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ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 179. [EXPAND CHARITABLE PROPERTY TAX EXEMPTION.](#) Filed 2/24/11. *TO MODIFY THE EXEMPTION FOR PROPERTY USED FOR CHARITABLE PURPOSES.*

Amends GS 105-278.7 to provide that in spite of the exclusive use requirements of subsection (a), if part of a property is used for a purpose that qualifies it for the charitable property tax exemption if the entire property were used for that purpose, and if the rest of that property is vacant, then the valuation of the entire property is exempt from taxation. Effective for taxes imposed for taxable years beginning on or after July 1, 2011.

Intro. by Daughtry.

GS 105

Business and Commerce; Taxation

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H 181. ADD SUPT. TO NC ECON. DEV. BD (=S 124). Filed 2/24/11. *TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.*

Identical to S 124, filed 2/24/11.

Intro. by Glazier.

GS 143B

Business and Commerce;
Education

H 182. CLARIFY REFUNDS OF TAX OVERPAYMENTS (=S 97). Filed 2/24/11. *TO CLARIFY WHEN THE DEPARTMENT OF REVENUE IS REQUIRED TO INITIATE A REFUND OF AN OVERPAYMENT OF TAX AND TO AUTHORIZE THE ISSUANCE OF REFUNDS OF OVERPAYMENTS THAT HAVE BEEN IDENTIFIED BY THE DEPARTMENT CONSISTENT WITH THIS CLARIFICATION.*

Identical to S 97, filed 2/21/11.

Intro. by Starnes, Howard.

GS 105

Taxation

H 183. HOA/LIMIT FORECLOSURES. Filed 2/24/11. *PROHIBITING A HOMEOWNERS ASSOCIATION FROM FORECLOSING ON PROPERTY WHERE THE DEBT SECURING THE ASSOCIATION ASSESSMENT LIEN CONSISTS SOLELY OF UNPAID HOMEOWNERS ASSOCIATION DUES OR OTHER COSTS ASSOCIATED WITH UNPAID HOMEOWNERS ASSOCIATION DUES.*

Enacts new subsections in GS 47A-22 (concerning the Unit Ownership Act), GS 47C-3-116 (Condominium Act), and GS 47F-3-116 (Planned Community Act) to prohibit the association from foreclosing an association assessment lien, as specified, if the debt securing the lien consists solely of unpaid association dues, interest or late fees on unpaid dues, or attorneys' fees incurred by the association solely associated with unpaid dues.

Allows the association to collect the lien as a money judgment. Effective for assessments for homeowners association dues levied and proceedings for collection commenced on or after October 1, 2011.

Intro. by R. Moore.

GS 47A, 47C, 47F

Property, Land Use, and Housing

H 184. CONCEALED CARRY PERMIT/ELECTED OFFICIALS. Filed 2/24/11. *TO PROVIDE THAT A PERSON ELECTED TO A PUBLIC OFFICE IN NORTH CAROLINA OR APPOINTED TO FILL A VACANCY IN ONE OF THOSE OFFICES WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY A CONCEALED HANDGUN AND MAY CARRY A POCKET KNIFE ANYWHERE IN THE STATE WHILE HOLDING THAT OFFICE, UNLESS OTHERWISE PROHIBITED BY FEDERAL LAW.*

Enacts new GS 14-415.27, expanding the concealed handgun permit, to authorize a person who has a valid concealed handgun permit under Article 54B of GS Chapter 14 or under GS 14-415.24 (out-of-state permits) and who is either elected or appointed to fill a public office in North Carolina, to carry an ordinary pocket knife, as defined in GS 14-269(d), and to carry a handgun, openly or concealed, anywhere in the state while the person holds that office, unless prohibited by federal law. Makes a conforming change to GS 14-415.11(c) to allow persons authorized to carry a concealed handgun by proposed GS 14-415.27 to do so in the listed areas and facilities, including state and federal offices. Makes a clarifying change to distinguish that the authorization does not extend to a person consuming alcohol or a person with alcohol or a controlled substance in the body.

Enacts new GS 14-269(a2) to provide that the prohibition against carrying a concealed deadly weapon does not apply when the weapon is a handgun and the person has an expanded concealed handgun permit under proposed GS 14-415.27.

Enacts new GS 14-269.2(g)(7) to exempt a weapon that is an ordinary pocket knife, as defined, or a handgun from the prohibition against possessing or carrying weapons on campuses or educational properties, provided the person has an expanded concealed handgun permit under proposed GS 14-415.27.

Enacts new GS 14-269.3(b)(5) to exempt a person carrying a handgun from the prohibition against carrying weapons into assemblies or establishments where alcohol is served, provided the person has an expanded concealed handgun permit under proposed GS 14-415.27.

Enacts new GS 14-269.4(6) to exempt a person possessing or carrying a handgun from the prohibition against carrying weapons on state property or in courthouses, provided the person has an expanded concealed handgun permit under proposed GS 14-415.27.

Enacts new subsections to exempt persons carrying weapons (either an ordinary pocket knife or handgun) from the prohibition against weapons in the following provisions, provided the person has an expanded concealed handgun permit under proposed GS 14-415.27: GS 14-277.2 (weapons at parades), GS 14-288.7 (transporting or possessing weapons during emergency), and GS 120-32.1 (General Assembly buildings and grounds).

Effective October 1, 2011.

Intro. by LaRoque.

GS 14, 120

Criminal Law, Procedure, and
Sentencing; Courts; State
Government

H 185. SCHOOL CALENDAR FLEXIBILITY. Filed 2/24/11. *AUTHORIZING LOCAL BOARDS OF EDUCATION TO ADOPT CONSOLIDATED CALENDARS.*

Amends GS 115C-84.2 to allow a local board of education to save money by consolidating the school calendar. Requires the consolidated calendar to include at least 180 days or 1,000 hours of instruction covering at least nine calendar months. In meeting these requirements, provides that teachers employed for a 10-month term are deemed to have been employed for 180 days in instances where the local board of education schedules 1,000 hours of instruction on less than 180 days.

Intro. by Randleman.

GS 115C

Education

H 186. SELECT COMMITTEE INVESTIGATE CTS. Filed 2/24/11. *CREATING A HOUSE SELECT COMMITTEE TO INVESTIGATE THE HANDLING OF THE CTS CONTAMINATION SITE IN BUNCOMBE COUNTY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.*

Establishes the House Select Committee to Investigate the Handling of the CTS Contamination Site (Committee), to conduct an investigation as the title indicates. Establishes the Committee as a committee of investigation and provides for powers of the Committee, including subpoena power.

Intro. by Moffitt.

HOUSE RES

General Assembly; Buncombe;
Agriculture, Environment, and
Natural Resources

H 187. REQUIRE LABELS FOR ETHANOL-BLENDED GASOLINE. Filed 2/24/11. *TO DIRECT THE GASOLINE AND OIL INSPECTION BOARD TO ADOPT RULES RELATED TO THE LABELING OF DISPENSING PUMPS AND OTHER DISPENSING DEVICES THAT OFFER ETHANOL-BLENDED GASOLINE FOR RETAIL SALE IN NORTH CAROLINA.*

Enacts new GS 119-27.2 requiring the Gasoline and Oil Inspection Board to adopt rules requiring labels for all ethanol-blended gasoline pumps and dispensing devices. Requires using labels to indicate that the gasoline is either 10% or less ethanol by volume or greater than 10% ethanol by volume. Allows the rules to include more specific information on the ethanol content.

