



The Daily Bulletin: 2013-06-04

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.*

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

Changes the short and long titles.

Amends GS 15A-1343(b)(12), concerning the conditions of probation, making organizational changes and setting out specified procedures for when a defendant is placed on supervised or unsupervised probation, establishing that in instances of supervised probation, (1) the probation officer must forward a copy of the judgment, including all conditions of probation, to the abuser treatment program (was included in previous edition but was not set out as a specified procedure); (2) the program must notify the probation officer if the defendant fails to participate in the program or if the defendant is discharged from the program for violating any of the program rules; and (3) the probation officer must file a violation report with the court and notify the district attorney of the noncompliance if the defendant fails to participate in the program or if the defendant is discharged from the program for violating any of the program rules. When the defendant is placed on unsupervised probation, the following procedures apply: (1) the defendant is required to notify the district attorney and the abuser treatment program of their choice of program within 10 days of the judgment if the program has not previously been selected; (2) the district attorney must forward a copy of the judgment, including all conditions of probation, to the abuser treatment program (was included in previous edition but was not set out as a specified procedure); and (3) the program must notify the district attorney if the defendant fails to participate in the program or is discharged from the program for failure to comply with the program or its rules.

Provides that Section 1 of this act becomes effective December 1, 2013, and applies to defendants placed on supervised or unsupervised probation on or after that date. The remainder of this act is effective when it becomes law.

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.*

Senate amendment makes the following change to the 3rd edition. Makes this act effective three days after it becomes law (was, effective when it becomes law).

Intro. by Hurley.

[GS 44A](#), [GS 58](#), [GS 87](#), [GS 153A](#), [GS 160A](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Building and Construction](#)

H 276 (2013-2014) [ZONING/BOARD OF ADJUSTMENT CHANGES](#). Filed Mar 12 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING BOARDS OF ADJUSTMENT.*

Senate amendment makes the following changes to the 3rd edition. Makes an exception to the repeal of GS 153A-345 (regarding boards of adjustment in counties) to provide that any local modification to GS 153A-345 in effect on September 30, 2013, is to be treated as a local modification to GS 160A-388 (regarding boards of adjustments in cities) from October 1, 2013, through June 30, 2015.

Intro. by G. Graham, Stam.

GS 153A, GS 160A

[View summary](#)

Land Use, Planning and Zoning, Local Government

H 505 (2013-2014) **EXTEND DSWC ANIMAL WASTE INSPECTIONS (NEW)**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE PROGRAM FOR INSPECTIONS OF CERTAIN ANIMAL OPERATIONS BY THE DIVISION OF SOIL AND WATER CONSERVATION.*

Senate committee substitute makes the following change to the 2nd edition. Makes a technical correction to clarify that GS 143-215.10F is amended by Section 1 of this act.

Intro. by Waddell, Millis, Iler, McElraft.

GS 143

[View summary](#)

Agriculture, Environment

H 585 (2013-2014) **PREA COMPLIANCE**. Filed Apr 4 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL CORRECTIONAL FACILITIES AND JUVENILE FACILITIES IN THIS STATE SHALL COMPLY WITH THE PROVISIONS OF THE FEDERAL PRISON RAPE ELIMINATION ACT (PREA).*

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

Amends GS 153A-216, *Legislative policy*, providing that local confinement facilities should comply with federal standards and regulations under the Prison Rape Elimination Act, Public Law 108-79.

Intro. by Lewis.

GS 143B, GS 148, GS 153A

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Corrections (Sentencing/Probation), Public Safety and Emergency Management

H 793 (2013-2014) **HOAS/FIDELITY BONDS**. Filed Apr 10 2013, *A BILL TO BE ENTITLED AN ACT PROVIDING THAT CERTAIN CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS SHALL OBTAIN AND MAINTAIN A FIDELITY BOND INSURING THE ASSOCIATIONS FROM LOSSES RESULTING FROM THEFT OR DISHONESTY COMMITTED BY MEMBERS OF THE EXECUTIVE BOARD OR PERSONS EMPLOYED BY THE ASSOCIATIONS, PROVIDING THAT ANY MANAGEMENT AGENT OR COMPANY HIRED BY AN ASSOCIATION SHALL AT ALL TIMES BE COVERED BY A FIDELITY BOND, AND PROVIDING FINANCIAL AUDIT REQUIREMENTS FOR ASSOCIATIONS.*

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

Amends new GS 47C-3-118.1(a) and (b), in the NC Condominium Act, and new GS 47F-3-118.1(a) and (b), in the NC Planned Community Act, to clarify that the independent annual audit or financial review required under those provisions must be conducted by a certified public accountant who holds a certificate issued under the provisions of GS Chapter 93.

Intro. by Saine, R. Moore.

