

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 230. [HONOR GIRL SCOUTS](#). Filed 3/3/11. *HONORING JULIETTE GORDON LOW, FOUNDER OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA, DURING GIRL SCOUTS WEEK.*

As title indicates.

Intro. by Carney.

HOUSE RES

General Assembly

H 232. [SAFE DRIVER INCENTIVE PLAN CHANGES](#). Filed 3/3/11. *TO PROVIDE THAT THERE SHALL BE NO PREMIUM SURCHARGE OR ASSESSMENT OF POINTS UNDER THE SAFE DRIVER INCENTIVE PLAN FOR ANY CONVICTION OF SPEEDING FIFTEEN MILES PER HOUR OR LESS OVER THE SPEED LIMIT.*

Amends GS 58-36-75 as the title indicates. Effective January 1, 2012.

Intro. by Spear.

GS 58

Transportation

H 233. [DEPARTMENT OF CORRECTION/EX-OFFENDERS](#). Filed 3/3/11. *TO REQUIRE THE DEPARTMENT OF CORRECTION TO DESIGNATE ITS OFFICE OF RESEARCH AND PLANNING AS THE SINGLE STATE*

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AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES; AND TO ENCOURAGE THE DEPARTMENT OF CORRECTION TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

As the title indicates. Directs the Department of Correction's Office of Research and Planning (ORP) (1) to work with local communities to form a minimum of 10 local reentry councils to supervise and coordinate innovative responses to reentry at the local level and to make use of existing services and (2) to form an advisory group that represents the population the ORP proposes to serve.

Intro. by Bryant, Pierce, M. Alexander.

UNCODIFIED

Criminal Law, Procedure, and Sentencing

H 234. JUROR QUALIFICATIONS/DISABILITIES. Filed 3/3/11. *TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS IN ORDER TO ALLOW HEARING-IMPAIRED PERSONS TO SERVE AS JURORS AND TO PROVIDE FOR PERSONS WITH DISABILITIES TO APPLY FOR EXEMPTIONS FROM JURY DUTY.*

Enacts new subsection (b) to GS 9-6.1 to allow a person summoned for jury duty who has a disability that would interfere with the person's ability to serve as a juror, to request to be excused, deferred, or exempted. Permits the person to make the request without appearing in person by filing a signed statement explaining the disability with one of the specified parties at any time five days before the date of summons. Allows the court to request medical documentation of the disability. Makes technical changes.

Amends GS 9-3 to allow hearing-impaired persons to qualify as prospective jurors.

Effective July 1, 2011.

Intro. by Glazier, Stevens.

GS 9

Courts

H 235. BONNIE'S LAW. Filed 3/3/11. *TO OFFICIALLY DESIGNATE SENATE BILL 140, SESSION LAW 2010-5, AS "BONNIE'S LAW."*

As title indicates.

Intro. by Haire.

GS 1

Civil Law and Procedure

H 237. ECONOMIC IMPACT/REGULATORY LEGISLATION. Filed 3/3/11. *TO REQUIRE ECONOMIC IMPACT STATEMENTS ON ALL BILLS THAT PROPOSE REGULATORY CHANGES, SIMILAR TO THE FISCAL NOTES THAT AGENCIES MUST PREPARE DURING RULE MAKING.*

Enacts a new Article 6E, *Regulatory Legislation Economic Impact Statements*, in GS Chapter 120 as the title indicates. Requires any bill introduced in the General Assembly that (1) makes a change in law that is regulatory in nature and (2) could cause a substantial economic impact on the entities regulated by the proposed legislation to be accompanied by an *economic impact statement* (EIS) prepared by the Fiscal Research Division (Division).

Defines *substantial economic impact* to mean that the proposed legislation has an aggregate financial impact on: (1) at least \$1 million in a 12-month period on all persons affected by the proposed bill or (2) at least \$1,000 in a 12-month period on any one person affected by the proposed bill.

Requires the EIS to identify and estimate, for the first five fiscal years that the proposed change would be in effect, all of the costs of the proposed legislation on the entities to be regulated by it. Provides that if the Division determines after its investigation that no dollar estimate is possible, then the EIS should indicate such and state the reasons why no dollar amount can be given. Prohibits including comment or opinion in the EIS as to the merits of the proposed legislation, but the EIS may include notation of mechanical and technical defects.

Directs the sponsor of each bill to which this proposed section applies to present a copy of the bill with a request for an EIS to the Division. Directs the Division to prepare the EIS and give it to the sponsor within two weeks after the request is made, unless the sponsor agrees to an extension of time.

Requires the EIS to be attached to the original of each proposed bill that is favorably reported by any committee of the General Assembly; however, also requires that the EIS be clearly designated as an economic impact statement and states that the EIS is neither a part of the bill nor an expression of legislative intent proposed by the bill.

Provides that if a General Assembly committee reports favorably on a proposed bill that has an amendment that proposes a change in the law that could cause a substantial economic impact to the entities regulated by it, then the committee chair is to obtain an EIS from the Division and attach it to the amended bill.