**Intro. by Hurley, Faircloth,
Randleman.**

GS 119

Energy and Utilities

H 188. TAXPAYER BILL OF RIGHTS. Filed 2/24/11. *TO PROVIDE GOVERNMENTAL ACCOUNTABILITY AND PROTECTION TO THE TAXPAYERS BY LIMITING INCREASES IN THE GENERAL FUND BUDGET, TO REFORM THE BUDGET PROCESS, TO ESTABLISH AN EMERGENCY RESERVE TRUST FUND, AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH A GENERAL FUND EXPENDITURE LIMIT.*

Constitutional amendments. Subject to approval by the voters at the November 2012 general election, enacts a new Section 15 to Article V of the North Carolina Constitution, effective upon certification by the State Board of Elections to the Secretary of State, to establish a General Fund expenditure limit. Sets forth definitions for *fiscal growth factor*, *inflation*, and *population change*. Requires that the General Fund expenditure limit for each fiscal year be the previous year's expenditure limit increased by a percentage rate that equals the fiscal growth factor. Prohibits the Governor from proposing expenditures from the General Fund in excess of the projected expenditure limit and the General Assembly from making appropriations in excess of the expenditure limit. Provides that the General Fund budget authorized for the fiscal year beginning in July 1, 2012, increased by the fiscal growth factor, be used as the base fiscal year to determine the General Fund expenditure limit beginning July 1, 2013, and for succeeding fiscal years. Requires that if, on or after December 31, 2012, the cost of any state function or program is shifted from the General Fund to another funding source, including counties or local government, or if money is transferred from the General Fund to another account, the expenditure limit must be reduced by that same amount. Provides that a two-thirds vote of the General Assembly is required to exceed the General Fund expenditure limit and is only allowed for appropriations for nonrecurring expenses for a

maximum period of 12 months from the effective date of the appropriation. Requires that any unexpended funds that exceed 5% of the General Fund appropriation for the prior fiscal year be returned to the taxpayers.

Corresponding statutory changes. Enacts a new GS 143C-4-8 to establish a General Fund expenditure limit. Requires that the General Fund expenditure limit for each fiscal year be the previous year's expenditure limit increased by a percentage rate that equals the fiscal growth factor. Provides that the General Fund budget authorized for the fiscal year beginning in July 1, 2012, increased by the fiscal growth factor, be used as the base fiscal year to determine the General Fund expenditure limit beginning July 1, 2013, and for succeeding fiscal years. Requires that if, on or after December 31, 2012, the cost of any state function or program is shifted from the General Fund to another funding source, including counties or local government, or if money is transferred from the General Fund to another account, the expenditure limit must be reduced by that same amount. Directs that, by March 15 of each year, the Fiscal Research Division (Division) and the Office of State Budget and Management (OSBM) issue a determination of the General Fund expenditure limit for that fiscal year and a projected limit for the following fiscal year. If the Division and OSBM do not agree on the expenditure limit, then requires that the lowest determination and projection be used.

Enacts a new GS 143C-4-9 to prohibit the Governor from proposing expenditures from the General Fund in excess of the projected General Fund expenditure limit and the General Assembly from making appropriations in excess of the expenditure limit. Restricts money from being drawn by the state treasury, as well as prohibiting the Governor, State Treasurer, and the State Controller from issuing or redeeming any draft, check, warrant, or voucher, if that action results in a state expenditure in excess of the expenditure limit. Provides that any General Fund revenue collected in excess of the expenditure limit is credited to the Emergency Reserve Trust Fund (Fund) at the end of the fiscal year.

Enacts a new GS 143C-4-10 to provide that a two-thirds vote of the General Assembly is required to exceed the General Fund expenditure limit and is only allowed for appropriations for nonrecurring expenses for a maximum period of 12 months from the effective date of the appropriation.

Amends GS 143C-1-1(d) (definition section for the State Budget Act) to add definitions for *fiscal growth factor*, *inflation*, and *population change*.

Amends GS 143C-4-2 to rename the *Savings Reserve Account* as the *Emergency Reserve Trust Fund* (Fund). Makes conforming changes and deletes the goal provision for the Savings Reserve Account Balance. Allows the Director of the Budget to transfer money from the Fund to pay for appropriations for the fiscal year, if available, if the Director determines (1) pursuant to GS 143C-6-2 (Methods to avoid deficit), the aggregate revenues collected and available are not sufficient to pay appropriations for that fiscal year in full or (2) pursuant to Section 5(3) of Article III of the NC Constitution, receipts during the fiscal year when added to the surplus remaining in the state treasury at the beginning of the fiscal year are not sufficient to meet budgeted expenditures. Requires the Director to administer the budget to prevent any overdraft or deficit if the Director decides to not transfer money from the Fund. Requires that any unexpended funds that exceed 5% of the General Fund appropriation for the prior fiscal year be reserved for taxpayer relief. Transfers the funds in the Savings Reserve Account to the Fund.

Enacts new GS 143C-3.6 directing the Governor to use collections for the previous calendar year ending December 31 in preparing the budget for the next fiscal year. Provides that only the following changes are to be made: (1) reduce the revenue estimate by an annualized total of the impact of any revenue decreases that were effective for only part of that calendar year; (2) if the budget proposes any revenue reductions to be effective during the fiscal year, reduce the revenue estimate by the total estimated amount of the reduction; (3) omit any onetime revenues in the previous calendar year from revenue estimates; and (4) may make an estimate of collections of proposed increased or new taxes or fees. Places similar constraints on the General Assembly in enacting the budget for a fiscal year. Adds restriction that in enacting the budget, the revenue estimate for that fiscal year may not exceed the lower of an estimate made by the Fiscal Research Division or an estimate made by the Office of State Budget and Management. Provides that if the budget contains an estimated credit balance from the immediately preceding fiscal year, one-half of that credit balance may be proposed only for capital projects or other projects with a fiscal impact in the current fiscal year. Provides that if the General Assembly appropriates any credit balance in the State treasury at the end of the immediately preceding fiscal year, one-half of that credit balance may be appropriated only for capital projects or other projects with a fiscal impact only in the current fiscal year.

This Act becomes effective only if the proposed constitutional amendment is approved by qualified voters, in which case, proposed GS 143C-3.6 becomes effective beginning with the budget for fiscal year 2013-14.

Intro. by Blust, Killian, Holloway, GS 143C, CONST
Dollar.

Constitutional Amendment; Budget
and Appropriations

H 189. REQUIRE ABC PERMITTEES TO BE TAX COMPLIANT. Filed 2/24/11. *TO PROVIDE THAT COMPLIANCE WITH THE STATE'S TAX LAWS IS A CONDITION OF HOLDING AN ABC PERMIT AND THAT AN ABC PERMIT MAY BE REVOKED FOR FAILURE TO TIMELY FILE A TAX RETURN OR PAY AN OVERDUE TAX DEBT.*

Enacts new GS 18B-903(b3) to provide as title indicates. Requires a person renewing a mixed beverage permit or registering for a permit, as indicated, to certify that the person has timely filed all tax returns and has no overdue tax debt. Specifies that failure to file a timely tax return and failure to pay an overdue tax debt are grounds for revoking an ABC permit.

Makes a conforming change to GS 105-259(b), allowing disclosure of tax information to the NC Alcoholic Beverage Control Commission as needed to determine compliance with the state tax laws.