GS 47C, GS 47F

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Property and Housing

H 998 (2013-2014) **TAX SIMPLIFICATION AND REDUCTION ACT (NEW)** Filed Apr 17 2013, *A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES.*

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

Changes the short and long titles.

Part I. General Findings and Intent

Includes four findings in regards to North Carolina's tax structure. Establishes the intent of the legislation, including to initiate comprehensive tax reform and simplify the process of tax preparation and administration. Provides that the NC General Assembly seeks to phase out the state's reliance on income taxes, increase the state's reliance on consumption taxes, and evaluate the changes made by this act and their impact on the state's revenue structure.

Part II. Simple, Flat Tax Rate for Individual Income Tax

Amends GS 105-134.6(b)(22), regarding permissible deductions from taxable income, providing that taxpayers can only deduct an amount not to exceed \$25,000 of net business income. In regards to a married couple filing a joint return, where both spouses receive or incur net business income, the maximum deduction applies separately to each spouse's net business income, providing that the couple cannot deduct any amount that exceeds \$50,000 of net business income. These changes are effective for taxable years beginning on or after January 1, 2013.

Amends GS 105-134.2, *Individual income tax imposed*, abolishing the tiered individual income taxes imposed on NC taxable income in lieu of a flat 5.9% tax on the NC taxable income of every individual payable each year. Makes conforming changes.

Amends GS 105-134.6, *Modifications to adjusted gross income*, repealing GS 105-134.6(a1), dealing with *Personal Exemptions*, and providing that a taxpayer can deduct either the NC standard deduction; (as amended to \$12,000 for married, filing jointly; \$9,600 for head of household; \$6,000 for single individuals; and \$6,000 for married, filing separately) or the itemized deductions allowed for under new subsection GS 105-134.6(a3) for interest paid or accrued with respect to any qualified residence, for property taxes paid on real estate, and for charitable contributions. Provides that in the case of a married couple filing separate returns, a taxpayer may not deduct the standard deduction if the taxpayer or the taxpayer's spouse claims the itemized deductions. Enacts new GS 105-134.6(a3) providing that the allowable itemized deduction is the sum of (1) the amount the taxpayer claims as a deduction for interest paid or accrued during the taxable year with respect to any qualified residence, (2) the amount the taxpayer claimed for charitable contributions deductible for that taxable year, and (3) the amount the taxpayer claimed for state and local property taxes paid on real estate for that taxable year. Repeals GS 105-134.6(b)(11), regarding the deduction of specified severance wages, and GS 105-134.6(b)(22), regarding net business income deductions.

Amends proposed GS 105-134.6A to require for taxable years before 2012 (was, 2013) that the taxpayer add the required amount (for taking a special accelerated depreciation deduction or for a deduction for a section 179 expense) to the taxpayer's federal taxable income, and for years 2012 (was, 2013) and after, the taxpayer must add the amount to the taxpayer's adjusted gross income. Makes clarifying changes.

Repeals GS 105-134.6(b)(11), regarding the deduction of specified severance wages, and GS 105-134.6(b)(22), regarding net business income deductions.

Repeals GS 105-151.26, *Credit for charitable contributions by nonitemizers*.

Amends GS 105-151.24(a), providing that taxpayers who are allowed a federal child tax credit under section 24 of the Code will be allowed a credit against state income tax based on the taxpayers adjusted gross income, as amended and set out in table form in the act, in the amount of \$125 or \$250.

Amends GS 105-160.2 to provide that the income tax is computed on the amount of the taxable income of the estate or trust that is for the benefit of a resident of this state or for the benefit of a nonresident to the extent that the income is (1) from North Carolina sources and attributable to the ownership of any interest in real or tangible personal property in the state or (2) derived from a business, trade, profession, or occupation carried on in the state. Provides that the itemized deductions amount allowed under GS 105-134.6(a3) is not limited when computing income tax on estates, trusts, and beneficiaries.

Unless otherwise provided, the provisions of this Part are effective for taxable years beginning on or after January 1, 2014.

Part III. Reduce Corporate Income and Franchise Tax Rate

Amends GS 105-130.3 (*Corporations*), reducing the tax imposed on the state net income of a C Corporation doing business in North Carolina over a five year span, beginning in 2014. The rate in 2014 is 6.5%, decreasing the rate over time to 5.4% for years after 2017 (was, set tax rate schedule with a rate of 6.9% in the income year beginning after 1999). Effective for taxable years beginning on or after January 1, 2014.

Amends GS 105-122(d) to set the rate of the franchise or privilege tax required of every corporation taxed under this section at \$1.35 per \$1,000 (was, \$1.50 per \$1,000) of the total amount of capital stock, surplus, and undivided profits as provided in this section. Effective for taxable years beginning on or after January 1, 2015 and applies to taxes due in 2015, or a subsequent year.

