

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 20

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Senate Legislative Day 20

Tuesday, March 1, 2011

Table of Contents

| | |
|---|----|
| Summaries of Bills Filed _____ | 1 |
| Public Bills _____ | 1 |
| Local Bills _____ | 4 |
| Action on Bills _____ | 6 |
| Summaries of Amendments and Committee Substitutes _____ | 9 |
| Legislation Enacted _____ | 11 |
| Index by Keyword _____ | 11 |
| Notes _____ | 13 |
| Next Sessions _____ | 13 |

SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 198. [ALIEN ATTENDANCE LAPSES/REPORTING REQUIRED.](#) Filed 3/1/11. *TO REQUIRE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO PERIODICALLY REPORT TO THE FEDERAL GOVERNMENT INFORMATION ABOUT LAWFULLY PRESENT STUDENTS WHOSE ATTENDANCE AT POSTSECONDARY EDUCATIONAL OR VOCATIONAL INSTITUTIONS LAPSES.*

Amends GS 116-11 and GS 115D-5 as the title indicates. Requires that the Board of Governors of the University of North Carolina and the State Board of Community Colleges immediately report *attendance lapses*, defined as a period of ten or more consecutive school days during which an alien student is absent, to the United States Immigration and Customs Enforcement (ICE). Defines *alien student* as a student lawfully admitted into the U.S. to study at a postsecondary educational or postsecondary vocational institution. Enacts new GS 116-21.7 to apply the ICE reporting requirement regarding attendance lapses by alien students to private institutions of higher education, as defined in GS 116-22(1).

Intro. by Torbett.

GS 115D, 116

Education

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H 199. REQ. DV VICTIM/LIST PRIOR ACTION AGAINST DEF. Filed 3/1/11. *REQUIRING ANY PERSON SEEKING RELIEF PURSUANT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER TO INCLUDE IN THE COMPLAINT OR MOTION FILED WHETHER THE PERSON HAS PREVIOUSLY FILED AN ACTION OR MOTION FOR DOMESTIC VIOLENCE AGAINST THE DEFENDANT AND IF SO, THE DISPOSITION OF THAT ACTION.*

Amends GS 50B-2(a) as title indicates. Effective October 1, 2011.

Intro. by Rhyne. GS 50B Criminal Law, Procedure, and Sentencing; Family Law

H 200. APPROPRIATIONS ACT OF 2011. Filed 3/1/11. *TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.*

Blank bill.

Intro. by Brubaker. APPROP Budget and Appropriations; State Government

H 203. SHOW MORTGAGE PAYOFF ON SATISFACTION FILING. Filed 3/1/11. *TO PROVIDE AN ALTERNATIVE MORTGAGE SATISFACTION FORM THAT ALLOWS A SECURED CREDITOR TO INDICATE THAT THE UNDERLYING OBLIGATION HAS BEEN EXTINGUISHED.*

Amends GS 45-36.11 by adding new subsection (b), which provides an alternate form for secured creditors to use to indicate that the underlying obligation secured by a mortgage or other security instrument has been satisfied. Amends 45-36.21 by adding new subsection (b), which provides an alternate form for trustees and secured creditors to use to indicate that the underlying obligation secured by a deed of trust has been satisfied. Makes technical changes. Effective October 1, 2012, and applies to satisfactions filed on or after that date.

Intro. by Crawford. GS 45 Banking and Finance; Property, Land Use, and Housing

SENATE BILLS

S 154. ABOLISH HIGHER EDUCATION BOND OVERSIGHT COMM. Filed 3/1/11. *TO ABOLISH THE HIGHER EDUCATION BOND OVERSIGHT COMMITTEE, WHICH HAS COMPLETED ITS WORK.*

Repeals GS 116D-5 for the purpose as indicated in the title.