Directs the Office of Budget and Management, the Department of Revenue, the Department of the State Treasurer, the Department of the State Auditor, and the state department most directly concerned to assist the Division in the preparation of the EIS if the Division requests assistance.

Requires the Division to provide the bill sponsor with copies of the prepared EIS.

Directs any state department, institution, agency, or other authority requesting a member or members of the General Assembly to introduce legislation that if enacted would have a substantial fiscal impact on the entities regulated by the proposed legislation to furnish to the member or members and the Division an EIS containing a realistic estimate of the effect of the legislation for the next two fiscal periods.

Effective January 1, 2012.

Intro. by Dollar, Rhyne, McElraft, GS 120 General Assembly
Folwell.

H 238. STATE HEALTH PLAN/REPEAL PENALTIES. Filed 3/3/11. *TO REPEAL THE BODY MASS INDEX (BMI) AND TOBACCO USE PENALTIES FROM THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

Repeals Section 2(b) of SL 2009-16, as amended, as the title indicates.

Intro. by Dollar, Blackwell, UNCODIFIED Health, Social Services, and Aging
Harrison, Hurley.

SENATE BILLS

S 198. LOCAL GOVERNMENTS FUND COURT RESOURCES. Filed 3/3/11. *TO EXPAND THE AUTHORITY OF LOCAL GOVERNMENTS TO ENTER INTO CONTRACTS WITH THE STATE FOR THE PROVISION OF ADMINISTRATIVE ASSISTANCE AND ASSISTANCE WITH COURT PROGRAMS.*

Amends GS 7A-44.1 to allow each senior resident superior court judge or *chief district court judge* to apply to the Director of the Administrative Office of the Courts (AOC) to permit local governments to contract with the state for administrative and court programs assistance (was, for secretarial services). Authorizes the Director of AOC to provide such assistance upon a showing that the resources would improve the overall administration of justice (rather than provide for the speedy disposition of cases involving drug offenses, domestic violence, or other threats to public safety). Makes a conforming change to the section heading.

Makes conforming changes to GS 153A-212.1 (counties) and GS 160A-289.1(cities).

Effective July 1, 2011.

Intro. by Vaughan. GS 7A, 153A, 160A Courts; Local Government

S 199. CHANGE EFFECTIVE DATE S.L. 2010-131. Filed 3/3/11. *TO CHANGE THE EFFECTIVE DATE OF S.L. 2010-131 ENTITLED "AN ACT TO INCREASE THE AGE CAP OF PERSONS RECEIVING AN EIGHT-YEAR DRIVERS LICENSE."*

Amends Section 3 of SL 2010-131, as title indicates, to change the effective date to July 1, 2010 (was, January 1, 2011).

Intro. by Kinnaird. UNCODIFIED Transportation

S 203. SET ASIDE CHILD SUPP./LIMITED CIRCUMSTANCES. Filed 3/3/11. *ESTABLISHING A PROCESS TO SET ASIDE AN ORDER OF PATERNITY OR AN AFFIDAVIT OF PARENTAGE UNDER LIMITED CIRCUMSTANCES.*

Enacts new subsection (h) to GS 49-14 to allow an order of paternity to be set aside by a trial court if (1) the paternity order was entered as a result of fraud, duress, mutual mistake, or excusable neglect and (2) genetic tests establish the putative father is not the biological father of the child. Places the burden of proof to set aside a paternity order on the moving party. Specifies that child support responsibilities may not be suspended while the motion is pending, without good cause. Directs the court to order genetic testing of the child's mother, the child, and the putative father, upon a proper motion alleging fraud, duress, mutual mistake, or excusable neglect. Allows the court to set aside the paternity order if both requirements are met (fraud and genetic test determination) and to terminate all future child support obligations with regard to the child whose parentage is at issue. Provides that all vested child support arrears remain due and owing. Imposes no reimbursement obligation for any past child support paid. Clarifies that the proposed subsection will not affect the presumption of legitimacy when a child is born to a mother and the putative father during marriage. Makes conforming changes to GS 110-132 to allow an affidavit of parentage to be set aside by a trial court after 60 days have elapsed if both requirements are met. Makes additional conforming changes to each section heading.

Applies to motions to set aside paternity or motions to set aside affidavits of parentage on or after October 1, 2011.

Intro. by McKissick, East. GS 49, 110 Civil Law and Procedure; Family Law

S 204. PUBLIC ENTITIES & CONTRACTORS/USE E-VERIFY. Filed 3/3/11. *TO REQUIRE THAT COUNTIES, MUNICIPALITIES, AND PUBLIC CONTRACTORS USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY THE WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES.*

Enacts new GS 153A-99.1 to require counties to register and participate in E-Verify to verify the work authorization of new employees. Defines *E-Verify* as the federal E-Verify program operated by the U.S. Department of Homeland Security and other federal agencies used to verify the work authorization of newly hired employees. Also enacts new GS 160A-169.1 to require cities to register and participate in E-Verify. Includes a nondiscrimination clause applicable to the proposed statutes.

