



The Daily Bulletin: Thursday, June 26, 2014

PUBLIC/HOUSE BILLS

H 330 (2013-2014) [PLANNED COMMUNITY ACT/DECLARANT RIGHTS](#). Filed Mar 18 2013, *A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA PLANNED COMMUNITY ACT REGARDING THE TRANSFER OF SPECIAL DECLARANT RIGHTS.*

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

Makes a technical correction to GS 47F-1-102.

Amends GS 47F-1-103 to add that the term *development rights* means any right or combination of rights reserved by a declarant in the declaration to combine lots into common elements.

Amends GS 47F-3-104 to provide that in case of foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under Bankruptcy Code or receivership proceedings, a successor to any special declarant right who is not an affiliate of a declarant, other than a successor described in the specified subdivisions, is subject to the obligations and liabilities expressly imposed by GS Chapter 47F or the declaration. Further adds that those successors are subject to the obligations and liabilities imposed on the transferor other than obligations and liabilities arising out of contractual agreements between the transferor or any previous declarant and third parties other than the declaration.

Adds a provision making the last sentence of GS 47F-3-104(c) applicable to any mortgage, deed of trust, tax lien, or other conveyance providing for foreclosure recorded or after January 1, 1999.

Intro. by Bryan, Stam.

[GS 47F](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing](#)

H 366 (2013-2014) [NC FARM ACT OF 2014 \(NEW\)](#). Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO (1) MAINTAIN THE CONFIDENTIALITY OF ENVIRONMENTAL INVESTIGATIONS FOR AGRICULTURAL OPERATIONS AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ADOPT RULES FOR A FORMAL COMPLAINT PROCEDURE; (2) CLARIFY THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT ORDINANCES RELATED TO FERTILIZER; (3) REWRITE THE LANDSCAPE CONTRACTOR LICENSING STATUTES; (4) STUDY THE STATE'S PARTICIPATION IN THE COMMERCIAL VEHICLE SAFETY ALLIANCE NORTH AMERICAN STANDARD INSPECTION PROGRAM; (5) CLARIFY THE MEANING OF THE TERMS "PLANTING AND HARVESTING SEASON" AND "PLANTING AND HARVESTING PERIOD" FOR PURPOSES OF APPLYING FEDERAL LAWS OR REGULATIONS RELATING TO HOURS OF SERVICE RULES FOR CERTAIN DRIVERS TRANSPORTING AGRICULTURAL PRODUCTS; (6) AMEND THE CHAIRMANSHIP OF THE AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION; (7) ALLOW THE COMMISSIONER OF AGRICULTURE TO APPOINT LAW ENFORCEMENT OFFICERS TO CARRY OUT THE LAW ENFORCEMENT RESPONSIBILITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (8) ALLOW THE USE OF PESTICIDES TO CONTROL MOLES; (9) CLASSIFY TRESPASSING ON AN AGRICULTURAL FACILITY AS A FIRST DEGREE TRESPASS; (10) REQUIRE WRITTEN CONSENT TO OPERATE AN ALL-TERRAIN VEHICLE ON PROPERTY OWNED BY ANOTHER; (11) ALLOW DRAINAGE DISTRICTS TO MAINTAIN DITCHES IN BUFFER*

ZONES; (12) CLARIFY PERIODIC INSPECTIONS AUTHORITY OF THE NORTH CAROLINA HOUSING FINANCE AGENCY; AND (13) PERMIT SECURITY GRILLES AT ALL EXITS OF A BUILDING SUBJECT TO CERTAIN CONDITIONS.

Senate amendment makes the following changes to the 4th edition:

Amends proposed GS 143-215.9D, Agricultural operation investigations confidential, adding a provision that if the Department of Environment and Natural Resources determines that a violation has occurred, the complaint of the violation and all records accumulated with the investigation will be considered public records, pursuant to GS 132-6.

Intro. by Langdon, Dixon.

[GS 20](#), [GS 106](#), [GS 120](#), [GS 143](#), [GS 156](#)

[View summary](#)

[Agriculture](#), [Courts/Judiciary](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Environment](#), [Government](#), [State Agencies](#), [Department of Agriculture and Consumer Services](#), [Department of Environment and Natural Resources](#), [Department of Public Safety](#), [Local Government](#), [Transportation](#)

H 369 (2013-2014) [CRIMINAL LAW CHANGES/WC ILLEGAL ALIENS](#). Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO VARIOUS CRIMINAL LAWS AND TO AMEND THE WORKERS' COMPENSATION ACT TO EXCLUDE FROM BENEFITS UNDER G.S. 97-29 AND G.S. 97-30, AND FROM VOCATIONAL REHABILITATION, ILLEGAL ALIEN INJURED WORKERS WHO OBTAINED EMPLOYMENT THROUGH MISREPRESENTATION OF EMPLOYMENT STATUS.*

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

Deletes all of the provisions of the previous edition in their entirety.

Changes the short and long titles.

Amends GS 15A-145.5, expunction of certain misdemeanors and felonies, to allow the expunction of felonies involving methamphetamines or heroin.

Amends 15A-1341, replacing authorization and provisions for deferred prosecution with conditional discharge. Establishes procedures for receiving a conditional discharge for pleading guilty or being found guilty of a Class H or I felony, including on motion of the defendant and the prosecutor, the court may, without entering a judgment of guilt may defer further proceedings and place the person on probation. For the purpose of Drug Treatment Court Programs, the court can defer further proceedings and place the defendant on probation when the defendant is found to be eligible for a Drug Treatment Court Program, without entering a judgment of guilt and with the defendants consent. Also provides that a defendant for whom the court orders a conditional discharge pursuant to GS 14-204(b), concerning first time prostitution offenders, can be placed on probation. Sets out repercussions for violation of the terms of a conditional discharge. Amends GS 7A-49.4(b), 7A-272, 14-313(f), 15A-146(d), 15A-932, 15A-1342, 15A-1343, and 134B-708, making conforming changes reflecting the replacement of deferred prosecution with conditional discharge. Effective December 1, 2014. Provides that deferred prosecution agreements filed before December 1, 2014 are not affected or abated.

Enacts new GS 90-113.22A, creating a separate offense for use or possession of marijuana drug paraphernalia. Violation of this section is a Class 3 misdemeanor. Amends GS 90-113.22, possession of drug paraphernalia, making conforming changes. Effective December 1, 2014, applying to offenses committed on or after that date.

Directs the Human Trafficking Commission to study the prevention of sexual abuse of children. Sets out five requirements for the Commission, including that it gather information concerning the occurrence of child sexual abuse

throughout NC and that it identify statewide goals to prevent child sexual abuse. The Commission must submit its final report to the 2015 General Assembly.

Enacts new GS 97-12.2, Illegal alien injured workers, prohibiting workers who are not lawfully employable in the US and who made a false representation of their work status to an employer which was relied upon and a substantial factor in the hiring decision, from recovering in workers' compensation claims for injury by accident, or occupational disease. Prohibits those not lawfully employable who are not excluded under the above provisions from receiving vocational rehabilitation, and any compensation for total and permanent disability or partial incapacity if a qualified physician in NC has indicated that the worker is unable to work in any capacity.

Intro. by Waddell, Brody, Langdon, Dixon.

[GS 7A](#), [GS 14](#), [GS 15A](#), [GS 90](#), [GS 97](#), [GS 143B](#)

[View summary](#)

[Courts/Judiciary](#), [Criminal Justice](#), [Criminal Law and Procedure](#), [Employment and Retirement](#)

H 458 (2013-2014) [Public Hospital Conveyances](#). Filed Mar 27 2013, *A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS RELATING TO THE SALE, LEASE, OR CONVEYANCE OF A PUBLIC HOSPITAL.*

The Senate committee substitute to the 2nd edition deletes the provisions of the previous edition and replaces it with AN ACT TO UPDATE THE LAWS RELATING TO THE SALE, LEASE, OR CONVEYANCE OF A PUBLIC HOSPITAL.

Amends GS 131E-6 to include in the definition of corporation, foreign or domestic, authorized to do business in the state (1) a limited liability corporation formed under GS Chapter 57D, and (2) a foreign limited liability company that has procured a certificate of authority to transact business in the state. Also amends the definition of hospital facility to also mean the property interest in any buildings, structures, additions, extensions, improvements or other facilities.

Amends GS 131E-8 to add that if the nonprofit corporation, to which a municipality or hospital authority has sold or conveyed any right of ownership in a hospital facility, dissolves, or sells, leases, or conveys the hospital facility without a successor nonprofit corporation to carry out the conveyance agreement, all ownership rights in the facility, revert to the municipal or hospital authority or successor entity originally conveying the hospital. Also adds that a nonprofit corporation may sell, lease, or convey a hospital facility acquired by deed, lease, or conveyance under the statute to a corporation authorized to do business in the state, and a municipality or hospital authority may release its reverter interest in the facility imposed under the statute as long as its reverter interest is released in accordance with the provision in GS 131E-13(d)(9) and the hospital facility is made subject to the reverter in GS 131E-13(a).

Amends GS 131E-13(a) to add that a municipality or hospital authority may lease, sell, or convey any rights of ownership in a hospital facility, that the entity has in a hospital facility or part thereof, to a corporation authorized to do business in the state, subject to the five conditions in the statute. Also amends (a) to require the corporation to agree that if it or any successor in interest or title to the hospital facility does not comply with the five conditions, or fails to operate the facility as a community general hospital open to the general public and free of discrimination unless relieved of this responsibility by operation of law, or if the corporation dissolves without a successor corporation to carry out the conveyance terms, all ownership or other rights in the facility revert to the municipality or hospital authority or successor entity originally conveying the hospital, provided that any building, land or equipment associated with the facility, or any of its successors that the corporation has constructed or acquired since the conveyance may revert only upon paying the corporation or any successor an amount equal to the cost less depreciation.