Intro. by Hamilton, Harrison, Iler, GS 18B, 105
Keever.

Taxation; Alcoholic Beverage
Control

H 190. GENERAL STATUTES COMM. TECHNICAL CORRECTIONS. Filed 2/24/11. *TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Repeals GS 28A-15-9.1 (estate phase II payments) and GS 28A-21-3.1 (Phase II tobacco grower and quota owner payments; list of Phase II distributors).

Repeals GS 148-132(5). Makes a technical correction deleting a sentence fragment in GS 135-48.5(13). Amends GS 148-132 (distribution of products and services produced by Correction Enterprises) to make a technical and clarifying change to prohibit the resale of products that are purchased by state and local government employees and retirees under (a)(5) (which has been repealed) before July 1, 2012. Effective July 1, 2012.

Intro. by Ross.

GS 28A, 135, 148

State Government

SENATE BILLS

S 123. ELIMINATE MOTOR VEHICLE SAFETY INSPECTIONS. Filed 2/24/11. *TO REPEAL THE REQUIREMENT THAT MOTOR VEHICLES REGISTERED IN THIS STATE HAVE AN ANNUAL SAFETY INSPECTION, TO ELIMINATE THE REQUIREMENT THAT WINDOW TINTING BE INSPECTED AT AN INSPECTION STATION BY A LICENSED SAFETY INSPECTOR, TO ELIMINATE THE AFFIRMATIVE DEFENSE TO AN UNSAFE TIRES CHARGE, TO ELIMINATE THE REQUIREMENT THAT A VEHICLE BE SUBJECT TO A SAFETY INSPECTION BEFORE A CHARGE FOR TINTED WINDOWS MAY BE MADE, TO DEVELOP AND IMPLEMENT A MANAGEMENT IMPROVEMENT PLAN FOR THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM, ADMINISTERED BY THE DIVISION OF MOTOR VEHICLES, WHICH WILL INCREASE EFFICIENCY, REDUCE COSTS, AND IMPROVE CUSTOMER SERVICE, AND TO REQUIRE THE FISCAL RESEARCH DIVISION OF THE GENERAL ASSEMBLY TO CONDUCT A FISCAL REVIEW OF THE DIVISION OF MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM, AS RECOMMENDED BY THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.*

Amends Article 3A of GS Chapter 20 by eliminating the requirement that a motor vehicle be subject to a safety inspection. Makes conforming changes to eliminate all provisions referencing or applying to safety inspections in GS Chapter 20. Retains the vehicle emissions inspection program. Amends GS 20-183.7 to establish fees for an emissions inspection as follows: (1) \$11 for a vehicle emissions inspection (was, \$23.50 for emissions and safety) and (2) \$5.40 for the issuance of an electronic inspection authorization (was, \$6.50 for emissions and safety). Deletes that the fee for an inspection sticker does not apply to a replacement inspection sticker for use on a windshield replaced by a business registered with the Division of Motor Vehicles (Division). Clarifies that a *certified* (was, safety inspection) mechanic is required to inspect after-factory tinted windows. Amends GS 20-183.8F by removing that the registration of a person in the business of replacing windshields is subject to suspension or revocation by the Division for violations by an inspector under this Part. Further amends GS 20-183.7 to provide that the clear proceeds of all civil penalties, civil forfeitures, and civil fines collected by the Division pursuant to this statute are to be remitted to the Civil Penalty and Forfeiture Fund (was, civil penalties collected are to be credited to the Highway Fund as nontax revenue). Eliminates the fee distributions, resulting from the collection of electronic authorizations for emissions and safety inspections combined, to the Highway Fund, the Volunteer Rescue/EMS Fund, and the Rescue Squad Worker's Relief Fund. Effective October 1, 2011.

Amends GS 20-87 to add an additional \$1 passenger vehicle registration fee to be distributed as follows: (1) 78¢ to the Highway Fund, (2) 13¢ to the Volunteer Rescue/EMS Fund, and (3) 9¢ to the Rescue Squad Workers' Relief Fund. Amends GS 20-88 to add an additional \$1 property hauling vehicle registration fee to be distributed

as follows: (1) 78¢ to the Highway Fund, (2) 13¢ to the Volunteer Rescue/EMS Fund, and (3) 9¢ to the Rescue Squad Workers' Relief Fund. Effective October 1, 2011.

Amends GS 20-122.1 to eliminate the following possible defenses to a charge of operating a motor vehicle with unsafe tires: (1) that a person obtained a certificate from an official safety inspection equipment station within 15 days after the arrest; (2) that the tires had been made to conform to the requirements of the statute; or (3) that the vehicle had been sold, destroyed, or permanently removed from the highways.

Requires that the Division, with the assistance of the Department of Environment and Natural Resources, Division of Air Quality, develop and implement a management improvement plan for the Motor Vehicle Emission Inspection program to increase efficiency, reduce costs, and improve customer service. Specifies information to be included in the plan, including that it meets both federal and state reporting requirements. Requires the Division to present the plan to the Joint Legislative Transportation Oversight Committee and the Joint Environment and Natural Resources Oversight Committee by December 31, 2011. The Division must also report annually to the Joint Legislative Transportation Oversight Committee by January 15 of each year on the prior fiscal year and include recommendations on legislation to improve the program.

Requires the Fiscal Research Division to conduct a fiscal review of the Motor Vehicle Emissions Inspection program. Specifies factors to be reviewed. Requires the Fiscal Research Division to report to the Joint Legislative Transportation Oversight Committee, the Joint Environment and Natural Resources Oversight Committee, the Joint Program Evaluation Oversight Committee, and the Program Evaluation Division by May 1, 2012.

Makes a conforming change to GS 20-127(d) (window tinting violations).

Effective when the act becomes law unless otherwise noted.

Intro. by Bingham.

GS 20

Transportation; General Assembly

S 124. ADD SUPT. TO NC ECON. DEV. BD. Filed 2/24/11. *TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.*

Amends GS 143B-434(b) to provide as title indicates.

Intro. by Brown, Hartsell.

GS 143B

Community and Economic
Development; Education

S 125. NC SCHOOL OF BIOTECHNOLOGY AND AGRISCIENCE. Filed 2/24/11. *TO CREATE THE NORTH CAROLINA SCHOOL OF AGRISCIENCE AND BIOTECHNOLOGY, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION UPON THE RECOMMENDATIONS OF THE AGRISCIENCE AND BIOTECHNOLOGY REGIONAL SCHOOL PLANNING COMMISSION.*

Creates Article 15A of GS Chapter 115C to establish the North Carolina School of Biotechnology and Agriscience (School) to offer a course of study for a high school diploma that emphasizes science, technology, engineering, and mathematics, with a special focus on biotechnology and agriscience. Provides that the School is to be (1) located at the Vernon G. James Research and Extension Center, (2) a public school, and (3) exempt from statutes applicable to a local board of education or a local school administrative unit (LEA) except as specified in proposed Article 15A. Identifies the participating units as the LEAs of Chowan, Hyde, Tyrrell, and Washington counties.

