



The Daily Bulletin: 2013-02-04

PUBLIC/HOUSE BILLS

H 62 (2013-2014) [PAMLICO AND NEUSE RIVER FERRIES/NO TOLLING](#). Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO EXEMPT THE BAYVIEW/AURORA AND CHERRY BRANCH/MINNESOTT BEACH FERRIES FROM TOLLING.*

Amends GS 136-82 to delete provision exempting the Ocracoke/Hatteras Ferry and the Knotts Ferry from tolling, and instead exempts the Bayview/Aurora Ferry and the Cherry Branch/Minnesott Beach Ferry from tolling requirements. Effective July 1, 2013.

Intro. by Speciale.

[GS 136](#)

[View summary](#)

[Transportation](#)

H 63 (2013-2014) [SUPPORT RIGHT TO BEAR ARMS](#). Filed Feb 4 2013, *A HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE PRESERVATION AND DEFENSE OF THE CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF NORTH CAROLINA.*

Declares that the House of Representatives (1) supports the inalienable right of the people to keep and bear arms and (2) opposes any infringement by the federal government on the state's right to guarantee the protection of the right of the people of North Carolina to keep and bear arms.

Includes a series of *whereas clauses* citing to the Second Amendment of the United States Constitution and Section 30 of Article I of the Constitution of the State of North Carolina regarding the right to bear arms.

Directs the Principal Clerk to transmit a certified copy of this resolution to each member of North Carolina's congressional delegation.

Intro. by Speciale.

[HOUSE RES](#)

[View summary](#)

[State Government](#)

H 64 (2013-2014) [HONOR LEGISLATIVE BLDG'S 50TH ANNIVERSARY](#). Filed Feb 4 2013, *A JOINT RESOLUTION HONORING THE FIFTIETH ANNIVERSARY OF THE STATE LEGISLATIVE BUILDING.*

As title indicates.

Intro. by D. Ross, T. Moore.

[JOINT RES](#)

[View summary](#)

[General Assembly](#)

H 65 (2013-2014) [RESTORE PARTISAN JUDICIAL ELECTIONS](#). Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO RESTORE PARTISAN JUDICIAL ELECTIONS.*

Identical to [S 39](#), filed 1/31/13.

Repeals Subchapter X (Article 25) of GS Chapter 163 (providing for the nomination and election of appellate, superior, and district court judges). Makes conforming changes to GS 163-107(a) (to add justices and judges to those required to pay a filing fee to the board of elections) and to GS 163-107.1(c) (to add petition requirements for judges of the superior and district courts). Amends GS 163-106(c) to add justices of the supreme court, judges of the court of appeals, judges of the superior courts, and judges of the district courts to the list of offices for which candidates seeking party primary nominations must file notice of candidacy as indicated. Makes a conforming change to GS 163-106(f). Enacts new GS 163-106.1 to require candidates and nominees for superior court judge to reside in the district at the time of election or nomination. Amends GS 163-107.1(b), which allows a potential candidate to obtain petition signatures in lieu of paying a filing fee, to require signatures by 10% of the registered voters of the election area for the office of superior court or district court judge. Amends GS 163-106(d) to provide that in any primary with two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, two or more vacancies for district court judge, or for a specialized district judgeship, each candidate must designate, in writing, the applicable vacancy when filing notice of candidacy.

Amends GS 163-111(c)(1) to add justices and judges to the list of offices entitled to demand a second primary. Amends GS 163-114 to add (1) judges of district court, (2) judges of superior court in a single-county judicial district where the district is the whole county or part of the county, and (3) judges of superior court in a multi-county judicial district, and corresponding instructions for each category, to the list of offices for purposes of filling a vacancy after a primary and before a general election. Authorizes only the county convention delegates or county executive committee members who reside in the area of the county within the relevant multi-county district to vote for the county's representatives for the judicial district executive committee in a county that is partly in a multi-county judicial district. Makes additional conforming changes to the following statutes: GS 138A-22(d), GS 163-22.3, GS 163-82.10B, GS 163-165.5(3), GS 163-278.100(1), GS 163-278.110(1), GS 163-1(b), and GS 163-123(g). Repeals GS 163-122(c). Makes conforming changes to GS 163-278.64(c) (concerning State Board of Elections certification of candidates). Repeals GS 163-278.64A (special participation provisions for candidates in vacancy elections).

Repeals Article 22D (Public Campaign Financing Fund) in GS Chapter 163. Amends GS 105-159.2(b), removing the provision that requires the Department of Revenue to notify taxpayers that the \$3 check-off supports a nonpartisan court system. Makes a conforming change to GS 84-34, deleting the \$50 fee for active NC State Bar members designated for the Public Campaign Financing Fund. Effective July 1, 2013, states that any unexpended funds will be refunded pro rata. Makes conforming changes. Effective with respect to primaries and elections held on or after January 1, 2014.