Enacts new (d)(9) in GS 131E-13 providing that if the owner or lessee of a hospital facility has required the municipality or hospital authority to release its reverter interest in connection with a proposed sale, lease, or conveyance of the facility, the municipality or hospital authority must request and consider only the proposals

presented by the owner or lessee of the facility. Provides that the municipality or hospital authority may only approve a proposal presented by the owner or lessee but is not required to approve any proposal. Any release of the reverter interest must be conditioned on the replacement of the interest with the imposition of the reverter interest on the hospital facility required by subsection (a). Also amends (d)(1) to require the municipality or hospital authority to adopt a resolution declaring its intent to sell, lease or convey all or part of the hospital facility or any interest therein at a regular meeting with 10 days public notice. Amends the notice requirements to require the notice to describe the intent to lease, sell, or convey all or part of the facility involved.

Amends GS 131E-13(e) to allow a hospital authority or a municipality to lease or sublease hospital land to a for profit or not for profit corporation (was, corporation) or other entity (was, other business entity), whether for profit or not for profit, and may participate as an owner, joint venturer, or other equity participation with a for profit or not for profit corporation or other entity (was, other business entity) whether for profit or not for profit for the construction and operation of medical office buildings and other health care facilities, as long as the municipality, authority, or other entity continues to maintain its primary community general hospital facilities.

Applies to sales, leases, and conveyances occurring on or after the date that the act becomes law. Provides that any sale, lease or conveyance that is in substantial compliance with GS 131E-13(d)(9) that occurred before that date is affirmed and ratified, and are valid, effective, and enforceable.

Intro. by McElraft.

GS 131E

[View summary](#)

Business and Commerce, Corporation and Partnerships, Government, Local Government, Health and Human Services, Health, Health Care Facilities and Providers

H 698 (2013-2014) **BACKGROUND CHECKS FOR FIREFIGHTERS**. Filed Apr 9 2013, *AN ACT TO AUTHORIZE CRIMINAL HISTORY CHECKS FOR CURRENT VOLUNTEERS OR PAID FIRE DEPARTMENT PERSONNEL AND EMERGENCY MEDICAL SERVICES PERSONNEL AND TO ESTABLISH THE URBAN SEARCH AND RESCUE PROGRAM AND THE URBAN SEARCH AND RESCUE TEAM ADVISORY COMMITTEE*.

AN ACT TO AUTHORIZE CRIMINAL HISTORY CHECKS FOR CURRENT VOLUNTEERS OR PAID FIRE DEPARTMENT PERSONNEL AND EMERGENCY MEDICAL SERVICES PERSONNEL AND TO ESTABLISH THE URBAN SEARCH AND RESCUE PROGRAM AND THE URBAN SEARCH AND RESCUE TEAM ADVISORY COMMITTEE. Enacted June 25, 2014. Section 1 is effective January 1, 2015. Section 4 is effective July 1, 2014. The remainder is effective June 25, 2014.

Intro. by Saine, Ramsey, Boles.

GS 114

[View summary](#)

Government, Budget/Appropriations, Public Safety, State Agencies, Department of Public Safety

H 1048 (2013-2014) **AG SELECTION CRITERIA/NCNG AMENDMENTS (NEW)**. Filed May 14 2014, *AN ACT TO AMEND THE SELECTION CRITERIA FOR ADJUTANT GENERAL OF THE NORTH CAROLINA NATIONAL GUARD, TO ADD AN ASSISTANT ADJUTANT GENERAL FOR THE NORTH CAROLINA NATIONAL GUARD, TO INCREASE NATIONAL GUARD FLEXIBILITY WITH RESPECT TO CERTAIN CAPITAL PROJECTS, AND TO ALLOW FOR ADDITIONAL USES OF FAMILY ASSISTANCE CENTER FUNDS FOR SURVIVING FAMILY MEMBERS OF DECEASED NATIONAL GUARD SERVICEMEMBERS*.

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

Amends GS 127A-19 to declare that the military head of the militia is the Adjutant General who has the rank of major general with federal recognition at the time of the appointment or who attains that rank under this section.

Amends the eligibility requirements that must be met to qualify for an appointment as Adjutant General in subsection (b). Removes language requiring that the length of service must include a total of five years or more of commissioned service in any of the following branches of the reserve component of the Armed Forces of the United States: Army National Guard, Army Reserve, Air National Guard, and Air Force Reserve. Adds the requirement that the person must have a minimum of three years commissioned service in the North Carolina Army or Air National Guard within the six-year period prior to the appointment date. Requires the person to have a minimum of 12 months in command of either (1) a NC National Guard unit or (2) a unit in any component of the Armed Forces of the US (was. required the person to have been a company or flight commander or higher for a minimum of 12 months in the Armed Forces of the US).

Amends subsection (c) to delete requirement that a deputy adjutant general, as appointed by the Adjutant General, must meet the same requirements as in subsection (b) of this section. Provides that the Adjutant General may appoint two assistant adjutants general (was, one) for the Army National Guard subject to the approval of the Governor and in consultation with the Secretary of Public Safety.

Designates the above provisions as effective for appointments on or after the effective date of this act. Except as otherwise indicated, this act is effective when it becomes law.

Effective July 1, 2014, provides that if Section 36.5 of Senate Bill 744, 2013 Regular Session, or substantially similar legislation becomes law, then the title of GS 143C-8-12 is rewritten as follows: Capital improvement projects from sources other than the General Fund (was, University system capital improvement projects from sources that are not General Fund sources: approval of new project or change in scope of existing project). Makes organizational changes. Adds provision that allows the NC National Guard to approve expenditures for a capital project but only if the project and its operating costs will be entirely funded with federal funds. Also provides that if Section 36.5 of Senate Bill 744, 2013 Regular Session, or substantially similar legislation does not become law, this section will not include carry forward funds (funds carried forward from one fiscal year to another) in the "non-General Fund money." Amends Section 36.11(c) of SL 2013-360 to provide that if any projects funded under subsection (a) of this section are cancelled the resulting fund availability may be used for other specified purposes. Also adds to those allowable purposes.

Adds a new section, GS 143-129.6, to Article 8 of GS Chapter 143 to provide for exemptions from Article 8 for expenditures for certain training projects of the NC National Guard. Effective July 1, 2014.

Allows for additional uses of the Family Assistance Center Funds for the benefits of surviving family members of deceased service members. Effective July 1, 2014.

Amends the long title of this act to reflect the changes in the bill content.

Intro. by Hastings.

[GS 127A, GS 143, GS 143A](#)

[View summary](#)

[Military and Veteran's Affairs](#)

H 1099 (2013-2014) [UNMANNED AIRCRAFT REGULATION](#). Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH*

COMMISSION'S COMMITTEE ON UNMANNED AIRCRAFT SYSTEMS.

Correction: The summary of the House committee substitute to the 1st edition should read:

Amends law enforcement exceptions to the prohibition on surveillance, providing that the use of unmanned aircraft is **NOT** prohibited when the Secretary of the NC Department of Public Safety has determined credible intelligence of a high risk of a terrorist attack exists (previously, only provided for the previous exception when the US Secretary of Homeland Security determines such a risk).

Intro. by Torbett.

[View summary](#)

H1101 (2013-2014) [MECH.LIENS/AMEND INFO./CHILD SUPP. ORDERS](#). Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION PROVIDED TO PERSONS MAKING IMPROVEMENTS TO LEASED REAL PROPERTY UNDER ARTICLE 3 OF CHAPTER 44A OF THE GENERAL STATUTES, AS RECOMMENDED BY THE LRC COMMITTEE ON MECHANICS LIENS AND LEASEHOLD IMPROVEMENTS, TO AMEND THE LAWS REGARDING INFORMATION PROVIDED TO NONCUSTODIAL PARENTS SUBJECT TO WAGE WITHHOLDING ORDERS UNDER THE LAWS PERTAINING TO CHILD SUPPORT, AND TO MAKE TECHNICAL CORRECTIONS TO THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT.*

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

Changes the short and long title.

Amends GS 110-136.3(a) regarding the required content of civil or criminal child support orders in IV-D cases. Clarifies that all child support orders must comply with each of the listed requirements. Amends (a)(4a) to provide that a IV-D child support order and a non-IV-D child support order containing an income withholding requirement must include the current residence and mailing address of the custodial parent or the child if those addresses are different. Current law provides that the requirement to include these addresses is not applicable when the court has determined that providing residence information is inappropriate because the party owing child support has made verbal or physical threats that constitute domestic violence under GS Chapter 50B. Further amends the subsection to clarify that the address of the custodial parent or the child is also not required to be contained in a child support order if there is an existing order prohibiting disclosure of the custodial parent or child's address to the party owing child support.

Amends GS 50A-370(a) and GS 50A-379(a), making a technical change, updating a federal statute reference.

Amends GS 50A-385(c) and GS 50A-388(a), making clarifying and organizational changes.

Section 2 of the act, concerning child support orders, will be effective January 1, 2015, applying to orders on or after that date. The remainder of the new provisions are effective when the act becomes law.

Intro. by Stevens, Arp.

[GS 7A, GS 44A, GS 50A, GS 110](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Family Law, Court System, Development, Land Use and Housing](#)

H 1220 (2013-2014) [HOPE 4 HALEY AND FRIENDS](#). Filed May 27 2014, *A BILL TO BE ENTITLED AN ACT TO CREATE AN INTRACTABLE EPILEPSY ALTERNATIVE TREATMENT PILOT STUDY PROGRAM AND REGISTRY FOR THE SCIENTIFIC INVESTIGATION OF THE SAFETY AND EFFICACY OF HEMP EXTRACT TREATMENT FOR INTRACTABLE*

EPILEPSY.