Makes clarifying changes to proposed GS 105-130.5B.

Changes the title of Article 3E of GS Chapter 105 to *Work Force Housing Construction Loan Program* (was, *Low Income Housing Tax Credits*). Amends GS 105-129.42 to define the term *development tier* as the classification assigned to an area under GS 143B-437.08. Amends GS 105-129.42(b) to allow a credit to a taxpayer who is allocated a federal low-income housing tax credit under section 42 of the Code to construct or substantially rehabilitate a qualified North Carolina low-income housing development that is located in a development tier one or two area (previously did not require that the development be located in a development tier one or two area). Repeals GS 105-129.45, which sunsets the low income housing tax credits on January 1, 2015. Effective for taxable years beginning on or after January 1, 2014.

Amends GS 115C-546.1 to delete requirement that the Secretary of Revenue (Secretary) quarterly remit a specified fraction of the net collections received in the previous quarter by the Department of Revenue, under GS 105-130.3, to the State Treasurer for credit to the Public School Building Capital Fund. Makes a conforming change, repealing GS 115C-546.2(a), which allowed the State Board of Education to allocate annually \$1 million of the monies credited to the Public School Building Capital Fund by the Secretary to the Department of Public Instruction. Effective April 1, 2014, and applies to distributions for collections or quarters beginning on or after that date.

Part IV. Expand Sales Tax Base to Include Services Commonly Taxed in Other States

Repeals GS 105-164.13(13c) (exempting nutritional supplements sold at a chiropractic office to patients from the sales and use tax) and GS 105-164.13D (sales and use tax holiday for Energy Star qualified products). Makes conforming changes to GS 105-467(b). Effective July 1, 2013, and applies to sales made on or after that date.

Repeals GS 105-37.1 (privilege tax on live entertainment and ticket resale), GS 105-38.1 (privilege tax on motion picture shows), and GS 105-40 (certain exhibitions, performances, and entertainments exempt from tax).

Amends GS 105-164.4(a), adding a new subdivision specifying that the general rate of tax applies to admission charges for the following activities: (1) a live performance or other live event of any kind; (2) a movie; or (3) a museum, a cultural site, a garden, an exhibit, a show, or a similar attraction or a guided tour at any of these attractions. Clarifies what constitutes an admissions charge and determining the tax on an admission ticket that is resold. Amends GS 105-164.13 by adding a new subdivision (60) to identify exhibitions, performance, entertainments, and other amusements that are exempt from the sales and use tax imposed under GS Chapter 105, Article 5. Moves most of the provisions that were codified in GS 105-40 to new subdivision (60) (excluding provision exempting entertainment or amusements offered or given on the Cherokee Indian reservation and meeting certain specified criteria). Effective October 1, 2013, and applies to admissions purchased on or after that date. Provides that for admissions to a live event, the tax applies to the initial sale or resale of tickets occurring on or after that date; gross receipts received on or after October 1, 2013, for admission to a live event, for which the initial sale of tickets occurred before that date, other than gross receipts received by a ticket reseller, are taxable under GS 105-37.1.

Repeals the following: (1) GS 105-116, franchise or privilege tax on electric power, water, and sewage companies; (2) GS 105-116.1, distribution of gross receipts taxes to cities; (3) GS 105-164.21A, deduction for municipalities that sell electric power; (4) GS 159B-27(b), (c), (d), and (e), regarding certain payments by municipalities in lieu of an annual franchise or privilege tax. Applies to taxes due in the 2014 tax year or a subsequent year. Also repeals GS 105-164.4(a)(1f) and (a)(4a), tax rates on the sale of electricity; GS 105-164.13(44), exempting piped natural gas from the Article sale and use tax; and Article 5E of GS Chapter 105, *Piped Natural Gas Tax*. Amends GS 105-164.4(a) to provide that the combined general rate applies to the gross

receipts derived from sales of electricity and piped natural gas. Effective when the act becomes law, directs the Utilities Commission to diffuse the rate set for the following utilities: (1) electricity, to reflect the repeal of GS 105-116 and the resulting tax liability of electric power companies, and (2) piped natural gas, to reflect the repeal of Article 5E of GS Chapter 105, the repeal of the credit under GS 105-422(d1), and tax liability under GS 105-164.4. Enacts new GS 105-164.44K to require that cities receive 44% of the net proceeds of the tax collected on electricity. Provides that each city's share of the amount is its franchise tax share, as calculated under the statute's provisions, plus its ad valorem share, as calculated under the statute's provisions. Provides that the Department's determination as to a city's franchise tax share is final and not subject to administrative or judicial review. Enacts new GS 105-164.44L requiring that 20% of the net proceeds of the tax on piped natural gas be distributed to the cities. The city's share is its excise tax share, as calculated under the statute's provisions, plus its ad valorem share, as calculated under the statute's provisions. Provides that the Department's determination as to a city's franchise tax share is final and not subject to administrative or judicial review. Amends GS 160A-211 to provide that certain businesses identified as exempt from a city's license, franchise, or privilege tax (1) are subject to a state tax at the combined general rate for which the city receives a share of the tax revenue or (2) are subject to the local sales tax. Authorizes a city to continue to impose and collect the license, franchise, or privilege taxes on an electric power company that the city imposed and collected before January 1, 1947. Prohibits a city from imposing or collecting any greater franchise, privilege, or license taxes that are greater in the aggregate than the taxes imposed or collected on or before January 1, 1947. Effective July 1, 2014, unless otherwise indicated.

