



The Daily Bulletin: 2013-02-11

PUBLIC/HOUSE BILLS

H 24 (2013-2014) [DV ABUSER TREATMENT PROGRAM/AMENDMENTS \(NEW\)](#). Filed Jan 30 2013, *A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURES FOR PERSONS ON PROBATION WHO ARE DIRECTED TO PARTICIPATE IN AN ABUSER TREATMENT PROGRAM AND MAKE CLARIFYING CHANGES RELATING TO DOMESTIC VIOLENCE OFFENSES.*

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

Intro. by T. Moore.

[GS 15A](#)

[View summary](#)

[Court System, Corrections \(Sentencing/Probation\)](#)

H 88 (2013-2014) [LIEN AGENTS/TECHNICAL CORRECTIONS \(NEW\)](#). Filed Feb 11 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW PERTAINING TO LIEN AGENTS.*

Identical to [S 45](#), filed 2/4/13.

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 Hurley.

GS 15A, GS 122C

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

H 89 (2013-2014) **DENR SUPPORT FOR REGIONAL WATER SUPPLY SYSTEM**. Filed Feb 11 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO SUPPORT THE APPLICATION OF A REGIONAL WATER SUPPLY SYSTEM FOR ALL REQUIRED FEDERAL APPROVALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Amends GS 143-355.7 to require the Department of Environment and Natural Resources (DENR) to support and endorse any state or federal permit application for the preferred water supply alternative when the listed conditions are met (previously, DENR could act as co-applicant for federal approval of the most practicable alternative).

Intro. by McGrady, Samuelson, McElraft.

GS 143

[View summary](#)**Environment/Natural Resources, Department of Environmental Quality (formerly DENR)**

H 90 (2013-2014) **HONOR HAYESVILLE'S 100TH ANNIVERSARY**. Filed Feb 11 2013, *A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HAYESVILLE.*

As the title indicates. Honors the town of Hayesville's founders and its 100th anniversary.

Intro. by West.

Clay, JOINT RES

[View summary](#)

PUBLIC/SENATE BILLS

S 76 (2013-2014) **DOMESTIC ENERGY JOBS ACT**. Filed Feb 11 2013, *A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE FOR AUTOMATIC REVIEW OF MINING AND ENERGY COMMISSION RULES BY THE GENERAL ASSEMBLY; (2) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT; (3) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (4) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (5) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY MATTERS RELATED TO REGISTRATION OF LANDMEN; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (8) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO*

DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.

Issuance of Permits. Effective March 1, 2015, authorizes the Department of Environment and Natural Resources (DENR) and the Mining and Energy Commission (MEC) to issue permits for oil and gas exploration and development using horizontal drilling and hydraulic fracturing. Effective March 1, 2015, repeals provision in the 2012 Clean Energy and Economic Security Act that prohibited the issuance of such permits until MEC developed a regulatory program. Directs MEC and DENR to study a coordinated program to issue single comprehensive environmental permits to govern multiple activities at a site, and requires MEC to report on such a program by October 1, 2013.

Mining and Energy Commission. Removes the State Geologist and the Assistant Secretary of Energy for the Department of Commerce as members on the MEC. Deletes requirement that Governor's appointee from the Environmental Management Commission be knowledgeable in water and air resources management; deletes requirement that Governor's appointee from the Commission for Public Health be knowledgeable in waste management. Specifies that the terms of these two members will terminate immediately if the member's term on the respective Commission should terminate. Amends GS 113-394 to provide that the MEC may limit the total amount of oil produced in NC by fixing an allowable amount (previously required limitation when amount exceeded market demand). Makes conforming changes to make permissive (rather than mandatory) the distribution process for allowables. Makes similar changes with respect to gas production.

Landmen Registry. Repeals GS 113-425 (landmen registry); applies retroactively to October 1, 2012.

Severance Taxes. Effective for energy materials sold on or after March 1, 2015, and conditioned on legislative authorization in the 2013 Appropriations Act, imposes a severance tax on all energy materials severed from the soil or water. Sets out schedules to calculate tax rates for condensates, oil, and gas. Provides for exemptions for severance of energy materials by producers who own land from which the materials are derived. Details additional provisions related to the severance tax, including market value, return and record-keeping requirements, and a prohibition on local governments imposing the tax. Requires permit suspension for failure to pay the tax. Allocates 25%, up to \$1 million, annually to DENR to administer the Oil and Gas Conservation Act. Allocates remaining revenue as follows: 50% to the General Fund and 50%, up to \$10 million, to the Onshore Energy Management Fund, with excess deposited in the General Fund.

Mineral Interest Fund Appropriation. Appropriates \$22,900 in 2012-13 from the Mineral Interest Fund to DENR to operate MEC.

Revenue from Offshore Energy Production. Enacts new GS 113B-30 to require the deposit of all revenues and royalties from offshore energy activities in the Offshore Energy Management Fund (Fund), up to \$50 million. Requires maintenance of Fund balance at \$50 million with remaining revenues allocated annually as follows: 30% to the General Fund; 10% to the Highway Trust Fund; 10% to the Community Colleges System Office; 10% to the UNC Board of Governors; 30% to DENR; 8% to the State Ports Authority; and 2% to the Department of Commerce. Effective only if authorized by the General Assembly in the 2013 Appropriations Act.

Compact. Encourages the Governor to develop a regional energy compact with South Carolina and Virginia for offshore energy exploration. Sets out requirements for the compact and a reporting timeline for the Governor to share with the General Assembly progress on the compact.