Senate amendment makes the following changes to the 4th edition:

Amends the effective date of the act, providing that Section 3, enacting new GS 90-94.1, of the act becomes effective when the rules pursuant to Section 4 of the act are adopted (previously, was effective on October 1, 2014). Provides that the remainder of the act is effective when it becomes law (previously, was effective July 1, 2014).

Intro. by McElraft, Avila, Carney, Fulghum.

STUDY, GS 90

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Health and Human Services

PUBLIC/SENATE BILLS

S 78 (2013-2014) **LAW ENFORCEMENT PRIVACY/PUBLIC WEB SITES**. Filed Feb 12 2013, *A BILL TO BE ENTITLED AN ACT TO REQUIRE CITIES AND COUNTIES TO REMOVE PERSONAL INFORMATION FROM RECORDS AVAILABLE ON INTERNET WEB SITES MAINTAINED BY COUNTIES AND CITIES WHEN REQUESTED BY CERTAIN LAW ENFORCEMENT PERSONNEL, PROSECUTORS, AND JUDICIAL OFFICERS.*

House committee substitute makes the following changes to the 4th edition:

Changes the short and long titles.

Amends the titles of proposed GS 153A-148.2 and GS 160A-208.2 to be Removal of personal information from public Web sites; law enforcement personnel and others (was, Removal of personal information from public Web sites; law enforcement and district attorneys).

Makes organizational changes to proposed GS 153A-148.2 and GS 160A-208.2 specifying and setting out who is allowed to request that specified information be removed from public websites, including federal, state, and local law enforcement officers; a state criminal magistrate; an assistant district attorney; a prosecutor employed by the North Carolina Department of Justice; a United States Attorney or Assistant United States Attorney; and federal judges (previously, only provided for law enforcement officers, district attorneys, and assistant district attorneys to request removal).

Makes technical changes.

Requires the process for the removal of specified information by the above individuals to be developed and implemented by January 1, 2015.

Intro. by Hartsell.

GS 153A, GS 160A

[View summary](#)

Government, Public Safety, Tax, Local Government

S 105 (2013-2014) **POLITICAL SIGNS/ADD TOWNS TO SHP**. Filed Feb 19 2013, *A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A MUNICIPAL POLITICAL SIGN ORDINANCE MAY APPLY TO STATE HIGHWAYS WITHIN THE CORPORATE LIMITS OF A MUNICIPALITY AND TO AUTHORIZE THE TOWN OF ELIZABETHTOWN AND THE TOWN OF MATTHEWS TO ENROLL ITS EMPLOYEES AND DEPENDENTS IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

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

Deletes the proposed new language in GS 136-32 and instead amends the existing language to allow a municipality to, by ordinance, prohibit or regulate the placement of political signs in the rights of way of municipal streets and State highways that are located within the municipality's corporate limits. Provides that in the absence of an ordinance prohibiting or regulating political sign placement, on the rights of way of municipal streets and state highways located within the corporate limits of a municipality, subsections (b) through (e) of the statute apply.

Adds a new section to the bill amending GS 135-48.1, the definitions for terms used in Article 3B, State Health Plan for Teachers and State Employees (Plan), to add that an employing unit also means a local government unit that participates in the Plan under GS 135-48.47 or under any other law. Enacts new GS 135-48.47 making the employees of Elizabethtown and Matthews, and their dependents, eligible to participate in the Plan. Participation is contingent on the local government complying with the statute and Article, as well as any Plan policies. Specifies five conditions that govern their participation in the Plan, including requiring the local government to enter into a memorandum of understanding with the Plan acknowledging the conditions, at least 60 day before joining the Plan, and keeping the premiums for coverage and Plan options the same as those offered to state employees and their dependents on a fully contributory basis. Amends GS 135-48.8 to add that the State deems it to be in the public interest for certain local government units to be allowed to join and participate in the Plan. Amends GS 135-48.55 to set the interest charged to local government units for premiums that are not paid by the 15th of the month as 1 1/2% of the amount due the Plan, per month or fraction thereof, beginning with the 16th day of the month following the due date of the remittance.

Makes conforming changes to the act's title.

Intro. by Tillman.

[Bladen, Mecklenburg, GS 135, GS 136](#)

[View summary](#)

[Government, Elections, Local Government, Health and Human Services, Health, Health Insurance, Transportation](#)

S 388 (2013-2014) [UNEMPLOYMENT INSURANCE LAW CHANGES--2 \(NEW\)](#). Filed Mar 20 2013, *AN ACT TO AMEND THE UNEMPLOYMENT INSURANCE LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON UNEMPLOYMENT INSURANCE.*

The House committee substitute deletes all of the provisions of the 1st edition and replaces it with AN ACT TO AMEND THE UNEMPLOYMENT INSURANCE LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON UNEMPLOYMENT INSURANCE.

This bill is now identical to the 3rd edition of House Bill 1069, with the following changes.

Amends proposed GS 96-15.3, establishing the Board of Review (Board) to determine appeals policies and procedures to hear appeals of decisions of the Division of Employment Security, as follows. Applies the Code of Judicial Conduct for judges of the General Court of Justice and the procedure for discipline of judges in Article 30 of GS Chapter 7A to members of the Board. Makes organizational changes.

Extends the expiration of the terms of the Board member appointed to represent employers and the member representing employees by two years. Adds that once those appointments expire, the term will be for four years. Sets the expiration date for the person appointed as the member representing the general public and provides that when that two year term expires, the next term will be for four years.

Makes the Board provisions effective July 1, 2014 (was, when the act becomes law).

Intro. by Rabin, Cook, Walters.**GS 1, GS 20, GS 96, GS 132**[View summary](#)**Employment and Retirement, Health and Human Services, Social Services, Public Assistance**

S 594 (2013-2014) **OMNIBUS JUSTICE AMENDMENTS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR POSSESSION OF A FIREARM BY A FELON, TO REMOVE PROHIBITIONS ON CARRYING CONCEALED FIREARMS BY CERTAIN DEPARTMENT OF PUBLIC SAFETY EMPLOYEES, TO INCREASE THE PENALTY FOR CARRYING A CONCEALED FIREARM, TO INCREASE THE PENALTY FOR GIVING OR SELLING A CELL PHONE TO AN INMATE AND TO MAKE POSSESSION OF A CELL PHONE BY AN INMATE UNLAWFUL, TO INCREASE PENALTIES FOR THREATS AND ASSAULTS ON GOVERNMENT OFFICIALS, TO CREATE AN OFFENSE WHEN AN INMATE SOLICITS ANOTHER TO COMMIT A CRIMINAL OFFENSE, TO INCREASE PENALTIES FOR CERTAIN VIOLATIONS OF THE AMUSEMENT DEVICE SAFETY ACT, TO PROPERLY IMPLEMENT CURRENT EXPUNCTION PROVISIONS, TO INCREASE THE MANDATORY RETIREMENT AGE FOR JUDGES AND JUSTICES OF THE GENERAL COURT OF JUSTICE, TO ADD QUALIFIED RETIRED CORRECTIONAL OFFICERS TO OFFICERS EXEMPT FROM CONCEALED CARRY COURSE, TO CONFORM STATE LAW WITH THE UNITED STATES SUPREME COURT DECISION IN HALL V. FLORIDA, TO AMEND THE DISCOVERY PROCEDURE IN CERTAIN POSTCONVICTION PROCEEDINGS, TO MAKE THE TAKING OF THE VENUS FLYTRAP A FELONY, TO INCREASE THE PENALTY FOR GRAFFITI VANDALISM, AND TO ADD THE UNFAIR USE OF CRIMINAL RECORD INFORMATION TO THE CONSUMER PROTECTION LAWS.*

The House committee substitute to the 5th edition makes the following changes.

Deletes Part I of the act, Increase Penalty for Possession of Firearm by Felon.

Makes a clarifying change to GS 14-269(c).

Amends GS 14-415.27 to add administrative law judges who have a valid concealed handgun permit to those individuals who may carry a concealed handgun in specified areas, but prohibits carrying a concealed weapon while consuming alcohol or unlawful controlled substances or while those substances remain in the person's body.

Makes the amendments to GS 14-269(b)(7) and GS 14-415.27 effective when the act becomes law (was, effective July 1, 2014).

Deletes the changes to GS 14-16.6 which increased the punishment levels for assault on executive, legislative or court officers. Amends GS 14-16.7 to delete the changes that increased the penalties for threats against executive, legislative, or court officers. Deletes the proposed changes to GS 14-2.6, which provided that the categories of punishment for any person who is committed or confined in a State penal institution or local confinement facility and solicits another person to commit a felony outside the facility is guilty of a felony one class lower than the felony the person solicited the person to commit, provided that a solicitation to commit a Class A or Class B1 felony is a Class B2 felony, a solicitation to commit a Class B2 felony is a Class C felony, and a solicitation to commit a Class I felony is a Class 1 misdemeanor.

Adds a new Part, Department of Public Safety Mergers, which provides as follows.

Transfers the State Bureau of Investigation to the Department of Public Safety as a new section in the Law Enforcement Division. Makes conforming statutory changes, recodifications, and repeals. Enacts new GS 143B-926 requiring the Director of the State bureau of Investigation to be appointed by the Governor for an 8 year term, subject to General Assembly confirmation. If the Governor fails to submit a name for confirmation by the stated deadline, the President Pro Tem. of the Senate and the Speaker of the House are to jointly submit a name to the General Assembly. Specifies the grounds under which the Director may be removed from office and sets out procedures in the case of a vacancy. Despite these requirements, requires the Governor to appoint an acting Director who will serve until a new Director is appointed, by June 1, 2015, for a term ending June 30, 2023. Sets out provisions concerning the transfer of

positions and expenditure of funds before the transfer, effective when the act becomes law. Enacts new GS 143B-927 allowing the Director of the State Bureau of Investigation to appoint a sufficient number of assistants; makes the Director responsible for all hiring and personnel decisions.