Enacts new GS 153A-449(b) and GS 160A-20.1(b) to prohibit counties and cities, respectively, from entering into contracts for the physical performance of services within the state unless the contractor registers and participates in E-Verify. Makes other conforming and technical changes.

Enacts new GS 143-129(j) to prohibit any board, state governing body, institution of state government, or local government from awarding contracts unless the contractor registers and participates in E-Verify. Enacts new GS 143-48.5 to prohibit any entity required to report to the Department of Administration from entering into a contract for goods and services unless the contractor registers and participates in E-Verify.

Amends GS 126-7.1(f) to require each state agency, department, institution, university, community college, and local education agency to register and participate in E-Verify (rather than verify according to the Basic Pilot Program).

Applies to contracts entered into or renewed on or after October 1, 2011.

Intro. by Allran. GS 126, 143, 153A, 160A Employment and Retirement; Local Government; State Government; Education

S 205. NO BENEFITS FOR ILLEGAL ALIENS. Filed 3/3/11. *TO CLARIFY THAT ILLEGAL ALIENS ARE NOT ELIGIBLE FOR PUBLIC BENEFITS.*

Creates a new Article 1, *Various Provisions Related to Aliens*, in GS Chapter 64. Recodifies GS 64-1 through GS 64-5 as Article 1 of GS Chapter 64 as created by this act.

Creates new Article 2, *Eligibility for Public Benefits*, in GS Chapter 64. Provides definitions for the following terms as used in proposed Article 2: (1) *federal public benefit* as defined in 8 USC Section 1611; (2) *political subdivision* means a county or municipality of North Carolina; and (3) *state or local public benefit* as defined in 8 USC Section 1621, except that the term excludes commercial or professional licenses, benefits provided by a public retirement system, or services widely available to the general public population as a whole.

Requires that any natural person who applies for (1) a federal public benefit administered by this state or a political subdivision of this state or (2) a state or local public benefit must provide at least one of the eleven enumerated documents to demonstrate the person's lawful presence in the United States. To the extent allowed under federal law, permits an agency of the state or political subdivision of the state to allow tribal members, the elderly, and persons with disabilities or incapacity of the mind or body to provide documentation as specified in section 6036 of the federal Deficit Reduction Act of 2005, PL 109-171, in place of the specified documentation. Requires that an applicant for a federal public benefit or a state or local public benefit sign a sworn affidavit under penalty of perjury stating that any documentation presented under proposed Article 2 is true. Makes it a Class 2 misdemeanor for an employee of a state agency or political subdivision that administers federal, state, or local public benefits to fail to report violations of federal immigration law that the employee discovers. Makes a supervisor who knew of the failure to report and did not direct the employee to make the report also guilty of a Class 2 misdemeanor. Provisions regarding federal, state, or local public benefits are to be enforced without regard to race, color, religion, ethnicity, age, disability, or national origin.

Makes an exception regarding eligibility for federal public benefits, providing that the verification requirements do not apply to applications for federal public benefits for which lawful presence in the United States is not required.

Directs that proposed Article 2 be construed in a manner consistent with federal law. Provides that the provisions of proposed Article 2 are severable.

Effective October 1, 2011.

Intro. by Allran. GS 64 Health, Social Services, and Aging; Local Government; State Government

S 207. INCREASE STATUTORY HOMESTEAD EXEMPTION. Filed 3/3/11. *TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION.*

Amends GS 1C-1601(a)(1) to increase the amount of aggregate interest that a debtor is entitled to retain free from enforcement of the claims of creditors to \$75,000 (currently, \$35,000) in real property or personal property that the debtor or a dependent of the debtor uses as a residence or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence. Also deletes language specific to an unmarried debtor. New GS 1C-1601(a)(13) provides that the debtor's aggregate interest, up to \$18,500, in a burial plot for the debtor or a dependent is free from the enforcement of creditor claims. Makes conforming changes to GS 1C-1603(c) (statement form to be submitted by the debtor). Makes other conforming changes.

Intro. by Hartsell.

GS 1C

Civil Law and Procedure; Property,
Land Use, and Housing

S 208. CONFORM STATE LAW TO LAWRENCE V. TEXAS. Filed 3/3/11. *TO BRING STATE LAW INTO COMPLIANCE WITH THE UNITED STATES SUPREME COURT DECISION OF LAWRENCE V. TEXAS.*

Amends GS 14-177 (Crime against nature) to provide that no person can be charged, prosecuted, or punished for this offense based on conduct that is (1) private, (2) noncommercial, (3) consensual, and (4) between persons who have attained the age of 16 years.

Repeals GS 14-184 (making fornication and adultery a Class 2 misdemeanor) and GS 14-186 (making it a Class 2 misdemeanor for opposite sexes to occupy the same bedroom at a hotel for immoral purposes or falsely registering as husband and wife).

Effective when the act becomes law and applies to all offenses committed prior to, on, or after that date.

Intro. by Kinnaird.

