

# Daily Bulletin

## ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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### School of Government

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Legislative Reporting Service, State Legislative Building, Raleigh, NC 27601

Phone 919.733.2484 ~ Fax 919.715.3464 ~ [www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu)

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House Legislative Day 25

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## SUMMARIES OF BILLS FILED

### *Public Bills*

#### **HOUSE BILLS**

**H 267. [MENTAL HEALTH WORKERS' BILL OF RIGHTS](#).** Filed 3/9/11. *TO ENACT THE MENTAL HEALTH WORKERS' BILL OF RIGHTS.*

Enacts new Article 8, the *Mental Health Workers' Bill of Rights*, to GS Chapter 122C to provide basic rights and standards to mental health workers. Enumerates 12 elements for inclusion in the bill of rights for mental health workers, including the right to a safe workplace, the right to family-supporting wages, and the right to a grievance procedure.

**Intro. by Bell.**

GS 122C

Health, Social Services, and Aging

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**H 268. DISAPPROVE CERTAIN RECLAIMED WATER RULES.** Filed 3/9/11. *TO DISAPPROVE CERTAIN REVISIONS TO THE RECLAIMED WATER RULES.*

Disapproves 15A NCAC 02U .0113 (permitting by regulation) and 15A NCAC 02U .0501 (reclaimed water utilization) as adopted by the Environmental Management Commission on November 18, 2010, and approved by the Rules Review Commission on December 16, 2010.

**Intro. by Gillespie, K. Alexander,** UNCODIFIED  
**Avila.**

APA/Rule Making; Agriculture,  
Environment, and Natural  
Resources

**H 269. REAPPOINT EX-OFFENDER REINTEGRATION STUDY.** Filed 3/9/11. *TO REESTABLISH THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.*

As the title indicates. Provides that the Joint Select Committee on Ex-Offender Reintegration into Society (Committee) is to have 16 members with eight members appointed by the Speaker of the House of Representatives (Speaker) and eight members appointed by the President Pro Tempore of the Senate (President Pro Tem). Requires that, of the members appointed by the Speaker and the President Pro Tem, each include one member of the public who is an employee of an organization that provides ex-offender services and one who is a successful ex-offender.

Provides guidelines for the operation of the Committee including convening meetings, appointment of co-chairs, contracting for services and filling of vacancies.

Directs the Committee to study issues related to the reintegration of offenders following incarceration. Specifies that the Committee is to study how North Carolina and other states address barriers facing ex-offenders in accessing jobs, housing, education, training, and services and determine best practices to reduce recidivism. Delineates ten areas and issues the Committee may consider and report on in connection with this study.

Provides that the Committee may submit an interim report of its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly when it convenes. Requires the Committee to submit a final report of its findings and recommendations, including any legislative recommendations, to the 2013 General Assembly when it convenes. Terminates the Committee on the convening of the 2013 General Assembly.

Directs the Legislative Services Commission to allocate funds for the expenses of the Committee from the funds appropriated to the General Assembly for the 2011-12 and 2012-13 fiscal years.

Effective July 1, 2011.

**Intro. by Guice, Bryant.**

STUDY

Criminal Law, Procedure, and  
Sentencing; General Assembly

**H 270. AMEND CONDITIONS OF PROBATION.** Filed 3/9/11. *TO AMEND THE LAW ESTABLISHING THE REGULAR AND SPECIAL CONDITIONS OF PROBATION AND TO REPEAL THE LAW TOLLING THE PROBATION PERIOD WHILE CRIMINAL CHARGES ARE PENDING THAT MIGHT RESULT IN REVOCATION PROCEEDINGS.*

Amends GS 15A-1343(b)(2) to require a defendant on probation to remain accessible to the probation officer by making the defendant's whereabouts known to the officer at all times and not leave the defendant's county of residence or North Carolina (rather than remain within the court's jurisdiction) unless granted written permission by the court or officer. Removes probation condition that the defendant visit the probation officer at a designated time. Enacts new GS 15A-1343(b)(16) to also direct the defendant to supply a breath, urine, or blood specimen to analyze for the possible presence of prohibited drugs or alcohol when instructed by the probation officer, and to pay the analysis costs if required.

Amends GS 15A-1343(b1) to add the following special conditions of probation: (1) do not knowingly associate with any known gang member and do not knowingly be present at any place or location where gangs gather or where gang activity is known to occur, (2) do not wear any item identified with or used by a gang, (3) do not contact any individual who was or may be a witness against or victim of the defendant or the defendant's gang, and (4) do participate in any Project Safe Neighborhood activities as directed by the probation officer.

Repeals GS 15A-1344(g) (concerning tolling the probation period during pending criminal charges that could result in revocation).

Applies to persons placed on probation on and after December 1, 2011.

**Intro. by Guice.**

GS 15A

Criminal Law, Procedure, and  
Sentencing

**H 271. PROBATION OFFICER/ NO CONCEALED CARRY REQUIRED**. Filed 3/9/11. *TO PROVIDE THAT THE PROHIBITION AGAINST CARRYING A CONCEALED WEAPON DOES NOT APPLY TO STATE PROBATION AND PAROLE CERTIFIED OFFICERS WHEN THEY ARE OFF-DUTY.*

Amends GS 14-269(b) as the title indicates. Restricts exemption from the prohibition to off-duty officers who are not consuming or do not have alcohol or unlawful controlled substances in their bodies. Effective December 1, 2011.

**Intro. by Guice.** GS 14 Criminal Law, Procedure, and Sentencing

**H 272. AOC/STUDY COURT RECORDS (=S 223)**. Filed 3/9/11. *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.*

Identical to S 223, filed 3/3/11.

**Intro. by Bryant, Guice.** STUDY Courts

**H 273. STUDY EXPUNCTION OF DISMISSALS/NG VERDICTS (=S 218)**. Filed 3/9/11. *TO APPOINT A STUDY COMMITTEE TO REVIEW CURRENT EXPUNCTION STATUTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.*

Identical to S 218, filed 3/3/11.

**Intro. by Bryant, Guice.** STUDY General Assembly; Criminal Law, Procedure, and Sentencing

**H 274. EX-OFFENDER STUDY RECOMMENDATIONS (=S 222)**. Filed 3/9/11. *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.*

Identical to S 222, filed 3/3/11.

**Intro. by Bryant, Guice, Pierce.** STUDY Criminal Law, Procedure, and Sentencing

**H 275. OSP/HIRING OF EX-OFFENDERS (=S 219)**. Filed 3/9/11. *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.*

Identical to S 219, filed 3/3/11.

**Intro. by Bryant, Pierce, M. Alexander.** UNCODIFIED State Government; Criminal Law, Procedure, and Sentencing

**H 276. PROMOTE FUNDING AVAILABILITY (=S 217)**. Filed 3/9/11. *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.*

Identical to S 217, filed 3/3/11.

**Intro. by Bryant, M. Alexander, Pierce.** UNCODIFIED State Government; Criminal Law, Procedure, and Sentencing

**H 277. GENERAL STATUTES COMM/COLLATERAL CONSEQUENCES (=S 220)**. Filed 3/9/11. *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.*

Identical to S 220, filed 3/3/11.

**Intro. by Pierce, Bryant, Guice.** UNCODIFIED Courts; Education; Criminal Law, Procedure, and Sentencing

**H 278. UPDATE SAVINGS BOND PAYROLL SAVINGS PROGRAM.** Filed 3/9/11. *TO UPDATE THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS TO REFLECT RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT.*

Amends GS 143-304 (Salary deductions and purchase of bonds authorized) and GS 115C-343 (Payroll savings plan for purchase of United States bonds) as the title indicates, including providing for direct deposit.

**Intro. by Hastings.**

GS 115C, 143

Education; State Government

**H 280. COUNTY LAW ENFORCEMENT SERVICE DISTRICT.** Filed 3/9/11. *TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT.*

As title indicates, amends GS 153A-301 to modify the criteria to establish a law enforcement service district as follows: (1) increases the population threshold to 650,000 (was 500,000) and (2) requires that the county have an interlocal agreement with one or more municipalities for the provision of law enforcement services in the unincorporated area of the county.

**Intro. by Brawley.**

GS 153A

Local Government; Emergency Services

**H 281. ETJ RESTRICTIONS.** Filed 3/9/11. *TO ELIMINATE EXTRATERRITORIAL PLANNING JURISDICTION WHEN COUNTYWIDE ZONING IS IN EFFECT, AND WHEN COUNTYWIDE ZONING IS NOT IN EFFECT, TO ALLOW RESIDENTS OF THE ETJ TO RUN FOR MUNICIPAL OFFICE AND VOTE IN ELECTIONS FOR MUNICIPAL OFFICE.*

Amends GS 160A-360, which authorizes cities to exercise certain planning and regulatory powers in areas beyond the city's territorial boundaries, to: (1) prohibit a city from exercising the powers granted by Article 19 of Chapter 160A or any local act outside its corporate limits in any county that has a zoning ordinance in effect that applies to the entire unincorporated areas of the county, other than areas that are in the extraterritorial jurisdiction of a city; (2) allow a city that is currently exercising powers that violate the new provision to continue exercising them until the county adopts an ordinance exercising such powers within all the areas; and (3) authorize qualified voters residing within a city's extraterritorial jurisdiction to be candidates for, and vote in elections for, elective offices of the city if the countywide zoning is not in effect.

Amends GS 163-282 to provide that residents of a city's extraterritorial jurisdiction are considered residents of the city for the purposes of determining their eligibility to vote in elections for officers of the city only.

Amends GS 163-288.1 and GS 163-288.2 to make conforming changes.

Applies to elections held on or after September 1, 2011.

**Intro. by LaRoque.**

GS 160A, 163

Local Government; Elections Law

**H 282. HOAS/NO PROHIBIT WATER OR ENERGY SAVINGS.** Filed 3/9/11. *TO PROVIDE THAT HOMEOWNERS ASSOCIATIONS MAY NOT PROHIBIT THE INSTALLATION OF CERTAIN WATER AND ENERGY EFFICIENCY IMPROVEMENTS BY HOMEOWNERS.*

Enacts new GS 47F-3-123 to prohibit the regulation or ban of water efficiency or energy efficiency improvements by homeowners associations. Provides the following exemptions from the prohibition: (1) for declarations of covenants registered before October 1, 2011, the covenant prohibits the specific water or energy efficiency improvement installed or proposed by the property owner or (2) for covenants registered on or after October 1, 2011, the restriction lists the specific water and energy efficiency measures that are prohibited, and the improvement installed or proposed by the property owner is substantially the same as a restricted measure. Defines *water efficiency improvement* and *energy efficiency improvement*. Effective October 1, 2011.