Relocates the Alcohol Law Enforcement Section as a branch under the State Bureau of Investigation. Makes conforming statutory changes.

Requires the Department of Public Safety (DPS) to consolidate ALE and SBI Regions and Regional Offices, with the regional offices operational by October 1, 2014. Specifies three reports that DPS must make on progress in implementing the transfer.

Unless otherwise indicated, these transfers provisions are effective July 1, 2014.

Deletes Part VII, Increase Judge Retirement Age.

Deletes Part X, Certain Postconviction Proceedings/Provide Files Required to Resolve Issues.

Deletes part XI, Venus Flytrap Larceny/Felony.

Amends GS 14-127.1 (graffiti vandalism) to add that graffiti vandalism also includes performing the prohibited acts on cemetery tombstones and monuments.

Adds a new Part, Remote Video Testimony by Forensic and Chemical Analysts, which provides as follows.

Enacts new GS 15A-1225.3 in Article 73 of GS Chapter 15A. Defines the following terms as they apply to this section: (1) criminal proceeding – any trial or hearing in a prosecution of a person charged with violating a criminal law of North Carolina and any hearing or proceeding under Subchapter II of GS Chapter 7B involving a juvenile alleged to have committed an offense that would be a criminal offense if committed by an adult and (2) remote testimony – a method by which a forensic analyst testifies outside the physical presence of the party or parties and from a location other than the location where the hearing or trial is being conducted.

Subsection (b) of new GS 15A-1225.3 provides criteria that must be met in order for remote testimony to be permitted in any criminal proceeding regarding the results of forensic testing admissible under GS 8-58.20. Requires that all of the following occur in order for remote testimony to be permitted: (1) the state must provide a copy of the forensics testing report to the attorney of record or to the defendant if there is no attorney of record, as required by GS 8-85.20(d); (2) the state must notify the attorney of record or the defendant if the person has no attorney, at least 15 business days before the proceeding at which the evidence is to be used, of its intent to introduce the forensic evidence using remote testimony; and (3) the defendant's attorney of record, or the defendant if that person has no attorney, fails to file a written objection to the introduction of remote testimony with the court, with a copy to the state at least five business days before the proceeding at which the testimony is to be presented. Requires that the method for the remote testimony authorized under this section allow all parties and the trier of fact to observe the demeanor of the analyst as the analyst testifies. Requires the court to ensure that the defendant's attorney, or the defendant if that person has no attorney, has a full and fair opportunity to examine and cross-examine the analyst. Specifies that nothing in this section infringes on any party's right to call any witness.

Adds new subsection (c5) to GS 20-139.1 to permit remote testimony, as defined and specified in new GS 15A-1225.3, in all administrative hearings and in any court, regarding the results of a chemical analysis of blood or urine admissible under subsection (c1) of this section. Applies the same criteria to the permissibility of remote testimony under GS 20-139.1(c5) as under new GS 15A-1225.3.

Effective December 1, 2014, and applies to testimony admitted on or after that date.

Makes conforming changes to the act's title.

[GS 135, GS 143B, GS 153A, GS 160A](#)

Courts/Judiciary, Civil, Civil Law, Evidence, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Government, Public Records and Open Meetings, State Agencies, Department of Justice, Department of Public Safety

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S 594 (2013-2014) **OMNIBUS JUSTICE AMENDMENTS**. Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR POSSESSION OF A FIREARM BY A FELON, TO REMOVE PROHIBITIONS ON CARRYING CONCEALED FIREARMS BY CERTAIN DEPARTMENT OF PUBLIC SAFETY EMPLOYEES, TO INCREASE THE PENALTY FOR CARRYING A CONCEALED FIREARM, TO INCREASE THE PENALTY FOR GIVING OR SELLING A CELL PHONE TO AN INMATE AND TO MAKE POSSESSION OF A CELL PHONE BY AN INMATE UNLAWFUL, TO INCREASE PENALTIES FOR THREATS AND ASSAULTS ON GOVERNMENT OFFICIALS, TO CREATE AN OFFENSE WHEN AN INMATE SOLICITS ANOTHER TO COMMIT A CRIMINAL OFFENSE, TO INCREASE PENALTIES FOR CERTAIN VIOLATIONS OF THE AMUSEMENT DEVICE SAFETY ACT, TO PROPERLY IMPLEMENT CURRENT EXPUNCTION PROVISIONS, TO INCREASE THE MANDATORY RETIREMENT AGE FOR JUDGES AND JUSTICES OF THE GENERAL COURT OF JUSTICE, TO ADD QUALIFIED RETIRED CORRECTIONAL OFFICERS TO OFFICERS EXEMPT FROM CONCEALED CARRY COURSE, TO CONFORM STATE LAW WITH THE UNITED STATES SUPREME COURT DECISION IN HALL V. FLORIDA, TO AMEND THE DISCOVERY PROCEDURE IN CERTAIN POSTCONVICTION PROCEEDINGS, TO MAKE THE TAKING OF THE VENUS FLYTRAP A FELONY, TO INCREASE THE PENALTY FOR GRAFFITI VANDALISM, AND TO ADD THE UNFAIR USE OF CRIMINAL RECORD INFORMATION TO THE CONSUMER PROTECTION LAWS.*

House amendments make the following changes to the 6th edition.

Amendment #1 amends GS 18B-904(e) to add that the North Carolina Alcoholic Beverage Control Commission must immediately suspend permits issued by if for 30 if (1) Alcohol Law Enforcement agents or local ABC Board officers provide advance notice to the Commission Legal Division staff of the ongoing undercover operation; and (2) upon execution of the search warrant resulting from the undercover operation, fie or more persons are criminally charged with violations of the gambling, disorderly, conduct, prostitution, controlled substances, or felony criminal counterfeit trademark laws.

Amendment #3 changes the effective date of the section concerning remote video testimony by forensic and chemical analysts from December 1, 2014, to September 1, 2014.

Amendment #4 amends GS 15A-1225.3 to clarify that in the first condition to be met in order for an analyst testifying on the results of forensic testing in a criminal proceeding to be able to testify remotely, the report that the state must give to the defendant's attorney, or defendant if there is not an attorney, is the full lab report package provided to the district attorney.

Intro. by J. Davis.

[GS 7A, GS 14, GS 15A, GS 18B, GS 75, GS 90, GS 93E, GS 95, GS 101, GS 110, GS 113, GS 114, GS 122C, GS 131D, GS 131E, GS 135, GS 143B, GS 153A, GS 160A](#)

Alcoholic Beverage Control, Courts/Judiciary, Civil, Civil Law, Evidence, Court System, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Government, Public Records and Open Meetings, State Agencies, Department of Justice, Department of Public Safety

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S 719 (2013-2014) [STUDENT ORGANIZATIONS/RIGHTS & RECOGNITION](#). Filed Apr 2 2013, *A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION AND TO PROHIBIT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES FROM DENYING RECOGNITION TO ORGANIZATIONS FOR EXERCISING THESE RIGHTS.*

A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION AND TO PROHIBIT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES FROM DENYING RECOGNITION TO ORGANIZATIONS FOR EXERCISING THESE RIGHTS. Enacted June 25, 2014. Effective June 25, 2014.

Intro. by Soucek.

[GS 115D, GS 116](#)

[View summary](#)

[Education, Higher Education](#)

S 729 (2013-2014) [COAL ASH MANAGEMENT ACT OF 2104 \(NEW\)](#). Filed May 14 2014, *AN ACT TO (1) PROHIBIT RECOVERY OF COSTS RELATED TO UNLAWFUL DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (2) ESTABLISH A MORATORIUM ON CERTAIN RATE CASES; (3) CREATE THE COAL ASH MANAGEMENT COMMISSION TO REVIEW AND APPROVE COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS CLASSIFICATIONS AND CLOSURE PLANS AND OTHERWISE STUDY AND MAKE RECOMMENDATIONS ON LAWS GOVERNING MANAGEMENT OF COAL COMBUSTION RESIDUALS; (4) REQUIRE EXPEDITED REVIEW BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES OF ANY PERMIT NECESSARY TO CONDUCT ACTIVITIES REQUIRED BY THIS ACT; (5) ESTABLISH VARIOUS REPORTING REQUIREMENTS TO THE GENERAL ASSEMBLY, INCLUDING A QUARTERLY REPORT FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON ITS OPERATIONS, ACTIVITIES, PROGRAMS, AND PROGRESS WITH RESPECT TO ITS OBLIGATIONS UNDER THIS ACT FOR COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (6) PROHIBIT LOCAL GOVERNMENT REGULATION OF MANAGEMENT OF COAL COMBUSTION RESIDUALS OR COAL COMBUSTION PRODUCTS; (7) PROHIBIT CONSTRUCTION OF NEW OR EXPANSION OF EXISTING COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE JULY 1, 2014; (8) PROHIBIT THE DISPOSAL OF COAL COMBUSTION RESIDUALS INTO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AT COAL-FIRED GENERATING UNITS THAT ARE NO LONGER PRODUCING COAL COMBUSTION RESIDUALS EFFECTIVE OCTOBER 1, 2014; (9) PROHIBIT DISPOSAL OF STORMWATER TO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS EFFECTIVE DECEMBER 31, 2018; (10) REQUIRE ALL ELECTRIC GENERATING FACILITIES TO CONVERT TO GENERATION OF DRY FLY ASH ON OR BEFORE DECEMBER 31, 2017, AND DRY BOTTOM ASH ON OR BEFORE DECEMBER 31, 2020, OR RETIRE; (11) REQUIRE THE ASSESSMENT OF GROUNDWATER AT COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (12) REQUIRE CORRECTIVE ACTION FOR THE RESTORATION OF GROUNDWATER QUALITY AT COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (13) REQUIRE A SURVEY OF DRINKING WATER SUPPLY WELLS AND REPLACEMENT OF CONTAMINATED WATER SUPPLIES; (14) REQUIRE THE IDENTIFICATION, ASSESSMENT, AND CORRECTION OF UNPERMITTED DISCHARGES FROM COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (15) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO, AS SOON AS PRACTICABLE BUT NO LATER THAN AUGUST 1, 2015, PRIORITIZE FOR THE PURPOSE OF CLOSURE AND REMEDIATION COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS, INCLUDING ACTIVE AND RETIRED SITES, BASED ON THESE SITES' RISKS TO PUBLIC HEALTH, SAFETY, WELFARE, THE ENVIRONMENT, AND NATURAL RESOURCES; (16) REQUIRE OWNERS*