Amends GS 105-164.3 to add definitions for the following services on tangible personal property and amends GS 105-164.4(a) to provide that the general rate of tax applies to those services: (1) alteration, repair, maintenance, cleaning, and installation services and (2) service contracts. Repeals GS 105-164.13(49), which provides an exemption from the sales and use tax for certain installation charges. Amends GS 105-164.13 to provide exemptions from sales and use tax for (1) items or services used to maintain or repair tangible personal property under a service agreement if the purchaser is not charged for the item or service and (2) service on tangible personal property described in GS 105-164.4(a)(11) and provided for an item exempt from tax under the Article, a newly constructed building or structure, or a right of way or utility easement. Effective July 1, 2014, and applies to sales made on or after that date.

Makes additional organizational changes to the provisions of this act.

Part V. Effective Date

Provides that this act does not affect the rights of the state, a taxpayer, or another person arising under a statute before the effective date of the amendment or repeal as indicated in this act. Also provides that this act does not affect the right to any refund or credit of a tax that accrued under the amended or repealed statute before the effective date of its amendment or repeal.

Amends GS 105-237.1 to allow the Secretary of Revenue to compromise a taxpayer's liability for a tax when it is in the state's best interest and the taxpayer is a retailer or a person under Article 5 of GS Chapter 105, the assessment is for sales or use tax the retailer did not collect or the person did not pay on an item taxable under GS 105-164.4(a)(9) or (a)(11), and the retailer or person made a good faith effort to comply with the tax laws. Expires for assessments issued after July 1, 2020.

Except as otherwise provided, this act is effective when it becomes law.

Intro. by Lewis, Setzer, Moffitt, Szoka.

[GS 105](#), [GS 115C](#), [GS 159B](#), [GS 160A](#)

[View summary](#)

Tax

PUBLIC/SENATE BILLS

S 137 (2013-2014) [PROHIBIT CO-PAY WAIVER/MEDICAID PROVIDERS](#). Filed Feb 26 2013, *A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY CERTAIN PROVIDERS.*

House committee substitute to the 2nd edition makes the following changes. Amends GS 108C-13 to refer to providers as permitted providers throughout the statute.

Intro. by Tillman.

GS 108C

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Health Care Facilities and Providers, Public Assistance

S 156 (2013-2014) **CLARIFY LEC PROCEDURES/TC**. Filed Feb 28 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.*

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

Amends GS 120-103.1(c)(4b), making a clarifying change.

Intro. by Hartsell, Soucek, Newton.

GS 120

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General Assembly, Ethics and Lobbying

S 222 (2013-2014) **REVISE CONTROLLED SUBSTANCES REPORTING**. Filed Mar 6 2013, *A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.*

House amendment #1 makes the following changes to the 2nd edition. Amends subdivision (5) of GS 90-113.74(c) to expand the list of persons to whom the Department of Health and Human Services (DHHS) may release data from the controlled substances reporting system to include a sheriff or a police chief or their designees who are (1) assigned to investigate the diversion and illegal use of prescription medication or pharmaceutical products identified in Article 5 of GS Chapter 90 as schedule II through V controlled substances, and (2) engaged in a bona fide specific investigation related to the enforcement of laws governing licit drugs under a lawful court order. Amends subsection (e) to direct the state Attorney General's Office to review any findings reported to that office by DHHS to determine if the findings should be reported to the SBI *and* the appropriate sheriff for investigation of possible violations of state or federal law regarding controlled substances.

House amendment #2 makes the following changes to the 2nd edition. Amends subdivision (3) of GS 90-113.4(c) to provide that data from the controlled substances reporting system released by DHHS to special agents of the State Bureau of Investigation may be provided by SBI agents assigned to the Diversion & Environmental Crimes Unit who may then give this information to other SBI agents who are engaged in a bona fide specific investigation related to the enforcement of laws governing licit drugs. Amends GS 90-113.75(c) to provide that an entity (was, health care provider or entity) permitted to access data under Article 5 of GS Chapter 90 (the NC Controlled Substances Reporting System Act), who acting in good faith reports or transmits data required or allowed by this Article is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of making the report or transmitting the data.

