



The Daily Bulletin: 2013-05-22

PUBLIC/HOUSE BILLS

H 169 (2013-2014) [HONOR FALLEN SOLDIERS](#). Filed Feb 27 2013, *A HOUSE RESOLUTION EXPRESSING GRATITUDE TO THE MEMBERS OF THE MILITARY FOR THEIR SERVICE AND HONORING THE MEMORY OF THOSE KILLED IN THE LINE OF DUTY*.

House committee substitute to the 1st edition makes the following changes. Changes the act from a Joint Resolution to a House Resolution and makes conforming changes, including updating the act's long title. Adds Army Specialist David T. Proctor from Greensboro to those individuals honored in the act.

Intro. by Blust, Cleveland, D. Hall, Floyd.

[HOUSE RES](#)

[View summary](#)

[Military and Veteran's Affairs](#)

H 817 (2013-2014) [STRATEGIC TRANSPORTATION INVESTMENTS \(NEW\)](#). Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS*.

Senate committee substitute makes the following changes to the 5th edition.

Part 1, Strategic Transportation Investments

Amends GS 136-189.10, providing that the definition for *Statewide strategic mobility projects* includes extensions of highway toll projects in existence on, or for which funds have been obligated by July 1, 2013. Amends the definition for *Regional impact projects*, providing that it includes highway toll routes, freight capacity, and safety improvements to rail corridors spanning two or more counties which are not included under *Statewide strategic mobility projects* and removes specified rail lines spanning two or more counties, and public transportation services spanning two or more counties that serve more than one city. Amends the definition for *Division Needs Projects*, providing that it includes freight capacity and safety improvements to rail corridors not included in the above definitions, as well as specified aspects of public transportation service improvements facilities, and equipment, federally-funded bicycle/pedestrian improvements, and federally-funded municipal road projects; removes multimodal terminals and stations serving passenger tourist systems.

Amends GS 136-189.11, *Transportation Investment Strategy Formula*, providing that toll collections from the State-maintained ferry system, collected under GS 136-82, are not subject to GS 136-189.11. Enacts new GS 136-189.11(b1), providing that Federal Surface Transportation Program-Direct Attributable funds expended on eligible projects in the Regional Impact Project category are excluded from the Regional Impact Project category. Amends the criteria used for the selection of Regional Impact Projects and Division Need Projects, deleting economic competitiveness from the lists of eligible criteria and adding accessibility and connectivity to employment centers, tourist destinations, and military installations for consideration.

Amends the criteria for selecting Division Need Projects to add accessibility and connecting to employment centers, tourist destinations or military installations. Amends the alternate criteria used in the selection of Division Need Projects, providing that only those Federal Surface Transportation Program-Direct Attributable funds expended on eligible projects in the Division Need Projects category can be considered. Also adds federal funds for municipal road projects to the list of alternate criteria. Establishes that bicycle and pedestrian improvement projects will not receive financial support from the DOT, except for federal funds administered by the DOT. Sets out the limitations on applicability for the subsection. Makes a clarifying change to the criteria for nonhighway projects, providing that criteria used for the selection of projects (was, for the selection of Statewide Strategic Mobility Projects only) must be based on at least four quantitative criteria.

Amends GS 136-189.11(f), *Incentives for Local Funding and Highway Tolling*, providing that for a project for which funds have been committed on or before July 1, 2015, the amount made available for other eligible highway projects will not exceed \$200 million of the capital construction funding attributable to the highway toll revenues committed in the Investment Grade Traffic and Revenue Study. Further provides that any amount available for other eligible highway projects will not exceed \$100 million of the capital construction funding attributable to the highway toll revenues committed in the Investment Grade Traffic and Revenue Study, in regards to a project for which funds are committed after July 1, 2015.

Amends GS 136-189.11(g), regarding reporting requirements, deleting the requirement to include distinctions between the DOT division scoring and methodologies and those of the other specified entities. Makes a clarifying change.

Part 2, Secondary Roads Changes

Amends GS 20-85(a1), deleting language regarding the crediting of funds raised by the fees for transactions of this section. Enacts new GS 20-85(a2), which provides that from the fees collected under subsection (a)(1) through (a)(9), \$400,000 will be annually credited to the Reserve for Visitor Centers in the Highway Fund. Makes a conforming change.

Amends GS 136-44.2, *Budget and appropriations*, to make clarifying changes.

Makes a technical change to GS 136-44.2D.

Amends Section 2.6(d) of the act to make the appropriation an allocation.

Amends the title of GS 136-44.8, effective July 1, 2014, to be *Submission of unpaved secondary road paving programs to the Boards of County Commissioners*, (was, *Submission of secondary roads unpaved roads paving program to the Boards of County Commissioners*).