Intro. by Stevens. GS 116D Education

S 158. PED TO STUDY MOTOR FLEET MANAGEMENT. Filed 3/1/11. *AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE STATE'S MOTOR FLEET MANAGEMENT PROGRAM IN THE DEPARTMENT OF ADMINISTRATION TO DEVELOP OPERATIONAL PLANS OR PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.*

As title indicates. Directs the Program Evaluation Division to submit its findings and recommendations at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

Intro. by Bingham. STUDY General Assembly; State Government

S 164. MODIFY PROPERTY TAX BASE EXCLUSIONS. Filed 3/1/11. *TO MODIFY THE PROPERTY TAX BASE EXCLUSIONS.*

Amends GS 105-275 by adding a new subdivision (7a) excluding from the tax base real and personal property that (1) is a contiguous tract of land previously used primarily for commercial or industrial purposes and has been damaged by fire or explosion, (2) has been donated to a nonprofit corporation, as defined, and (3) has not been leased or sold by that nonprofit corporation. Effective for taxable years beginning on or after July 1, 2011, and expires for taxable years beginning on or after July 1, 2016.

Intro. by Stevens, Hunt, Blue. GS 105 Taxation

S 165. NC TURNPIKE AUTHORITY CORRIDOR SELECTION. Filed 3/1/11. *TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR EXCEPT IN THE AREA OF INTERSTATE 40 EAST.*

Amends GS 136-89.183(a)(2)a. to prohibit the North Carolina Turnpike Authority from selecting corridors for the Triangle Expressway Southeast Extension to the north of an existing protected corridor except in the area of Interstate 40 East.

Intro. by Stevens, Blue.

GS 136

Transportation

S 166. NO ADULT LEFT BEHIND. Filed 3/1/11. *ESTABLISHING THE "NO ADULT LEFT BEHIND" INITIATIVE TO EXPAND ECONOMIC OPPORTUNITIES FOR WORKING ADULTS AND ACHIEVE STATEWIDE WORKFORCE DEVELOPMENT GOALS AND APPROPRIATING FUNDS FOR THAT PURPOSE.*

Directs the Commission on Workforce Development (Commission), acting as the lead agency, to work with other participating agencies, including the Department of Labor, the Department of Commerce, the Employment Security Commission, the North Carolina Community College System, and the University of North Carolina to initiate the No Adult Left Behind Initiative (Initiative). States that the first goal of the Initiative is to increase the percentage of North Carolinians who earn associate, other two-year, and baccalaureate degrees to 40%. Provides additional goals to be accomplished by the Commission working with its collaborative partners. Directs the Commission to submit details of its plans to implement this act to the Governor and the General Assembly by May 1, 2011, and annually thereafter. Specifies details that must be included.

Appropriates \$5 million for 2011-12 and \$5 million for 2012-13 from the General Fund to the Commission to implement the Initiative. Includes findings from the General Assembly to support the need for this Initiative. Effective July 1, 2011.

Intro. by Hartsell.

APPROP

Budget and Appropriations; State Government

S 167. ALLOW EXPANSION OF CAPITATED WAIVER (=H 127). Filed 3/1/11. *TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXPAND THE CAPITATED 1915(B)/(C) MEDICAID WAIVER TO ADDITIONAL LOCAL MANAGEMENT ENTITY CATCHMENT AREAS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Identical to H 127, filed 2/17/11.

Intro. by Hartsell.

UNCODIFIED

Health, Social Services, and Aging

S 168. REED GOLD MINE REVOLVING FUND. Filed 3/1/11. *ESTABLISHING THE REED GOLD MINE FUND IN THE DIVISION OF STATE HISTORIC SITES.*

Enacts a new GS 121-7.6 to establish the Reed Gold Mine Fund (Fund) as a special fund in the Department of Cultural Resources, Division of State Historic Sites (Division), to be used for the operation, interpretation, maintenance, preservation, development, and expansion at the Reed Gold Mine State Historic Site. Requires the State Treasurer to credit interest earned to the Fund. Directs all receipts from donations or the lease, rental, or other disposition of structures or products of the land owned by or under the supervision or control of the Division in Cabarrus county to be credited to the Fund. Appropriates the monies credited to the Fund to the Department of Cultural Resources annually. Effective July 1, 2011.

Intro. by Hartsell.