Creates a Board of Directors (Board) for the School consisting of: (1) one member appointed by the participating local boards of education from among the membership of the participating local boards of education, (2) the superintendent of Washington County Schools as an ex-officio member and an additional superintendent from among the participating LEAs selected by the superintendents from the participating LEAs, (3) three members representing the business community appointed by the North Carolina's Northeast Commission with at least one of the appointees being a resident of Washington County, (4) one member appointed by the Parent Advisory Council from its membership, and (5) the Dean of the College of Agriculture and Life Sciences at NCSU or the Dean's designee as an ex officio member and directs the presidents of Beaufort Community College and the College of Albemarle to jointly select a president or a president's designee to serve as an ex officio member of the Board. Specifies terms, organization, procedures, and powers of the Board and designates the Board as a corporate entity and delineates its corporate powers.

Authorizes the Board to set the course of study for the School. Provides priorities for admission and sets attendance requirements and other operational provisions for the school.

Establishes a Parent Advisory Council consisting of two members appointed by each local board of education for the participating LEAs to serve as a resource and provide input to the Board as to the operation of the School. Specifies formula for the State Board of Education and LEAs to follow in allocating funds to the school. Provides that the Washington County Board of Education is to serve as the finance agent for the Board,

with reasonable compensation for the service. Requires that participating LEAs that provide transportation for students enrolled in that LEA must also provide transportation to students domiciled within that LEA to the School. Provides that Washington County Schools is to provide, to the extent practicable, school food services to the School. Permits Washington County, but not other participating LEAs, to include eligible students enrolled in the School for purposes of federal funding through federally supported food service programs including the National School Lunch Program. Allows for criminal history checks for school personnel.

Amends GS 115B-2 to add students enrolled in the School to those persons who are permitted to attend classes without paying tuition at the constituent institutions of the University of North Carolina and the community colleges as defined in GS 115D-2(2). Makes conforming changes to GS 114-19.2 (Criminal records check of school personnel) and GS 126-5(c1) (state employees exempt from the provisions of GS Chapter 126).

Intro. by Brown. GS 114, 115B, 115C, 126 Education

S 126. DRIVERS LICENSE/MILITARY ID VALIDITY. Filed 2/24/11. *TO PROVIDE ACTIVE DUTY MILITARY PERSONNEL WHO ARE NOT RESIDENTS OF NORTH CAROLINA AND WHO HAVE A VALID MILITARY IDENTIFICATION AN EXEMPTION FROM HAVING A VALID DRIVERS LICENSE SO LONG AS THE PERSON HAS BEEN PREVIOUSLY LICENSED AND THE LICENSE IS NOT IN A STATE OF SUSPENSION OR REVOCATION.*

Enacts new GS 20-8(8) to provide as title indicates. Requires the nonresident to be at least 16 years old, a member of the Armed Forces or a reserve component of the Armed Forces, carry a valid military identification card issued by the U.S. Department of Defense showing the member to be on active duty, and carry a valid or expired drivers license from the driver's home state or country, if the nonresident is operating a motor vehicle in North Carolina. Indicates that the exemption will not apply if the member's drivers license or privileges to drive have been invalidated in any way by the member's home state, the country, or North Carolina.

Intro. by Brown, Preston, Meredith. GS 20 Transportation; Military and Veterans Affairs

S 127. SPECIAL PLATE FOR THE CAROLINAS GOLF ASSOC. Filed 2/24/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE CAROLINAS GOLF ASSOCIATION.*

Enacts new GS 20-79.4(b)(25a) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to the Carolinas Golf Association to promote amateur golf in North Carolina. Effective July 1, 2011.

Intro. by Brown. GS 20 Transportation

S 128. HWY 17 TO BE U.S. MARINE CORPS HIGHWAY. Filed 2/24/11. *TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO NAME AND DESIGNATE ALL PORTIONS OF U.S. HIGHWAY 17 THAT PASS THROUGH THE STATE OF NORTH CAROLINA AS THE U.S. MARINE CORPS HIGHWAY.*

Directs the Department of Transportation (DOT) as title indicates. Requires DOT to allocate \$100,000 of appropriated funds to develop and erect appropriate signage.

Intro. by Brown, Preston, Goolsby. UNCODIFIED Budget and Appropriations; Transportation; Military and Veterans Affairs

S 129. STATE MINERAL IS GOLD. Filed 2/24/11. *TO MAKE GOLD (AURUM) THE STATE MINERAL.*

Enacts new GS 145-34 to provide as title indicates.

Intro. by Brown. GS 145 State Government

S 130. WINE DISTRIBUTION TERRITORIES. Filed 2/24/11. *TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR WINE IN NORTH CAROLINA, TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY, AND TO CONFIRM THAT GOOD CAUSE FOR THE TERMINATION OF A WINE FRANCHISE DOES NOT INCLUDE A SUPPLIER'S DESIRE TO CONSOLIDATE ITS FRANCHISE OR DISTRIBUTION PATTERN.*

Amends GS 18B-1200(b) to include that an underlying purpose and policy of Article 12 (Wine Distribution Agreements) of GS Chapter 20 is to promote and maintain a three-tier system of distribution of wine to the public.

Amends GS 18B-1203 to prohibit a wine wholesaler from distributing any brand of wine to a retailer whose premises are located outside of the territory designated in the wholesaler's agreement for the brand. However, permits an exception with the approval of the North Carolina Alcoholic Beverage Control Commission (Commission) if there are periods of temporary interruption of service and the winery and the wholesaler request that the wholesaler be allowed to distribute wine outside of the wholesaler's designated territory. Provides that

unless there is a written agreement between the winery and wholesaler stating otherwise, the area designated as the wholesaler's *area of primary sales responsibility* as of the effective date (when the act becomes law) of this section, as amended, is declared the wholesaler's designated sales territory. Requires that the redesignation of sales territories happening after the effective date (was, after March 21, 1983) of this proposed section are to be reported to the Commission within 30 days. Maintains that no provisions of Article 12 prohibits continuing multi-wholesaler agreements entered into prior to March 21, 1983, but when those agreements end, requires that any subsequent agreement for the affected territory be designated for a single wholesaler. Makes conforming changes.

Amends GS 18B-1204 to clarify that *good cause* for amending, canceling, terminating, or refusing to renew an agreement does not include the desire of a winery to consolidate its franchises or its distribution patterns without a showing that the wholesaler has failed to effectively market or distribute the winery's product.

The act includes a severability clause.

Effective when the act becomes law and applies to all existing franchise agreements. Provides that following the effective date of the act, a winery's shipment of wine to a wholesaler in North Carolina constitutes acceptance of the terms of this act and such acceptance will be considered as incorporated into the agreement between the winery and the wholesaler.

Intro. by Brown, Allran, Blue.

GS 18B

Alcoholic Beverage Control

S 131. AOC COLLECTION ASSISTANCE FEE. Filed 2/24/11. *TO AUTHORIZE EXPANDED METHODS OF COLLECTING FINES, FEES, COSTS, AND RESTITUTION FROM OFFENDERS NOT SENTENCED TO SUPERVISED PROBATION OR ACTIVE TIME AND TO PERMIT THE COUNTY IN WHICH THE COLLECTION ASSISTANCE FEE IS COLLECTED TO RETAIN THE FEE, PROVIDING THE FEE IS COLLECTED BY A COLLECTIONS PROGRAM FUNDED BY THE COUNTY GOVERNMENT.*

Amends GS 7A-321 to provide that the scope of the Judicial Department's authority to collect fines, fees, and costs also includes *restitution* owed by offenders. Provides that the collection authority applies to offenders not sentenced to supervised probation or *active time*. Provides that the Judicial Department may in its attempt to collect the fines, fees, costs and restitution owed by offenders make referrals to credit counseling agencies and debt restructuring services. Permits a county in which a collection assistance fee is collected to retain the fee if the fee is collected by a collections program that is funded by the county government. Makes conforming changes.