Intro. by Iler, R. Brown, Riddell, Jones.

[GS 105](#), [GS 84](#), [GS 138A](#), [GS 163](#)

[View summary](#)

[Court System, Elections](#)

H 66 (2013-2014) [CAPTIVITY LICENSE AND PERMIT AMENDMENTS.-AB](#) Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION.*

Amends GS 113-274(c) to clarify that the Wildlife Resources Commission may issue a captivity permit for the possession of wild animals or wild birds for scientific, educational, or exhibition purposes. Makes conforming changes to GS 113-272.5(a) (concerning captivity licenses).

Intro. by West, Howard, Hager, T. Moore.

[GS 113](#)

[View summary](#)

[Animals](#)

PUBLIC/SENATE BILLS

S 43 (2013-2014) [STUDY SAVINGS FOR ADMINISTRATION OF CLAIMS](#). Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO DIRECT THE OFFICE OF STATE PERSONNEL, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND*

THE OFFICE OF STATE BUDGET AND MANAGEMENT, TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE MANAGEMENT OF WORKERS' COMPENSATION CLAIMS SUBMITTED BY STATE AND LOCAL GOVERNMENT EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

Directs the Office of State Personnel, in conjunction with the Department of Public Instruction and the Office of State Budget and Management, to (1) study the expenses related to the management of state and local government employees' workers' compensation claims and (2) make recommendations on improving efficiency and reducing expenses.

Specifies topics to be addressed in the study and directs the Office of State Personnel to report its findings and recommendations to the General Assembly no later than October 1, 2013.

Intro. by Brown.

STUDY

[View summary](#)

Employment and Retirement, Local Government, State Personnel, Office of State Budget and Management, Office of State Human Resources (formerly Office of State Personnel), Department of Public Instruction

S 44 (2013-2014) **WORKERS COMP COVERAGE/PUBLIC RECORDS**. Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN INFORMATION PERTAINING TO WORKERS' COMPENSATION COVERAGE BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.*

Amends GS 58-36-17 to permit the NC Industrial Commission to disclose the following data related to workers' compensation insurance policies, in addition to policy effective dates, cancellation dates, and reinstatement dates: employer name and address; carrier name, address, and phone number; and policy number. Disclosure applies to policies that become effective on or after January 1, 2012.

Intro. by Brown.

GS 58

[View summary](#)

Employment and Retirement, Public Records and Open Meetings

S 45 (2013-2014) **INCAPACITY TO PROCEED AMENDMENTS**. Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED.*

Amends GS 15A-1002 (determination of incapacity to proceed; temporary commitment; orders) to clarify that the court may appoint a medical expert or evaluator to examine a defendant charged with a misdemeanor or felony and return a report on the defendant's mental health. Allows the court to call the appointed expert to testify at the hearing, with or without the request of either party. Clarifies that a judge must find that an examination is more appropriate to determine capacity when a defendant is ordered to a state facility without an examination (current law makes this provision applicable only to felony charges). Permits the court to order the defendant to a state facility to determine the defendant's capacity at any time in the case of a defendant charged with a felony (current provision also applies to defendants charged with misdemeanors who have been examined). Requires a judge ordering an examination to order the release of confidential information to the examiner, after providing reasonable notice and an opportunity to be heard to the defendant. Requires the court order to include findings of fact to support the determination of the defendant's capacity to proceed. Allows stipulation by the parties to capacity to proceed only. Sets out requirements and timelines to provide examination reports to the court.

Amends GS 15A-1004(c) to add that the court must order that the defendant be examined to determine whether the defendant has the capacity to proceed before being released from custody. Amends GS 15A-1007 (supplemental hearings) to clarify applicable timelines after a defendant gains capacity to proceed. Makes conforming and clarifying changes to GS 15A-

1006. Amends GS 15A-1008 (dismissal) to require (rather than permit) the court to dismiss charges at the earliest of three specified occurrences when the defendant lacks capacity to proceed. Adds provisions related to the circumstances of dismissal, including the allowance to refile charges. Makes a conforming change to repeal GS 15A-1009 (dismissal with leave when defendant incapable of proceeding). Makes additional clarifying changes. Amends GS 122C-54(b) to require examination reports submitted by a facility to include any treatment recommendation and an opinion on the likelihood that the defendant will gain the capacity to proceed. Enacts new GS 122C-278 (reexamination for capacity to proceed prior to discharge) to provide that a respondent who is involuntarily committed to either inpatient or outpatient treatment under GS Chapter 122C cannot be discharged from custody or the outpatient case terminated until the person has been examined for capacity to proceed and a report has been filed with the clerk of court in compliance with GS 15A-1002.