GS 121

State Government

S 169. STUDY INNOVATIONS/INCENTIVES IN EDUCATION. Filed 3/1/11. *CREATING THE INNOVATIONS IN EDUCATION LEGISLATIVE STUDY COMMISSION TO STUDY THE FEASIBILITY OF OFFERING FINANCIAL INCENTIVES TO STUDENTS FOR QUALITY ACADEMIC PERFORMANCE.*

Creates a 12-member Innovations in Education Legislative Study Commission (Commission) as title indicates. Directs the Commission to study the feasibility of giving \$1,000 to every NC public school student per year beginning in grade one and through grade 12 for meeting specific academic, disciplinary, attendance, character, and parental involvement goals and benchmarks. Includes additional directives for the Commission and specifies appointment procedures. Requires an interim report to the General Assembly by the convening of the 2012 regular session and a final report to the 2013 General Assembly, at which time the Commission will terminate.

Appropriates \$50,000 for 2011-12 and \$50,000 for 2012-13 from the General Fund to the General Assembly to fund the work of the Commission. Effective July 1, 2011.

Intro. by Hartsell.

APPROP

Budget and Appropriations;
Education

S 170. CLARIFY NUISANCE ABATEMENT LAWS. Filed 3/1/11. *TO CLARIFY THE NUISANCE ABATEMENT LAWS.*

Amends GS 19-1(a) to clarify that the erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place *wherein or whereon repeated acts* (was, for the purpose) of an illegal activity, as listed, occurs will constitute a nuisance. Makes a conforming change to GS 19-1.2(6) (concerning types of nuisances). Effective August 1, 2011 and applies to offenses or nuisances occurring on or after that date.

Intro. by Hartsell.

GS 19

Civil Law and Procedure; Courts

S 172. CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL. Filed 3/1/11. *TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.*

Adds new subdivision (18b) to GS 115C-47 (powers and duties generally of local boards of education) requiring local school boards to adopt a policy to provide professional employees who do not have daily contact with students with (1) classroom experience in instructional delivery or (2) other contact with students during the instructional day. The policy may provide for up to one renewal credit every five years per employee for activities that may include substitute teaching, individual tutoring of students, teaching model lessons, assisting the classroom teacher, or providing other services in the classroom. Applies beginning with the 2011-12 school year.

Intro. by Hartsell.

GS 115C

Education

Local Bills

HOUSE BILLS

H 201. BLADEN FOX HUNTING AND TRAPPING. Filed 3/1/11. *TO EXTEND AND AMEND THE SEASONS FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN BLADEN COUNTY.*

Provides for an open season for taking foxes by weapons and traps in Bladen County during the season set by the Wildlife Resources Commission, with no bag limit and no tagging requirements before or after sale. Repeals SL 1985-722, as amended.

Intro. by Brisson.

BLADEN

Bladen

H 202. PARKING FINE INCREASE FOR THE CITY OF MONROE. Filed 3/1/11. *TO INCREASE THE PENALTY THAT MAY BE ASSESSED FOR A PARKING VIOLATION IN THE CITY OF MONROE.*

Increases the penalty for a parking violation in Monroe from not more than \$5 to not less than \$5 and not more than \$25. Effective December 1, 2011, and applies to offenses committed on or after that date.

Intro. by Horn.

UNION

Transportation; Union

H 204. EDGECOMBE CO. TOURISM DEVELOPMENT AUTHORITY. Filed 3/1/11. *TO ESTABLISH THE EDGECOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY.*

Authorizes the Edgecombe County Board of Commissioners to create a nine-member Edgecombe County Tourism Development Authority (Authority) to promote travel, tourism and conventions in that county. Specifies how the membership of the Authority is to be determined. Sets forth duties and reporting requirements for the Authority.

Intro. by Tolson.

EDGECOMBE

Edgecombe

SENATE BILLS

S 155. WAKE LOCAL STORMWATER UTILITY FEES. Filed 3/1/11. *TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.*

Amends Section 4 of SL 2005-441 to provide as the title indicates (was, applied only to Kernersville and Clemmons).

Intro. by Stein. WAKE Wake

S 156. 16TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/1/11. *RELATING TO THE 16TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Stein. WAKE Elections Law; Wake

S 157. 43RD SENATORIAL DISTRICT LOCAL ACT. Filed 3/1/11. *RELATING TO THE 43RD SENATORIAL DISTRICT.*

Blank bill.