Intro. by Allran, Bingham.

GS 90

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Health

S 393 (2013-2014) **CONSTRUCTIVE FRAUD/LIMITATIONS PERIOD**. Filed Mar 21 2013, *A BILL TO BE ENTITLED AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE GROUND OF CONSTRUCTIVE FRAUD.*

House amendments to the 1st edition make the following changes.

Amendment #1 amends GS 1-52(9) to provide that in cases of constructive fraud, discovery is defined as actual discovery.

Amendment #2 changes the act's effective date from when the act became law to October 1, 2013, applying to causes of action accruing on or after that date.

Intro. by Clodfelter.

GS 1

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[Civil Law, Civil Procedure](#)

S 411 (2013-2014) [ETHICS REQUIREMENTS FOR MPOS/RPOS](#). Filed Mar 25 2013, *AN ACT TO PROVIDE THAT THE TRANSPORTATION ADVISORY COMMITTEES OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO STANDARD ETHICS PROVISIONS*.

House committee substitute to the 2nd edition makes the following changes. Amends the effective date provision as follows. Prohibits the State Ethics Commission from requiring individuals serving on a metropolitan planning organization or rural transportation planning organization, who are not also members of the Board of Transportation, who have not yet complied with GS 138A-13 to complete ethics education as required by the statute, and the Commission may not apply Article 5 of GS Chapter 138A to those individuals (was, required individuals with voting authority serving on a metropolitan planning organization or a rural transportation planning organization to file statements of economic interest and additional real estate lists with the State Ethics Commission by April 15, 2013). Allows the State Ethics Commission to destroy the statement of economic interest forms filed by individuals under GS 136-202(e) and GS 136-211(e) and associated written evaluations if the filer does not have the authority to give final approval for actions of the metropolitan planning organization or rural transportation planning organization on which the filer serves and is not otherwise a covered person required to file a statement of economic interest (was, provided that members of a metropolitan planning organization or a rural transportation planning organization that filed a statement of economic interest under GS 136-202(e) or GS 136-211(e) are not required to file again, and required the State Ethics Commission to prepare the evaluation).

Intro. by Rabon, Harrington.

GS 136

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[Ethics and Lobbying](#)

S 486 (2013-2014) [PERTUSSIS EDUCATION & AWARENESS](#). Filed Mar 27 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING HOSPITALS TO PROVIDE PARENTS OF NEWBORNS WITH EDUCATIONAL INFORMATION ABOUT PERTUSSIS DISEASE AND AVAILABLE VACCINE PROTECTIONS IN ORDER TO BETTER PROTECT NEWBORNS AGAINST PERTUSSIS DISEASE*.

House committee substitute to the 1st edition makes the following changes. Makes a technical correction only.

Intro. by Tarte, Pate, Hise.

GS 131E

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[Public Health](#)

S 489 (2013-2014) [CONSUMER FINANCE ACT AMENDMENTS](#). Filed Mar 27 2013, *A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT*.

House amendment to the 4th edition makes the following changes. Amends GS 53-180.1(c) to provide that any credit agreement, promissory note, or other contract prohibited by the statutes is null and void [no longer provides for an exception from the provision as provided in (b)(6), which requires a licensee to take precautions to prevent making loans that violate the statute and sets the interest rate at 8% for loans where a licensee does not take reasonable precautions to identify covered members].

Intro. by Gunn, Newton, Clodfelter.[GS 53](#)[View summary](#)[Banking and Finance](#)

LOCAL/HOUSE BILLS

H 456 (2013-2014) [DV FATALITY REVIEW TEAM/MECKLENBURG CO.](#) Filed Mar 27 2013, *A BILL TO BE ENTITLED AN ACT CONCERNING MEMBERSHIP ON THE DOMESTIC VIOLENCE REVIEW TEAM IN MECKLENBURG COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE REVIEW TEAM IN PITT COUNTY AND ALAMANCE COUNTY.*

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

Changes the long title.

Amends Section 5 of SL 2009-52, providing that this act applies to Alamance County, Pitt County, and Mecklenburg County (previously only applied to Mecklenburg County).

Amends subsection (c) of Section 1 of SL 2009-52, in regards to the qualifications of members of the Domestic Violence Review Team, providing that no person who has been convicted of a domestic violence-related crime or has been a participant in a batterer intervention program can be a member of the Review Team. Directs the applicable board of county commissioners to designate the lead agency for the Review Team. Amends the membership of the Review Team to include a probation or parole officer who supervises probationers convicted of domestic violence and is appointed by the chief probation and parole officer of the judicial district (was, a representative from a probation or parole agency appointed by the director of that agency). Makes technical, organizational, and conforming changes to the membership positions, providing for application to the additional counties.