Makes the statutory amendments effective December 1, 2013.

Directs the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (Commission) to adopt rules by December 1, 2013, to require appointed forensic evaluators to meet specified standards. Directs the Commission to adopt guidelines, by December 1, 2013, for the treatment of involuntarily committed persons following a determination of incapacity to proceed.

Intro. by Randleman.

[GS 15A, GS 122C](#)

[View summary](#)

[Criminal Law and Procedure, Mental Health](#)

S 46 (2013-2014) [ELECTION OF UNC BOARD OF GOVERNORS](#). Filed Feb 4 2013, *A BILL TO BE ENTITLED A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.*

Sets forth Senate procedures for nominating and electing members to the eight available positions on the UNC Board of Governors in 2013. Directs the Senate Select Committee on UNC Board of Governors to receive and screen candidate nominations, as specified, and to place nominees before the Senate for election. Details election procedures for the Senate and lists voting rules. Provides for notification of the elected persons.

Intro. by Apodaca.

[SENATE RES](#)

[View summary](#)

[UNC System](#)

S 47 (2013-2014) [STATE OF THE STATE SPEECH](#). Filed Feb 4 2013, *A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR PAT MCCRORY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.*

As the titles indicates. Provides that the date for the joint session of the Senate and House or Representatives is February 18, 2013, at 7:00 PM.

Intro. by Apodaca.

[JOINT RES](#)

[View summary](#)

[General Assembly](#)

LOCAL/SENATE BILLS

S 48 (2013-2014) **HENDERSON COUNTY FIRE DISTRICTS**. Filed Feb 4 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO STANDARDIZE THE CEILING ON FIRE DISTRICT TAXES IN HENDERSON COUNTY.*

Identical to [H 28](#), filed 3/30/13.

Current law allows the Henderson County Board of Commissioners to call an election, upon petition, on the question of increasing a special fire protection district tax. Amends GS 69-25.1 to allow the board by ordinance to increase the tax as detailed.

Intro. by Apodaca.

[Henderson, GS 69](#)

[View summary](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 4: UI FUND SOLVENCY & PROGRAM CHANGES.**

House: Amend Failed A1

House: Amend Failed A2

House: Amend Failed A3

House: Amend Failed A4

House: Amend Failed A5

House: Amend Failed A6

House: Passed 2nd Reading

H 5: TEMPORARY FUNDING/GROUP HOMES & SCUs (NEW).

Senate: Passed 1st Reading

Senate: Ref To Com On Appropriations/Base Budget

H 20: JT SESSION/STATE BD OF ED CONFIRMATION.

Senate: Passed 1st Reading

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

H 30: REPEAL COMBINED M.V. REGISTRATION/TAX SYSTEM.

House: Passed 1st Reading

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

H 31: AMEND HABITUAL DWI.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee B

H 32: INCREASE YEAR'S ALLOWANCE.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee B

H 34: CLARIFY INDECENT EXPOSURE LAW.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee C

H 35: LIMIT STATE FACILITIES FINANCE ACT DEBT (NEW).

House: Passed 1st Reading

House: Ref To Com On Finance

H 36: HONOR JOE HEGE.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 38: REPEAL SECOND PRIMARIES.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 39: WESTERN CRIME LAB FUNDS.

House: Passed 1st Reading

House: Ref To Com On Appropriations

H 40: AMEND HABITUAL DWI.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee A

H 41: 0.00 ALCOHOL RESTRICTION - ALL DWI.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee A

H 42: NEW JUDGE/ADA WAKE COUNTY.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 43: IGNITION INTERLOCK - ALL DWI.

House: Passed 1st Reading

House: Ref To Com On Judiciary Subcommittee A

H 44: TRANSITION TO DIGITAL LEARNING IN SCHOOLS.

House: Passed 1st Reading

House: Ref To Com On Education

H 45: INTERNET ACCESS FOR PUBLIC SCHOOLS.

House: Passed 1st Reading

House: Ref to the Com on Education, if favorable, Appropriations Subcommittee on Education

H 46: HONOR ED JONES.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 47: HONOR CONWAY'S 100TH ANNIVERSARY.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 48: OPERATION OF MOPEDS.

House: Passed 1st Reading

House: Ref To Com On Transportation

H 49: FIREARM IN LOCKED MOTOR VEHICLE/PARKING LOT.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 50: HONOR DON EAST.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 51: INCREASE ACCESS TO CAREER/TECHNICAL ED.