**Intro. by K. Alexander.**

GS 47F

Property, Land Use, and Housing; Energy and Utilities

**H 285. ACTIVE NATIONAL GUARD SPECIAL PLATE NO COST.** Filed 3/9/11. *TO PROVIDE ACTIVE DUTY NATIONAL GUARD MEMBERS WITH A MOTOR VEHICLE REGISTRATION PLATE AT NO COST.*

Amends GS 20-79.7(a) to provide as title indicates. Effective July 1, 2011.

**Intro. by Killian.**

GS 20

Transportation; Military and Veterans Affairs

**H 286. OFFICIAL HERRING FESTIVAL.** Filed 3/9/11. *ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA.*

Enacts new GS 145-33, as title indicates.

**Intro. by E. Warren.**

GS 145

General Assembly

**H 287. MENTAL HEALTH WORKERS' BILL OF RIGHTS.** Filed 3/9/11. *TO ENACT THE MENTAL HEALTH WORKERS' BILL OF RIGHTS.*

Enacts new Article 8, the *Mental Health Workers' Bill of Rights*, to GS Chapter 122C to provide basic rights and standards to mental health workers. Enumerates 10 elements for inclusion in the bill of rights for mental health workers, including the right to a safe workplace, the right to family-supporting wages, the right to a grievance procedure, and the right to be treated with respect and dignity.

**Intro. by Bell.**

GS 122C

Health, Social Services, and Aging

**H 288. NORTH CAROLINA SCIENCE OLYMPIAD FUNDS.** Filed 3/9/11. *TO APPROPRIATE FUNDS TO EXPAND THE NORTH CAROLINA SCIENCE OLYMPIAD TO ALL ONE HUNDRED COUNTIES.*

Appropriates \$150,000 for 2011-12 from the General Fund to the North Carolina Science Olympiad to expand the program to all 100 counties, sponsor at least 15 regional tournaments, increase the number of schools participating, and provide a state director. Effective July 1, 2011.

**Intro. by Glazier, Weiss, Parmon,** APPROP

Budget and Appropriations

**Michaux.**

**H 289. AUTHORIZE VARIOUS SPECIAL PLATES.** Filed 3/9/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES.*

Amends GS 20-79.4(b) to direct the Division of Motor Vehicles to issue various special registration license plates categorized as follows: American Red Cross, Armed Forces Expeditionary Medal Recipient, Battle of Kings Mountain, Blue Knights, Boy Scouts of America, Brenner Children's Hospital, Carolina Raptor Center, Carolina Regional Volleyball Association, Carolinas Credit Union Foundation, Carolinas Golf Association, Childhood Cancer Awareness, Choose Life, Coastal Land Trust, Daniel Stowe Botanical Garden, Donate Life, First in Turf, Farmland Preservation, Girl Scouts, High Point Furniture Market 100<sup>th</sup> Anniversary, Hollerin', Home of American Golf, Jaycees, Legion of Merit, Lifetime Sportsman, Mayor, Mountains-to-Sea Trail, Municipal Council, NC Beekeepers, NC Civil War, NC Fisheries Association, NC Horse Council, NC Mining, NC Wildlife Federation, NC Veterinary Medical Association, NC Victim Assistance Network, North Carolina Emergency Management Association, North Carolina Master Gardener, North Carolina State Flag, Outer Banks Preservation Association, P.E.O. Sisterhood, Pamlico-Tar River Foundation, Phi Beta Sigma Fraternity, Piedmont Airlines, Relay for Life, Ronald McDonald House, School Board, Silver Star Recipient/ Disabled Veteran, S.T.A.R., Support NC Education, Support Soccer, Toastmasters Club, Town of Oak Island, Travel and Tourism, United States Service Academy, and Victory Junction Gang Camp. Provides that the development of each of the special registration plates is contingent on receiving at least 300 plate applications. Provides that the development of the plate *Battleship North Carolina* is contingent on receiving at least 300 applications. Changes the name of the US Navy Specialty plate to the US Navy Submarine Veteran plate.

Provides for additional registration fees ranging from \$15 to \$30 for special registration plates. Amends GS 20-79.7(b) to provide for the distribution of fees collected for the new special registration plates to the Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account (CCAPA).

Amends GS 20-79.7(a) to delete the Olympic Games special registration plate.

Adds 12 special registration license plates to the list of those identified in GS 20-63(b) that do not have to bear the phrase *First in Flight*: (1) Battle of Kings Mountain, (2) Carolina Raptor Center, (3) Carolinas Credit Union Foundation, (4) Coastal Land Trust, (5) Donate Life, (6) Farmland Preservation, (7) NC Civil War, (8) NC Mining, (9) North Carolina State Flag, (10) North Carolina Zoological Society, (11) Travel and Tourism, and (12) United States Service Academy.

Amends GS 20-81.12(b2) to provide that the transfer from the CCAPA of money from the sale of the special attraction plate *Old Baldy* is to be transferred quarterly to the Old Baldy Foundation Inc. and the revenue from the sale of the special plate *U.S.S. North Carolina Battleship Commission* is to be transferred quarterly to the U.S.S. North Carolina Battleship Commission to be used for educational and preservation programs and operating expenses. Further amends GS 20-81.12 to provide for the use of funds derived from the sale of the proposed new plates.

Effective July 1, 2011, enacts new GS 20-79.8 providing for the expiration of a special registration plates authorized under GS 20-79.4 on July 1 of the second calendar year in which the plate was authorized if the required number of applications for the special plate has not been received by the DMV. Provides that the DMV will not accept applications for or advertise any special registration plate that has expired. Requires the DMV to provide written notification to the Revisor of Statutes no later than July 15 of each year identifying which special registration authorizations have expired as a matter of law under these provisions. Directs the DMV to publish a copy of the written notification on its website or that of the Department of Transportation. Requires the Revisor of

Statutes to verify that the authorization for each special plate registration has expired upon receiving notice of the expiration from the DMV. Provides additional responsibilities of the Revisor of Statutes in amending the necessary statutes.

Despite the above provisions, provides that a special plate authorization under GS 20-79.7 prior to July 1, 2011, expires as a matter of law on July 1, 2013, if the required number of applications has not been received. Also requires written notice to the Revisor of Statutes under this section and places accountability for verifying that each special plate has expired and making the necessary statutory amendments on the Revisor of Statutes upon receipt of notice from the DMV. Authorizes the Revisor of Statutes to alphabetize, number, and renumber the special registration plates listed in GS 20-79.4 to ensure that all the special registration plates are listed in alphabetical order and numbered accordingly.

**Intro. by Gillespie.**

GS 20

Transportation

**H 293. SUMMARY EJECTMENT/SUMMONS IN ENVELOPE.** Filed 3/9/11. *PROVIDING THAT THE SUMMONS AND COMPLAINTS IN A SUMMARY EJECTMENT ACTION IF AFFIXED TO THE DEMISED PREMISES SHALL BE PLACED IN AN ENVELOPE CONTAINING A WINDOW THROUGH WHICH THE NAME AND ADDRESS OF THE TENANT ARE DISPLAYED.*

Amends GS 42-29 as title indicates. Requires that the plaintiff to an action must provide the windowed envelopes and specifies the size of the envelopes. Directs the Administrative Office of the Courts to make any necessary adjustments to forms for summonses and complaints to ensure that the name and address of the tenant are properly displayed. Effective October 1, 2011, and applies to summonses and complaints affixed to demised premises on or after that date.

**Intro. by Floyd.**

GS 42

Property, Land Use, and Housing

**H 297. HOLD ON TO YOUR DRIVERS LICENSE.** Filed 3/9/11. *TO MAKE IT UNLAWFUL FOR ANY BUSINESS TO REQUIRE THAT A LICENSED DRIVER RELINQUISH HIS OR HER DRIVERS LICENSE.*

Enacts new GS 75-62.1 to prohibit any business from requiring a person to relinquish his or her driver's license to the business for any purpose except when a copy of a driver's license is required to be made by law or contract, in which case the license must be returned immediately after making the copy. Makes a violation of the proposed statute a violation of GS 75-1.1 (unfair methods of competition).

**Intro. by Starnes.**

GS 75

Business and Commerce;  
Transportation

**H 298. INSURANCE AMENDMENTS.** Filed 3/9/11. *TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE ASSOCIATION AGGREGATE SECURITY SYSTEM.*

Amends GS 58-2-69(g) to authorize the Commissioner of Insurance (Commissioner) to contract with the National Association of Insurance Commissioners (NAIC) or other parties to provide online services to *applicants* and licensees, for administrative services, *license processing and support services*, and regulatory data systems. Allows the NAIC or other contracted party to charge *applicants* and licensees a reasonable fee for these services, in addition to any applicable license application and renewal fees. Current law exempts contracts for these services from the provisions of Articles 3, 3C, and 8 of GS Chapter 143 (contracting requirements) and Article 3D of GS Chapter 147 (State Information Technology Services). Effective July 1, 2011.

Enacts new subsections (d), (e), (f), and (g) to GS 58-3-150 (forms to be approved by the Commissioner) to define a *certificate of insurance* as a document prepared or issued by an insurance company or producer used to verify or evidence the existence of property or casualty insurance coverage, but does not include a policy of insurance or insurance binder. States that a certificate of insurance does not amend, extend, or alter the coverage of the policy to which the certificate of insurance refers, and does not confer to a certificate holder new or additional rights beyond those expressly provided in the referenced policy. Makes it unlawful to knowingly prepare, issue, request, or require a certificate of insurance that (1) has not been filed with and approved by the Commissioner; (2) contains any false or misleading information; or (3) purports to alter, amend, or extend the coverage provided by the applicable insurance policy. Provides that a certificate holder will only have a legal right to notice of cancellation, nonrenewal, or any material change if the holder is named in the policy or endorsement, which requires notice. Effective October 1, 2011.