Intro. by Harrington. GASTON Elections Law; Gaston

S 159. 47TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/1/11. *RELATING TO THE 47TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Hise. AVERY; HAYWOOD; MADISON; ELECTIONS LAW; AVERY; HAYWOOD;
MCDOWELL; MITCHELL; MADISON; MCDOWELL; MITCHELL;
YANCEY YANCEY

S 160. 29TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/1/11. *RELATING TO THE 29TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Tillman. MONTGOMERY, RANDOLPH ELECTIONS LAW; MONTGOMERY;
RANDOLPH

S 161. LENOIR FOX TRAPPING (=H 156). Filed 3/1/11. *TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.*

Identical to H 156, filed 2/21/11.

Intro. by Jackson. LENOIR Lenoir

S 162. 10TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/1/11. *RELATING TO THE 10TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Jackson. DUPLIN, LENOIR, SAMPSON ELECTIONS LAW; DUPLIN; LENOIR;
SAMPSON

S 163. 50TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/1/11. *RELATING TO THE 50TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Davis. CHEROKEE, CLAY, GRAHAM, ELECTIONS LAW; CHEROKEE; CLAY;
HAYWOOD, JACKSON, MACON, GRAHAM; HAYWOOD; JACKSON;
SWAIN, TRANSYLVANIA MACON; SWAIN; TRANSYLVANIA

S 171. 36TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/1/11. *RELATING TO THE 36TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Hartsell. CABARRUS, IREDELL ELECTIONS LAW; CABARRUS; IREDELL

S 173. 48TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/1/11. *RELATING TO THE 48TH SENATORIAL DISTRICT.*

Blank bill.

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| Intro. by Daniel. | BUNCOMBE, HENDERSON, POLK | Elections Law; Buncombe; Henderson; Polk |
| S 174. <u>18TH SENATORIAL DISTRICT LOCAL ACT.</u> Filed 3/1/11. <i>RELATING TO THE 18TH SENATORIAL DISTRICT.</i> | | |
| Blank bill. | | |
| Intro. by Atwater. | CHATHAM, DURHAM, LEE | Elections Law; Chatham; Durham; Lee |
| S 175. <u>31ST SENATORIAL DISTRICT LOCAL ACT.</u> Filed 3/1/11. <i>RELATING TO THE 31ST SENATORIAL DISTRICT.</i> | | |
| Blank bill. | | |
| Intro. by Brunstetter. | FORSYTH | Elections Law; Forsyth |
| S 176. <u>35TH SENATORIAL DISTRICT LOCAL ACT.</u> Filed 3/1/11. <i>RELATING TO THE 35TH SENATORIAL DISTRICT.</i> | | |
| Blank bill. | | |
| Intro. by Tucker. | MECKLENBURG, UNION | Elections Law; Mecklenburg; Union |

ACTION ON BILLS

March 1, 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

| | | |
|---|----|---|
| H0018 Restore Firearms Rights/Tech Corrections. 02-09-11 | S | Passed 2nd & 3rd Reading |
| H0022 Vance-Granville Comm. Coll. Bond Funds. | H | Withdrawn From Com |
| H0055 Relief from Incorrect Paternity Determination. 02-24-11, 02-28-11, 03-01-11 | HA | Re-ref Com On Appropriations Amend Adopted 3 |
| H0062 Prohibit Boylston Creek Reclassification. | H | Passed 3rd Reading |
| H0103 Rqmts. for Min'l Oil Spills - 2. 02-28-11 | H | Ordered Engrossed |
| H0113 Motorcycle Safety Act. | H | Passed 2nd & 3rd Reading |
| H0124 IRC Update. 02-24-11 | H | Reptd Fav Cal Pursuant Rule 36(b) |
| H0160 Check-Off Donation: Breast Cancer Screening. | H | Passed 2nd Reading |
| H0191 Honor Marquis De Lafayette. | H | Reptd Fav Re-ref Com On Finance |
| | H | Passed 1st Reading |
| | H | Cal Pursuant 32(a) |
| | H | Placed On Cal For 3/1/2011 |