House: Passed 1st Reading

House: Ref to the Com on Education, if favorable, Appropriations Subcommittee on Education

H 52: HONOR BOY SCOUTS.

House: Passed 1st Reading

House: Cal Pursuant 32(a)

House: Placed On Cal For 02/04/2013

House: Adopted

H 53: NC RIGHT TO WORK/SECRET BALLOT AMENDMENTS.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 54: 2013 PERMANENT HOUSE RULES.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 62: PAMLICO AND NEUSE RIVER FERRIES/NO TOLLING.

House: Filed

H 63: SUPPORT RIGHT TO BEAR ARMS.

House: Filed

H 64: HONOR LEGISLATIVE BLDG'S 50TH ANNIVERSARY.

House: Filed

H 65: RESTORE PARTISAN JUDICIAL ELECTIONS.

House: Filed

H 66: CAPTIVITY LICENSE AND PERMIT AMENDMENTS.-AB

House: Filed

S 4: NO N.C. EXCHANGE/NO MEDICAID EXPANSION.

Senate: Passed 2nd Reading

S 24: CONSTRUCTION/DEMOLITION LANDFILL SITING.

Senate: Passed 1st Reading

Senate: Ref To Com On Agriculture/Environment/Natural Resources

S 25: HUNTING & FISHING/ACTIVE DUTY MILITARY.

Senate: Passed 1st Reading

Senate: Ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Finance

S 26: HONOR DONALD WILLIAM BINGHAM.

Senate: Passed 1st Reading

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

S 27: PUBLIC SCHOOL PROTECTION/FIREARM AMENDMENTS.

Senate: Passed 1st Reading

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

S 28: GUN PERMIT INFORMATION/NO PUBLICATION.

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary II

S 29: NC RAILROAD COMPANY REPORTING AND DIVIDENDS.

Senate: Passed 1st Reading

Senate: Ref to Program Evaluation. If fav, re-ref to Finance

S 30: TRANSFER OF INDIAN CULTURAL CENTER PROPERTY.

Senate: Passed 1st Reading

Senate: Ref To Com On Finance

S 31: WORKERS' COMP FUND/SAFETY WORKERS ALLOCATION.

Senate: Passed 1st Reading

Senate: Ref to Commerce. If fav, re-ref to Finance

S 32: PERIODIC REVIEW AND EXPIRATION OF RULES.

Senate: Passed 1st Reading

Senate: Ref To Com On Program Evaluation

S 33: USE OF CRIMINAL HISTORY RECORDS BY LIC. BDS.

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary II

S 34: ELIMINATE OBSOLETE BOARDS AND COMMISSIONS.

Senate: Passed 1st Reading

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

S 35: HONOR ED JONES.

Senate: Passed 1st Reading

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

S 36: APA TECHNICAL/CLARIFYING CHGES.

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary I

S 37: PED STUDY OCC. LIC BD. AGENCY.

Senate: Passed 1st Reading

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

S 38: AMEND ENVIRONMENTAL LAWS 2014 (NEW).

Senate: Passed 1st Reading

Senate: Ref To Com On Agriculture/Environment/Natural Resources

Senate: Passed 1st Reading

Senate: Ref To Com On Agriculture/Environment/Natural Resources

S 39: RESTORE PARTISAN JUDICIAL ELECTIONS.

Senate: Passed 1st Reading

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

S 40: HONOR CONWAY'S 100TH ANNIVERSARY.

Senate: Passed 1st Reading

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

S 41: HONOR BOY SCOUTS.

Senate: Passed 1st Reading

Senate: Placed On Cal For 02/05/2013

S 42: CONFIDENTIALITY OF UC INFORMATION (NEW).

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 43: STUDY SAVINGS FOR ADMINISTRATION OF CLAIMS.

Senate: Filed

S 44: WORKERS COMP COVERAGE/PUBLIC RECORDS.

Senate: Filed

S 45: INCAPACITY TO PROCEED AMENDMENTS.

Senate: Filed

S 46: ELECTION OF UNC BOARD OF GOVERNORS.

Senate: Filed

S 47: STATE OF THE STATE SPEECH.

Senate: Filed

LOCAL BILLS

H 33: CLEVELAND/POLK/RUTHERFORD TRAPPING REPEAL.

House: Passed 1st Reading

House: Ref To Com On Government

H 37: CLEVELAND CO. PROPERTY TRANSFER.

House: Passed 1st Reading

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

S 48: HENDERSON COUNTY FIRE DISTRICTS.

Senate: Filed

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