Enacts new GS 58-50-131 to prohibit any schedule of premiums for health benefit plan coverage or amendment from being used with the health benefit plan until a copy of the premium schedule or amendment has been filed with and approved by the Commissioner. Lists requirements for schedules or amendments so filed. Directs the Commissioner to approve or disapprove a schedule of premium rates within 60 days of a complete filing. Provides for notice and a hearing if the Commissioner disapproves the schedule. Requires the Commissioner to adopt rules (1) to prevent the federal preemption of health insurance regulation in North Carolina; (2) to implement the statute's provisions; and (3) to establish minimum standards for loss ratios of policies, as detailed. Effective July 1, 2011.

Enacts new GS 58-3-285 to direct an insurer who offers nondependent child coverage to offer open enrollment either continuously throughout the year or during January and July of each year. Requires this coverage to be issued without any riders based on the child's health status. Clarifies that an insurer may adjust the initial premium to the extent that the adjustment is in compliance with the applicable product's current approved rate filing. Defines terms used in the statute, and directs the Commissioner to adopt rules as necessary and proper to implement the statute. Effective October 1, 2011.

Amends GS 58-12-2 (definitions applicable to Risk-Based Capital Requirements) to add that a *health organization* is any insurer required by the Commissioner to use the NAIC Health Annual Statement Blank when filing the annual statement under GS 58-2-165. Clarifies that a *life or health insurer*, a *property or casualty insurer*, and a *domestic insurer* do not include any insurer that is required by the Commissioner to use the NAIC Health Annual Statement Blank when it files the annual statement. Makes a conforming change. Effective October 1, 2011.

Amends GS 58-12-11(a) to add that a *company action level event* also occurs with the filing of a risk-based capital report that indicates the insurer has total adjusted capital that is greater than or equal to its company action level risk-based capital, as specified, in the case of a property or casualty insurer or health organization. Makes conforming and clarifying changes. Effective October 1, 2011.

Enacts new GS 58-33-27 to provide that no adjuster license is required for an individual who, in connection with insurance on portable consumer electronic devices, collects claim information from or furnishes claim information to insured parties or claimants, conducts data entry as detailed, and does not exercise discretion in the claim disposition, provided the individual is an employee of a licensee under GS Chapter 58 (Insurance Law). States that a producer acting as a supervisor is not required to be licensed as an adjuster. Defines *automated claims adjudication system* and *portable consumer electronic devices*. Applies to licenses issued on or after July 1, 2012.

Amends GS 58-33-30(e) by adding new subsection (2a) requiring adjusters who adjust federal crop insurance claims to pass a proficiency examination approved by the federal Risk Management Agency, or another approved exam, as a condition of obtaining an adjuster's license. Amends GS 58-33-30(e)(1) to exempt adjusters who adjust only federal crop insurance claims from the subsection's examination requirements, provided the adjuster is certified under proposed subsection (2a).

Amends GS 97-132 to remove language requiring approval by the Commissioner for appointments to the North Carolina Self-Insurance Security Association (Association) Board of Directors (Board). Amends GS 97-133(a)(1a) (concerning the North Carolina Self-Insurance Security Fund) to delete language providing for Fund segregation in the Board's discretion. Amends GS 97-133(a)(2a) (establishing the Association Aggregate Security System (System)) to remove provisions requiring and explaining a written plan and language referencing the Commissioner, and instead requires the System to notify the Commissioner at least 90 days before termination if the Association determines it is no longer feasible or practical to continue the System. Also directs the Association to require each member to determine annually its total undiscounted claims liability and inform the Association. Amends GS 97-134 (plan of operation) to direct the Board (instead of the Association) to adopt a Plan of Operation. Removes language and provisions requiring approval by the Commissioner. Makes additional conforming and technical changes, and makes a conforming change to GS 97-136. Amends GS 97-137 to require the Board to submit a financial report for the preceding calendar year, before June 1 (rather than March 30) of each year. Amends GS 97-185(a1)(2) to exclude individual self-insurers with a debt rating below the minimum Standard & Poor's or Moody's rating *if a minimum debt rating has been established by the Board from the System*. Makes these amendments effective July 1, 2011.

**Intro. by Dockham.**

GS 58, 97

Business and Commerce

**H 299. SURPLUS LINES/PREMIUM TAX.** Filed 3/9/11. *TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, AND TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE.*

Enacts new GS 58-21-3 to authorize the Commissioner of Insurance (Commissioner) to enter into cooperative or interstate agreements to establish additional and alternative nationwide uniform eligibility requirements to be applied to nonadmitted insurers (an insurer not licensed to do business as an insurer in North Carolina) domiciled in another state or United States territory.

Enacts new GS 58-21-4 to authorize the Commissioner to utilize databases and contract with nonagricultural entities to carry out the provisions of the federal Nonadmitted and Reinsurance Reform Act of 2010 (NRRRA) and assist in performing the Commissioner's duties.

Amends GS 58-21-10 to add definitions for the following terms as used in Article 21 of GS Chapter 58: (1) *affiliate*, (2) *affiliated group*, (3) *control*, and (4) *reciprocal state*. Modifies the definition for *nonadmitted insurer* to provide that it does not include a risk retention group, as defined in GS 58-22-10(10).

Enacts new GS 58-21-11 to provide that with respect to an insured, *home state* means either (1) the state where an insured has its principal place of business, or if an insured is an individual, the individual's principal residence or (2) if 100% of the risk is located outside of the state that is the principal place of business or residence, then home state means the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated. Provides that when two or more insureds from an affiliated group are named as insureds on a single nonadmitted insurance contract, then home state means the home state of the member of the affiliated group that has the largest percentage of premium attributed to it under the insurance contract.

Amends GS 58-21-15 to add as a required condition for the placement of surplus lines by a surplus lines licensee that each insurer be authorized to write the kind of insurance in its domiciliary jurisdiction.

Enacts GS 58-21-16 to provide a streamlined application process for a surplus lines licensee trying to procure or place nonadmitted insurance in this state for an exempt commercial purchaser, providing the specified conditions are met. Adds definitions for the following terms as used in this section: (1) *exempt commercial purchaser* and (2) *qualified risk manager*. Makes dollar amount adjustments to these provisions effective on the fifth January 1 that occurs after the date this statute is enacted and each fifth January 1 occurring thereafter. Also provides that dollar amounts addressed in this statute are to be adjusted to reflect the percentage change for each five-year period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the U.S. Department of Labor.

Enacts GS 58-21-17 to provide that nothing in Article 21 of GS Chapter 58 prohibits a surplus lines licensee from placing surplus lines insurance with alien insurers listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners (NAIC).

Amends GS 58-21-20(a) regarding a surplus lines licensee's placement of coverage with a nonadmitted insurer to prohibit the Commissioner from making an affirmative finding of acceptability of the placement with a nonadmitted insurer when the nonadmitted insurer's capital and surplus is less than \$4.5 million.

Amends GS 58-21-85 to require that every person licensed under Article 21 collect and pay to the Commissioner 5% of the gross premiums charged in addition to the full amount of gross premiums charged by the insurer for insurance. Specifies guidelines governing the computation of the tax. Prohibits the surplus lines licensee from rebating any part of the tax for any reason. Provides additional details covering the collection and allocation of the tax. Authorizes the Commissioner to enter the NAIC Nonadmitted Insurance Multi-State Agreement for the purpose of carrying out the NRRRA.

Amends GS 58-28-5(b) to provide that all of the provisions in Article 21 of GS Chapter 58, which relate to apportionment of premium taxes when there are multistate risks, apply to the payment of the premium tax in this subsection.

Makes conforming changes to GS 58-21-35 and GS 58-21-65(a).

Effective June 1, 2011.

**Intro. by Dockham.**

GS 58

Business and Commerce

**H 300. ELECTION FAIRNESS ACT OF 2011.** Filed 3/9/11. *TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES AS THEY APPEAR ON BALLOTS, TO ELIMINATE STRAIGHT-PARTY TICKET VOTING, AND TO PROVIDE PARTISAN BALANCE ON THE STATE BOARD OF ELECTIONS.*

Amends GS Chapter 163 in three ways: (1) requires that the order in which political parties appear on election ballots be rotated so that the names of candidates and political parties appear in a maximum number of different orders and to achieve a reasonably even rotation of ballot styles in each county, (2) eliminates the "straight-party" ticket voting method (a place on the ballot to cast one vote simultaneously for all candidates for office of a particular political party), and (3) increases the membership of the State Board of Elections from five to



six and retains current requirement that not more than three members of the Board shall be members of the same political party. Provisions regarding political party rotation and elimination of straight-party ticket voting method are effective with respect to elections conducted on or after January 1, 2012.

**Intro. by Jones, Parfitt, Hager.** GS 163 Elections Law

**H 301. JT. LEGIS. STUDY ON ALTERNATIVE CURRENCY.** Filed 3/9/11. *ESTABLISHING A JOINT LEGISLATIVE STUDY COMMITTEE ON ALTERNATIVE CURRENCY.*

Creates the 14-member Joint Legislative Study Committee on Alternative Currency (Committee) to study whether North Carolina should adopt an alternative currency in the event of a major breakdown of the Federal Reserve System. Sets forth appointment procedures, meeting guidelines, and additional operating details. Directs the Committee to make a final report, including any proposed legislation, to the 2012 Regular Session of the 2011 General Assembly upon its convening, and to terminate at the earlier of the report filing or the session convening. Includes whereas clauses.

**Intro. by Bradley.** STUDY General Assembly;  
Business and Commerce

**H 302. CHARITABLE LICENSING EXEMPTION CLARIFICATION.** Filed 3/9/11. *TO BROADEN THE EXEMPTION FROM CHARITABLE SOLICITATION LICENSING REQUIREMENTS FOR CERTAIN NONPROFIT ADULT RESIDENTIAL TREATMENT FACILITIES.*

Amends GS 122C-22 to broaden the exemption from charitable solicitation licensing requirements to include any charitable, nonprofit, faith-based, adult residential treatment facility that does not receive any federal or state funding by repealing the requirement that such entities be part of an international organization serving at least 50 countries and other related criteria. Effective July 1, 2011.

