALLOWANCE.

House: Passed 2nd & 3rd Reading

H 1201: CITIZENS UNITED RESPONSE.

House: Passed 1st Reading
House: Ref To Com On Rules, Calendar, and Operations of the House
Senate: Held As Filed

H 1211: LOCAL GOVERNMENTS IN STATE HEALTH PLAN.

House: Passed 1st Reading
House: Ref To Com On State Personnel

H 1213: STATE HEALTH PLAN/ADD SCHOOL.

House: Passed 1st Reading
House: Ref to the Com on Education, if favorable, State Personnel

H 1218: SUPPORT NAT'L WOMEN'S HISTORY MUSEUM.

House: Filed

S 77: RENTAL PROPERTY/LITHIUM BATTERY SMOKE ALARMS (NEW).

House: Placed On Cal For 6/4/2012

S 405: AMEND IRRIGATION CONTRACTORS' LICENSING LAWS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

S 582: AUTHORIZE INDIAN GAMING/REVENUE (NEW).

House: Passed 2nd Reading

House: Postponed To 6/5/2012

S 795: EXCELLENT PUBLIC SCHOOLS ACT.

Senate: Amend Failed 1

Senate: Amend Adopted 2

Senate: Passed 2nd Reading

S 806: MODIFY MORTGAGE REGULATION FUNDING.

Senate: Passed 2nd & 3rd Reading

S 808: CHANGES TO COMMERCE REPORTING REQUIREMENTS.

Senate: Reptd Fav

S 810: REGULATORY REFORM ACT OF 2012.

Senate: Passed 3rd Reading

Engrossed

Senate: Amend Adopted 3

Senate: Amend Adopted 4

Senate: Amend Adopted 5

S 824: EXPEDITED RULE MAKING FOR FORCED COMBINATIONS.

Senate: Amend Adopted 1

Senate: Passed 2nd & 3rd Reading

Engrossed

S 826: REVENUE LAWS TECH., CLARIFYING, & ADMIN CHANGES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 886: STRENGTHEN BD. OF TRANS. ETHICS POLICY.

Senate: Passed 2nd & 3rd Reading

S 889: RPO AREA DEFINITION.

Senate: Passed 2nd & 3rd Reading

S 890: TRANSPORTATION REFORM/CODIFY EXECUTIVE ORDER (NEW).

Senate: Passed 2nd & 3rd Reading

S 891: UPDATE CH. 136 WITH TERM "CHIEF ENGINEER."

Senate: Passed 2nd & 3rd Reading

S 892: REQUIRE DOT STRATEGIC PRIORITIZATION PROCESS.

Senate: Passed 2nd & 3rd Reading

S 893: PRIVACY OF TURNPIKE AUTHORITY TOLL DATA.

Senate: Passed 2nd & 3rd Reading

S 895: DOT DIVISION OF MOTOR VEHICLES LEG. REQUESTS.

Senate: Passed 2nd Reading

S 936: STUDY STATE-OWNED BANK.

Senate: Held As Filed

S 940: IN-STATE TUITION RATE FOR VETERANS.

Senate: Passed 1st Reading

Senate: Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget

S 953: RESTORE METHOD OF DETERMINING SR. RES. JUDGE.

Senate: Held As Filed

S 955: ADJOURNMENT SINE DIE.

Senate: Filed

LOCAL BILLS

H 943: DAVIDSON COUNTY ANNEXATIONS.

House: Reptd Fav

House: Re-ref Com On Finance

H 945: MARION LEGISLATIVE ANNEXATION.

House: Reptd Fav

House: Re-ref Com On Finance

H 956: ZONING/JOHNSTON COUNTY OPEN SPACE.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 963: TOWN OF COLUMBIA/DEANNEXATION.

House: Reptd Fav

House: Re-ref Com On Finance

H 994: ROCKINGHAM COUNTY DESIGN-BUILD.

House: Reptd Fav

House: Re-ref Com On Finance

H 1029: MAYODAN MANAGER RESIDENCY.

House: Placed On Cal For 6/4/2012

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

H 1032: MORGANTON DEANNEXATION.

House: Reptd Fav

House: Re-ref Com On Finance

H 1063: EXCUSE SCHOOL DAY FOR JOHNSTON CO. SCHOOL.

Senate: Passed 1st Reading

Senate: Ref To Com On Education/Higher Education

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 5/31/2012

House: Passed 2nd & 3rd Reading

Senate: Rec From House

H 1196: ALBEMARLE MENTAL HEALTH CENTER PROPERTY.