Deletes the provision that prohibits the Judicial Department from charging any additional cost for the collection of fines owed by offenders not sentenced to supervised probation using the methods identified in subdivisions (b)(1) or (2) of GS 7A-321.

Effective July 1, 2011, and applies to cases adjudicated on or after that date.

Intro. by Clodfelter.

GS 7A

Courts; Criminal Law, Procedure, and Sentencing

S 132. INTERPRETING SERVICES IN THE COURTS. Filed 2/24/11. *TO PROVIDE EQUAL ACCESS TO COURT SERVICES AND FULLY FUND INTERPRETER NEEDS IN THE COURTS.*

Enacts new GS 7A-314A in Article 28 of GS Chapter 7A, directing that the cost of interpreting or translating services when the party or witness does not speak or understand the English language is payable from funds appropriated to the Judicial Department. Allows the Administrative Office of the Courts (AOC) and the Office of Indigent Defense Services to enter into a memorandum of understanding for payment when the Judicial Department is bearing the costs of representation or a witness for such party. Indicates that the appointment and payment of translators and interpreters under the section will be made according to GS 7A-343(9c). Provides that a party electing to use his or her own translator or interpreter will bear those costs. Indicates that, except in cases in which the Judicial Department bears the costs of representation, the provision will not obligate that the AOC pay for interpreting and translating services in non-court proceedings. Authorizes a court to order a party or witness to bear interpreting or translating services costs when that party or witness required such services and failed to appear, without good cause.

Makes conforming changes to GS 7A-343(9c), GS 7A-305(d), and repeals GS 7A-314(f) (current law for interpreting and translating services costs).

Effective July 1, 2011.

Intro. by Clodfelter.

GS 7A

Courts

S 133. JUROR PRIVACY. Filed 2/24/11. *TO ELIMINATE THE REQUIREMENT THAT THE ADDRESS OF EACH QUALIFIED PERSON SELECTED FOR THE JURY LIST APPEAR ON THE LIST FILED WITH THE REGISTER OF DEEDS, IN ORDER TO ALLAY JUROR PRIVACY CONCERNS.*

Amends GS 9-4 (concerning the jury list) as title indicates.

Intro. by Clodfelter.

GS 9

Courts

S 134. CHIEF DIST. CT JUDGE APPOINTS MAGISTRATES. Filed 2/24/11. *TO AMEND THE CONSTITUTION TO PROVIDE FOR APPOINTMENT OF MAGISTRATES BY THE CHIEF DISTRICT COURT JUDGE FROM NOMINATIONS SUBMITTED BY THE CLERK OF SUPERIOR COURT, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.*

Subject to approval by voters at the statewide general election in November 2012, amends Section 10 of Article IV of the North Carolina Constitution to direct the chief district court judge (rather than the senior regular resident judge of the superior court) to appoint one or more magistrates to the district court from nominations submitted by the clerk of superior court in the county. Makes the amendment effective January 1, 2013, if approved by the voters.

Makes conforming changes to GS 7A-171 (pertaining to magistrates), effective January 1, 2013, if the constitutional amendment is approved by voters, and applies to appointments that take effect on or after that date.

Intro. by Clodfelter.

GS 7A, CONST

Courts; Constitutional Amendment

S 135. ALLOW JUVENILE RECORD/RISK DETERMINATION/BOND. Filed 2/24/11. *TO ALLOW A JUVENILE RECORD TO BE CONSIDERED IN MAKING THE RISK DETERMINATION FOR ESTABLISHING A BOND UNDER THE LAWS PERTAINING TO THE JUVENILE CODE.*

Amends GS 7B-3000(e), removing the conditional language placed on a juvenile's record availability when the offense would be a Class A1 misdemeanor or a felony if committed by an adult (previously, the record was available if adjudication occurred 18 months or less before the defendant reached 16 or occurred after the defendant was 16 years old). Effective December 1, 2011, and applies to offenses committed on or after that date.

Intro. by Clodfelter.

GS 7B

Criminal Law, Procedure, and Sentencing; Children and Juvenile Law

S 136. USO OF NORTH CAROLINA SPECIAL PLATE. Filed 2/24/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A UNITED SERVICES ORGANIZATION OF NORTH CAROLINA SPECIAL PLATE.*

Enacts new GS 20-79.4(b)(89a) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$20 and requires that \$10 of that amount be transferred quarterly to the United Services Organization of North Carolina (USO) to support the USO's mission to enrich the lives of America's military in North Carolina. Effective July 1, 2011.

Intro. by Hunt.

GS 20

Transportation

S 137. ESTABLISH FORGIVABLE LOAN FUND (=H 120). Filed 2/24/11. *TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE FUNDED STUDENT FINANCIAL AID.* Identical to H 120, filed 2/16/11.

Intro. by Stevens, Vaughan.

GS 90, 116

Education; Health, Social Services, and Aging

S 138. GREENSBORO SYMPHONY SPECIAL PLATE. Filed 2/24/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE GREENSBORO SYMPHONY.*

Enacts new GS 20-79.4(b)(58a) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to the Greensboro Symphony Guild, Inc., to support educational programs offered by the Greensboro Symphony Orchestra. Effective July 1, 2011.

Intro. by Vaughan.

GS 20

Transportation

S 139. GUBERNATORIAL TEAM TICKET IMPLEMENTING. Filed 2/24/11. *TO MAKE STATUTORY IMPLEMENTING CHANGES TO A PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL RUN TOGETHER IN THE GENERAL ELECTION SO AS TO PROVIDE THAT THE LIEUTENANT GUBERNATORIAL CANDIDATE SHALL BE SELECTED BY THE GUBERNATORIAL CANDIDATE.*

Enacts new GS 163-115.1 providing that a political party that nominates a candidate for Governor under Article 10 of GS Chapter 163 must also nominate a candidate for Lieutenant Governor (Lt. Governor), otherwise the nomination for Governor is void. Enacts new GS 163-127.3 authorizing a gubernatorial candidate who has nominated a candidate for Lt. Governor under Article 10 of GS Chapter 163 to name a replacement nominee if a vacancy occurs in that nomination under the same deadline and procedures for making a replacement nomination under GS 163-114 (Filling vacancies among party nominees after nomination and before election). Enacts new GS 163-108.2 to provide that except for GS 163-114 (as modified by proposed GS 163-127.3) and proposed GS 163-115.1, the provisions of Article 10 do not apply to the office of Lt. Governor and nomination for that office is as provided in proposed new Article 11B (Nomination of Lieutenant Governor) of GS Chapter 163.

Amends GS 163-98 (General election participation by new political party) to require that a convention for a new political party that nominates a gubernatorial candidate must also nominate a candidate for Lt. Governor or the nomination for Governor is void, except if the convention fails to nominate a candidate for Lt. Governor, permits the candidate for Governor to nominate a candidate for Lt. Governor between July 1 and July 15. Also provides that a nomination for Lt. Governor without an accompanying nomination for Governor is void.

Amends GS 163-122 to require that petitions filed for an unaffiliated candidate must include the names of candidates for both Governor and Lt. Governor. Specifies language to be included on the petition.