**Intro. by Earle, Samuelson.** GS 122C Business and Commerce

**H 303. FUNDS/POISON CONTROL.** Filed 3/9/11. *TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO PROVIDE STATEWIDE POISON CONTROL SERVICES THROUGH THE CAROLINAS POISON CENTER, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.*

Appropriates \$500,000 for 2011-12 and \$500,000 for 2012-13 from the General Fund to the Department of Health and Human Services, Division of Public Health. Directs that funds be used to increase the state contract with the Carolinas Poison Center. Effective July 1, 2011.

**Intro. by Earle.** APPROP Budget and Appropriations

**H 304. CHILD DEATH RESEARCH FUNDS (=S 102).** Filed 3/9/11. *TO APPROPRIATE FUNDS TO IMPROVE CHILD DEATH RESEARCH AND INVESTIGATION IN NORTH CAROLINA, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.*

Identical to S 102, filed 2/22/11.

**Intro. by Earle.** APPROP Budget and Appropriations

**H 305. FOOD BANK FUNDS (=S 239).** Filed 3/9/11. *TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS.*

Identical to S 239, filed 3/7/11.

**Intro. by Earle.** APPROP Budget and Appropriations

**H 306. MISCELLANEOUS SERVICE/PROCESS AMENDMENTS.** Filed 3/9/11. *TO (1) ALLOW SERVICE BY SIGNATURE CONFIRMATION OR DESIGNATED DELIVERY SERVICE IN SMALL CLAIM ACTIONS ASSIGNED TO MAGISTRATES AND IN ADMINISTRATIVE CASES, (2) CLARIFY THAT THE SIXTY-DAY TIME FRAME FOR SERVING A SUMMONS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE APPLIES TO ALL SUMMONS UNDER RULE 4(J) AND (J1), (3) REQUIRE THAT A COPY OF A MOTION TO TERMINATE PARENTAL RIGHTS THAT IS SERVED ON A PARENT BE SENT TO THAT PARENT'S ATTORNEY OF RECORD, IF ANY, (4) REQUIRE THAT A PARTY'S ATTORNEY OF RECORD, IF ANY, MUST BE SERVED WHEN SERVICE IS MADE UNDER RULE 5(B) OF THE RULES OF CIVIL PROCEDURE, IN ADDITION TO ANY SERVICE ON THE PARTY, AND (5) CLARIFY THAT AN ATTORNEY MAY BE SERVED UNDER RULE 5(B) BY MAIL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Amends various provisions of law and the Rules of Civil Procedure regarding service of process, including (1) amending GS 7A-217, GS 150B-23(c), GS 150B-36(b3), GS 150B-38(c), and GS 150B-42(a) to allow service by signature confirmation or designated delivery service in small claim actions assigned to magistrates and in

administrative cases; (2) amending GS 1A-1, Rule 4(c) to clarify that the sixty-day time frame for serving a summons under Rule 4 of the Rules of Civil Procedure applies to all summons under Rule 4(j) and (j1); (3) amending GS 7B-1102 to require that a copy of a motion to terminate parental rights that is served on a parent be sent to that parent's attorney of record, if any; and (4) amending GS 1A-1, Rule 5(b) to require that a party's attorney of record, if any, must be served when service is made under Rule 5(b), in addition to any service on that party, and that an attorney may be served under Rule 5(b) by mail. Effective October 1, 2011.

**Intro. by Ross.**

GS 1A, 7A, 7B, 150B

Civil Law and Procedure;  
APA/Rule Making; Courts

**H 308. ADMISSION TICKET REFORM ACT.** Filed 3/9/11. *TO REFORM THE PROCESS OF TICKETING, SELLING, AND RESELLING ADMISSION TICKETS.*

Adds a new Article 45, Admission Ticket Sales and Resales, to GS Chapter 66. Provides definitions for the following terms as used in the proposed Article: (1) admission ticket, (2) event, (3) on-sale date and time, (4) person, (5) public funding, (6) resale, (7) ticket issuer, and (8) venue.

Defines *event* as any concert, theatrical performance, sporting event, exhibition, show or similarly scheduled activity taking place in this state that is open to the public, charges an admission fee, and is held at a venue that holds more than 1,000 persons. Includes venues built, maintained, or operated via public funding or are on property owned by a municipality or other government entity. Requires a ticket issuer to provide advance public notice of its ticket policies for each event subject to proposed Article 45. Specifies the information that the notice of the event must contain. Requires that the notice of the event be accompanied by certification that states all of the following: (1) the person making the notice is the ticket issuer or authorized designee of the ticket issuer, (2) the ticket issuer is in compliance with the minimum consumer protection standards set out in proposed GS 66-393, (3) all tickets designated for sale to the public will be available to sale to the general public as stated in the notice, and (4) all of the information in the notice is true and correct to the best of the knowledge and belief of the party submitting the message.

Makes knowingly making a material false or misleading statement a violation of this proposed Article. Provides that nothing in these provisions is to be construed as restricting the sale or resale of any admission ticket that has not been identified in a public notice as a public sale admission ticket.

Makes it unlawful for a ticket issuer to set limits for the purpose of restricting ticket resales, as specified, except as otherwise provided in proposed Article 45 or in GS 14-344.1. Provides that the scope of Article 45 does not apply to a person who resells 120 admission tickets or less in any 12-month period. Provides that Article 45 applies to the following trades or businesses: (1) acting as a ticket issuer (2) engaging in the resale of admission tickets, and (3) providing a physical or electronic marketplace for the sale or resale of admission tickets by other persons. Sets consumer protection minimum standards requiring a person engaging in business or trade regulated under this act to (1) maintain a toll-free telephone number for customers, and (2) implement and publish a standard refund policy that meets the stated minimum standards. Provides requirements for the refund policy. Permits implementing consumer protection policies that exceed the minimum standards provided under this Article.

Permits the Department of Justice to bring a civil action in a court of this state for any violation of this Article to enforce laws of this state for the protection of consumers or the prevention of unfair or deceptive acts or practices. Provides criteria for remedies available in a civil action including injunctive relief and damages. Sets a two-year statute of limitations on bringing an action under this Article. Makes a conforming change to GS 1-53.

Provides that proposed Article 45 of GS Chapter 66 preempts and supersedes any local ordinance or resolution that limits the price at which an admission ticket may be resold, imposes any restriction on the resale of an admission ticket that is inconsistent with this article, and permits any action prohibited by this Article, but only to the extent that it is inconsistent with this Article. Specifies conditions when no state law or local ordinance is to be treated as inconsistent with proposed Article 45.

Provides exceptions that proposed Article 45 does not invalidate restrictions imposed on the resale of tickets by (1) sponsors or promoters of events solely intended to benefit charitable endeavors for which all the tickets are distributed free of charge or (2) not-for-profit educational institutions with respect to athletic events involving athletes or teams of that institution and ticket resales without charge to faculty, students, staff, or alumni and members of bona fide booster organizations making substantial financial contributions to the institution.

Amends GS 14-344.1 (regarding the Internet sale of admission tickets in excess of printed price) to provide that a person who resells or offers to resell admission tickets under this statute must comply with the requirements of proposed new GS 66-393. Makes a conforming change.

Effective January 1, 2012.

**Intro. by LaRoque, Guice,  
Tolson, Glazier.**

GS 1, 14, 66

Business and Commerce; Criminal  
Law, Procedure, and Sentencing

**H 309. SELECTIVE VEGETATION REMOVAL/STATE HIGHWAYS.** Filed 3/9/11. *TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM AND FOR THE ERECTION OF OUTDOOR ADVERTISING.*

Amends various provisions of GS Chapter 136 for purposes as indicated in the title.

Raises the fee for a vegetation removal permit from \$200 to \$400 per site and specifies that the fee is nonrefundable. Prohibits, except as specified in new GS 136-133.1(f), cutting, trimming, removing, or pruning any tree, shrub, or underbrush in or on any right-of-way of a state road or highway without a written permit issued by the Department of Transportation (DOT) and in accordance with DOT rules and GS 136-133.1, GS 136-133.2, and GS 136-133.4. Requires that the owner of an outdoor advertising sign or of a business facility make the request for a permit for selective vegetation removal to the appropriate roadside environmental engineer in the Division of Highways office on a form required by the DOT. Provides that a permit may not be issued to provide visibility to on-premise signs. Provides that if the site is inside city limits, the municipality has 30 days to review and provide nonbinding comments on the application if the municipality has met certain requirements. Prohibits local governments from regulating removal of vegetation within the limits of interstate or primary highway rights-of-way by any permit holder or anyone otherwise authorized by the DOT.

Enacts new GS 136-93.2 to specify the criteria for determining, on an annual basis, the monetary value for existing trees removed and eligible for reimbursement to DOT as provided in GS 136-93 or GS 136-133.1.

Amends GS 136-129 to specify limitations and regulations of the erection of outdoor advertising devices. Provides that billboards outside city boundaries must be at least 500 feet apart and that fees under this section are limited to \$150 for the initial fee and \$90 for the annual renewal, with \$30 of each fee to be used for highway beautification. Allows automatic changeable facing signs if specified conditions are met. Prohibits denial of electrical utility permits to an outdoor advertising sign for which a valid permit has been issued.

Enacts new GS 136-133.1 to specify the zone around billboards in which clearing is allowed. Defines an existing tree as one that is four inches or greater in diameter as measured six inches from the ground at the time that the outdoor advertising structure was erected. Provides limitations as to when existing trees may be removed. Provides an exception to permit the owner of an outdoor advertising sign or the owner's designee to clear vegetation without a permit providing that the owner or owner's designee is working only from the private property side of a controlled access fence with the landowner's consent. Requires that native dogwoods and native rosebuds be preserved. Requires the applicant for a selective vegetation removal permit to submit a site plan showing any existing trees that the applicant is requesting to cut, thin, prune, or remove. Includes additional requirements that the applicant provide data identifying the species and size of the trees in the site plan. Provides circumstances under which the DOT may revoke an advertising permit for the removal or modification of vegetation within the right-of-way of any interstate or primary highway.

Enacts new GS 136-133.2 to provide that permits to remove vegetation may only be granted for outdoor advertising locations that have been permitted for at least two years and at the discretion of the DOT. Requires the application for a permit to be decided within 30 days, with the DOT to specify in writing the reasons for denial. Sets out permissible bases for denial. Enacts new GS 136-133.3 to provide the procedure for appeal of the DOT's denial of a permit for selective vegetation removal to the Secretary of Transportation, and provides for judicial review of a final agency decision.