GS 14

Criminal Law, Procedure, and
Sentencing

S 209. VIDEO LOTTERY ENTERTAINMENT (=H 228). Filed 3/3/11. *TO ALLOW VIDEO LOTTERY FOR THE PURPOSE OF PROFIT SHARING WITH THE STATE OF NORTH CAROLINA.*

Identical to H 228, filed 3/2/11.

Intro. by Jenkins.

GS 14, 18C, 18D, STUDY

Criminal Law, Procedure, and
Sentencing; Business and
Commerce; General Assembly

S 210. RELIGIOUS ORGS./CLARIFY PROP. TAX EXEMPTION. Filed 3/3/11. *TO CLARIFY THAT RELIGIOUS ORGANIZATIONS ARE EXEMPT FROM PROPERTY TAX.*

Amends GS 105-278.3(c) to add religious organizations recognized by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code to those that are exempt from property tax.

Intro. by Daniel, Hunt.

GS 105

Taxation

S 211. EXEMPT PALLETS FOR AG USE FROM SALES TAX. Filed 3/3/11. *TO EXEMPT THE SALE OF CERTAIN ITEMS FROM SALES AND USE TAX WHEN USED FOR AGRICULTURAL PURPOSES.*

Amends GS 105-164.13 (retail sales and use tax) to add greenhouses and repair parts for greenhouses to the list of items exempted from the retail sales and use tax when sold to a farmer, as specified. Also exempts a container *or pallet*, sold to a farmer to be used for packaging and transporting or as otherwise indicated.

Applies to sales made on or after July 1, 2011.

Intro. by Rabon, Newton.

GS 105

Taxation; Agriculture, Environment,
and Natural Resources

S 212. CEMETERIES/SURVEY STAMP. Filed 3/3/11. *ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES.*

Enacts new subsection (e) to GS 161-14, directing the register of deeds to immediately register a written instrument that meets the following requirements: (1) the instrument is a portion of a cemetery map that was divided into sections based on race, (2) the other portion of the cemetery map was properly registered, and (3) the unregistered portion does not have the surveyor's stamp or seal and original signature affixed.

Intro. by Rabon.

GS 161

Local Government

S 213. WACCAMAW RIVER/ISOLATED RIVER BASIN (=H 220). Filed 3/3/11. *TO DESIGNATE THE WACCAMAW RIVER BASIN AS AN ISOLATED RIVER BASIN FOR PURPOSES OF CERTIFICATION OF TRANSFERS OF SURFACE WATER FROM A RIVER BASIN TO AN ISOLATED RIVER BASIN.*

Identical to H 220, filed 3/2/11.

Intro. by Rabon.

UNCODIFIED

Agriculture, Environment, and
Natural Resources

S 214. TRANSPORTATION MAP CORRIDORS/CONDEMNATION. Filed 3/3/11. *TO LIMIT THE AMOUNT OF TIME LAND MAY BE ENCUMBERED BY A TRANSPORTATION CORRIDOR OFFICIAL MAP BEFORE THE ENTITY ESTABLISHING, ADOPTING, OR AMENDING THE TRANSPORTATION CORRIDOR OFFICIAL MAP IS REQUIRED BY LAW TO PURCHASE THE PROPERTY OR INITIATE CONDEMNATION PROCEEDINGS AGAINST THE PROPERTY.*

Amends GS 136-44.51(b) as the title indicates. Sets the time limit for the real property to be encumbered by a transportation corridor official map (map) at 18 months from the date of the adoption of the map (was, three years from the date of the original submission of the application for a building permit or subdivision plat approval for real property subject to a valid map). Permits the owner of the real property within the transportation corridor to treat the real property as unencumbered if the entity that adopted the transportation corridor official map has not purchased the property or initiated condemnation proceedings on the property within the 18-month time period. Effective December 1, 2011, and applies to all transportation corridor official maps filed on or after that date.

**Intro. by Goolsby, Jenkins,
Rabon.**

GS 136

Property, Land Use, and Housing;
Transportation

S 215. STATE TREASURER'S INVESTMENTS. Filed 3/3/11. *TO MODIFY THE STATE TREASURER INVESTMENT STATUTE.*

Amends GS 147-69.2(b)(8) (concerning the State Treasurer's duties) to add that assets from the funds collectively referred to as the Retirement Systems, as specified, may also be invested in limited partnerships (LPs), limited liability companies (LLCs), or other limited liability investment vehicles that are not publicly traded, provided these investments do not exceed 10% of the market value of all invested assets of the Retirement Systems. Clarifies that the assets of the Retirement Systems can also be invested directly in any authorized equity securities for the primary purpose of approximating the movements of a published market benchmark index (rather than in equity securities in the S&P 500 Index). Makes additional clarifying and technical changes.

Amends GS 147-69.2(b)(9) to provide that assets of the Retirement Systems may be invested in interests in LPs, LLCs, or other limited liability investment vehicles that are not publicly traded, provided the primary purpose of that vehicle is (1) to invest in private equity (was, public or private equity) or (2) to engage in other strategies not expressly authorized in GS 147-69.2(b). Limits the amount so invested to 10% (was, 5%) of the market value of all invested assets of the Retirement Systems.