Amends GS 163-165.6 to require that the offices of the Governor and Lt. Governor be combined on the ballot listing the nominees of each party or unaffiliated nominees together so that a vote for a candidate for one office is a vote for the candidates for both offices. Amends GS 163-182.1 to provide that a write-in vote will not be counted unless the voter has written in the name for a candidate for Governor and a candidate for Lt. Governor.

Enacts new Article 11B of GS Chapter 163 to provide criteria for the nomination of a candidate for Lt. Governor including the time of nomination and addressing vacancies in nomination.

Amends GS 163-123 adding a new subsection (c1) to provide that declaration of intent filed for the office of Governor or the office of Lt. Governor is to be a joint declaration identifying both candidates and signed by both candidates.

Makes conforming changes to GS 163-106(c), 163-107(a), 163-107.1(b), 163-111(c)(1), and 163-1(b).

Provides that the above listed provisions become effective only if the proposed constitutional amendment in Section 5 of *AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO THREE CONSECUTIVE TWO-YEAR TERMS IN THOSE OFFICES, AND TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL RUN TOGETHER IN THE GENERAL ELECTION* (S140) is approved by the qualified voters of the state at the general election on November 6, 2012. If the majority of votes in that general election are in favor of the proposed constitutional amendment, this act becomes effective January 1, 2013, and applies beginning with the 2016 election cycle.

Intro. by Apodaca, Brunstetter, GS 163
Tucker.

Elections Law; State Government

S 140. LEADERSHIP LIMITS/GUBERNATORIAL TEAM TICKET. Filed 2/24/11. *TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO THREE CONSECUTIVE TWO-YEAR TERMS IN THOSE OFFICES, AND TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL RUN TOGETHER IN THE GENERAL ELECTION.*

Subject to approval by the voters at the November 6, 2012, general election, amends Section 15 of Article II of the North Carolina Constitution (regarding the Speaker of the House) and amends Section 14 of Article II of the North Carolina Constitution (regarding the President Pro Tempore of the Senate) to provide that neither the Speaker of the House (Speaker) nor the President Pro Tempore (President Pro Tem) of the Senate may serve more than three consecutive terms. Provides that the initial convening of a regular session of the General Assembly constitutes a new General Assembly and that only service as Speaker or President Pro Tem during any part of an odd-numbered year constitutes service as Speaker or President Pro Tem for that General Assembly for the purposes of this section. Directs that service as Speaker or President Pro Tem in the 2011 and subsequent regular sessions of the General Assembly be considered in applying the term limits.

Subject to approval by the voters at the November 6, 2012, general election, amends Section 2 of Article III of the North Carolina Constitution to require that each candidate for the office of Governor form a joint candidacy

with a candidate for Lieutenant Governor (Lt. Governor) so that voters cast a single vote for a candidate for Governor and a candidate for Lt. Governor running together. Upon a majority favorable vote, effective on January 1, 2013, and applies beginning with the 2016 election cycle.

Intro. by Apodaca, Brunstetter, Tucker. CONST

Constitutional Amendment;
General Assembly; Elections Law;
State Government

S 141. CONCEALED CARRY/DA, ASS'T DA, INVESTIGATOR. Filed 2/24/11. *TO PROVIDE THAT ANY DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT ATTORNEY WHO EITHER HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA OR WHO HAS BASIC LAW ENFORCEMENT TRAINING CERTIFICATION IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.*

Enacts new subsection (4a) to GS 14-269 (carrying concealed weapons) to exempt from the prohibition against carrying a concealed weapon any person who is a district attorney, assistant district attorney, or an investigator employed by a district attorney's office and who either (1) has a concealed handgun permit under Article 54B of GS Chapter 14 or under GS 14-415.24 (out-of-state permits) or (2) has completed a basic law enforcement training certification course, as defined. Specifies that the exemption does not apply when the person consumes alcohol or an unlawful controlled substance or when either remains in the person's body.

Enacts new GS 14-415.27 in Article 54B of GS Chapter 14 to exempt a person who is a district attorney, an assistant district attorney, or an investigator employed by the district attorney's office and who has a valid concealed handgun permit under state law or under GS 14-415.24 (out-of-state permits) from the restrictions and prohibitions in GS 14-415.11(c) (listing specific areas and facilities, including state and federal offices, in which a concealed handgun is prohibited). Allows the person to carry a concealed handgun in the areas listed in GS 14-415.11(c), unless otherwise prohibited by federal law. Makes a conforming change to GS 14-415.11(c) and GS 14-269(a1)(2) (excepting certain persons from the concealed pistol or gun prohibition).

Intro. by Apodaca, Meredith. GS 14

Criminal Law, Procedure, and
Sentencing; Courts

S 142. HONOR MARQUIS DE LAFAYETTE. Filed 2/24/11. *HONORING THE MARQUIS DE LAFAYETTE, FOR WHOM THE CITY OF FAYETTEVILLE IS NAMED.*

As title indicates.

Intro. by Mansfield.

SENATE RES

General Assembly

S 143. DETENTION FACILITY REQUIREMENTS. Filed 2/24/11. *TO MODIFY DORMITORY REQUIREMENTS IN CERTAIN COUNTY DETENTION FACILITIES.*

Amends GS 153A-221(d) to allow county detention facilities that meet specified requirements to house up to 64 (was, 56) inmates. Increases the scope of the subsection so that it applies to counties with a population exceeding 300,000 (was, 600,000).

Intro. by Mansfield.

GS 153A

Local Government; Criminal Law,
Procedure, and Sentencing

S 144. CASH CONVERTERS MUST KEEP PURCHASE RECORDS. Filed 2/24/11. *TO REQUIRE CASH CONVERTER BUSINESSES TO KEEP RECORDS OF PURCHASES AND TO MAKE THOSE RECORDS AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES.*

Expands the *Pawnbrokers Modernization Act of 1989* to also include cash converters, renaming GS Chapter 91A the *Pawnbrokers and Cash Converters Modernization Act*. Amends GS 91A-3 to define *cash converter* as a person engaged in the business of purchasing merchandise from the public at a permanently located retail store who presents to the public by signs, advertising, or other methods as such; the term does not include pawnbrokers or persons who purchase directly from manufacturers or wholesalers for their inventories. Defines *cash converter store* and makes other technical changes.

Enacts new GS 91A-7.1 to set forth record keeping requirements for cash converters. Requires every cash converter to keep consecutively numbered records of each purchase, including the listed information. Provides additional recording and reporting procedures, requires that the reports be available for inspection by local law enforcement, and exempts purchases directly from a manufacturer or wholesaler from the provision's application.

Makes additional conforming changes and makes a conforming change to GS 25-9-201(b) (concerning security agreements).

Effective October 1, 2011, and applies to purchases by cash converters on or after that date.

Intro. by Meredith.

GS 25, 91A

Business and Commerce

Local Bills

HOUSE BILLS

H 180. WILMINGTON ANNEXATION SUSPENSION. Filed 2/24/11. *TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE, BY SUSPENDING THE DELEGATION OF AUTHORITY TO THE CITY OF WILMINGTON TO MAKE A CERTAIN ANNEXATION.*

As the title indicates. Suspends the operation of Ordinance O-2009-29 adopted by the Wilmington City Council on May 5, 2009, until December 31, 2012. Effective from and after May 5, 2009.

Intro. by McComas, Justice.