Amends Section 3 of SL 2009-52, directing each Review Team to issue a report to specified entities summarizing its findings and activities and to make recommendations for action by June 15, 2014 (previously, required an interim report with findings and activities to be submitted by June 15, 2011, and additional reports with recommendations for action to be submitted by June 15, 2014).

Expands the scope of the entire act to also include Alamance and Pitt counties.

Intro. by Carney, Bryan, Cunningham, Jeter.[Alamance, Mecklenburg, Pitt](#)[View summary](#)

H 545 (SL 2013-61) (2013-2014) [MODIFY HENDERSON CO. OCCUPANCY TAX.](#) Filed Apr 3 2013, *A BILL TO BE ENTITLED AN ACT TO MODIFY THE HENDERSON COUNTY OCCUPANCY TAX.*

A BILL TO BE ENTITLED AN ACT TO MODIFY THE HENDERSON COUNTY OCCUPANCY TAX. Enacted June 4, 2013. Effective June 4, 2013.

Intro. by McGrady.[Henderson](#)[View summary](#)[Tax](#)

H 671 (SL 2013-62) (2013-2014) [MILLS RIVER/DEANNEXATION](#). Filed Apr 9 2013, *A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MILLS RIVER.*

A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MILLS RIVER. Enacted June 4, 2013. Effective June 30, 2013.

Intro. by Rules, Calendar, and Operations of the House.

[Henderson](#)

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LOCAL/SENATE BILLS

S 81 (2013-2014) [CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT \(NEW\)](#). Filed Feb 13 2013, *A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT AUTHORITY.*

House committee substitute makes the following changes to the 7th edition.

Amends the definition section for the act, adding and defining the terms *airport*, *airport property*, *appointing authorities*, *FAA*, and *servants*.

Provides that the Authority will consist of 11 members (was, 13) and that the members of the Airport Advisory Committee of the City of Charlotte will serve as the initial board members until seven members of the new board have been appointed. Limits the powers of the initial members to ministerial acts and prohibits the awarding of any employment or management contracts. Encourages the appointing authorities to appoint members without delay. Deletes the requirement that one of the members appointed must be a registered voter in North Carolina, a resident of Mecklenburg County, and appointed by the Governor. Requires that one member be a registered voter in Mecklenburg County, nominated by the Charlotte City Council, and appointed by the General Assembly at the recommendation of the President Pro Tempore of the Senate. Provides that one at-large member will be appointed by a majority vote of the other members (was, two at-large members). Provides exceptions to who can be appointed to the Board.

Provides that all initial four-year terms expire June 30, 2017, and all initial two-year terms expire June 30, 2015. Provides that any member can be suspended or removed from office by a majority vote of the other members for cause affecting that member's duties and responsibilities, or other specified instances of misconduct. Allows members to continue to serve until a successor has been duly appointed and qualified, but not for more than 60 days beyond the end of the term (previously, only stated not beyond 60 days). Establishes that actions of the Authority will be determined by a majority vote of the members that are present and voting in a duly called meeting at which a quorum is present. Makes stylistic and clarifying changes to language.

Provides that the initial budget of the Authority will be the budget established by the City Council of the City of Charlotte for the Airport for the period July 1, 2013, through June 30, 2014, until the initial budget is revised by the Authority. Establishes that the financial affairs of the Authority will be governed by the Local Government Finance Act.

Makes technical and clarifying changes to the section concerning the power and authority of the Authority. Establishes that the Authority will honor and be bound by all existing contracts between the city and its service providers that are engaged or retained to assist Charlotte in regards to the Airport. Clarifies that the Executive Director can be subject to an employment contract. Amends the power and authority of the Authority to use eminent domain, deleting a requirement that any eminent domain proceeding be authorized by a majority of the local government appointees. Provides that eminent domain can only be used as to contiguous property and that the power of eminent domain cannot be used for a purpose that is not necessary for the operation or expansion of an airport or compliance with FAA regulations or requirements for or providing protection from or to ameliorate noncompatible land uses.

Makes clarifying changes to the Authority's ability to grant or convey real or personal property for the operation or maintaining of any airport or airport facility in Mecklenburg County. Deletes language regarding the Authority as the corporate instrumentality and agent of specified counties and Charlotte for the purpose of developing aviation facilities.

Sets out and specifies the titles and interests that are deemed to be transferred from the City of Charlotte to the Authority as a matter of law, including any rights or titles to the Airport Property and Charlotte Douglas International Airport as well as specified funds on deposit. Sets out all the liabilities, duties, and obligations that the Authority will assume as a matter of law.

Sets out eight procedures that will be followed in order to effectuate a seamless transfer of the Airport, including honoring and being bound by all existing contracts and grant agreements of the City of Charlotte with respect to the Airport and honoring and being bound by all existing contracts of the City of Charlotte with third-party concessionaires and management contractors.