House: Ref to the Com on Government, if favorable, Finance

House: Passed 1st Reading

H 1197: ADD STOKES CTY TO TAX CERT BEFORE RECORDATION.

House: Passed 1st Reading

House: Ref To Com On Government

H 1198: WORKERS COMP/VOLUNTEER FIRE DEPARTMENTS.

House: Passed 1st Reading

House: Ref to the Com on Government, if favorable, Finance

H 1199: LAKE LURE CONVEY PROPERTY.

House: Passed 1st Reading

House: Ref To Com On Finance

H 1200: WINSTON-SALEM/NEW BERN FIREFIGHTERS RETIRE (NEW).

House: Passed 1st Reading

House: Ref To Com On Government

H 1202: ROANOKE RAPIDS DEANNEX/HALIFAX N'HMPT AIRPORT.

House: Passed 1st Reading

House: Ref to the Com on Government, if favorable, Finance

Senate: Filed

H 1203: MODIFY MARTIN COUNTY OCCUPANCY TAX.

House: Passed 1st Reading

House: Ref To Com On Finance

Senate: Ref To Com On State and Local Government

Senate: Passed 1st Reading

H 1204: UNION COUNTY CONSTRUCTION METHODS.

House: Passed 1st Reading

House: Ref To Com On Government

Senate: Passed 1st Reading

Senate: Ref To Com On Commerce

H 1205: AMEND TRESPASS/GRANVILLE COUNTY.

House: Ref To Com On Government

House: Passed 1st Reading

H 1206: BUTNER BOUNDARY CLARIFICATION.

House: Passed 1st Reading

House: Ref To Com On Government

H 1207: GRANVILLE/PERSON LOCAL STORMWATER FEES.

House: Passed 1st Reading

House: Ref to the Com on Government, if favorable, Finance

H 1208: ROCKINGHAM LANDFILL FEE USE.

House: Passed 1st Reading

House: Ref To Com On Government

H 1209: ROCKINHAM LANDFILL FUND BALANCE.

House: Passed 1st Reading

House: Ref To Com On Government

H 1210: HYDE COUNTY FOX TRAPPING.

House: Passed 1st Reading

House: Ref To Com On Government

H 1212: WAKE/CHATHAM LOCAL ACT (NEW).

House: Passed 1st Reading

House: Ref To Com On Government

H 1214: SANFORD/CONVEY PROPERTY.

House: Passed 1st Reading

House: Ref To Com On Government

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

H 1215: HENDERSON COUNTY OCCUPANCY TAX CHANGES.

House: Passed 1st Reading

House: Ref To Com On Finance

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

H 1216: TOWN OF WALLACE/SATELLITE ANNEXATIONS.

House: Passed 1st Reading

House: Ref to the Com on Government, if favorable, Finance

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

H 1217: ASHEVILLE/WOODFIN BOUNDARY ADJUSTMENTS.

House: Passed 1st Reading

House: Ref To Com On Government

S 805: ISOTHERMAL COMMUNITY COLLEGE FED LOAN PROGRAM.

Senate: Passed 2nd & 3rd Reading

S 933: HWY. AIRSPACE ENCROACHMENT IN PERQUIMANS CO.

Senate: Passed 1st Reading

Senate: Ref To Com On Transportation

S 934: LOWER CAPE FEAR DESIGN-BUILD.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 935: ABOLISH AVERY COUNTY CORONER.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 938: REPS/NEW HANOVER WASTE TO ENERGY FACILITY.

Senate: Passed 1st Reading

Senate: Ref To Com On Commerce

S 939: FAYETTEVILLE REVIEW BOARD.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 941: GRAHAM/SWAIN TVA ALLOCATION/BORDER.

Senate: Passed 1st Reading

Senate: Ref to State and Local Government. If fav, re-ref to Finance

S 942: FONTANA DAM OCCUPANCY TAX.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 945: MODIFY SOUTPORT OCCUPANCY TAX.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 946: TOWN OF BURGAW/DEANNEXATION.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 949: TOWN OF BOONE/ETJ.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 951: TRANSFER CERTAIN CORRECTIONAL FACILITIES (NEW).

Senate: Ref To Com On State and Local Government

Senate: Passed 1st Reading

S 952: WAKE TOWN LOCAL GOV'MT INFO/MINORS.

Senate: Passed 1st Reading

Senate: Ref To Com On State and Local Government

S 954: MUNICIPALITIES ENFORCE PUBLIC TRUST RIGHTS.

Senate: Filed

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