NEW HANOVER

New Hanover

SENATE BILLS

S 145. SOUTHERN SHORES CANAL DREDGING/MAINTENANCE. Filed 2/24/11. *TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION PROJECTS.*

Amends the following Session Laws, as the title indicates. Section 1-4 and 7 of SL 2004-104, as amended (imposing canal dredging fees and amending the session law to also provide for a maintenance fee); and Section 3 of SL 1985-725 (allowing assessments for navigation projects).

Intro. by White.

DARE

Dare

ACTION ON BILLS

February 24, 2011

- NOTES**
1. Digests appearing under "Summaries of Bills Filed" are for bills stamped with today's filing date.
 2. Amendments and committee substitutes adopted today are summarized following the chamber action.
 3. Subscribers can find the digest of every version of each bill online at www.dailybulletin.unc.edu.
 4. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
 5. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
 6. Enacted bills are indicated by #, failed bills by *. Actions that change a bill are indicated by HA or SA.

PUBLIC BILLS

H0002 Protect Health Care Freedom. 01-31-11, 02-02-11, 02-14-11, 02-16-11	H	Pres. To Gov. 2/24/2011
H0014 Vietnam Veterans and Beirut Memorial Signs.	HA	Reptd Fav Com Substitute
	H	Serial Referral to Appropriations/ Transportation Stricken
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 2/28/2011
02-24-11		
H0029 Retrieval of Big Game.	H	Passed 3rd Reading
	H	Ordered Engrossed
02-22-11, 02-23-11		

H0049 Laura's Law.	HA Reptd Fav Com Substitute H Re-ref Com On Finance
02-24-11	
H0055 Relief from Incorrect Paternity Determination.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 2/28/2011
02-24-11	
H0060 Extend Hearing Loss Task Force.	S Rec From House S Passed 1st Reading S Ref To Com On Health Care
H0062 Prohibit Boylston Creek Reclassification.	H Reptd Fav H Cal Pursuant Rule 36(b)
H0123 Business Entity Changes.	H Passed 2nd & 3rd Reading
H0124 IRC Update.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
02-24-11	
H0164 Upset Bidder Notice in Foreclosure.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0165 Planned Community & Condo Act Amends.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0166 Purple Heart Motorcycle Special Plates.	H Passed 1st Reading H Ref to the Com on Transportation, if favorable, Finance
H0167 Extend Assessment Refund Period.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0168 Zoning/Agricultural Annexation Exemption.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0169 High Point Furniture Market Funds.	H Passed 1st Reading H Ref To Com On Appropriations
H0172 Encourage Military Veteran Contractor Use.	H Passed 1st Reading H Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Government
H0173 State Shrimp Festival-Sneads Ferry.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0174 Commercial Real Estate Broker Lien Act.	H Passed 1st Reading H Ref to the Com on Commerce and Job Development, if favorable, Judiciary Subcommittee A
H0175 Putting Students First/Local Control.	H Passed 1st Reading H Ref to the Com on Education, if favorable, Commerce and Job Development
H0176 Review DV Program Participation.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee C
H0177 Environmental Technical	H Passed 1st Reading

Corrections 2011.	H	Ref To Com On Environment
H0178 Domestic Violence/Funding Amendments.	H	Passed 1st Reading
	H	Ref to the Com on Judiciary Subcommittee C, if favorable, Appropriations
H0181 Add Supt. to NC Econ. Dev. Bd.	H	Filed
H0182 Clarify Refunds of Tax Overpayments.	H	Filed
H0183 HOA/Limit Foreclosures.	H	Filed
H0184 Concealed Carry Permit/Elected Officials.	H	Filed
H0185 School Calendar Flexibility.	H	Filed
H0186 Select Committee Investigate CTS.	H	Filed
H0187 Require Labels for Ethanol-Blended Gasoline.	H	Filed
H0188 Taxpayer Bill of Rights.	H	Filed
H0189 Require ABC Permittees to Be Tax Compliant.	H	Filed
H0190 General Statutes Comm. Technical Corrections.	H	Filed
H0191 Honor Marquis De Lafayette.	H	Filed
S0008 No Cap on Number of Charter Schools.	S	Passed 3rd Reading
	S	Engrossed
02-16-11, 02-22-11, 02-23-11		
S0020 Amend Law Regulating Proprietary Schools.	S	Passed 2nd & 3rd Reading
02-23-11		
S0032 Hospital Medicaid Assessment/Payment Program.	S	Passed 2nd Reading
02-22-11		
S0034 The Castle Doctrine.	SA	Amend Adopted 1
	S	Passed 2nd Reading
02-22-11, 02-24-11		
S0058 Modify FMAP Cuts/Auth. Use of Credit Balance.	S	Passed 2nd & 3rd Reading
S0074 Comm. Colleges/Opt Out of Fed'l Loan Program.	S	Passed 2nd Reading
02-23-11		
S0076 TC: Eligibility: Indus Facil/Fix Uwharrie Com.	S	Passed 2nd & 3rd Reading
02-23-11		
S0094 IRC Update.	S	Withdrawn From Cal
	S	Placed On Cal For 3/1/2011
02-23-11		
S0097 Clarify Refunds of Tax Overpayments.	S	Passed 2nd & 3rd Reading
S0099 Reform UI Tax Structure/Expedite Analysis.	S	Passed 2nd & 3rd Reading
S0110 Permit Terminal Groins.	S	Passed 1st Reading
	S	Ref To Com On Agriculture/Environment/Natural Resources
S0111 Designate Kidney Month.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0112 Disapprove Pharmacy Board Rule.	S	Passed 1st Reading
	S	Ref To Com On Health Care

S0113	GED Classes & Tests Offered in English Only.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0114	No Standardized Testing Unless Req'd by Feds.	S	Passed 1st Reading
		S	Ref To Com On Education/ Higher Education
S0115	Coverage for Treatment of Autism Disorders.	S	Passed 1st Reading
		S	Ref To Com On Insurance
S0116	Funds/NC Special Olympics.	S	Passed 1st Reading
		S	Ref To Com On Appropriations/ Base Budget
S0117	Eliminate EITC Refundability Provision.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0118	Downtown Service District Definition.	S	Passed 1st Reading
		S	Ref To Com On State and Local Government
S0121	Eligibility Requirements/ Public Assistance.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0122	NC Morgan Horse Club Special Plate.	S	Passed 1st Reading
		S	Ref To Com On Finance
S0123	Eliminate Motor Vehicle Safety Inspections.	S	Filed
S0124	Add Supt. to NC Econ. Dev. Bd.	S	Filed
S0125	NC School of Biotechnology and Agriscience.	S	Filed
S0126	Drivers License/Military ID Validity.	S	Filed
S0127	Special Plate for the Carolinas Golf Assoc.	S	Filed
S0128	HWY 17 to Be U.S. Marine Corps Highway.	S	Filed
S0129	State Mineral is Gold.	S	Filed
S0130	Wine Distribution Territories.	S	Filed
S0131	AOC Collection Assistance Fee.	S	Filed
S0132	Interpreting Services in the Courts.	S	Filed
S0133	Juror Privacy.	S	Filed
S0134	Chief Dist. Ct Judge Appoints Magistrates.	S	Filed
S0135	Allow Juvenile Record/Risk Determination/Bond.	S	Filed
S0136	USO of North Carolina Special Plate.	S	Filed
S0137	Establish Forgivable Loan Fund.	S	Filed
S0138	Greensboro Symphony Special Plate.	S	Filed
S0139	Gubernatorial Team Ticket Implementing.	S	Filed
S0140	Leadership Limits/ Gubernatorial Team Ticket.	S	Filed
S0141	Concealed Carry/DA, Ass't DA, Investigator.	S	Filed
S0142	Honor Marquis De Lafayette.	S	Filed
S0143	Detention Facility	S	Filed

Requirements.