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| | H Adopted |
| H0195 ETJ/Clarify Definition of Bona Fide Farm. | H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance |
| H0197 School Calendar Flexibility/ Inclement Weather. | H Passed 1st Reading H Ref To Com On Education |
| H0198 Alien Attendance Lapses/ Reporting Required. | H Filed |
| H0199 Req. DV Victim/List Prior Action Against Def. | H Filed |
| H0200 Appropriations Act of 2011. | H Filed |
| H0203 Show Mortgage Payoff on Satisfaction Filing. | H Filed |
| H0205 Motorcycle Awareness Month. | H Filed |
| H0206 Modify Property Tax Base Exclusions. | H Filed |
| H0209 Amend SW Financial Assurance Rqmts. | H Filed |
| H0210 Building Code/School Animal Husbandry Bldgs. | H Filed |
| S0008 No Cap on Number of Charter Schools. | H Passed 1st Reading H Ref to the Com on Education, if favorable, Finance |
| 02-16-11, 02-22-11, 02-23-11 | |
| S0020 Amend Law Regulating Proprietary Schools. | H Passed 1st Reading H Ref To Com On Education |
| 02-23-11 | |
| S0027 Involuntary Annexation Moratorium. | S Reptd Fav Com Substitute SA Com Substitute Adopted S Placed On Cal For 3/3/2011 |
| 02-22-11, 03-01-11 | |
| S0033 Medical Liability Reforms. | S Reptd Fav Com Substitute SA Com Substitute Adopted |
| 03-01-11 | |
| S0049 Increase Fine for Speeding/ School Zones. | SA Amend Adopted 1 S Passed 2nd & 3rd Reading S Engrossed |
| 02-28-11, 03-01-11 | |
| S0058 Modify FMAP Cuts/Auth. Use of Credit Balance. | H Passed 1st Reading H Ref To Com On Appropriations |
| S0074 Comm. Colleges/Opt Out of Fed'l Loan Program. | S Amend Failed 1 SA Amend Adopted 2 S Withdrawn From Cal S Re-ref Com On Appropriations/ Base Budget |
| 02-23-11, 03-01-11 | |
| S0076 TC: Eligibility: Indus Facil/ Fix Uwharrie Com. | H Passed 1st Reading H Ref To Com On Finance |
| 02-23-11 | |
| S0077 MDPV/Schedule I Controlled Substance. | S Reptd Fav Com Substitute SA Com Substitute Adopted |
| 03-01-11 | |
| #S0088 Elect State Community College Bd Members. | S Ratified SR Ch. Res 2011-3 |
| S0094 IRC Update. | S Withdrawn From Cal S Placed On Cal For 3/2/2011 |

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|----------|---|---|--|
| 02-23-11 | | | |
| S0097 | Clarify Refunds of Tax Overpayments. | H | Passed 1st Reading |
| | | H | Ref To Com On Finance |
| S0099 | Reform UI Tax Structure/ Expedite Analysis. | H | Passed 1st Reading |
| | | H | Ref To Com On Finance |
| S0109 | Spending Cuts for the Current Fiscal Year. | S | Reptd Fav |
| | | S | Placed On Cal For 3/1/2011 |
| | | S | Passed 2nd Reading |
| S0146 | State Shrimp Festival-Sneads Ferry. | S | Passed 1st Reading |
| | | S | Ref To Com On Commerce |
| S0147 | Prevent Neural Tube Birth Defects/Funds. | S | Passed 1st Reading |
| | | S | Ref To Com On Appropriations/ Base Budget |
| S0148 | General Statutes Comm. Technical Corrections. | S | Passed 1st Reading |
| | | S | Ref To Com On Judiciary I |
| S0149 | No Plastic Knuckles. | S | Passed 1st Reading |
| | | S | Ref To Com On Rules and Operations of the Senate |
| S0150 | Amend Drug Trafficking Sentence. | S | Passed 1st Reading |
| | | S | Ref To Com On Judiciary II |
| S0153 | Special Plate for the Given Memorial Library. | S | Passed 1st Reading |
| | | S | Ref To Com On Finance |
| S0154 | Abolish Higher Education Bond Oversight Comm. | S | Filed |
| S0158 | PED to Study Motor Fleet Management. | S | Filed |
| S0164 | Modify Property Tax Base Exclusions. | S | Filed |
| S0165 | NC Turnpike Authority Corridor Selection. | S | Filed |
| S0166 | No Adult Left Behind. | S | Filed |
| S0167 | Allow Expansion of Capitated Waiver. | S | Filed |
| S0168 | Reed Gold Mine Revolving Fund. | S | Filed |
| S0169 | Study Innovations/Incentives in Education. | S | Filed |
| S0170 | Clarify Nuisance Abatement Laws. | S | Filed |
| S0172 | Classroom Experience for School Personnel. | S | Filed |