Clarifies that any investment authorized under GS 147-69.2(b) at the time the investment was made or contractually committed to remains valid and need not be disposed based on the new limitations on investments in this act.

Makes other clarifying and technical changes.

**Intro. by Apodaca, Brunstetter,
Hise.**

GS 147

State Government

S 216. INCREASE INCOME LIMIT FOR HOMESTEAD EXCLUSION. Filed 3/3/11. *TO INCREASE THE INCOME ELIGIBILITY LIMIT FOR THE HOMESTEAD EXCLUSION TO THIRTY-FIVE THOUSAND DOLLARS.*

Amends GS 105-277.1(a2) (concerning the property tax homestead exclusion for the elderly and disabled) to increase the income eligibility limit for the homestead exclusion from \$25,000 to \$35,000, for the taxable year beginning on July 1, 2011. For taxable years beginning on or after July 1, 2012 (currently, July 1, 2009), the income eligibility limit is the amount for the previous year, adjusted as indicated.

Effective for taxes imposed for taxable years beginning on or after July 1, 2011.

Intro. by Allran.

GS 105

Property, Land Use, and Housing;
Taxation

S 217. PROMOTE FUNDING AVAILABILITY. Filed 3/3/11. *TO REQUIRE THE GOVERNOR'S CRIME COMMISSION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO PROMOTE FUNDING AVAILABILITY TO CERTAIN LOCAL AND NONPROFIT GROUPS, AS RECOMMENDED BY THE JOINT*

SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY. As title indicates. Also requires establishing offender reentry as a funding priority.

Intro. by Hartsell, Dannelly, Jones. UNCODIFIED Criminal Law, Procedure, and Sentencing; State Government

S 218. STUDY EXPUNCTION OF DISMISSALS/NG VERDICTS. Filed 3/3/11. *TO APPOINT A STUDY COMMITTEE TO REVIEW CURRENT EXPUNCTION STATUTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.*

Requires the President Pro Tempore of the Senate and the Speaker of the House of Representatives to each appoint a cochair to a study committee, including representatives from specified fields of law, to review current expunction statutes related to dismissals and findings of not guilty and to make recommendations for expunction procedures so that these outcomes are not unfairly prejudicial. Requires a report to the General Assembly by the beginning of the 2012 Regular Session.

Intro. by Hartsell, Dannelly, Jones. STUDY General Assembly; Criminal Law, Procedure, and Sentencing

S 219. OSP/HIRING OF EX-OFFENDERS. Filed 3/3/11. *TO REQUIRE THE OFFICE OF STATE PERSONNEL TO DEVELOP PROTOCOLS AND POLICIES REGARDING THE HIRING OF EX-OFFENDERS IN STATE GOVERNMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.*

As the title indicates. Requires the Office of State Personnel to report on the proposed policies to the 2011 General Assembly by October 1, 2011.

Intro. by Hartsell, Dannelly, Jones. UNCODIFIED Criminal Law, Procedure, and Sentencing; State Government

S 220. GENERAL STATUTES COMM/COLLATERAL CONSEQUENCES. Filed 3/3/11. *TO REQUIRE THE GENERAL STATUTES COMMISSION TO IDENTIFY THE COLLATERAL CONSEQUENCES FOR ALL CRIMINAL CONVICTIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.*

Directs the General Statutes Commission, in consultation with the School of Government and the Administrative Office of the Courts, to report to the General Assembly by the beginning of the 2012 Regular Session on (1) collateral consequences for all criminal convictions, (2) which offenses carry ambiguous or multiple types of consequences, and (3) whether collateral consequences should be codified.

Intro. by Hartsell, Dannelly, Jones. UNCODIFIED Courts; Education; Criminal Law, Procedure, and Sentencing

S 221. DEPARTMENT OF CORRECTION/EX-OFFENDERS (=H 233). Filed 3/3/11. *TO REQUIRE THE DEPARTMENT OF CORRECTION TO DESIGNATE ITS OFFICE OF RESEARCH AND PLANNING AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES; AND TO ENCOURAGE THE DEPARTMENT OF CORRECTION TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.*

Identical to H 233, filed 3/3/11.

Intro. by Hartsell, Dannelly, Jones. UNCODIFIED Criminal Law, Procedure, and Sentencing

S 222. EX-OFFENDER STUDY RECOMMENDATIONS. Filed 3/3/11. *TO DIRECT THE NORTH CAROLINA DEPARTMENT OF CORRECTION TO UTILIZE CERTAIN DATA TO EVALUATE THE EFFECTIVENESS OF ITS PROGRAMS; AND TO REQUIRE THE SENTENCING AND POLICY ADVISORY COMMISSION TO STUDY THE BEST METHODS AND PROCEDURES FOR ENSURING THAT A DEFENDANT WHO ENTERS A GUILTY PLEA UNDERSTANDS THE COLLATERAL CONSEQUENCES OF THE PLEA, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.*

Directs the North Carolina Sentencing and Policy Advisory Commission (Commission) to incorporate data from the Employment Security Commission's Common Follow-up System into its biennial correctional program evaluation and directs the NC Department of Correction to utilize the Common Follow-up System data in

evaluating the effectiveness of its programs. Requires the Commission to report to the General Assembly no later than the convening of the 2012 Regular Session as to the best methods and procedures for ensuring that a defendant who enters a guilty plea understands the collateral consequences of that plea.