OF COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS TO SUBMIT A PROPOSED PLAN FOR CLOSURE OF ALL IMPOUNDMENTS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (17) REQUIRE CLOSURE AND REMEDIATION OF CERTAIN COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS AS SOON AS PRACTICABLE, BUT NO LATER THAN AUGUST 1, 2019; (18) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH A SCHEDULE AND PROCESS FOR CLOSURE AND REMEDIATION OF ALL COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS BASED UPON THE DEPARTMENT'S RISK ASSESSMENT OF THESE SITES, BASELINE REQUIREMENTS SET BY THE GENERAL ASSEMBLY, EVALUATION OF PROPOSED CLOSURE PLANS SUBMITTED BY IMPOUNDMENT OWNERS, AND INPUT FROM THE PUBLIC AND OTHER STAKEHOLDERS; (19) ESTABLISH MINIMUM STATUTORY REQUIREMENTS FOR STRUCTURAL FILL PROJECTS USING COAL COMBUSTION PRODUCTS AND REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INVENTORY AND INSPECT CERTAIN STRUCTURAL FILL PROJECTS; (20) PLACE A MORATORIUM ON CERTAIN PROJECTS USING COAL COMBUSTION PRODUCTS AS STRUCTURAL FILL UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY THE ADEQUACY OF CURRENT LAW GOVERNING USE OF COAL COMBUSTION PRODUCTS AS STRUCTURAL FILL AND FOR BENEFICIAL USE; (21) PLACE A MORATORIUM ON THE EXPANSION AND CONSTRUCTION OF COAL COMBUSTION RESIDUALS LANDFILLS UNTIL AUGUST 1, 2015, AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSESS THE RISKS TO PUBLIC HEALTH, SAFETY, WELFARE, THE ENVIRONMENT, AND NATURAL RESOURCES OF COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS LOCATED BENEATH THESE LANDFILLS TO DETERMINE THE ADVISABILITY OF CONTINUED OPERATION OF THESE LANDFILLS; (22) STRENGTHEN THE REPORTING AND NOTIFICATION REQUIREMENTS APPLICABLE TO DISCHARGES OF WASTEWATER TO WATERS OF THE STATE; (23) REQUIRE CERTAIN EMERGENCY CALLS TO BE RECORDED; (24) REQUIRE DEVELOPMENT OF EMERGENCY ACTION PLANS FOR HIGH AND INTERMEDIATE HAZARD DAMS AND AMEND OTHER DAM SAFETY LAW REQUIREMENTS APPLICABLE TO COAL COMBUSTION RESIDUALS SURFACE IMPOUNDMENTS; (25) TRANSFER SOLID WASTE RULE-MAKING AUTHORITY FROM COMMISSION FOR PUBLIC HEALTH TO ENVIRONMENTAL MANAGEMENT COMMISSION; (26) PROVIDE FOR VARIOUS STUDIES; (27) REQUIRE THE STATE CONSTRUCTION OFFICE AND THE DEPARTMENT OF TRANSPORTATION TO DEVELOP TECHNICAL SPECIFICATIONS FOR USE OF COAL COMBUSTION PRODUCTS; AND (28) PROVIDE RESOURCES FOR IMPLEMENTATION OF THIS ACT.

Senate amendments make the following changes to the 2nd edition.

Amendment #9 rewrites subsection (a1) to GS 143-215.1C to direct the owner or operator of any wastewater collection or treatment works, for which a permit is issued under Part IV of this act, to report to the Department of Environment and Natural Resources, as soon as practicable, but no later than 24 hours (was, within 24 hours) after the owner or operator determines that a discharge of 1,000 gallons or more of untreated wastewater has reached the surface waters of the state.

Amendment #10 makes a change to the bill's long title, inserting new (26) AMEND COMPLIANCE BOUNDARY PROVISIONS, and amending the remaining provisions of the long title accordingly. Adds a *PART VII. AMEND COMPLIANCE BOUNDARY PROVISIONS*. Amends GS 143-215.1, subsections (i), (j), and (k) as the Part title indicates. Retains provision that a compliance boundary may be established by rule or permit and the provision that multiple contiguous properties under common ownership and permitted for use as a disposal system are to be treated as a single property with regard to determination of a compliance boundary. Makes a conforming change, repealing Section 46(b) of SL 2013-413. Directs the Environmental Management Commission to review the compliance boundary and corrective action provisions of Subchapter 2L of Title 15A of the North Carolina Administrative Code for clarity and internal consistency. Requires the Commission to report the results of its review, along with any recommendations, to the Environmental Review Commission no later than December 1, 2014.

Amendment #12 amends proposed GS 130A-309.212, which sets out the requirements for the closure of coal combustion residuals surface impoundments. Expands on the closure requirements and the content of the closure plan to be submitted by the owner of a high-risk impoundment and by the owner of a low-risk impoundment.

Amendment #14 makes a change to the qualifications for one of the appointees by the General Assembly upon the recommendation of the Speaker of the House of Representatives to the nine-member Coal Ash Management Commission (CAMC). Requires that the appointee "...have expertise in determining and evaluating the costs associated with electricity generation and establishing the rates associated with electricity consumption," (was, "...have experience in the use of coal combustion residuals as structural fill for construction or development projects"). Provides for staggered terms for initial members of the CAMC for initial durations of 2 years to six years based on the required qualifications for the appointees as described in this act. Provides that subsequent to the staggered initial terms, all term lengths for all appointees is to be six years. Increases the number of receipt supported positions created in the Division of Emergency Management of the Department of Public Safety to carry out the duties in GS 130A-309.202 to five (was, four). Makes a clarifying change to fully identify the Coal Ash Management Commission.

Amendment #15 makes a number of changes throughout this act. Makes technical corrections to the definition for *coal combustion residuals surface impoundment*. Provides that the term includes a coal combustion residuals surface impoundment that has been covered with soil or other material after the final deposition of coal combustion (was, covered with soil). Makes additional technical corrections and clarifying changes throughout the act.

Amends Section 4.(d) in Part III to direct DENR and the Environmental Management Commission (EMC) to review the uses of coal combustion products as structural fill and the regulation of this use under this act to determine if the regulatory requirements are sufficient to protect public health. Amends Section 13 in Part VII to require the Department of Transportation to evaluate additional opportunities for using coal combustion products (was, residuals) in building and maintaining roads and bridges within the state.

Amends Section 2.(a) to provide that the moratorium on cost recovery by an electric public utility does not apply to the net recovery of any fuel and fuel-related costs under GS 62-133.2. Clarifies that the moratorium in this section ends on January 15, 2015. Provides that the Utilities Commission is not to authorize an electric public utility to recover any of the costs (was, any additional costs) related to coal combustion residuals surface impoundments that were not included in the utility's cost of service approved in its most recent general rate case.

Amends proposed GS 130A-309.212 to require that the closure plans for impoundments be conducted under the requirements of the newly specified section of the North Carolina Administrative Code. Makes additional changes regarding applicable rules of the NC Administrative Code regarding impoundment closings, the study, assessment, and review of the uses of coal combustion products for other beneficial uses and the review of new Subpart 3.

Adds the requirement that closure plans include projected costs for assessment, corrective action, closure and post-closure care.

Amends new Part 21 of Article 9 of GS Chapter 130A. Deletes the definition for "mine." Adds a definition for "open pit mine," meaning an excavation made at the surface of the ground for the purpose of extracting minerals, inorganic and organic, from their natural deposits. Amends the definition for "structural fill" to include fill used to reclaim open pit mines.

Changes the time limits for expedited permit review. Directs the Department to issue a draft permit decision within 90 days (was, within 60 days) of determining that the application is complete and to issue a final permit decision on an application for a permit within 60 days (was, 30 days) after the comment period on the draft permit decision closes.

Although modifications to an approved closure plan for a Coal Combustion Residuals Surface Impoundment require a written request from the owner seeking the modification, the written approval of DENR, and public notice of the change, minor technical modifications to a closure plan may be made under standard DENR procedures for such minor modifications without written approval from DENR or public notice of the change.

Amends the design requirements for projects using coal combustion products for structural fill to delete the requirement that coal combustion products be compacted in lifts that are not more than one foot in thickness.

Amends the catch phrase for proposed GS 130A-309.215 to read, "Design, construction, and siting requirements for

projects using coal combustion products for structural fill," (was, Design requirements for projects...).

Amends the minimum requirements for the components of the liner system necessary for large structural fills to include a cap system (was, a cap liner) meeting newly specified design and construction requirements to minimize infiltration and erosion as indicated in this section.

Adds new subsection (c) to proposed GS 130A-309.215 to prohibit the placement of structural fill facilities on sites with specified geographic characteristics.

Modifies the guidelines for maintaining and operating the leachate collection system for large structural fill projects, and for determining when the constructor or operator may be allowed to stop managing leachate.