Enacts new GS 136-133.4 and GS 136-133.5 to specify standards for clearing around billboards, methods of clearing and responsibility for damage. Provides that a willful failure to substantially comply with all the requirements specified in the selective vegetation removal permit results in (1) a five-year moratorium on clearing, (2) revocation of a billboard permit for violation of standards, (3) payment of investigative costs, and (4) forfeiture of applicable performance bond. GS 136-133.5 provides additional criteria for denial of a permit for proposed outdoor advertising.

Effective October 1, 2011, and applies to permits, applications, or renewals submitted on or after that date and to offenses occurring on or after that date.

**Intro. by LaRoque, T. Moore,  
Crawford, Bell.**

GS 136

Transportation; Business and  
Commerce

**H 311. HOUSEHOLD GOODS CARRIERS/ID MARKINGS.** Filed 3/9/11. *REQUIRING THAT MOTOR CARRIERS OF HOUSEHOLD GOODS MARK OR IDENTIFY THEIR VEHICLES AND MAKING IT UNLAWFUL FOR A PERSON NOT CERTIFIED BY THE UTILITIES COMMISSION AS A MOTOR CARRIER OF HOUSEHOLD GOODS TO ADVERTISE OR OTHERWISE REPRESENT THAT THE PERSON IS AUTHORIZED TO ENGAGE IN THE TRANSPORTATION OF HOUSEHOLD GOODS FOR COMPENSATION IN THIS STATE.*

Enacts new GS 20-398 , GS 62-280, and GS 62-280.1 requiring commercial motor carriers of household goods governed under Article 12 of GS Chapter 62 to display the name or trade name of the carrier and the North Carolina number assigned to the carrier by the NC Utilities Commission on the sides and rear of all vehicles operated by the carrier. This requirement does not apply to carriers that only engage in interstate commerce. Also makes unlawful falsely advertising or otherwise falsely communicating or implying that a person has been issued a certificate to operate as a carrier of household goods by the NC Utilities Commission. A violation is punishable as a Class 3 misdemeanor with a fine between \$500 and \$2,000, and the NC Utilities Commission may assess a civil penalty of up to \$5,000. Effective October 1, 2011.

**Intro. by Fisher, Samuelson,** GS 20, 62 Business and Commerce;  
**Jeffus, McComas.** Transportation

**H 312. REGISTER OF DEEDS.** Filed 3/9/11. *AMENDING THE METHODS FOR RECORDING SATISFACTION OF A SECURITY INSTRUMENT WITH THE REGISTER OF DEEDS, CLARIFYING THE REQUIREMENTS FOR ELECTRONICALLY REGISTERING PLATS WITH THE REGISTER OF DEEDS, AND AMENDING RESTRICTIONS ON ACCESS TO MILITARY DISCHARGE DOCUMENTS RECORDED WITH THE REGISTER OF DEEDS.*

Amends various sections of GS Chapter 45 governing the methods of recording satisfaction of a security instrument, including methods for appointment of trustee upon renunciation of representative (GS 45-6); methods for requests for copies of notice (GS 45-21.17A(b)); methods for satisfaction of any security instrument intended to secure the payment of money or the performance of any other obligation registered as required by law (GS 45-37(a)); methods for recording (now indexing) satisfactions of security instruments (GS 45-37.2); methods for discharge of recorded instruments (GS 45-73); and repealing GS 45-36.9(e). Also clarifies requirements for electronic registering of plats and subdivision maps (new GS 47-30(o)), effective October 1, 2011. Clarifies that the widow or widower of a member of the military is authorized to have access to military discharge documents on file with the register of deeds (GS 47-113.2(b)(1)), effective when the act becomes law. Effective October 1, 2011, unless otherwise indicated.

**Intro. by Haire, Stevens, Stam,** GS 45, 46, 47, 58 Property, Land Use, and Housing;  
**Spear.** Military and Veterans Affairs

**H 313. REPEAL SAVINGS BOND PAYROLL SAVINGS PROGRAM.** Filed 3/9/11. *TO REPEAL THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS DUE TO RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT.*

Repeals Article 32 of GS Chapter 143 to eliminate the voluntary payroll deduction plan for the purchase of United States savings bonds by state employees. Repeals GS 115C-343 to eliminate a similar voluntary plan for employees of local school administrative units.

**Intro. by Hastings, T. Moore.** GS 143 State Government

**H 314. UNC BOARD OF GOVERNORS ELECTION.** Filed 3/9/11. *TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.*

Sets out House procedures for electing eight members of the UNC Board of Governors as follows: (1) election process to be conducted by the House Select Committee on UNC Board of Governors Nominations; (2) nominations are to be received beginning Friday, March 11, 2011, through 12:00 pm on Thursday, March 17, 2011; (3) candidates must be nominated by a member of the House on a form provided by the Committee Chair, and nomination forms must be submitted to the House Principal Clerk within the applicable timeframe and in compliance with all other requirements set out in the resolution; (4) all proposed nominees shall be listed by the Committee on or after March 18, 2011, after which the Committee shall screen candidates; (5) election will be held in the House no later than the beginning of the daily session on Tuesday, March 29, 2011; and (6) other procedural matters regarding form and method of election.

**Intro. by T. Moore.** HOUSE RES General Assembly; Education

**H 316. NCGA POLICE/STATEWIDE JURISDICTION.** Filed 3/9/11. *TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION.*

Amends GS 120-32.2 to extend statewide the authority of the General Assembly Special Police to arrest and take other investigatory actions related to any criminal offense.

**Intro. by Committee on Judiciary** GS 120  
**Subcommittee A.**

General Assembly

## SENATE BILLS

**S 275. OFFICIAL HERRING FESTIVAL (=H 286).** Filed 3/9/11. *ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA.*

Identical to H 286, filed 3/9/11.

**Intro. by Jenkins.** GS 145

General Assembly

**S 276. SPIRITUOUS LIQUOR TASTINGS AT ABC STORES.** Filed 3/9/11. *TO ALLOW SPIRITUOUS LIQUOR TASTING AT LOCAL ABC STORES.*

Amends GS Chapter 18B by enacting a new GS 18B-1120 authorizing consumer tasting events of spirituous liquor to be held at ABC stores under certain conditions, including limiting the quantity of tasting samples consumed per customer to 1.5 ounces per day, conducting tasting events only during times that spirituous liquor is allowed to be sold, and prohibiting consumption of tasting samples by persons under the legal age. Effective October 1, 2011.

**Intro. by Jenkins.** GS 18B

Alcoholic Beverage Control

**S 277. ABC BOARD SUNDAY SALES/LOCAL OPTION.** Filed 3/9/11. *TO AUTHORIZE LOCAL ABC BOARDS TO OPERATE ON SUNDAYS.*

Amends GS 18B-802, as title indicates.

**Intro. by Jenkins.** GS 18B

Alcoholic Beverage Control

**S 278. CONTINUE P3 STUDY.** Filed 3/9/11. *TO CONTINUE THE STUDY OF PUBLIC-PRIVATE PARTNERSHIPS BY A LEGISLATIVE STUDY COMMISSION.*

Establishes a sixteen-member Legislative Study Commission (Commission) to study issues related to public-private partnerships (PPPs), including examination of the appropriate authority for state, regional, and local government units to engage in PPPs for public capital projects through a regulatory framework. Specifies the composition of Commission, appointive authorities, and procedures for filling vacancies. Requires the Commission to include and consult with the Secretary of Transportation, the North Carolina Turnpike Authority, the State Treasurer, the Local Government Commission, the State Construction Office, the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, and the North Carolina School Boards Association in its deliberations. Authorizes the Commission to contract for professional, clerical, or consultant services and directs the Legislative Services Commission, the House of Representatives and Senates Directors of Legislative Assistants to assign professional and clerical staff to the Commission to assist it in its work. Allows the Commission to report its recommendations and proposals to the 2012 Regular Session of the 2011 General Assembly on or before its convening.

**Intro. by Jenkins.** STUDY

General Assembly; State  
Government; Local Government

**S 279. CLARIFY RENEWABLE ENERGY RESOURCE DEFINITION.** Filed 3/9/11. *TO AMEND THE DEFINITION OF "RENEWABLE ENERGY RESOURCE" THAT PERTAINS TO THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS) TO CLARIFY THAT WOOD IS A RENEWABLE ENERGY RESOURCE AND THAT WOOD NEED NOT BE A WASTE PRODUCT TO QUALIFY AS A RENEWABLE ENERGY RESOURCE.*

Amends GS 62-133.8 (a), as title indicates.

**Intro. by Jenkins.** GS 62

Agriculture, Environment, and  
Natural Resources; Energy and  
Utilities

**S 280. GRIFTON SHAD FESTIVAL.** Filed 3/9/11. *ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF NORTH CAROLINA.*

Enacts new GS 145-33, as title indicates.

**Intro. by Jenkins.**

GS 145

General Assembly

**S 281. MUNICIPAL SERVICE DISTRICT/STREETS.** Filed 3/9/11. *TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES.*

Amends GS 160A-536 to establish municipal service districts to convert private residential streets, including streets within planned community associations, to public streets under certain conditions, including conveying street-related common elements to the city, accepting conveyance of the streets by the city for perpetual public maintenance, restricting levy of property taxes within the district to not more than 30% of the ad valorem rate in the city, and limiting use of tax proceeds to street improvement-related costs within the service district. Service districts created and taxes levied under this provision must be abolished once all street improvement-related costs have been recovered.

**Intro. by Stein.**

GS 160A

Local Government

**S 282. STATE HEALTH PLAN/ADD STERLING MONTESSORI (=H 244).** Filed 3/9/11. *TO AUTHORIZE STERLING MONTESSORI ACADEMY AND CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.* Identical to H 244, filed 3/7/11.

**Intro. by Stein.**

UNCODIFIED

Health, Social Services, and Aging

**S 283. SCHOOL CALENDAR FLEXIBILITY/INCLEMENT WEATHER.** Filed 3/9/11. *TO ADDRESS SCHOOL DAYS MISSED BY MOUNTAIN COUNTIES DUE TO INCLEMENT WEATHER.*

Creates an exception to the required instructional time for local school administrative units (LEAs) that missed more than 15 instructional days during the 2010-11 school year due to inclement weather. Amends GS 115C-84.2(a)(1) to provide that a school calendar may include a minimum of *either* 180 days *or* 1,000 hours of instruction (was, a minimum of 180 days *and* 1,000 hours of instruction) covering at least nine calendar months. Allows a local board of education to comply with the school calendar requirement in the case of inclement weather by scheduling 1,000 hours of instruction on less than 180 days. Provides that an LEA making a calendar adjustment due to inclement weather meets the minimum 180-day requirement for instruction days. Also provides that teachers employed for a 10-month term are deemed to have been employed for 180 instructional days. Directs that all other employees are to be compensated as if they had worked their regularly scheduled hours for 180 instructional days.