LOCAL BILLS

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|----------|---|---|--------------------------|
| H0005 | Kinston Annexation Repealed. | H | Passed 2nd Reading |
| 02-10-11 | | | |
| H0015 | Beaufort/Use of Parking Meter Proceeds. | H | Withdrawn From Cal |
| | | H | Re-ref Com On Government |
| H0037 | Lexington Annexations Repealed. | H | Passed 2nd Reading |
| 02-10-11 | | | |
| H0118 | Winston-Salem/Daily Currency/ Coins Deposits. | H | Passed 2nd & 3rd Reading |
| H0192 | Greensboro Rental Property Utility Liens. | H | Passed 1st Reading |
| | | H | Ref To Com On Government |
| H0193 | Topsail Beach Recall Elections. | H | Passed 1st Reading |
| | | H | Ref To Com On Government |

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|-------|---|---|---|
| H0194 | Topsail Beach Charter Amendment. | H | Passed 1st Reading |
| | | H | Ref To Com On Government |
| H0196 | Goldsboro Deannexation. | H | Passed 1st Reading |
| | | H | Ref to the Com on Government, if favorable, Finance |
| H0201 | Bladen Fox Hunting and Trapping. | H | Filed |
| H0202 | Parking Fine Increase for the City of Monroe. | H | Filed |
| H0204 | Edgecombe Co. Tourism Development Authority. | H | Filed |
| H0207 | Local Development for Winston-Salem. | H | Filed |
| H0208 | Acquiring by Right-Condemnation of Property. | H | Filed |
| S0151 | 17th Senatorial District Local Act. | S | Passed 1st Reading |
| | | S | Ref To Com On Rules and Operations of the Senate |
| S0152 | 22nd Senatorial District Local Act. | S | Passed 1st Reading |
| | | S | Ref To Com On Rules and Operations of the Senate |
| S0155 | Wake Local Stormwater Utility Fees. | S | Filed |
| S0156 | 16th Senatorial District Local Act. | S | Filed |
| S0157 | 43rd Senatorial District Local Act. | S | Filed |
| S0159 | 47th Senatorial District Local Act. | S | Filed |
| S0160 | 29th Senatorial District Local Act. | S | Filed |
| S0161 | Lenoir Fox Trapping. | S | Filed |
| S0162 | 10th Senatorial District Local Act. | S | Filed |
| S0163 | 50th Senatorial District Local Act. | S | Filed |
| S0171 | 36th Senatorial District Local Act. | S | Filed |
| S0173 | 48th Senatorial District Local Act. | S | Filed |
| S0174 | 18th Senatorial District Local Act. | S | Filed |
| S0175 | 31st Senatorial District Local Act. | S | Filed |
| S0176 | 35th Senatorial District Local Act. | S | Filed |

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 55. [RELIEF FROM INCORRECT PATERNITY DETERMINATION.](#) Filed 2/8/11. House amendment makes the following changes to 2nd edition, as amended.

Provides that the provisions of proposed GS 50-13.13 apply to a motion *or claim* (was, applied to a motion). Amends proposed GS 50-13.13 to also include among those individuals who may file a motion or claim for relief from a child support order as provided in this statute, the father of a child who is required to pay child support under an agreement between the parties under GS 52-10.1 or otherwise, that is subject to modification by a North Carolina court. Directs that a motion or claim for relief under the proposed statute may also be filed as an independent civil action (was, only filed as a motion in the cause in the pending child support action).

Makes conforming changes specifying that the act applies to motions or claims for relief filed on or after the effective date, January 1, 2012, and any person otherwise eligible to file a motion or claim may file a motion or claim under the act before January 1, 2013, regardless of the one year discovery rule.

Courts; Family Law

SENATE BILLS

S 27. INVOLUNTARY ANNEXATION MORATORIUM. Filed 2/2/11. Senate committee substitute makes the following changes to 2nd edition.

Deletes amendments added to previous version that allowed annexation to proceed, provided the annexation ordinance met the listed requirements, and restores the bill's original provisions.

Local Government

S 33. MEDICAL LIABILITY REFORMS. Filed 2/2/11. Senate committee substitute makes the following changes to 1st edition.