Part 3, State Aid to Municipalities/Powell Bill Changes

Amends GS 136-41.3, *Use of funds; records and annual statement; excess accumulation of funds; contracts for maintenance, etc., of streets*, establishing that the funds provided under GS 136-41.2 may be used by the specified cities and towns for the varied purposes including constructing or maintaining bikeways, greenways, or sidewalks (previously, provided that the funds must be used for bikeways found in the rights of way of public streets and highways or sidewalks along public streets and highways). Makes organizational changes, providing introductory titles for each subsection.

Amends GS 136-41.1, *Municipal use of allocated funds; election*, providing that municipalities that qualify for an allocation of funds pursuant to GS 136-41.1 now have the following options:

- (1) Accept all or a portion of funds (previously, only provided for accepting all of the funds) allocated to the municipality, under that section, for the repair, maintenance, construction, reconstruction, widening, or improving of the municipality's streets.
- (2) Use some or all of its allocation to match federal funds administered by the Department for bicycle and pedestrian improvement projects within the municipality's limits, or within the area of any metropolitan planning organization or rural transportation planning organization (new).
- (3) Elect to have some or all of the allocation reprogrammed for any Transportation Improvement Project currently on the approved project list within the municipality's limits or within the area of any metropolitan planning organization or rural transportation planning organization (was, rural planning organization).

Makes conforming changes.

Amends GS 136-41.1(b), establishing that the restriction set out in this subsection on the allocation amount that may be reprogrammed does not apply to any bicycle or pedestrian projects.

Provides a new Section 3.5 of the act, which requires the DOT to collect lane mile data from each municipality eligible to receive funds under this section no later than December 1, 2013. The DOT must also report to the Joint Legislative Transportation Oversight Committee no later than March 1, 2014, providing at least three options to shift the distribution formula to include lane mile data. Sets out other required components of the report. Requires the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division to include in its recommendations to the 2014 Session

of the 2013 General Assembly a new distribution formula, if the Committee finds that a new formula is beneficial and practical.

Part 5, Turnpike Authority Changes

Amends GS 136-18, *Powers of Department of Transportation*, making organizational changes to subsection (e). Amends the definition of corridor, for the purpose of this subdivision, to include improvements necessary for the financing of subsequent improvements, additions, or extensions to the Turnpike Project. Amends subsection (f), providing that agreements entered into under this subdivision must be limited to no more than 50 years from the date of the beginning of the operations on the toll facility (previously, did not state when the 50 year time period began). Makes a clarifying change. Deletes subsection (g), as provided for in a previous edition which allowed DOT to contract with counsel or financial advisors.

Part 7, Effective Date

Deletes all of the provisions from the effective date provision in the previous edition. Establishes that except as provided herein, this act becomes effective July 1, 2013. Provides that the act is only effective if the General Assembly appropriates funds in the Current Operations and Capital Improvements Appropriations Act of 2013 to implement this act.

Intro. by W. Brawley, Torbett, Iler, Shepard.

[GS 105, STUDY, GS 20, GS 136](#)

[View summary](#)

[Transportation, Department of Transportation](#)

PUBLIC/SENATE BILLS

S 9 (2013-2014) [UTILITIES/DESIGN/SURVEY LOCATION SERVICES](#). Filed Jan 30 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.*

House committee substitute makes a technical correction to the 3rd edition.

Intro. by Meredith.

[GS 87](#)

[View summary](#)

[Public Enterprises and Utilities](#)

S 71 (2013-2014) [AMEND IRRIGATION CONTRACTORS LICENSING LAWS](#). Filed Feb 7 2013, *A BILL TO BE ENTITLED AN ACT 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 the 3rd edition.

Amends GS 89G-3(11) to provide that the exemption to the provisions of GS Chapter 89 (regulating irrigation contractors) applies to a licensed general contractor classified under GS 87-10(b) as a building contractor, a residential contractor, or a public utilities contractor (was, the exemption applied only when the contractor used the contractor's own employees to perform irrigation construction or irrigation contracting work). Deletes provision limiting a public utilities contractor who is exempt under this section to performing only the activities described in GS 87-10(b)(3)a.

Intro. by Tucker.