Creates an exception to the required instructional time for charter schools that missed more than 15 instructional days during the 2010-11 school year due to inclement weather. Amends GS 115C-238.29F(d)(1) to direct a charter school to provide instruction each year for a minimum of *either* 180 days *or* 1,000 hours (was, for at least 180 days) that covers at least nine calendar months.

Applies only to the 2010-11 school year.

**Intro. by Hise.**

GS 115C

Education

**S 284. RELIEF FROM ADMIN. PROCEDURES ACT/COMM. COLL.** Filed 3/9/11. *TO AMEND THE ADMINISTRATIVE PROCEDURES ACT TO GIVE THE STATE BOARD OF COMMUNITY COLLEGES THE SAME EXEMPTION AS THE UNIVERSITY OF NORTH CAROLINA.*

Amends GS 150B-1 to exempt the State Board of Community Colleges from most provisions of the Administrative Procedure Act; not included in this exemption are adjustment of construction contract contested claims under GS 143-135.3 and GS 143-135.6, and judicial review procedures under Article 4 of GS Chapter 150B. Effective July 1, 2011.

**Intro. by Apodaca.**

GS 150B

APA/Rule Making; Education

**S 285. SHP/ADMINISTRATIVE COMMISSION APPOINTMENTS.** Filed 3/9/11. *TO APPOINT MEMBERS TO THE STATE HEALTH PLAN ADMINISTRATIVE COMMISSION UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.*

Appoints Jason A. Carter of Forsyth County and Alan Koontz of Forsyth County to the State Health Plan Administrative Commission effective July 1, 2010, for terms expiring on June 30, 2012.

**Intro. by Apodaca.**

UNCODIFIED

Health, Social Services, and Aging

**S 286. PUBLIC BILL FILING DEADLINE.** Filed 3/9/11. *TO AMEND THE PERMANENT RULES OF THE SENATE TO CHANGE THE PUBLIC BILL REQUEST AND FILING DEADLINE.*

Amends Rule 40.1(b) of the Permanent Rules of the Senate for the 2011 Regular Session (SB1) to extend the public bill request deadline from March 11, 2011, to March 25, 2011, and to extend the public bill introduction deadline from March 23, 2011, to April 12, 2011.

**Intro. by Apodaca.**

SENATE RES

General Assembly

**S 287. EXTEND SMALL BUSINESS CENTER INCUBATOR PERIOD.** Filed 3/9/11. *TO AMEND THE UMSTEAD ACT TO EXTEND THE PERIOD OF TIME FOR WHICH COMMUNITY COLLEGE SMALL BUSINESS INCUBATORS CAN OFFER SERVICES TO NEW BUSINESS VENTURES.*

Amends GS 66-58 to increase the time period for which community college small business incubators may extend their services to a new business venture to 48 months (was 24 months).

**Intro. by Apodaca.**

GS 66

Business and Commerce

**S 296. COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS.** Filed 3/9/11. *TO BROADEN THE DEFINITION OF COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS.*

Amends GS 115C-238.50(e) to expand the definition of a cooperative innovative high school program to include any program operated in cooperation with an institution of higher education.

Amends GS 115C-238.54(a) to specify that the Department of Public Instruction may, but is not required to, assign a school code for each cooperative innovative high school program.

Effective July 1, 2011.

**Intro. by Atwater, McKissick.**

GS 115C

Education

**S 300. MISCELLANEOUS SERVICE/PROCESS AMENDMENTS (=H 306).** Filed 3/9/11. *TO (1) ALLOW SERVICE BY SIGNATURE CONFIRMATION OR DESIGNATED DELIVERY SERVICE IN SMALL CLAIM ACTIONS ASSIGNED TO MAGISTRATES AND IN ADMINISTRATIVE CASES, (2) CLARIFY THAT THE SIXTY-DAY TIME FRAME FOR SERVING A SUMMONS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE APPLIES TO ALL SUMMONSES UNDER RULE 4(J) AND (J1), (3) REQUIRE THAT A COPY OF A MOTION TO TERMINATE PARENTAL RIGHTS THAT IS SERVED ON A PARENT BE SENT TO THAT PARENT'S ATTORNEY OF RECORD, IF ANY, (4) REQUIRE THAT A PARTY'S ATTORNEY OF RECORD, IF ANY, MUST BE SERVED WHEN SERVICE IS MADE UNDER RULE 5(B) OF THE RULES OF CIVIL PROCEDURE, IN ADDITION TO ANY SERVICE ON THE PARTY, AND (5) CLARIFY THAT AN ATTORNEY MAY BE SERVED UNDER RULE 5(B) BY MAIL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to H 306, filed 3/9/11.

**Intro. by Hartsell.**

GS 1A, 7A, 7B, 150B

Civil Law and Procedure;  
APA/Rule Making; Courts

**S 301. REAPPOINT EX-OFFENDER REINTEGRATION STUDY (=H 269).** Filed 3/9/11. *TO REESTABLISH THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.* Identical to H 269, filed 3/9/11.

**Intro. by Hartsell, Dannelly, Jones.**

STUDY

Criminal Law, Procedure, and  
Sentencing; General Assembly

**S 302. PREPAID WIRELESS/POINT OF SALE COLLECTION.** Filed 3/9/11. *IMPOSING A SERVICE CHARGE OF ONE AND TWO-TENTHS PERCENT ON THE PURCHASE OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATION SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE.*

Adds new Article 4, Prepaid Wireless E911 Service Charge, to GS Chapter 62A. Provides definitions for the following terms as used in proposed Article 4: (1) consumer--a person who makes a retail purchase of prepaid wireless communications service; (2) prepaid wireless E911 service charge--the charge that a seller is required to collect from a consumer in the amount established by this Article; (3) prepaid wireless telecommunications service--a wireless service that allows a caller to access the 911 system via dialing 911, service must be paid for

in advance and is sold in predetermined units or dollars; (4) provider—provides prepaid wireless service under a license issued by the Federal Communications Commission (FCC); (5) retail transaction—the purchase of prepaid wireless service from a seller for any purpose other than resale; (6) seller-person selling prepaid wireless telecommunication; and (7) wireless telecommunication service—commercial mobile radio service as defined by 47 CFR Section 20.3, as amended.

Imposes a service charge for prepaid wireless E911 service of 1.2% of the price of each retail transaction; however, authorizes the 911 Board to proportionately increase or reduce the prepaid E911 wireless service charge upon any increase or reduction to the monthly 911 service charge by the 911 Board under GS 62A-43(d). Provides formula for calculating the adjusted prepaid wireless E911 service charge.

Requires the seller of prepaid wireless telecommunications service to collect the prepaid wireless E911 service charge from the consumer for each retail transaction occurring in this state. Requires disclosure of the amount of the service charge to the consumer. Defines when a retail transaction occurs. Directs the seller to remit the E911 service charges the seller collects to the Department of Revenue (Department) at the times and in the manner provided under Article 5 of GS Chapter 105. Permits the seller to retain an administrative allowance of 3% of the service charges it collects from consumers.

Directs the department to establish registration and payment procedures for purposes of receiving remittances from sellers under proposed Article 4. Provides that the registration and payment procedures should substantially coincide with those procedures that apply to taxes imposed under Article 5 of GS Chapter 105.

Provides guidelines for determining the service charge that applies to a prepaid wireless telecommunications service sold with one or more other products for a single, non-itemized price.

Provides that the E911 service charge is the liability of the consumer, but provides that the seller is liable for remitting the service charges the seller collects to the Department. Also provides when the amount collected by a seller from the consumer as prepaid wireless E911 service charge is stated separately on an invoice, receipt, or similar document provided by the seller, the amount collected is not included in the base for measuring any tax, charge, surcharge, or other charge imposed by the state or any subdivision of the state or any governmental agency.

Provides that each provider and seller of prepaid wireless telecommunications service is entitled to the limitation of liability provided in GS 62A-53. Prohibits imposing any E911 funding obligation in addition to the prepaid wireless E911 service charge imposed by proposed Article 4.

Makes conforming changes to GS 62A-43 and repeals GS 62A-40(15) (defining prepaid wireless telephone service).

Makes a conforming change, adding Article 5H, Prepaid Wireless E911 Service Charge, to GS Chapter 105.

Effective January 1, 2012 and applies to all retail transactions occurring in this state, as those terms are defined in proposed Article 4, on or after that date.

**Intro. by Hartsell, McKissick.**

GS 62A, 105

Energy and Utilities; Taxation

**S 303. REAL ID ACT COMPLIANCE BORDER ON LICENSES.** Filed 3/9/11. *TO REQUIRE A RED BORDER OR BACKGROUND ON LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO INDIVIDUALS WHO ARE LEGALLY PRESENT IN THE UNITED STATES FOR A LIMITED DURATION OF TIME TO ENSURE COMPLIANCE WITH THE REAL ID ACT OF 2005.*

Amends GS 20-7(s) to specify that a drivers license of limited duration that is issued to a person who is 21 years of age or older must have a red background or border. Effective August 1, 2011, and applies to drivers licenses issued on or after that date.

**Intro. by Allran.**

GS 20

Transportation

**S 306. ELIMINATE TOBACCO DISCOUNT.** Filed 3/9/11. *TO REPEAL THE DISCOUNT TO TOBACCO VENDORS WHO FILE A TIMELY REPORT.*

Repeals GS 105-113.21(a1) (distributor discount) and 105-113.39(a) (wholesaler or retailer discount) to provide as title indicates. Effective July 1, 2011.