Intro. by Hartsell, Dannelly, Jones. STUDY Criminal Law, Procedure, and Sentencing

S 223. [AOC/STUDY COURT RECORDS](#). Filed 3/3/11. *TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO STUDY ISSUES RELATED TO THE SALE OF COURT RECORDS AND TO MAKE RECOMMENDATIONS ON DEFINING THE TERM "CRIMINAL RECORD" BY STATE LAW, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.*

As title indicates. Requires that the Administrative Office of the Courts report its findings and recommendations to the General Assembly no later than the convening of the 2012 Regular Session.

Intro. by Hartsell, Dannelly, Jones. STUDY Courts

S 224. [PROFESSIONAL SPORTS AGENTS/COLLEGE ATHLETES](#). Filed 3/3/11. *TO MAKE IT UNLAWFUL FOR ANY PERSON ACTING AS, FOR, OR ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR AGENT TO CONTACT ANY TEAM MEMBER, ATHLETE, COACH, OR MEMBER OF A COACHING STAFF FOR THE PURPOSES OF RECRUITING A STUDENT ATHLETE PRIOR TO THE END OF THE LAST SEASON OF THE SPORT IN WHICH THE STUDENT ATHLETE IS ELIGIBLE TO PLAY.*

Enacts new GS 14-379.1 as the title indicates. Makes a violation of this statute a Class I felony, imposes a fine of not less than \$10,000 and requires imprisonment for no less than 30 days.

Effective December 1, 2011, and applies to offenses committed on or after that date.

Intro. by Dannelly. GS 14 Criminal Law, Procedure, and Sentencing; Education

S 225. [ELECTORAL FREEDOM ACT OF 2011 \(=H 32\)](#). Filed 3/3/11. *TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; AND TO ELIMINATE THE NEED FOR PETITIONS FOR WRITE-IN CANDIDACY.*

Identical to H 32, filed 2/2/11.

Intro. by Brock, Kinnaird. GS 163 Elections Law

S 226. [REPEAL LAND TRANSFER TAX \(=H 92\)](#). Filed 3/3/11. *TO REPEAL THE LAND TRANSFER TAX.*

Identical to H 92, filed 2/15/11.

Intro. by Tucker. GS 105 Taxation; Property, Land Use, and Housing

S 227. [HAYWOOD COMMUNITY COLLEGE LEASES](#). Filed 3/3/11. *TO AUTHORIZE HAYWOOD COMMUNITY COLLEGE TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.*

Amends SL 2009-149, as amended, as the title indicates.

Intro. by Hise. UNCODIFIED Education

Local Bills

HOUSE BILLS

H 231. [FAYETTEVILLE'S GATES FOUR ANNEXATION REPEAL](#). Filed 3/3/11. *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 WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF FAYETTEVILLE TO MAKE A CERTAIN ANNEXATION.

As the title indicates. Effective from and after October 20, 2008.

Intro. by Brisson. CUMBERLAND Cumberland

H 236. BILTMORE LAKE ANNEXATION REPEALED. Filed 3/3/11. 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 WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF ASHEVILLE TO MAKE A CERTAIN ANNEXATION .

As title indicates. Effective from and after August 21, 2007.

Intro. by Moffitt. BUNCOMBE Buncombe

SENATE BILLS

S 200. ALAMANCE/ORANGE 9% BOUNDARY (=H 213). Filed 3/3/11. TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

Identical to H 213, filed 3/2/11.

Intro. by Gunn, Kinnaird. ALAMANCE, ORANGE Alamance; Orange

S 201. ALAMANCE/ORANGE BOUNDARY (=H 214). Filed 3/3/11. TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61.

Identical to H 214, filed 3/2/11.

Intro. by Gunn, Kinnaird. ALAMANCE, ORANGE Alamance; Orange

S 202. 6TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/3/11. RELATING TO THE 6TH SENATORIAL DISTRICT.

Blank bill.

Intro. by Brown. JONES, ONSLOW Jones; Onslow

S 206. 45TH SENATORIAL DISTRICT LOCAL ACT. Filed 3/3/11. RELATING TO THE 45TH SENATORIAL DISTRICT.

Blank bill.