Amends GS 90-21.12(a) to clarify that in any medical malpractice action, the defendant health care provider is not liable for the payment of damages unless the trier of fact finds by the greater weight of the evidence that the care provided by the health care provider was not in accordance with the standard of practice among members of the same health care profession with similar training and experience situated in the same or similar communities *under the same or similar circumstances* at the time of the alleged act *or omission* giving rise to the cause of action.

Clarifies that in any medical malpractice action arising from the furnishing or the failure to furnish services mandated under 42 USC Section 1395dd for an emergency medical condition as defined in 42 USC Section 1395dd(e)(1) (was, any medical malpractice action arising from providing emergency services as defined in GS 58-3-190(g)(2)), the defendant health care provider is not liable for damages unless the trier of fact finds by the greater weight of the evidence that the health care provider's deviation from the standard of care required under GS 90-21.12(a) (was, failed to meet the applicable standards of practice) constituted gross negligence, wanton conduct or intentional wrongdoing. Amends proposed GS 90-21.19 to limit the total liability for noneconomic damages for which judgment is entered against all defendants to no more than \$500,000 (was, \$250,000) per plaintiff. States that judgment will not be entered against any defendant for noneconomic damages in excess of \$500,000 for all claims brought by all parties arising out of the same cause of action.

Amends the definition for *future economic damages* to include loss of future household services. Requires the finder of fact to specify what part of the amount awarded for future economic damages is awarded for loss of future earnings or loss of future household services. Permits the payment of *future economic damages*, to be made periodically at regular intervals to the plaintiff if the present value of the future economic damages is greater than or equal to \$200,000 (was, \$75,000). Permits the court that entered the original judgment to also modify the judgment to allow liability for future periodic payments compensating the plaintiff for loss of future household services (was, only for the loss of future earnings), to continue to be paid to the survivors to whom the plaintiff owed a duty of support under the law immediately prior to the plaintiff's death.

Amends proposed GS 90-21.19B to require that any verdict or award of damages in a medical malpractice action must also include the specific amount awarded for loss of future earnings and loss of future household services (was, only required specific amounts for noneconomic damages, present economic damages, and future economic damages).

Adds new section to amend GS 1A-1, Rule 9(j) to assert that any complaint alleging medical malpractice, as defined in GS 90-21.11, will be dismissed unless the pleading specifically asserts that the medical care and all medical records pertaining to the alleged injury have been reviewed by a person who is reasonably expected to qualify as an expert witness under Rule 702 of the Rules of Evidence and whom the plaintiff will seek to have qualified as an expert witness by motion under Rule 702(e) of the Rules of Evidence. Requires that the plaintiff provide an affidavit within 30 days from the expert witness certifying compliance with this subsection upon request from the defendant. Deletes language regarding proof of compliance with regard to interrogatories.

Adds new section to amend GS 1A-1, Rule 26(f1) to require that for each expert witness designated as such at the discovery conference, each witness must prepare and submit a written, signed report. Specifies material to be covered in the expert witness report and additional information to be submitted as to the expert witness qualifications.

All of the above provisions apply to causes of action arising on or after the effective date, October 1, 2011.

Amends GS 1-289 to provide that in an action where the judgment requires a monetary payment, the court is to specify the amount of the monetary payment required to stay the execution of the judgment while an appeal is pending as provided in subsections (a2) and (b) of GS 1-289. Deletes previous provision that the appellant in a medical malpractice action pay the lesser amount of the judgment or the appellant's medical malpractice coverage in order to stay the execution of the judgment while pursuing an appeal. Applies to actions commencing on or after the effective date, October 1, 2011.

Provides that if the provisions regarding setting liability limits for noneconomic damages (Section 3 of the act) are declared unconstitutional or otherwise invalid by a court of competent jurisdiction, following any appellate review, then proposed GS 90-21.19A, (periodic payment of future economic damages in medical malpractice actions), and proposed GS 90-21.19B, (verdicts and awards of damages in medical malpractice actions) are repealed but the invalidity does not affect the other provisions of the act.

Makes other technical changes. Makes additional conforming changes and amends the title to reflect changes to the bill content.

Health, Social Services, and Aging;
Civil Law and Procedure; Courts;
Employment and Retirement

S 49. INCREASE FINE FOR SPEEDING/SCHOOL ZONES. Filed 2/8/11. Senate amendment makes the following changes to 2nd edition.