**Intro. by Hartsell.**

GS 105

Taxation

**S 307. SMART CARD BIOMETRICS AGAINST MEDICAID FRAUD.** Filed 3/9/11. *TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO UTILIZE BIOMETRICS TO COMBAT FRAUD.*

Establishes a Smart Card Pilot Program under the Department of Health and Human Services (DHHS), Program Integrity Unit of the Division of Medical Assistance to do all of the following: (1) authenticate Medicaid recipients at the onset and completion of each transaction in order to prevent card sharing and other forms of fraud; (2) deny ineligible persons at the point of transaction; (3) authenticate providers of Medicaid services at the point of transaction to prevent phantom billing and other forms of provider fraud; (4) secure and protect the



personal identity and information of Medicaid recipients; and (5) reduce the total amount of medical assistance expenditures by reducing the average cost per recipient. Defines the following terms: claim, medical assistance card, multifactor authentication, and point of transaction.

Specifies that the pilot program must run for 12 months and include the following: (1) smart cards (which replace existing medical assistance cards) for the storage of Medicaid recipients state benefit information, insurance information, prescription history, and other general health information and that are capable of storing multiple recipients' information on one card; (2) biometric fingerprint scanners and card readers; (3) secure finger-imaging system that is compliant with federal law; (4) information system for recording and reporting authenticated transactions that interfaces with the appropriate state databases to determine eligibility of recipients and that gathers analytical information to be provided to data-mining companies; (5) no requirement for preenrollment of recipients; and (6) the ability to store an image of the Medicaid recipient's image on the smart card and in the database.

Provides metrics to determine if the pilot program is a success and authorizes DHHS to modify program as necessary if it does not meet projected savings threshold. Specifies that pilot program not be expanded unless authorized by the General Assembly. Requires DHHS to submit a detailed report on the implementation and success of the pilot program to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, Chairs of the Senate and House of Representatives Appropriations Committees, and to the Fiscal Research Division by June 30, 2012.

Specifies that the act must be construed consistent with the federal Social Security Act.

Directs that funds appropriated to DHHS for the 2010-11 fiscal year for the purpose of fraud prevention must be carried forward to the 2011-12 fiscal year to carry out the purposes of the act.

**Intro. by Hartsell.**

UNCODIFIED

Health, Social Services, and Aging

**S 308. STATE REGULATION OF GREENHOUSE GAS EMISSIONS.** Filed 3/9/11. *TO PROVIDE THAT THE STATE'S REGULATION OF GREENHOUSE GAS EMISSIONS SHALL BE NO MORE STRINGENT THAN ANY FEDERAL REGULATION AND NO MORE STRINGENT THAN ANY FEDERAL LAW.*

Prohibits any state agency, regulatory board, or commission from developing, adopting, implementing, or enforcing any new rule, or amending, implementing, or enforcing any existing rule, that regulates greenhouse gas emissions or limits human activity for the purpose of reducing greenhouse gas emissions to the extent that the rule is more stringent than any federal law or regulation. Defines *greenhouse gas* and *human activity*.

**Intro. by Jackson, East, Tucker.**

UNCODIFIED

Agriculture, Environment, and  
Natural Resources

**S 309. CONSERVATION EASEMENTS STEWARDSHIP FUNDS.** Filed 3/9/11. *TO AUTHORIZE THE GOVERNING BOARD OF ANY SOIL AND WATER CONSERVATION DISTRICT TO ESTABLISH A SPECIAL RESERVE FUND TO BE USED FOR MAINTAINING CONSERVATION EASEMENTS.*

Enacts new GS 139-7.1 to provide as title indicates. Requires the governing body of a soil and water conservation district to first adopt a resolution or ordinance that includes (1) the specific purposes of maintaining conservation easements, (2) the approximate periods of time during which the monies are to be accumulated for each purpose, (3) the approximate amounts to be accumulated, and (4) the sources of the monies. Allows amendments to the authorizing resolution or ordinance that authorize the use of monies in the special reserve fund for conservation easement maintenance purposes that were not previously included in the resolution or ordinance. Details accounting and investment procedures, and allows withdrawals from the fund in limited, specified circumstances. Includes whereas clauses. Amends GS 139-3 to define *conservation easement* as an easement that is (1) a qualified real property interest, (2) held by a qualified organization, and (3) used exclusively for conservation purposes (GS 40A-80). Effective July 1, 2011.

**Intro. by Jackson.**

GS 139

Agriculture, Environment, and  
Natural Resources;  
Property, Land Use, and Housing

**S 311. WARRANTLESS ARREST PRETRIAL RELEASE VIOLATION.** Filed 3/9/11. *TO ALLOW WARRANTLESS ARREST FOR VIOLATION OF PRETRIAL RELEASE CONDITIONS WHEN THE VIOLATION OCCURS OUTSIDE THE PRESENCE OF THE OFFICER.*

Amends GS 15A-401(b) as title indicates. Effective December 1, 2011.

**Intro. by East.**

GS 15A

Criminal Law, Procedure, and  
Sentencing

*Local Bills***HOUSE BILLS**

**H 279. ETJ/WAKE MUNICIPAL FARM EXEMPTION.** Filed 3/9/11. *TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION.*

Amends GS 160-360 to allow a municipality located in Wake County to exempt an accessory building of a bona fide farm, as defined in GS 153A-340(b), from the municipality's building code, adopted pursuant to its extraterritorial jurisdiction. Applies to Raleigh, Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Wake Forest, Wendell, and Zebulon.

**Intro. by Jackson, Dollar, Weiss, Wake**  
**Martin.** Wake

**H 283. INCORPORATE CASTLE HAYNE.** Filed 3/9/11. *TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO A REFERENDUM.*

Subject to approval by voters on November 8, 2011, incorporates the Town of Castle Hayne, describing the area to be incorporated by metes and bounds. The town is to be governed by a four-member town council and a mayor. Requires the election of the initial town council to take place at the same time as the election on whether to incorporate the town. Provides for the election of town council members, mayor, and mayor pro tempore; and provides for compensation for the mayor and members of the town council. Directs that the town is to operate under the mayor-council form of government as provided in Part 3 of Article 7 of GS Chapter 160A and provides guidelines for additional administration of the town. Sets out provisions regarding addressing conflicts of interest, the enlargement or reduction of the town council, amending the town charter, and the provision of services and administration of functions. Provides for taxes, budget ordinances, and other ordinances. Includes special provisions regarding fire protection, law enforcement, and zoning, planning and inspection.

**Intro. by Hamilton.** NEW HANOVER New Hanover

**H 284. WAYNE COUNTY DESIGN BILL.** Filed 3/9/11. *TO PERMIT THE COUNTY OF WAYNE TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS.*

As the title indicates. Provides requirements regarding soliciting bids and reviewing proposals.

**Intro. by Sager.** WAYNE Wayne

**H 290. MARSHVILLE CHARTER CONSOLIDATIONS.** Filed 3/9/11. *TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE.*

As title indicates, revises the Town of Marshville's charter and consolidates certain local acts related to town governance, administration, elections, powers, corporate boundaries, and utility billing. Makes conforming repeals of specified session laws.

**Intro. by McGuirt.** UNION Union

**H 291. BELHAVEN RECALL ELECTIONS.** Filed 3/9/11. *TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN.*

As title indicates, amends the Town of Belhaven's charter to authorize the removal of its mayor and members of the town council upon the filing of a sufficient recall petition, signed by at least 20% of the registered voters of the town, and affirmative vote of a majority of those voting in a recall election. Directs the board of elections to conduct the election if it receives a valid petition from the town clerk and specifies the ballot language. Specifies that if the recall election is successful, removal of the officer occurs on the date the board of elections certifies the election results. Provides that the vacancy created by removal must be filled according to the provisions of GS 160A-63. An officer who is removed may not be appointed or reappointed to any elective office in Belhaven during the remainder of the unexpired term. Prohibits a recall petition from being filed within six months of the expiration of an officer's term and allows only one recall election during an officer's term.

**Intro. by Cook.** BEAUFORT Beaufort

**H 292. INCORPORATE ROUGEMONT.** Filed 3/9/11. *TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A REFERENDUM.*

Incorporates the town of Rougemont, describing the area to be incorporated by metes and bounds. Incorporation is subject to approval by the voters of the described area at an election on November 8, 2011. The

town is to be governed by a four-member town council and a mayor and operate under the mayor-council form of government as provided in Part 3 of Article 7 of GS Chapter 160A. Provides that the initial election of officers occurs in the same election as the referendum on incorporation. Includes procedures for enlarging the town council and amending the town charter. Provides for the manner of electing the town council and the mayor. Provides for tax collection, adoption of budget and other ordinances, and ad valorem taxes. Sets the maximum ad valorem tax rate at \$.05/\$100 valuation, except for fire protection services, unless the residents approve a higher rate by referendum. Prohibits annexation by the town and places certain restrictions on the town's planning and development regulation authority. Includes special provisions regarding fire protection and safety protection. The town charter becomes effective on the date that the Durham County Board of Elections certifies the results of the election, providing that the majority of votes cast are in favor of the incorporation of the town of Rougemont. Specifies that the town's charter is automatically repealed if the City of Durham and Durham County subsequently become a unified government.

**Intro. by Wilkins.**

DURHAM

Durham

**H 294. SAMPSON: NO PERMIT TO DELINQUENT TAXPAYERS.** Filed 3/9/11. *TO PROVIDE THAT SAMPSON COUNTY MAY PROHIBIT THE ISSUANCE OF A PERMIT BY THE INSPECTIONS DEPARTMENT TO A PERSON WHO OWES DELINQUENT PROPERTY TAXES.*

As title indicates, amends GS 153A-357 to allow Sampson County to adopt an ordinance to deny a building permit to a person who owes delinquent property taxes on property owned by the person. Specifies that the ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes.

**Intro. by Bell, Langdon.**

SAMPSON

Sampson

**H 295. SAMPSON: NO PERMITS TO DELINQUENT TAXPAYERS.** Filed 3/9/11. *TO PROVIDE THAT SAMPSON COUNTY MAY PROHIBIT THE ISSUANCE OF A LAND-USE PERMIT OR A BUILDING PERMIT TO A DELINQUENT TAXPAYER.*

Amends GS 153A-340 to allow Sampson County to adopt an ordinance providing that a special use permit or conditional use permit may not be issued to a person who owes delinquent property taxes on property owned by the person. Specifies that ordinance may provide that a special use permit or conditional use permit may be issued to a person protesting the assessment or collection of property taxes.