Amends the title of proposed GS 130A-309.210 to clarify that it deals with the identification and assessment of discharges, and the correction of unpermitted discharges. Amends subsection (a) to clarify its focus on identification of discharges (was, unpermitted discharges) from Coal Combustion Residuals Surface Impoundments. Makes additional conforming changes, replacing the phrase "unpermitted discharges" with discharges. However, subsection (c) continues to provide for corrective action to prevent unpermitted discharges from coal combustion residuals surface impoundments to the surface waters of the state. Eliminates the following as methods of proposed corrective action: (1) capture and rerouting of the unpermitted discharge through a permitted outfall and (2) implementation of best management practices to prevent the unpermitted discharge. Clarifies that an application for a National Pollutant Discharge Elimination System permit amendment under GS 143-215.1 and Subchapter H of Chapter 2 of Title 15A of the North Carolina Administrative Code to bring the unpermitted discharge under permit regulations is a valid method of proposed corrective action.

Also specifies that the owner of a coal combustion residuals must submit a topographic map that identifies all locations of seeps and weeps discharging from the impoundment and monitors other measures regarding the seep and weep factor (was, monitor seep). Makes additional conforming changes to add the phrase "seep and weep" (was, seep).

Enacts new GS 143-215.27A delineating procedures for decommissioning a coal combustion residual surface impoundment facility in order to make the decommissioned facility exempt from the North Carolina Dam Safety Law of 1967. Specifies five items that the decommissioning request must minimally contain, including a proposed geotechnical investigation plan scope of work and a topographic map depicting existing conditions of the containment dam and impoundment area at two foot contour intervals.

Provides that the Division of Energy, Mineral, and Land Resources must conduct a preliminary review of the decommission request for completeness and approval of the proposed geotechnical investigation plan scope of work. The owner is then notified by letter with the results of the preliminary review. After receiving a letter approving the preliminary geotechnical plan scope of work, the owner can proceed with field work and development of the geotechnical report. Upon receiving the geotechnical report, the Division of Energy, Mineral, and Land Resources is directed to complete the submittal review. Specifies procedures for completing the submittal review. Final approval for the decommission comes in the form of a letter stating the facility is now decommissioned and no longer under the jurisdiction of the Dam Safety Law of 1967.

Provides that GS 130A-309.202, as enacted by Section 3(a) of the act is repealed on June 30, 2030.

Amends the effective date for proposed to GS 62-302.1, regulatory fee for combustion residual surface impoundments, providing that it becomes effective July 1, 2014 and expires on April 1, 2030, applying to jurisdictional revenues earned on or after July 1, 2014 and before April 1, 2030. Further provides that the remainder of Section 14 of the act will become effective on July 1, 2014 (previously, the entire section became effective on July 1, 2014).

Intro. by Apodaca, Berger.

APPROP, GS 62, GS 130A, GS 143

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Development, Land Use and Housing, Building and Construction, Environment, Environment/Natural Resources, Government, State Agencies, Department of Environment and Natural Resources, Health and Human Services, Health, Public Health

S 773 (2013-2014) **IMPLEMENT GSC RECOMMENDATIONS**. Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GENERAL STATUTES COMMISSION TO MODIFY THE SLAYER STATUTE DUE TO THE NEED TO ACCOUNT FOR PROPERTY HELD IN A JOINT TENANCY IN UNEQUAL SHARES, TO CLARIFY THE PROVISIONS FOR FILING CERTIFIED COPIES OF PROBATED WILLS IN OTHER COUNTIES WHERE A DECEDENT HAS REAL PROPERTY, AND TO DELETE THE STATUTORY FORMS FOR JUDGMENT DEBTORS CLAIMING EXEMPTIONS UNDER G.S. 1C-1601 BECAUSE THE ADMINISTRATIVE OFFICE OF THE COURTS ALREADY HAS WIDELY USED FORMS FOR THAT PURPOSE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

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

Amends GS 1C-1603(a)(5), regarding the procedure for a judgment debtor to set aside exempt property. Requires that the form for the notice provided by the Administrative Office of the Courts (AOC) inform the judgment debtor of the debtor's right to retain *an interest* in certain property free from the judgment creditor's collection efforts (was, debtor's right to retain certain property). Also mandates that the notice describe the types of property that are exempt from execution under state and federal law. Provides that the debtor may be entitled to additional exemptions that are not listed on the form for the debtor's statement, such as social security benefits, unemployment benefits, workers' compensation benefits, and earnings for the debtor's personal services rendered within the last 60 days. Adds new subsection (c1) to provide that the AOC must provide a form for a schedule to enable a debtor to claim property as exempt under subsection (c) of this section and to list property as exempt under other provisions of state law, the North Carolina Constitution, and federal law.

Deletes Part IV which amended GS 1A-1, Rule 8(a) regarding the resolution of an apparent conflict between Rule 8 of the NC Rules of Civil Procedure and GS 7A-243.

Makes technical changes.

Changes the long title to reflect changes to the bill content.

Intro. by Hartsell.

GS 1C, GS 28A, GS 31, GS 31A

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Courts/Judiciary, Civil, Civil Law, Civil Procedure, Court System, Development, Land Use and Housing, Property and Housing

S 793 (2013-2014) **CHARTER SCHOOL MODIFICATIONS**. Filed May 19 2014, *AN ACT TO PROVIDE THAT A TEACHER EMPLOYED BY A CHARTER SCHOOL MAY SERVE AS A NONVOTING MEMBER OF THE BOARD OF DIRECTORS FOR THE CHARTER SCHOOL; TO AMEND THE DATE BY WHICH THE STATE BOARD OF EDUCATION SHALL MAKE DECISIONS ON CHARTER SCHOOL APPLICATIONS; TO PROVIDE PRIORITY ENROLLMENT FOR THE CHILDREN OF MEMBERS OF THE BOARD OF DIRECTORS OF CHARTER SCHOOLS BEYOND THE INITIAL YEAR; TO MAKE CHARTER SCHOOLS SUBJECT TO REQUIREMENTS OF THE OPEN MEETINGS AND PUBLIC RECORDS LAWS; TO ALLOW CHARTER SCHOOLS TO ASK FOR ADDITIONAL RECORDS REGARDING THE TRANSFER OF THE PER PUPIL SHARE OF THE LOCAL CURRENT EXPENSE FUND; TO SHORTEN THE TIME PERIOD FOR PAYMENT OF DELINQUENT FUNDS; TO CLARIFY THE BIDDING PROCESS FOR THE ASSUMPTION OF CHARTER SCHOOLS; AND TO DIRECT THE*

STATE BOARD OF EDUCATION TO DEVELOP A FAST TRACK APPROVAL PROCESS.

House amendments make the following changes to the 4th edition, as amended.

Amendment #8

Amends proposed GS 115C-238.29F, concerning the charter school and board of directors being subject to the Public Records Act, to provide that information contained in GS 115C-320(a)(1) (employee names) is not open to inspection.

Amendment #9

Adds a new provision which provides that if H 712 of the 2013 Regular Session becomes law, then the lead-in language for Section 7 of that act will be amended by deleting the citation to "Article 9 of Chapter 115 of the General Statutes" and replace it with "Article 9 of Chapter 115C of the General Statutes".

Amendment #10

Amendment #10 makes changes to amendment #5, deleting proposed language to GS 115C-238.29D(f) providing for charter school grade expansion. Amendment provides new language that allows a charter school, without prior approval of the State Board of Education (Board), to offer one grade higher than the charter school currently offers if the charter school meets three criteria: (1) the school has student academic outcomes comparable to outcomes of students in the local school administrative unit, (2) the school has provided financially sound audits for the year prior to the expansion, and (3) the school is in compliance with State law, federal law, the school's own bylaws, and the provisions set out in its charter granted by the Board.

Also requires the charter school to provide documentation of the requirements above to the Board. The charter school is permitted to expand to offer a higher grade unless the Board finds that the charter school has failed to meet any of the requirements above or other exceptional circumstances exist.

Amends the effective date as provided for in Amendment #5, now providing that GS 115C-238.29D(f)(4), as enacted above, will expire on September 1, 2015.

Amendment #11

Amends proposed GS 115C-238.29F(b1), rewriting the proposed language to provide that a charter school will not discriminate against any student with respect to any category protected under the US Constitution or under federal law applicable to the states (deleted language that prohibited discrimination only on the basis of ethnicity, national origin, gender, or disability).

Intro. by Tillman, Cook.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

S 883 (2013-2014) **DISAPPROVE EMC BUFFER RULE**. Filed Jun 26 2014, *AN ACT TO DISAPPROVE THE MITIGATION PROGRAM REQUIREMENTS FOR PROTECTION AND MAINTENANCE OF RIPARIAN BUFFERS RULE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION.*

Disapproves 15A NCAC 02B .0295 (Mitigation Program Requirements for Protection and Maintenance of Riparian Buffers), adopted by the Environmental Management Commission on May 9, 2013, and approved by the Rules Review Commission on July 18, 2013.

Intro. by Brock.

UNCODIFIED

[View summary](#)**Environment****LOCAL/HOUSE BILLS**

H 569 (2013-2014) **FOXFIRE/SATELLITE ANNEXATIONS**. Filed Apr 3 2013, *A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF FOXFIRE AND TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF HARRISBURG.*

A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF FOXFIRE AND TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF HARRISBURG. Enacted June 25, 2014. Effective June 30, 2014.

Intro. by Boles.[Cabarrus, Moore](#)[View summary](#)

H 1045 (2013-2014) **TOWN OF ELKIN/REG. MUNICIPAL ELECTIONS SCHED.** Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT PROVIDING THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF ELKIN BE CONDUCTED IN EVEN-NUMBERED YEARS AND LENGTHENING THE TERMS OF CURRENT TOWN COMMISSIONERS TO THE NEW ELECTION SCHEDULE.*

A BILL TO BE ENTITLED AN ACT PROVIDING THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF ELKIN BE CONDUCTED IN EVEN-NUMBERED YEARS AND LENGTHENING THE TERMS OF CURRENT TOWN COMMISSIONERS TO THE NEW ELECTION SCHEDULE. Enacted June 26, 2014. Effective January 1, 2015.