Establishes that, upon the request of the Executive Director of the Authority, Charlotte will continue to provide administrative services to the Authority as it currently provides and will receive appropriate compensation.

Includes provisions concerning payment of consideration for the transfer of the Airport.

Intro. by Rucho.

[Mecklenburg](#)

[View summary](#)

[Transportation](#)

S 269 (SL 2013-60) (2013-2014) [SALISBURY/DEANNEX ROWAN CTY AIRPORT PROPERTY](#). Filed Mar 12 2013, *A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY.*

A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY. Enacted June 4, 2013. Effective June 30, 2013.

Intro. by Brock.

[Rowan](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 10: REMOVE ROUTE RESTRICTION FOR NC 540 LOOP.

Ratified

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

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 25: AMEND FELONY BREAKING OR ENTERING.

Senate: Reptd Fav

H 32: INCREASE YEAR'S ALLOWANCE.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

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

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

H 114: NO SS# REQ/ABSOLUTE DIVORCE (NEW).

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 125: PUBLIC AGENCY COMPUTER CODE NOT PUBLIC RECORD.

Senate: Reptd Fav

H 142: PROVIDE ACCESS TO CAMPUS POLICE RECORDS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 146: BACK TO BASICS.

Pres. To Gov. 6/4/2013

H 276: ZONING/BOARD OF ADJUSTMENT CHANGES.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

H 278: HOAS/VOLUNTARY PRELITIGATION MEDIATION.

Senate: Reptd Fav

Senate: Re-ref Com On Judiciary I

H 279: TRANSFER ENVIRONMENTAL PERMITS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 301: CLARIFYING CHANGES/ENGINEERS/SURVEYORS LAWS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 315: PLASTICS LABELING REQUIREMENTS.

Senate: Reptd Fav

H 317: IMPROVE ED. FOR CHILDREN WHO ARE DEAF.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 361: JUSTICE REINVESTMENT TECHNICAL CORRECTIONS.-AB

Senate: Reptd Fav

H 368: BD. OF AGRICULTURE FORESTRY/NURSERY APPTS.-AB

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 369: CRIMINAL LAW CHANGES.

Senate: Reptd Fav

Senate: Re-ref Com On Judiciary I

Senate: Reptd Fav

Senate: Re-ref Com On Judiciary I

Senate: Reptd Fav

Senate: Re-ref Com On Judiciary I

H 383: AMEND GRAIN DEALER LICENSING LAWS.-AB

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 384: AMEND DEFINITIONS/PROPERTY CLASSIF./EQU. DIST.

Senate: Reptd Fav

H 407: TRUSTEE-ATTY FEE/FORECLOSURES/CLERK APPROVAL.

Senate: Reptd Fav

H 410: CANCEL TITLE TO MANUFACTURED HOME.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 449: STATE CONTRACTS/FURNITURE.

Pres. To Gov. 6/4/2013

H 479: AMEND ELECTROLYSIS PRACTICE ACT/FEEES.

Senate: Withdrawn From Com

Senate: Re-ref Com On Rules and Operations of the Senate

H 480: ENVIRONMENTAL PERMITTING REFORM.

Senate: Reptd Fav

H 505: EXTEND DSWC ANIMAL WASTE INSPECTIONS (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 532: NO DRINKING IN EMS & LAW ENFORCEMENT VEHICLES.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 581: TROPHY WILDLIFE SALE PERMIT.

Senate: Reptd Fav

H 585: PREA COMPLIANCE.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 591: REPORTING AND TERMS FOR LONG. DATA BOARD.

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

H 593: REGISTER OF DEEDS HOURS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/06/2013

H 610: MODIFY REQUIREMENTS FOR IN-STAND BEER SALES.

Senate: Reptd Fav

H 641: AMEND CONDITIONAL DISCHARGE/1ST DRUG OFFENSE.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/06/2013

H 687: HOMELESS SHELTERS/REMOVE AGE LIMITS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 688: AMEND CONTINUING ED REQ'S/CERT. WELL K'ORS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/06/2013

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/06/2013

H 707: ENSURE SAFE NAVIGATION CHANNELS.

Senate: Reptd Fav

H 710: WATER UTILITY RECOVERY.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 774: BUILDING CODE EXCLUSION/PRIMITIVE STRUCTURES.

Senate: Reptd Fav

H 788: WATER/SEWER AUTHORITY/RATE FLEXIBILITY.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 789: USTS ELIGIBLE FOR BROWNFIELDS.

Senate: Reptd Fav

H 793: HOAS/FIDELITY BONDS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Insurance

H 813: BAN SYNTHETIC CANNABINOIDS (NEW).

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 821: TRIAD FARMERS MKT/RENAME FOR SEN. BOB SHAW.