GS 89G

[View summary](#)**Occupational Licensing**

S 334 (2013-2014) **DOROTHEA DIX LEASE**. Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE STATUS QUO ANTE WITH REGARD TO THE DOROTHEA DIX PROPERTY IN ORDER TO ALLOW A TRANSACTION THAT REPRESENTS THE STATE'S NECESSITY OF HOUSING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, RALEIGH'S GOAL OF CREATING A WORLD CLASS DESTINATION PARK, THE MENTAL HEALTH COMMUNITY'S NEED FOR APPROPRIATE SERVICES, AND THE PEOPLE OF NORTH CAROLINA'S RIGHT TO A FAIR RETURN ON INVESTMENT.*

House committee substitute to the 3rd edition makes the following changes. Deletes the provisions of the 3rd edition and provides instead as follows. Sets out whereas clauses and states legislative findings concerning the general background of the Dorothea Dix Property, the valuation of the property, related statutory requirements, chronology of events, consequences of failure to provide material details of the lease, consequences of failure to provide required time for consultation, and ultra vires actions (actions done without legal authority).

voids the lease of the Dorothea Dix Property (Property) to Raleigh and requires the refund of any payments made under the lease while also releasing Raleigh from any obligation to the state under the lease. Directs Raleigh to terminate the lease, when the section becomes effective, and notify the Governor of the termination. Also requires the Governor to notify Raleigh that the state terminates the lease when the section becomes effective. These provisions are effective April 1, 2014.

Requires the Department of Administration (DOA) and the Department of Health and Human Services (DHHS) to jointly evaluate the recommended uses of the Property identified in the 2007 State Government Facilities Master Plan and requires DOT to evaluate whether implementation of any portion of Section 8 of that Plan would be facilitated by changing the use for adjacent state property. Requires a report to the General Assembly by March 15, 2014. Provides that if DOT determines it is in the state's best interest to dispose of a portion of the Property for use as a public park, it may do so. Allows DOA to reserve certain portions of the Property and include adjacent state property if DOA determines it is appropriate. Gives Raleigh the right of first refusal. Requires a deposition of the property to reserve to the state that portion of the Property that is necessary to house DHHS operations and requires adequate time and access to the property and records for due diligence, obtaining appraisals, and making appropriate inquiries. States the General Assembly's intent that proceeds from and disposition of the Property be held in a special fund to be appropriated for mental health purposes.

Includes a severability clause.

Unless otherwise indicated, effective when the act becomes law.

Intro. by Hise, Pate, Tucker.

Wake, UNCODIFIED

[View summary](#)**State Property, Department of Administration, Department of Health and Human Services, Mental Health**

S 402 (2013-2014) **APPROPRIATIONS ACT OF 2013**. Filed Mar 25 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.*

The following amendments are to the 2nd edition of the Appropriations Act of 2013.

Section 38.6 *Effective Date*

Senate amendment #6 makes a technical correction to the act's effective date.

Section 34.14.(j) *Assess Certain Real Properties*

Senate amendment #8 removes four parcels of property from the noncorridor real property to be assessed by any state-owned railroad company with tracks in more than two counties. Enacts new **Section 34.14.(j1)** to provide that any state-owned railroad company with tracks in more than two counties must issue a dividend that consists of any of the company's noncorridor real property that is among the following parcels: (1) 4th Street Lot (Carteret), (2) Station & Former Industrial Lot (Carteret), (3) Waterfront & Riparian Rights (Carteret), and (4) N. Craven St. Lot (Craven). Requires that the dividend be issued no later than June 30, 2014, and that it be in the form of a transfer of the property to the Department of Administration (Department). Senate amendment #10 amends amendment #8 to provide an exception that the dividend required under this subsection must be issued no later than August 1, 2013, with regards to the N. Craven St. Lot.

Adds new **Section 34.14.(j2)** to direct the Department, in collaboration with the Department of Transportation (DOT) and the North Carolina State Ports Authority (NCSPA), to evaluate the value of the parcels listed in subsection (j1) that are located in Carteret County. Specifies factors to be compared in the evaluation and requires the Department and the DOT to report the results of the evaluation and make recommendations to the Joint Legislative Transportation Oversight Committee by April 1, 2014. Prohibits the Department from selling the Carteret County parcels described in this subsection until authorized to do so by an act of the General Assembly. However, directs the Department to sell parcels listed in subsection (j1) that are located in Craven County, regardless of Articles 2 and 7 of GS Chapter 146, GS 124-5.1, and GS 136-16.6. Directs the Department to deposit the proceeds from the sales into the Freight Rail and Rail Crossing Safety Improvement Fund of the Highway Fund. Permits the Department to deduct the costs of selling the property from the proceeds of the sales.

Section 12H.2.(c) *Clarify State Plan Amendment Procedures; Repeal Unauthorized State Plan Amendment*

Senate amendment #13 rewrites subsection (c) of this section to direct the Department of Health and Human Services to take action to amend the Medicaid State Plan regarding supplemental payments that increase reimbursement to the average commercial rate for certain eligible medical professional providers. Limits the definition of eligible medical professional providers to apply only to doctors employed as academic faculty by the East Carolina School of Medicine or the University of North Carolina at Chapel Hill School of Medicine. Restricts supplemental payments to being made only for services provided at these schools of medicine. Makes a conforming change to the title of this section, deleting the phrase "repeal unauthorized state plan amendment" and replacing it with "amend state plan."