Intro. by Stevens.[Surry, Wilkes](#)[View summary](#)**Government, Elections**

H 1056 (2013-2014) **LAKE LURE OFFICIAL MAP**. Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF LAKE LURE TO PROVIDE THE PLAT AND BOOK NUMBER IN THE OFFICE OF THE RUTHERFORD COUNTY REGISTER OF DEEDS WHERE THE OFFICIAL MAP OF THE TOWN'S BOUNDARIES IS RECORDED.*

The House committee substitute to the 1st edition deletes the provision that removed specified property from Lake Lure's corporate boundaries. Makes conforming changes to the act's titles.

Intro. by Hager.[Rutherford](#)[View summary](#)

H 1059 (2013-2014) [VENUS FLYTRAP--TAKING PENALTY/OCCUP. TAX USE \(NEW\)](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE THE LARCENY OF VENUS FLYTRAPS IN BRUNSWICK, COLUMBUS, NEW HANOVER, ONSLOW, AND PENDER COUNTIES A FELONY OFFENSE AND TO MODIFY THE NEW HANOVER OCCUPANCY TAX.*

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

Codifies the provision that makes it a Class H felony in specified counties to take (or aid in taking) a venus flytrap plant or seed from another's property with the intent to steal in new GS 14-129.3. Extends the scope of the provision to also include Columbus County. Deletes proposed changes to GS 14-129 and make other conforming and technical changes.

Amends the act's long title.

Intro. by Davis.

[Brunswick, Columbus, New Hanover, Onslow, Pender, GS 14](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Tax](#)

H 1134 (2013-2014) [CLEVELAND COUNTY/ROAD ASSESSMENT CRITERIA](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO REVISE THE REQUIREMENTS FOR A PETITION SUBMITTED TO CLEVELAND COUNTY BY PROPERTY OWNERS SEEKING COUNTY FINANCING OF ROAD IMPROVEMENTS.*

A BILL TO BE ENTITLED AN ACT TO REVISE THE REQUIREMENTS FOR A PETITION SUBMITTED TO CLEVELAND COUNTY BY PROPERTY OWNERS SEEKING COUNTY FINANCING OF ROAD IMPROVEMENTS. Enacted June 26, 2014. Effective June 26, 2014.

Intro. by T. Moore, Hastings.

[Cleveland](#)

[View summary](#)

[Transportation](#)

H 1159 (2013-2014) [CITY OF GREENVILLE/PRIVATE SALE](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO CONVEY BY PRIVATE NEGOTIATION AND SALE CERTAIN REAL PROPERTY OWNED BY THE CITY THAT DOES NOT MEET THE MINIMUM LOT SIZE REQUIREMENTS PRESCRIBED BY THE CITY'S ZONING ORDINANCE.*

A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO CONVEY BY PRIVATE NEGOTIATION AND SALE CERTAIN REAL PROPERTY OWNED BY THE CITY THAT DOES NOT MEET THE MINIMUM LOT SIZE REQUIREMENTS PRESCRIBED BY THE CITY'S ZONING ORDINANCE. Enacted June 26, 2014. Effective June 26, 2014.

Intro. by B. Brown, S. Martin.

[Pitt](#)

[View summary](#)

H 1207 (2013-2014) [HIGH POINT CHARTER/COUNCIL HIRE CITY ATTORNEY](#). Filed May 27 2014, *AN ACT TO AMEND THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO HIRE THE CITY ATTORNEY AND TO MAKE CERTAIN TECHNICAL CORRECTIONS.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF HIGH POINT TO ALLOW THE CITY COUNCIL TO HIRE THE CITY ATTORNEY AND TO MAKE CERTAIN TECHNICAL CORRECTIONS. Enacted June 26, 2014. Effective June 26, 2014.

Intro. by Faircloth, Brandon, Blust, Hurley.

[Davidson, Forsyth, Guilford, Randolph](#)

[View summary](#)

H 1218 (2013-2014) [CITY OF MONROE/SUPERVISION OF ATTORNEY](#). Filed May 27 2014, *AN ACT AMENDING THE CHARTER OF THE CITY OF MONROE TO REMOVE THE PROVISION AUTHORIZING THE CITY MANAGER TO HAVE DIRECT SUPERVISORY AUTHORITY OVER THE CITY ATTORNEY AND TO TEMPORARILY INCREASE THE SIZE OF THE CABARRUS COUNTY BOARD OF COMMISSIONERS.*

Senate amendment makes the following changes to the 1st edition:

Changes the long title.

Provides that the Cabarrus County Board of Commissioners is increased by two members, effective when the act becomes law, until the first Monday in December 2014. Appoints Diane Honeycutt and Grace Mynatt to fill those two seats. Directs the newly appointed member to take the oath of office at the first regular meeting of the Board of Commissioners.

Intro. by Horn, Arp, Brody.

[Cabarrus, Union](#)

[View summary](#)

LOCAL/SENATE BILLS

S 741 (2013-2014) [BLADEN, COLUMBUS, FRANKLIN, HOKE/TAX CERT. \(NEW\)](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT TO ALLOW BLADEN COUNTY, COLUMBUS COUNTY, FRANKLIN COUNTY, AND HOKE COUNTY TO NOT ACCEPT THE REGISTRATION OF A DEED TRANSFERRING REAL PROPERTY WHEN TAXES ARE DELINQUENT.*

A BILL TO BE ENTITLED AN ACT TO ALLOW BLADEN COUNTY, COLUMBUS COUNTY, FRANKLIN COUNTY, AND HOKE COUNTY TO NOT ACCEPT THE REGISTRATION OF A DEED TRANSFERRING REAL PROPERTY WHEN TAXES ARE DELINQUENT. Enacted June 25, 2014. Effective June 25, 2014.

Intro. by Barefoot.

[Bladen, Columbus, Franklin, Hoke](#)

[View summary](#)

S 848 (2013-2014) [INFRASTRUCTURE REIMBURSEMENT AGMTS](#). Filed May 27 2014, *AN ACT CONCERNING*

PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF MINT HILL, BY THE CITY OF CONCORD, AND BY THE CITY OF KANNAPOLIS.

AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE TOWN OF MINT HILL, BY THE CITY OF CONCORD, AND BY THE CITY OF KANNAPOLIS. Enacted June 26, 2014. Effective June 25, 2014.

Intro. by Hartsell, Tarte.

[Mecklenburg](#)

[View summary](#)

S 864 (2013-2014) [YANCEYVILLE ATV USE](#). Filed May 28 2014, *AN ACT TO PERMIT EMPLOYEES OF THE TOWN OF YANCEYVILLE TO OPERATE MOTORIZED ALL-TERRAIN VEHICLES ON CERTAIN HIGHWAYS PURSUANT TO G.S. 20-171.24.*

AN ACT TO PERMIT EMPLOYEES OF THE TOWN OF YANCEYVILLE TO OPERATE MOTORIZED ALL-TERRAIN VEHICLES ON CERTAIN HIGHWAYS PURSUANT TO G.S. 20-171.24. Enacted June 26, 2014. Effective June 26, 2014.

Intro. by Woodard.

[Caswell](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

S 865 (2013-2014) [TOWN OF BOONE/EXTRATERRITORIAL JURISDICTION](#). Filed May 28 2014, *AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION.*

AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION. Enacted June 26, 2014. Effective January 1, 2015.

Intro. by Soucek.

[Watauga](#)

[View summary](#)

S 870 (2013-2014) [DURHAM/PAYMENTS FOR ON-STREET PARKING](#). Filed May 28 2014, *AN ACT AUTHORIZING THE CITY OF DURHAM TO ALLOW PAYMENT FOR ON-STREET PARKING BY VARIOUS MEANS AND TO USE PROCEEDS FROM ON-STREET PARKING FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.*

AN ACT AUTHORIZING THE CITY OF DURHAM TO ALLOW PAYMENT FOR ON-STREET PARKING BY VARIOUS MEANS AND TO USE PROCEEDS FROM ON-STREET PARKING FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES. Enacted June 26, 2014. Effective June 26, 2014.

Intro. by Woodard, McKissick.

[Durham](#)

[View summary](#)

S 871 (2013-2014) [RALEIGH/DURHAM/DEANNEXATION/ANNEXATION](#). Filed May 28 2014, *A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM AND TO MAKE CHANGES TO S.L. 2013-386.*

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

Changes the long title.

Amends GS 160A-329(b) to provide that, for the purposes of this section, before or after the effective date of an annexation into a municipality, for any property subject to a declaration of covenants, conditions, and restrictions of a subdivision that permits an association to enter into agreement with utility providers before July 1, 2014, the phrase "municipal services" includes water service but not sewer service even if there is language to the contrary in any executed and recorded utility extension agreement. Makes technical changes.

Amends SL 2013-386, which provides for the annexation to Durham, effective June 3, 2023, of property described as the COLVARD FARMS TRACT. The committee substitute deletes this tract of land from the SL and replaces it with a tract of land called 751 SOUTH ANNEXATION AREA TRACTS/PARCELS.

Provides that the City of Durham can annex and extend its corporate limits by adding the COLVARD FARMS TRACT of land under the following conditions, (1) Durham annexes the described property during the 180 days after June 3, 2023, and (2) Durham annexes the described property by either utilizing the process set out in GS Chapter 160A, Article 4A, or by holding a public hearing on the question of annexation, with at least 10 days public notice. At the hearing the public will have time to be heard, after which the city council can approve or disapprove an ordinance annexing the property.

Intro. by McKissick, Woodard.