Energy Policy and Jobs Act. Renames the title of GS Chapter 113B as the "NC Energy Policy and Jobs Act," and renames Article 1 as "Energy Jobs Council." Modifies legislative findings and purpose of the Energy Jobs Council. Transfers the Council from the Department of Commerce to DENR, and makes conforming changes. Decreases from 16 to 13 and revises the membership and member qualifications of the Council. Requires appointments by July 1, 2013, and specifies that members have three year terms (was, two- or four-year terms). States the goal of the Council, and makes clarifying changes and other modifications to the Council's responsibilities. Allows public utilities to meet requirement of providing a proposed energy crisis plan by submitting the General Load Reduction and System Restoration Plan. Requires the Council to report every two years (rather than annually) to specified parties on energy conditions; makes first report due by January 1, 2014. Clarifies that a Committee on Energy Crisis Management will be created if the Governor declares an energy crisis. Makes conforming changes to various provisions in GS Chapters 113B, 114, and 143. Terminates the terms of all current members on the Council, effective on the earlier of the act's effective date or June 30, 2013.

Medical Care Commission. Directs the Medical Care Commission to authorize licensed facilities to use bi-fuel generators meeting certain requirements, and to adopt a related, permanent rule to replace the Electrical Requirements Rule.

Intro. by Newton, Rucho, Brock.

GS 105, APPROP, STUDY, GS 113, GS 113B, GS 114, GS 143, GS 143B

[View summary](#)

Energy, Environment/Natural Resources, Executive, Department of Environmental Quality (formerly DENR), Tax

ACTIONS ON BILLS

PUBLIC BILLS

H 16: NO N.C. EXCHANGE/NO MEDICAID EXPANSION.

House: Withdrawn From Com

House: Re-ref Com On Health and Human Services

H 24: DV ABUSER TREATMENT PROGRAM/AMENDMENTS (NEW).

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

H 79: ANNEXATION AMENDMENT.

House: Passed 1st Reading

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

H 80: UNC BOG VACANCY NOMINATION.

House: Passed 1st Reading

House: Cal Pursuant 32(a)

House: Placed On Cal For 02/12/2013

H 81: ELECTION TO UNC BOARD OF GOVERNORS.

House: Passed 1st Reading

House: Cal Pursuant 32(a)

House: Placed On Cal For 02/12/2013

H 82: IRC UPDATE.

House: Passed 1st Reading

House: Ref To Com On Finance

H 83: ENACT CON COMMITTEE RECOMMENDATIONS.

House: Passed 1st Reading

House: Ref to the Com on Health and Human Services, if favorable, Regulatory Reform, if favorable, Appropriations

H 84: ENACT MEDICAL CANNABIS ACT.

House: Passed 1st Reading

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

H 85: AG. ED./FFA DAY IN NORTH CAROLINA.

House: Passed 1st Reading

House: Cal Pursuant 32(a)

House: Placed On Cal For 02/12/2013

H 86: RESTORE WALLACE TO WILMINGTON RAILROAD.

House: Passed 1st Reading

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

H 88: LIEN AGENTS/TECHNICAL CORRECTIONS (NEW).

House: Filed

H 89: DENR SUPPORT FOR REGIONAL WATER SUPPLY SYSTEM.

House: Filed

H 90: HONOR HAYESVILLE'S 100TH ANNIVERSARY.

House: Filed

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

House: Serial Referral To Appropriations Stricken

S 10: GOVERNMENT REORGANIZATION AND EFFICIENCY ACT (NEW).

House: Rec From Senate

S 14: INCREASE ACCESS TO CAREER/TECHNICAL ED.

House: Rec From Senate

S 47: STATE OF THE STATE SPEECH.

House: Cal Pursuant 32(a)

House: Placed On Cal For 02/12/2013

S 63: ABC PERMIT FOR DESSERT BAR.

Senate: Passed 1st Reading

Senate: Ref To Com On Commerce

S 64: IRC UPDATE.

Senate: Passed 1st Reading

Senate: Ref To Com On Finance

S 66: AG. ED./FFA DAY IN NORTH CAROLINA.

Senate: Passed 1st Reading

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

S 68: ARTS EDUCATION AS A GRADUATION REQUIREMENT.

Senate: Passed 1st Reading

Senate: Ref To Com On Education/Higher Education

S 69: LAW ENFORCEMENT OFFICERS MEMORIAL PLATE.

Senate: Passed 1st Reading

Senate: Ref To Com On Finance

S 70: KILAH'S LAW/INCREASE CHILD ABUSE PENALTIES.

Senate: Passed 1st Reading

Senate: Ref To Com On Judiciary II

S 71: AMEND IRRIGATION CONTRACTORS LICENSING LAWS.

Senate: Passed 1st Reading

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

S 72: AMEND UCC ARTICLE 4A/FUNDS TRANSFERS.

Senate: Passed 1st Reading

Senate: RefTo Com On Judiciary I

S 73: LOCAL WORKFORCE DEV./DISLOCATED WORKERS.

Senate: Passed 1st Reading

Senate: RefTo Com On Commerce

S 74: BOARD OF LAW EXAMINERS/UPDATE EXPENSE LAW.

Senate: Passed 1st Reading

Senate: RefTo Com On Finance

S 76: DOMESTIC ENERGY JOBS ACT.

Senate: Filed

LOCAL BILLS**H 87: LENOIR COUNTY LOCAL OPTION SALES TAX.**

House: Passed 1st Reading

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

S 62: 42ND SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 65: 18TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 67: SURRY COMM. COLLEGE/YADKIN CTY. LAND TRANSFER (NEW).

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 75: ONSLOW PUBLIC-PRIVATE PARTNERSHIP.

Senate: Passed 1st Reading

Senate: RefTo Com On State and Local Government

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