Senate: Reptd Fav

H 829: SALE OF GROWLERS BY CERTAIN ABC PERMITTEES.

Senate: Reptd Fav

H 903: UNC & COMM. COLLEGE CREDIT TRANSFERS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 998: TAX SIMPLIFICATION AND REDUCTION ACT (NEW)

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 1048: AG SELECTION CRITERIA/NCNG AMENDMENTS (NEW).

House: Regular Message sent to the Senate

S 129: LIMIT STATE FACILITIES FINANCE ACT DEBT.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 137: PROHIBIT CO-PAY WAIVER/MEDICAID PROVIDERS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

S 156: CLARIFY LEC PROCEDURES/TC.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

S 208: EFFECTIVE OPERATION OF 1915(B)/(C) WAIVER.

Senate: Rec To Concur H Com Sub

Senate: Placed On Cal For 06/05/2013

S 210: AUTHORIZE CHIEF MAGISTRATES.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 222: REVISE CONTROLLED SUBSTANCES REPORTING.

House: Amend Adopted A1

House: Amend Adopted A2

House: Passed 2nd Reading

House: Passed 3rd Reading

S 234: HUNTER EDUCATION/APPRENTICE PERMIT.

Signed by Gov. 6/4/2013

Ch. SL 2013-63

S 239: AMEND NC BUSINESS CORPORATION ACT.

House: Passed 2nd Reading

House: Passed 3rd Reading

S 252: INCREASE PENALTY/CONTROLLED SUBSTANCE CRIMES.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 279: ESTATES/TRUSTS/GUARDIANSHIP AMENDMENTS.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 306: CAPITAL PUNISHMENT/AMENDMENTS.

House: Passed 2nd Reading

S 321: INMATE COSTS/CT.APPT./NOTARIES.

House: Withdrawn From Com

House: Re-ref Com On Judiciary Subcommittee B

S 334: DOROTHEA DIX LEASE.

House: Conf Com Appointed

S 358: GUARANTEED ASSET PROTECTION WAIVERS.

House: Reptd Fav

House: Re-ref Com On Judiciary Subcommittee A

S 387: FOREST SERVICE CHANGES/BEDDING LAW ROE (NEW).

House: Passed 2nd Reading

House: Passed 3rd Reading

S 393: CONSTRUCTIVE FRAUD/LIMITATIONS PERIOD.

House: Amend Adopted A1

House: Amend Adopted A2

House: Passed 2nd Reading

House: Passed 3rd Reading

S 411: ETHICS REQUIREMENTS FOR MPOS/RPOS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

S 433: PREVENT PAY FOR WEIGHT EXCEEDING ALLOWANCE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

S 460: RAIL CORRIDOR LEASE/CITY OF BELMONT (NEW).

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

S 486: PERTUSSIS EDUCATION & AWARENESS.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

S 489: CONSUMER FINANCE ACT AMENDMENTS.

House: Amend Adopted A1

House: Passed 2nd Reading

S 542: DRUG TESTING FOR LTC APPLICANTS & EMPLOYEES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

S 603: CLARIFY ISSUANCE OF PLATES/CERTIFICATES LAW.-AB

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/05/2013

LOCAL BILLS

H 143: EDEN PAYMENT IN LIEU OF TAXES.

Senate: Reptd Fav

Senate: Re-ref Com On Finance

H 252: ASHEVILLE TRANSFERS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 302: REPEAL KANNAPOLIS ANNEXATION.

Senate: Reptd Fav

Senate: Re-ref Com On Finance

H 412: EDEN/DUKE ENERGY/ANNEXATION AGREEMENT.

Senate: Reptd Fav

Senate: Re-ref Com On Finance

H 456: DV FATALITY REVIEW TEAM/MECKLENBURG CO.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 517: ROCKINGHAM/NO RIGHT-OF-WAY SPOTLIGHTING.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 545: MODIFY HENDERSON CO. OCCUPANCY TAX.

Ratified

Ch. SL 2013-61

H 553: AMEND CARTERET CO. OCCUPANCY TAX.

Senate: Rec From House

Senate: Passed 1st Reading

Senate: Ref To Com On Finance

H 671: MILLS RIVER/DEANNEXATION.*Ratified**Ch. SL 2013-62***S 81: CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT (NEW).***House: Reptd Fav Com Substitute**House: Re-ref Com On Finance***S 258: ASHEBORO/CHARTER AMENDMENTS.***House: Passed 2nd Reading**House: Passed 3rd Reading**House: Ordered Enrolled***S 269: SALISBURY/DEANNEX ROWAN CTY AIRPORT PROPERTY.***Ratified**Ch. SL 2013-60***S 325: WAKE COUNTY SCHOOL BOARD DISTRICTS.***House: Postponed To 06/05/2013*

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