[Durham, Wake, GS 160A](#)

[View summary](#)

S 877 (2013-2014) [EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES](#). Filed May 28 2014, *AN ACT TO EXEMPT CERTAIN REAL ESTATE TIME-SHARES FROM THE RULE AGAINST PERPETUITIES.*

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

Amends proposed GS 93A-42.1 to clarify that a board of directors of a time share project has the ability to amend, by a two-thirds vote, unless otherwise provided in the declaration (previously, as otherwise provided was not included) any provision in a declaration that (1) was adopted as part of the original time share declaration, recorded prior to July 1, 1984 (previously, only required the provision to be part of the original, recorded time-share declaration) and (2) the provision either converts or provides a mechanism for conversion of timeshare units to tenancy in common.

Deletes a provision which provided, in situations of conflict between provisions of the declaration and the bylaws, that the declaration prevails except to the extent the declaration is inconsistent with this section

Intro. by Cook.

[GS 93A](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 189: AMEND INFO./CHILD SUPP. ORDERS

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 267: Unclaimed Property Program Improvements.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Added to Calendar

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 330: PLANNED COMMUNITY ACT/DECLARANT RIGHTS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 346: GOVERNING BODIES/COLLECT UNPAID JUDGMENTS.

Ratified

H 366: NC FARM ACT OF 2014 (NEW).

Senate: Amend Adopted A1

Senate: Amend Failed A2

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

H 369: CRIMINAL LAW CHANGES/WC ILLEGAL ALIENS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 379: AMEND VETERINARY PRACTICE ACT/FEEES.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Added to Calendar

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 458: Public Hospital Conveyances.

Senate: Sequential Referral To Health Care Added

Senate: Sequential Referral To Health Care Added

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Judiciary II

H 712: CLARIFYING CHANGES/SPECIAL ED SCHOLARSHIPS

Ratified

H 894: SOURCE WATER PROTECTION PLANNING (NEW)

Ratified

H 1025: DOT/DMV CHANGES (NEW).

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/01/2014

H 1027: DWI INTERLOCK VIOLATION/DMV HEARING SITE.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/01/2014

H 1034: VOLUNTEER FIRE AND RESCUE FINANCES (PED).

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Added to Calendar

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 1043: PREQUALIFICATION UPDATE.

Ratified

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

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 1051: AUTHORIZE DHHS/COOPERATIVE EXTENSION CONTRACT.

House: Special Message Sent To Senate

Senate: Special Message Received From House

H 1052: ADJUST THE UTILITY REGULATORY FEE.

Senate: Passed 2nd Reading

H 1057: DENR STUDY OF IBT/EMC ECO FLOW STUDY.

House: Special Message Sent To Senate

Senate: Special Message Received From House

H 1097: SERVICE OF HEARING ORDER/MV DEALER LICENSEE.

Senate: Special Message Received From House

H 1099: UNMANNED AIRCRAFT REGULATION.

Senate: Special Message Received From House

H 1101: MECH.LIENS/AMEND INFO./CHILD SUPP. ORDERS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 1102: MECHANICS LIENS - CLARIFY LIEN AGENT NOTICE.

Senate: Reptd Fav

H 1117: CONFORM PLEDGE OF JOINT ACCOUNT LAWS.

Senate: Reptd Fav

H 1139: STATE NAT. & HIST. PRESERVE DELETIONS.

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1145: Insurance & Registration Required for Mopeds.

Senate: Withdrawn From Cal

Senate: Re-ref Com On Finance

H 1182: UNC NONAPPROPRIATED CAPITAL PROJECTS.

Senate: Passed 2nd Reading

H 1220: HOPE 4 HALEY AND FRIENDS.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Engrossed

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Added to Calendar

House: Concurred In S/Com Sub

House: Ordered Enrolled

Ratified

H 1224: JMAC DEVELOPMENT FUND MODIFICATIONS.

Senate: Special Message Received From House

H 1232: SALES TAX EXEMPTION FOR CERTAIN COINS.

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

H 1268: HONOR JIM GULLEY.

Senate: Special Message Received From House

S 3: 2014 Budget Mods./Pay Raises/Other Changes.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

S 58: CLARIFY STATUTE OF REPOSE (NEW).

Senate: Special Message Received For Concurrence in H Com Sub

Senate: Placed on Today's Calendar

Senate: Concurred In H/Com Sub

Senate: Ordered Enrolled

Ratified

S 78: LAW ENFORCEMENT PRIVACY/PUBLIC WEB SITES.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Postponed To 06/30/2014

S 85: UNC/MED STUDENT CLINICAL ROTATION SLOTS.

House: Postponed To 06/30/2014

S 101: WC/INFLATION INDEXING FOR ORGAN INJURY/LOSS (NEW).

House: Withdrawn From Com

House: Re-ref Com On Judiciary Subcommittee B

S 105: POLITICAL SIGNS/ADD TOWNS TO SHP.

House: Reptd Fav Com Substitute

House: Re-ref to the Com on State Personnel, if favorable, Government

House: Reptd Fav

House: Re-ref Com On Government

S 388: UNEMPLOYMENT INSURANCE LAW CHANGES--2 (NEW).

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

S 493: 2014 REGULATORY REFORM ACT (NEW).

House: Special Message Sent To Senate

S 523: WRIGHTS VILLE BEACH DEANNEX/WILMINGTON ANNEX (NEW).

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Concurred On 2nd Reading

S 594: OMNIBUS JUSTICE AMENDMENTS.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Adopted A1

House: Amend Failed A2

House: Amend Adopted A3

House: Amend Adopted A4

House: Passed 2nd Reading

S 612: REGULATORY REFORM ACT OF 2013.

House: Withdrawn From Com

House: Re-ref Com On Government

S 614: Military Lands Protection Act.

Senate: Special Message Received For Concurrence in H Com Sub

S 648: NC COMMERCE PROTECTION ACT OF 2014 (NEW).

House: Special Message Sent To Senate

S 729: COAL ASH MANAGEMENT ACT OF 2104 (NEW).

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 734: REGULATORY REFORM ACT OF 2014 (NEW).

House: Special Message Sent To Senate

S 761: CREDIT FOR MILITARY TRAINING.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/30/2014

S 773: IMPLEMENT GSC RECOMMENDATIONS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

S 790: CAPE HATTERAS/GAS CITIES/INFRASTRUCTURE LAND (NEW).

Ratified

S 793: CHARTER SCHOOL MODIFICATIONS.

House: Amend Tabled A6

House: Amend Adopted A8

House: Amend Adopted A9

House: Amend Adopted A10

House: Amend Adopted A11

House: Amendment Withdrawn A7

House: Passed 3rd Reading

House: Ordered Engrossed

S 812: REPLACE CCSS W/NC'S HIGHER ACADEM. STANDARDS (NEW).

Senate: Conf Com Appointed

Senate: Senate Fail to Concur - Late Appoint Message Sent To House

S 815: ENSURING PRIVACY OF STUDENT RECORDS.

Pres. To Gov. 06/26/2014

S 883: DIS APPROVE EMC BUFFER RULE.

Senate: Filed

LOCAL BILLS

H 1033: SPECIAL ASSESSMENT/DAM REPAIR.

House: Passed 2nd Reading

H 1045: TOWN OF ELKIN/REG. MUNICIPAL ELECTIONS SCHED.

Ratified

Ch. SL 2014-35

H 1054: SPINDALE/CAPE FEAR SEWER FEE COLLECTION.

Senate: Special Message Received From House

H 1056: LAKE LURE OFFICIAL MAP.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/30/2014

H 1059: VENUS FLYTRAP--TAKING PENALTY/OCCUP. TAX USE (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

H 1067: MURPHY DEANNEXATION.

Senate: Passed 2nd Reading

H 1080: WATHA DEANNEXATION.

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Amend

House: Ruled Material

House: Ref To Com On Finance

H 1113: BENT CREEK PROPERTY SULLIVAN ACT EXEMPTION.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 1134: CLEVELAND COUNTY/ROAD ASSESSMENT CRITERIA.

Ratified

Ch. SL 2014-36

H 1151: FAYETTEVILLE RED LIGHT CHANGES.

Senate: Special Message Received From House

H 1155: PINEHURST ANNEXATION.

House: Passed 2nd Reading

H 1159: CITY OF GREENVILLE/PRIVATE SALE.

Ratified

Ch. SL 2014-37

H 1207: HIGH POINT CHARTER/COUNCIL HIRE CITY ATTORNEY.

Ratified

Ch. SL 2014-38

H 1218: CITY OF MONROE/SUPERVISION OF ATTORNEY.

Senate: Amend Adopted AI

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Amend

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/30/2014

H 1245: PLEASANT GARDEN ANNEX/WATHA DEANNEX (NEW).

House: Passed 2nd Reading

H 1247: ASHEVILLE REGIONAL AIRPORT.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 1253: EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES.

Senate: Special Message Received From House

S 767: ROCKINGHAM DEANNEXATION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/30/2014

S 839: WINSTON-SALEM/PARKING METERS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 846: SHALLOTTE DEANNEXATIONS.

House: Passed 1st Reading

House: Ref To Com On Finance

S 848: INFRASTRUCTURE REIMBURSEMENT AGMTS.

Ratified

Ch. SL 2014-31

S 851: ALLOW ABSENTEE VOTING/1ST CRAVEN SANITARY DIS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 864: YANCEYVILLE ATV USE.

Ratified

Ch. SL 2014-32

S 865: TOWN OF BOONE/EXTRATERRITORIAL JURISDICTION.

Ratified

Ch. SL 2014-33

S 870: DURHAM/PAYMENTS FOR ON-STREET PARKING.

Ratified

Ch. SL 2014-34

S 871: RALEIGH/DURHAM/DEANNEXATION/ANNEXATION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Withdrawn From Cal

House: Re-ref Com On Rules, Calendar, and Operations of the House

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Passed 2nd Reading

S 875: BAKERSVILLE/STAGGER TERMS OF TOWN COUNCIL.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 877: EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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