Amends GS 20.141.1 to add that the required information on signs identifying an area as a school zone must include the maximum penalty for exceeding the authorized speed limit. Provides that the penalty for exceeding the posted speed limit in a school zone is not less than \$100 and not more than \$250 (was, penalty is \$250). Amends the title to reflect the changes to the bill content.

Criminal Law, Procedure, and
Sentencing; Transportation

S 74. COMM. COLLEGES/OPT OUT OF FED'L LOAN PROGRAM. Filed 2/15/11. Senate amendment makes the following changes to 2nd edition.

Amends the bill by adding a provision authorizing any community college that participates in the William D. Ford Federal Direct Loan Program to transfer up to 3% of the state funds allocated to the community college for faculty salaries for uses that directly affect student services. Directs the State Board of Community Colleges to realign its funding formula by increasing the amount allocated for curriculum and continuing education instruction by \$18 million and by reducing the amount for student services by the same amount.

Education

S 77. MDPV/SCHEDULE I CONTROLLED SUBSTANCE. Filed 2/16/11. Senate committee substitute makes the following changes to 1st edition. Makes a technical change only.

Criminal Law, Procedure, and
Sentencing

Legislation Enacted

None

Index by Keyword

| | |
|---------------------|---------------------------|
| Avery | Budget and Appropriations |
| S 159, 5 | H 200, 2 |
| Banking and Finance | S 166, 3 |
| H 203, 2 | S 169, 4 |
| Bladen | Buncombe |
| H 201, 4 | S 173, 6 |

| | |
|---|------------------------------------|
| Cabarrus | Haywood |
| S 171, 5 | S 159, 5 |
| Chatham | S 163, 5 |
| S 174, 6 | Health, Social Services, and Aging |
| Cherokee | S 167, 3 |
| S 163, 5 | S 33, 11 |
| Civil Law and Procedure | Henderson |
| S 170, 4 | S 173, 6 |
| S 33, 11 | Iredell |
| Clay | S 171, 5 |
| S 163, 5 | Jackson |
| Courts | S 163, 5 |
| H 55, 10 | Lee |
| S 170, 4 | S 174, 6 |
| S 33, 11 | Lenoir |
| Criminal Law, Procedure, and Sentencing | S 161, 5 |
| H 199, 2 | S 162, 5 |
| S 49, 11 | Local Government |
| S 77, 11 | S 27, 10 |
| Duplin | Macon |
| S 162, 5 | S 163, 5 |
| Durham | Madison |
| S 174, 6 | S 159, 5 |
| Edgecombe | McDowell |
| H 204, 4 | S 159, 5 |
| Education | Mecklenburg |
| H 198, 1 | S 176, 6 |
| S 154, 2 | Mitchell |
| S 169, 4 | S 159, 5 |
| S 172, 4 | Montgomery |
| S 74, 11 | S 160, 5 |
| Elections Law | Polk |
| S 156, 5 | S 173, 6 |
| S 157, 5 | Property, Land Use, and Housing |
| S 159, 5 | H 203, 2 |
| S 160, 5 | Randolph |
| S 162, 5 | S 160, 5 |
| S 163, 5 | Sampson |
| S 171, 5 | S 162, 5 |
| S 173, 6 | State Government |
| S 174, 6 | H 200, 2 |
| S 175, 6 | S 158, 2 |
| S 176, 6 | S 166, 3 |
| Employment and Retirement | S 168, 3 |
| S 33, 11 | Swain |
| Family Law | S 163, 5 |
| H 199, 2 | Taxation |
| H 55, 10 | S 164, 2 |
| Forsyth | Transportation |
| S 175, 6 | H 202, 4 |
| Gaston | S 165, 3 |
| S 157, 5 | S 49, 11 |
| General Assembly | Transylvania |
| S 158, 2 | S 163, 5 |
| Graham | |
| S 163, 5 | |

Union
H 202, 4
S 176, 6

Wake
S 155, 5
S 156, 5
Yancey
S 159, 5

Notes

None

NEXT SESSIONS

March 2, 2011

HOUSE convenes at 2:00 p.m.

SENATE convenes at 3:00 p.m.