Intro. by Brunstetter, Brown, Hunt.

GS 116, GS 105, GS 115C, GS 1A, GS 7A, GS 7B, GS 14, GS 15A, GS 18B, GS 18C, GS 20, GS 48, GS 58, GS 63A, GS 65, GS 66, GS 74F, GS 75A, GS 84, GS 87, GS 89D, GS 90, GS 93E, GS 95, GS 101, GS 106, GS 108A, GS 108C, GS 110, GS 111, GS 113, GS 113A, GS 113B, GS 114, GS 115D, GS 116B, GS 120, GS 120C, GS 121, GS 122C, GS 124, GS 126, GS 127A, GS 130A, GS 131D, GS 131E, GS 136, GS 138A, GS 143, GS 143B, GS 143C, GS 146, GS 147, GS 148, GS 150B, GS 153A, GS 159G, GS 160A, GS 163, GS 164, GS 165

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[Budget/Appropriations](#)

LOCAL/SENATE BILLS

S 315 (2013-2014) **MUNICIPAL SERVICES (NEW)**. Filed Mar 13 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED*

PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY.

House committee substitute deletes all the provisions of the 2nd edition and instead does the following.

Amends the City of Durham's Charter to allow the city council to make annexation ordinances adopted under Parts 1 or 4 of Article 4A of GS Chapter 160A effective on any specified date within 10 years (was, three years) from the date when the annexation ordinance is passed.

Rewrites the bill title.

Intro. by McKissick, Woodard.

[Durham](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 10: REMOVE ROUTE RESTRICTION FOR NC 540 LOOP.

House: Conf Com Appointed

Senate: Conf Com Appointed

H 90: HONOR HAYESVILLE'S 100TH ANNIVERSARY.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/29/2013

H 169: HONOR FALLEN SOLDIERS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/23/2013

H 241: BLUE MONDAY SHAD FRY.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 243: LIENS/SELF-SERVICE STORAGE FACILITIES.

Senate: Conf Com Appointed

H 254: ZONING CHANGES/NOTICE TO MILITARY BASES.

Ratified

Pres. To Gov. 05/23/2013

H 267: CAPTIVE INSURANCE AMENDMENTS (NEW).

Senate: Rec From House

Senate: Passed 1st Reading

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

Senate: Rec From House

Senate: Passed 1st Reading

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

H 433: LAND USE SURROUNDING MILITARY INSTALLATIONS.

Senate: Conf Com Appointed

H 507: HONOR NEWLAND'S CENTENNIAL.

House: Adopted

H 817: STRATEGIC TRANSPORTATION INVESTMENTS (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

H 917: ADOPT DUBLIN PEANUT FESTIVAL.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1008: HONOR DELTA SIGMA THETA'S FOUNDERS.

House: Withdrawn From Com

House: Added to Calendar

House: Adopted

S 9: UTILITIES/DESIGN/SURVEY LOCATION SERVICES.

House: Serial Referral To Public Utilities and Energy Added

House: Reptd Com Sub w/o Prejud

House: Re-ref Com On Public Utilities and Energy

S 71: AMEND IRRIGATION CONTRACTORS LICENSING LAWS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

S 189: AMEND LAW DEFINING HOME SCHOOLS.

House: Withdrawn From Com

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/23/2013

S 334: DOROTHEA DIX LEASE.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

S 402: APPROPRIATIONS ACT OF 2013.

Senate: Amend Failed A1

Senate: Amend Failed A2

Senate: Amend Failed A3

Senate: Amend Tabled A4

Senate: Amendment Offered A5

Senate: Amend Adopted A6

Senate: Amend Adopted A8

Senate: Amend Adopted A10

Senate: Amend Failed A11

Senate: Amend Failed A12

Senate: Amend Tabled A9

Senate: Amendment Withdrawn A7

Senate: Amend Adopted A13

Senate: Passed 2nd Reading

S 430: CLARIFY ELECTRIC LOAD CONTROL PROCESS.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 574: GROUNDWATER CONTAMINATION/MODIFY RESPONSE (NEW).

House: Re-assigned To Judiciary

House: Re-assigned To Judiciary

LOCAL BILLS

H 493: ROBBINSVILLE/GRAHAM OCCUPANCY TAX (NEW).

House: Withdrawn From Com

House: Re-ref Com On Finance

S 290: WAYNESVILLE ANNEXATION.

House: Withdrawn From Com

House: Re-ref Com On Finance

S 315: MUNICIPAL SERVICES (NEW).

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

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