Intro. by Soucek. ALEXANDER, ASHE, WATAUGA, WILKES Alexander; Ashe; Watauga; Wilkes

ACTION ON BILLS**March 3, 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

H0003	Exclusionary Rule/Good Faith Exception.	S	Reptd Fav
	02-09-11, 02-10-11		
H0007	Comm. Colleges/Opt Out of Fed'l Loan Program.	H	Withdrawn From Com
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/7/2011
	02-22-11		
H0018	Restore Firearms Rights/Tech Corrections.	H	Pres. To Gov. 3/3/2011
	02-09-11		
H0025	Lymphedema Awareness Day.	H	Passed 2nd & 3rd Reading
H0045	Accelerate Cleanup of Industrial Properties.	HA	Reptd Fav Com Substitute
		H	Cal Pursuant Rule 36(b)
	03-03-11		
H0048	No Standardized Testing Unless Req'd by Feds.	S	Amend Failed 1
		S	Passed 2nd & 3rd Reading
	02-16-11		
H0055	Relief from Incorrect Paternity Determination.	S	Passed 1st Reading
		S	Ref To Com On Judiciary II
	02-24-11, 02-28-11, 03-01-11		
H0092	Repeal Land Transfer Tax.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/7/2011
H0113	Motorcycle Safety Act.	H	Passed 2nd & 3rd Reading
H0124	IRC Update.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On Finance
	02-24-11		
H0138	Amend Health Insurance Risk Pool Statutes.	H	Placed On Cal For 3/7/2011
	03-02-11		
H0141	Boiling Springs' 100th Anniversary.	H	Adopted
H0205	Motorcycle Awareness Month.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0206	Modify Property Tax Base Exclusions.	H	Passed 1st Reading
		H	Ref To Com On Finance
H0209	Amend SW Financial Assurance Rqmts.	H	Passed 1st Reading
		H	Ref To Com On Environment
H0210	Building Code/School Animal	H	Passed 1st Reading

	Husbandry Bldgs.	H	Ref To Com On Education
H0215	Unborn Victims of Violence Act/Ethens's Law.	H	Passed 1st Reading
		H	Ref to the Com on Judiciary Subcommittee B, if favorable, Appropriations
H0217	Inspection Requirements Salvaged Vehicles.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0218	Legislative Task Force on Childhood Obesity.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0219	Sex Offender Registry Amendments.	H	Passed 1st Reading
		H	Ref to the Com on Judiciary Subcommittee C, if favorable, Appropriations Subcommittee on Justice and Public Safety
H0220	Waccamaw River/Isolated River Basin.	H	Passed 1st Reading
		H	Ref To Com On Environment
H0221	Requesting State Treasurer/ Five.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0222	Electric Vehicle Incentives.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0223	Healthy Families & Workplaces/ Paid Sick Days.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development
H0225	NC Turnpike Authority Corridor Selection.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0226	Prohibit Sweepstakes Devices.	H	Passed 1st Reading
		H	Ref to the Com on Commerce and Job Development, if favorable, Judiciary Subcommittee B
H0227	Purchase of Firearms in Other States.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee A
H0228	Video Lottery Entertainment.	H	Passed 1st Reading
		H	Ref to the Com on Commerce and Job Development, if favorable, Finance
H0229	Rural Operating Assistance Program Changes.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0230	Honor Girl Scouts.	H	Filed
H0232	Safe Driver Incentive Plan Changes.	H	Filed
H0233	Department of Correction/Ex-Offenders.	H	Filed
H0234	Juror Qualifications/ Disabilities.	H	Filed
H0235	Bonnie's Law.	H	Filed
H0237	Economic Impact/Regulatory Legislation.	H	Filed
H0238	State Health Plan/Repeal Penalties.	H	Filed
H0239	Grandparents' Visitation	H	Filed

	Rights.		
H0240	Intrastate Commerce Act.	H	Filed
H0241	North Carolina Firearms Freedom Act.	H	Filed
S0027	Involuntary Annexation Moratorium.	S	Passed 2nd Reading
	02-22-11, 03-01-11		
S0031	Conform Penalty Unauth. Practice of Medicine.	S	Reptd Fav Com Substitute
	03-03-11	SA	Com Substitute Adopted
S0032	Hospital Medicaid Assessment/ Payment Program.	H	Reptd Fav
	02-22-11	H	Re-ref Com On Appropriations
S0049	Increase Fine for Speeding/ School Zones.	H	Passed 1st Reading
	02-28-11, 03-01-11	H	Ref to the Com on Judiciary, if favorable, Finance
S0076	TC: Eligibility: Indus Facil/ Fix Uwharrie Com.	H	Reptd Fav
	02-23-11	H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/7/2011
S0097	Clarify Refunds of Tax Overpayments.	H	Reptd Fav
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 3/7/2011
S0179	Failure to Carry or Complete Alien Reg. Docs.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0180	Add FOP Member to Crim. Just. Training Comm.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0181	No LUST Cleanup Under Certain Circumstances.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/ Environment/Natural Resources
S0183	Selective Vegetation Removal/ State Highways .	S	Passed 1st Reading
		S	Ref To Com On Transportation
S0184	Building Code/School Animal Husbandry Bldgs.	S	Passed 1st Reading
		S	Ref To Com On Commerce
S0186	Military Service Notation on Drivers Licenses.	S	Passed 1st Reading
		S	Ref To Com On Transportation
S0187	Outlaw Red Light Camera Systems.	S	Passed 1st Reading
		S	Ref To Com On Transportation
S0188	High Point Furniture Market Funds.	S	Passed 1st Reading
		S	Ref To Com On Appropriations/ Base Budget
S0190	Allow Electronic Signatures on Death Certs.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0191	Allow Nurse Practitioners to Sign Death Cert.	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0194	Electric Vehicle Incentives.	S	Passed 1st Reading
		S	Ref To Com On Commerce
S0195	Operation of Mopeds.	S	Passed 1st Reading
		S	Ref to Insurance. If fav, re-ref to Finance
S0196	Appropriations Act of 2011.	S	Passed 1st Reading
		S	Ref To Com On Appropriations/ Base Budget