S0144 Cash Converters Must Keep S Filed
Purchase Records.

LOCAL BILLS

H0005 Kinston Annexation Repealed. H Reptd Fav
H Cal Pursuant Rule 36(b)
02-10-11

H0017 Wayne Board of Education S Passed 1st Reading
Vacancies. S Ref To Com On State and
Local Government

H0037 Lexington Annexations H Reptd Fav
Repealed. H Cal Pursuant Rule 36(b)
02-10-11

H0067 Wilson School Board. S Passed 1st Reading
S Ref To Com On Rules and
Operations of the Senate
02-21-11

H0170 Winston-Salem/Council H Passed 1st Reading
Meetings. H Ref To Com On Government

H0171 Municipal Self-Annexations. H Passed 1st Reading
H Ref to the Com on Government,
if favorable, Finance

S0055 Increase Property Tax Appeals S Ratified
Efficiency.
02-16-11

S0119 Beaufort/Use of Parking Meter S Passed 1st Reading
Proceeds. S Ref To Com On Finance

S0120 New Bern Charter Amendments. S Passed 1st Reading
S Ref To Com On State and
Local Government

S0145 Southern Shores Canal S Filed
Dredging/Maintenance.

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 14. [VIETNAM VETERANS AND BEIRUT MEMORIAL SIGNS](#). Filed 1/27/11. House committee substitute makes the following changes to 1st edition. Changes title of the bill to *AN ACT TO REQUIRE SIGNAGE DIRECTING TRAFFIC TO THE VIETNAM VETERANS MEMORIAL, THE BEIRUT MEMORIAL, AND THE COASTAL CAROLINA STATE VETERANS CEMETERY*.

Budget and Appropriations;
Transportation; Military and
Veterans Affairs

H 49. [LAURA'S LAW](#). Filed 2/8/11. House committee substitute makes the following changes to 1st edition.

Amends proposed subsection (g) in GS 20-179 to provide that a defendant subject to the new Aggravated Level One punishment will be sentenced to an imprisonment term of no less than 12 months (was, 120 days) and not more than 36 months. While the defendant imprisoned under Aggravated Level One punishment remains ineligible for parole, the defendant will be released four months before the maximum prison term into the supervision of the Division of Community Corrections and must abstain from alcohol consumption during the four months, as verified by a continuous alcohol monitoring system. Specifies that violation of the requirement to abstain or comply with the monitoring system is deemed a controlling condition under GS 15A-1368.4 and may

result in revocation of post-release supervision. Adds a second requirement when the defendant is placed on probation directing the defendant to abstain from alcohol consumption for a minimum of 120 days through the term of probation, as verified by a continuous alcohol monitoring system (retains requirement to obtain a substance abuse assessment and any required education or treatment). Removes Aggravated Level One punishments that were previously added to subsection (h1), to limit the alcohol abstention condition in the subsection (30 days through the term of probation) to defendants under Level One or Level Two punishments.

Adds a new section, enacting GS 15A-534(i), to require any defendant charged with an impaired driving offense, as defined, and possessing a prior conviction for impaired driving within the previous seven years, to abstain from alcohol consumption as verified by a continuous alcohol monitoring system for the pretrial release period or until the condition is removed by the court.

Criminal Law, Procedure, and
Sentencing; Transportation; Courts

H 55. RELIEF FROM INCORRECT PATERNITY DETERMINATION. Filed 2/8/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 50-13.13(b) to require that a motion filed under the statute be filed within one year of the date the moving party knew or reasonably should have known that he was not the father of the child. Requires the motion to be verified by the moving party and to state all of the following: (1) the basis, with particularity, on which the moving party believes he is not the child's father; (2) the moving party has not acknowledged paternity of the child, or acknowledged paternity without knowing that he was not the child's father; (3) the moving party has not adopted the child, has not legitimated the child, as specified, or is not the child's legal father under GS 49A-1 (child born as result of artificial insemination); and (4) the moving party did not act to prevent the child's biological father from asserting his paternal rights. Amends proposed GS 50-13.13(c) to clarify that the court may (rather than must) appoint a guardian ad litem to represent the child's interest. Amends proposed GS 50-13.13(d) to require the moving party to pay costs for genetic testing (was, costs were to be paid according to GS 8-50.1(b1)). Amends proposed GS 50-13.13(e) to require that the moving party's child support obligation be suspended while a motion is pending before the court if the support is being paid on behalf of the child to the state, or any other assignee of child support, where the child is in custody of the state or other assignee, or where the moving party is an obligor in a IV-D case. Provides that the moving party's child support obligation will not be suspended while the motion is pending before the court if the support is being paid to the child's mother (previous version prohibited suspension of support).

Amends proposed GS 50-13.13(h) to provide that if a court determines the moving party satisfies the statute's requirements, then the court will enter an order, including written findings of fact and conclusions of law, terminating the moving party's child support obligation (previous version allowed the court to terminate the support obligation or dismiss the action). Authorizes the court to tax the expenses of genetic testing to the child's mother. Clarifies that any unpaid support due prior to the filing of the motion (was, prior to the date the order determining the moving party is not the biological father is filed) is due and owing. Authorizes the court to order the child's mother to reimburse any child support amounts paid and received after the motion was filed, if the court finds the mother used fraud, duress, or misrepresentation to cause the moving party to believe he was the father. However, the moving party has no right to reimbursement of past child support paid on behalf of the child to the state or assignee, where the child is in custody of the state, or where the moving party is an obligor in a IV-D case.

Makes conforming changes to GS 110-132 (concerning affidavits of parentage and agreements to support).

Retains the effective date of January 1, 2012, and adds that any person who would otherwise be eligible to file a motion may do so prior to January 1, 2013, notwithstanding the provision requiring motions be filed within one year of discovery.

Family Law; Courts

H 124. IRC UPDATE. Filed 2/16/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 105-130.5(a)(23) and GS 105-134.6(c)(15) to provide that for the purposes of those subdivisions, section 179 property has the same meaning as under section 179 of the Code as of January 1, 2011. Deletes proposed GS 105-32.2A (Election to receive stepped-up basis for 2010).

Taxation; Trusts, Estates, and
Wills; Business and Commerce

SENATE BILLS

S 34. [THE CASTLE DOCTRINE](#). Filed 2/3/11. Senate amendment makes the following change to 2nd edition.
Makes a technical conforming change.

Criminal Law, Procedure, and
Sentencing; Civil Law and
Procedure

Legislation Enacted

SL 2011-1 (S55). INCREASE PROPERTY TAX APPEALS EFFICIENCY. *AN ACT TO INCREASE THE EFFICIENCY OF PROPERTY TAX APPEALS IN MECKLENBURG COUNTY.* Summarized in *Daily Bulletin* 2/9/11 and 2/16/11. Enacted February 24, 2011. Section 1 is effective only upon adoption of a resolution by the Mecklenburg Board of County Commissioners under Section 3. The remainder is effective January 1, 2011.

Mecklenburg

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Notes

None

NEXT SESSIONS

February 28, 2011

HOUSE convenes at 7:00 p.m.

SENATE convenes at 7:00 p.m.