S0198	Local Governments Fund Court Resources.	S	Filed
S0199	Change Effective Date S.L. 2010-131.	S	Filed
S0203	Set Aside Child Supp./Limited Circumstances.	S	Filed
S0204	Public Entities & Contractors/ Use E-Verify.	S	Filed
S0205	No Benefits for Illegal Aliens.	S	Filed
S0207	Increase Statutory Homestead Exemption.	S	Filed
S0208	Conform State Law to Lawrence v. Texas.	S	Filed
S0209	Video Lottery Entertainment.	S	Filed
S0210	Religious Orgs./ Clarify Prop. Tax Exemption.	S	Filed
S0211	Exempt Pallets for Ag Use From Sales Tax.	S	Filed
S0212	Cemeteries/Survey Stamp.	S	Filed
S0213	Waccamaw River/Isolated River Basin.	S	Filed
S0214	Transportation Map Corridors/ Condemnation.	S	Filed
S0215	State Treasurer's Investments.-AB	S	Filed
S0216	Increase Income Limit for Homestead Exclusion.	S	Filed
S0217	Promote Funding Availability.	S	Filed
S0218	Study Expunction of Dismissals/NG Verdicts.	S	Filed
S0219	OSP/Hiring of Ex-Offenders.	S	Filed
S0220	General Statutes Comm/ Collateral Consequences.	S	Filed
S0221	Department of Correction/Ex-Offenders.	S	Filed
S0222	Ex-Offender Study Recommendations.	S	Filed
S0223	AOC/Study Court Records.	S	Filed
S0224	Professional Sports Agents/ College Athletes.	S	Filed
S0225	Electoral Freedom Act of 2011.	S	Filed
S0226	Repeal Land Transfer Tax.	S	Filed

LOCAL BILLS

H0005	Kinston Annexation Repealed.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
	02-10-11		
H0037	Lexington Annexations Repealed.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On Rules and

Operations of the Senate

02-10-11		
H0207	Local Development for Winston-Salem.	H Passed 1st Reading H Ref To Com On Government
H0208	Acquiring by Right- Condemnation of Property.	H Passed 1st Reading H Ref To Com On Government
H0211	Winston-Salem Police Jurisdiction/Clemmons.	H Passed 1st Reading H Ref To Com On Government
H0212	Town of Cramerton/Regulate Utility Vehicles.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0213	Alamance/Orange 9% Boundary.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0214	Alamance/Orange Boundary.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0216	Wake Local Stormwater Utility Fees.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0224	Foxfire Village Assessment Validated.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0231	Fayetteville's Gates Four Annexation Repeal.	H Filed
H0236	Biltmore Lake Annexation Repealed.	H Filed
S0083	Wilson School Board.	S Passed 2nd & 3rd Reading
S0177	Greensboro Rental Property Utility Liens.	S Passed 1st Reading S Ref To Com On State and Local Government
S0178	41st Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0182	Greenville/Email Subscription Lists.	S Passed 1st Reading S Ref To Com On State and Local Government
S0185	15th Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0189	46th Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0192	7th Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0193	48th Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0197	34th Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0200	Alamance/Orange 9% Boundary.	S Filed
S0201	Alamance/Orange Boundary.	S Filed
S0202	6th Senatorial District Local Act.	S Filed

S0206 45th Senatorial District S Filed
Local Act.
S0227 Haywood Community College S Filed
Leases.

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 45. [ACCELERATE CLEANUP OF INDUSTRIAL PROPERTIES](#). Filed 2/7/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 130A-310.76 to require a person who undertakes remediation of environmental contamination under site-specific standards to pay a fee to the Inactive Hazardous Sites Cleanup Fund (Fund) in an amount equal to \$3,500 (was, \$4,500) for each acre or portion of an acre of contamination, with a maximum fee of \$125,000.

Agriculture, Environment, and
Natural Resources

SENATE BILLS

S 31. [CLARIFY PENALTY UNAUTH. PRACTICE OF MEDICINE \(NEW\)](#). Filed 2/2/11. Senate committee substitute makes the following changes to 1st edition.

The 1st edition made the unauthorized practice of medicine a Class I felony in all cases. Amends GS 90-18(a) to create an exception making the unauthorized practice of medicine a Class 1 misdemeanor if (1) the person has an inactive license due to failure to complete the annual registration in a timely manner or (2) the person is licensed, registered, and practicing under any other Article in GS Chapter 90. Makes conforming and technical changes.

Employment and Retirement;
Health, Social Services, and Aging

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

March 7, 2011

HOUSE convenes at 7:00 p.m.

SENATE convenes at 7:00 p.m.