**Intro. by Bell, Langdon.**

SAMPSON

Sampson

**H 296. SAMPSON-NO RECORDATION FOR DELINQUENT TAXPAYR.** Filed 3/9/11. *TO ALLOW THE SAMPSON COUNTY BOARD OF COMMISSIONERS TO ADOPT A RESOLUTION DISALLOWING RECORDATION BY THE REGISTER OF DEEDS ABSENT A CERTIFICATION OF NO DELINQUENT AD VALOREM TAXES ON THE PROPERTY.*

Adds Sampson to the list of counties provided for in GS 161-31 authorizing the county board of commissioners, by resolution, to require the register of deeds to not accept for registration any deed transferring real property for which there are delinquent county or municipal taxes owed on the property.

**Intro. by Bell, Langdon.**

SAMPSON

Sampson

**H 307. LOCAL ELECTRONIC NOTICE.** Filed 3/9/11. *TO ALLOW THE COUNTY OF WAKE AND THE TOWNS OF CARY, CLAYTON, WENDELL, AND ZEBULON TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION.*

Authorizes Wake County and towns of Cary, Clayton, Wendell, and Zebulon to adopt ordinances providing that legal notices of public hearings may be published by electronic means, including the unit of government's Internet site, in lieu of publication in newspapers. This authorization does not apply to requirements of notice by mail to certain classes of persons as required by state law.

**Intro. by Dollar, Jackson, Murry.**

JOHNSTON, WAKE

Johnston; Wake

**H 310. KINSTON MAYORAL VETO.** Filed 3/9/11. *TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR.*

Amends Section 2.3 of the City of Kinston charter (SL 1987-169) to establish the authority of the mayor to veto any action adopted by the City Council, including ordinances and resolutions, and establishes procedural requirements for the mayor to exercise the veto. Veto is not authorized for matters requiring voter approval under GS Chapter 159. Effective 30 days after the act becomes law.

**Intro. by LaRoque.**

LENOIR

Lenoir

**SENATE BILLS**

**S 273. WAKE MUNICIPALITIES ENERGY EFFICIENCY (=H 266).** Filed 3/9/11. *TO ALLOW THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON 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, AND EXEMPTING THOSE MUNICIPALITIES UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.*

Identical to H 266, filed 3/8/11.

**Intro. by Stein, Stevens, Hunt.** WAKE Wake

**S 274. GREENVILLE ALCOHOLIC BEVERAGE TAX.** Filed 3/9/11. *TO AUTHORIZE THE CITY OF GREENVILLE TO LEVY A TAX ON THE SALE OF ALCOHOLIC BEVERAGES TO OFFSET THE RESULTING INCREASED NEED FOR LAW ENFORCEMENT PERSONNEL.*

Authorizes the City of Greenville city council to levy, by ordinance, a tax of up to one percent (1%) on the sale of alcoholic beverages sold at establishments within the city having retail ABC permits. Net proceeds of the tax shall be used only for law enforcement purposes. In lieu of a tax on the sale of alcoholic beverages, the Greenville City Council is also authorized to levy, by ordinance, a license tax in an amount to be set by the council for all persons holding a retail ABC permit within the city.

**Intro. by Jenkins.** PITT Pitt

**S 288. ATLANTIC BEACH/BEAUFORT/PARKING.** Filed 3/9/11. *EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALLY AVAILABLE MEANS OF PREPAYMENT CREDIT, AND AUTHORIZING THE TOWNS TO USE CERTAIN CIVIL PENALTIES COLLECTED FOR VIOLATING PARKING ORDINANCES IN THE SAME MANNER IN WHICH PROCEEDS FROM ON-STREET AND OFF-STREET PARKING FACILITIES ARE USED.*

Amends GS 160A-301 to authorize the Towns of Atlantic Beach and Beaufort to: (1) accept any commercially available payment means for parking meters, (2) pledge the proceeds from parking meters to amortize bonds issued to finance off-street parking facilities or use the proceeds for any other public purpose, and (3) allow the towns to retain any proceeds from civil penalties imposed for violations of ordinances for on-street or off-street parking if the ordinances specify that violation of the ordinances will subject an offender only to a civil penalty to be recovered by the town in a civil action in the nature of a debt.

**Intro. by Preston.** CARTERET Carteret

**S 289. CAPE CARTERET DEANNEXATION.** Filed 3/9/11. *TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET.*

As title indicates.

**Intro. by Preston.** CARTERET Carteret

**S 290. PELETIER ANNEXATION.** Filed 3/9/11. *TO ANNEX A DESCRIBED AREA TO THE TOWN OF PELETIER.*

As title indicates. Effective only if *AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET* becomes law. If that act becomes law, this act becomes law at the same time as that act.

**Intro. by Preston.** CARTERET Carteret

**S 291. CATAWBA COUNTY/LOCAL BID PREFERENCE.** Filed 3/9/11. *AUTHORIZING CATAWBA COUNTY TO GIVE PREFERENCE TO A LOCAL BIDDER WHEN PURCHASING GOODS OR SERVICES OR ENTERING INTO CONTRACTS FOR THE CONSTRUCTION OR REPAIR OF BUILDINGS.*

Amends public building construction and repair contracting requirements (GS 143-128), minority participation goals (GS 143-128.2), public purchasing contracting requirements (GS 143-129), local government informal bidding requirements (GS 143-131), and minimum bidding requirements for public building construction and repair projects (GS 143-132) by establishing a new GS 143-129(b1) to authorize price-match preferences for lowest responsible, responsive resident bidders. Preference may be given if the bid of the lowest responsible responsive

resident bidder is no greater than 5% or \$10,000, whichever is less, above the lowest responsive responsible nonresident bidder, and the resident bidder matches the nonresident bidder's price. Resident bidder is defined as a person or corporation legally authorized to perform construction or repair work or engage in the sale of goods or services in North Carolina, and has maintained a physical place of business within the county with at least one employee for a period of at least six months prior to the bid solicitation announcement. This local preference authorization only applies to Catawba County.

**Intro. by Allran.** CATAWBA Catawba

**S 292. 42ND SENATORIAL DISTRICT LOCAL ACT.** Filed 3/9/11. *RELATING TO THE 42ND SENATORIAL DISTRICT.*

Blank bill.

**Intro. by Allran.** CATAWBA, IREDELL Catawba; Iredell

**S 293. CATAWBA ECOCOMPLEX RENEWABLE ENERGY.** Filed 3/9/11. *TO AUTHORIZE THE ESTABLISHMENT OF ECOCOMPLEX RENEWABLE ENERGY DEMONSTRATION PARKS IN CATAWBA COUNTY.*

Authorizes the owner of a parcel or tract of land, or owners of contiguous parcels or tracts of land in Catawba County, that meet certain criteria, including size, job creation, permitting, and renewable energy or alternative fuel facility requirements, to apply to the Secretary of State for a designation of an ecocomplex renewable energy demonstration park for the purpose of featuring clean energy facilities, laboratories, and companies, to spur economic growth by attracting renewable energy and alternative fuel industries. Directs the Utilities Commission to assign triple credit to any electric power or renewable energy certificates generated from renewable energy resources at a biomass renewable energy facility located in the ecocomplex renewable energy demonstration park, for purposes of compliance with the requirements in GS 62-133.8 if the commission determines that a facility located in the park is a new renewable energy facility. Specifies additional criteria for application of the credits.

**Intro. by Allran.** CATAWBA Catawba

**S 294. MATTHEWS TREE ORDINANCE CORRECTION.** Filed 3/9/11. *TO AMEND THE TREE ORDINANCE AUTHORITY OF THE TOWN OF MATTHEWS TO CLARIFY THAT THE GENERAL LAW ON MUNICIPAL AUTHORITY OVER FORESTRY ACTIVITY APPLIES.*

Amends section 94(b) of SL 2006-264 to specify that the provisions of GS 160A-458.5(b) (prohibiting municipalities from adopting or enforcing ordinances, rules, regulations, or resolutions that regulate certain forestry activity) apply to the Town of Matthews.

**Intro. by Tucker.** MECKLENBURG Mecklenburg

**S 295. MARSHVILLE CHARTER CONSOLIDATION (=H 290).** Filed 3/9/11. *TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE.*

Identical to H 290, filed 3/9/11.

**Intro. by Tucker.** UNION Union

**S 297. DURHAM/SMALL BUSINESS ENTERPRISE.** Filed 3/9/11. *AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN CITY CONTRACTS.*

Amends Article 8 of Chapter VI of the Durham Charter, as amended, to authorize Durham to establish a race and gender neutral small business enterprise program to promote small businesses in the Durham Metropolitan Statistical Area and to enhance contract opportunities for small businesses. Allows Durham to define *small business enterprise* as appropriate for the city's purposes. Allows Durham to establish bid and proposal specifications to enhance small business participation. Provides additional details for bid requirements, the relation to minority and women businesses, as specified, and for consistency with state public policy. Includes a severability clause.

**Intro. by McKissick, Atwater.** DURHAM Durham

**S 298. DURHAM CO./PISTOL PURCHASE PERMIT APP. FEE.** Filed 3/9/11. *TO IMPOSE AN APPLICATION FEE OF TEN DOLLARS FOR A PERMIT OR LICENSE TO PURCHASE A PISTOL IN DURHAM COUNTY.*

Amends GS 14-404(e), for Durham County only, to impose a \$10.00 application fee for a license or permit to purchase a pistol. Effective December 1, 2011.

**Intro. by McKissick, Atwater.** DURHAM Durham

**S 299. CITY/COUNTY BEER AND WINE LICENSE TAXES.** Filed 3/9/11. *TO INCREASE THE CITY AND COUNTY RETAIL BEER AND WINE LICENSE TAXES FOR THE CITY AND COUNTY OF DURHAM TO TWO HUNDRED AND FIFTY DOLLARS AND TO INCREASE THE CITY WHOLESALER LICENSE FEE TO TWO HUNDRED FIFTY DOLLARS.*

Amends GS 105-113.77 and GS 113.78 to authorize the City of Durham and Durham County, respectively, to increase license taxes for ABC permits for on-premises malt beverages, off-premises malt beverages, on-premises unfortified wine and fortified wine, or both, and off-premises unfortified wine and fortified wine, or both, to \$250.

Amends GS 105-113.79 to authorize the City of Durham to assess an annual tax of \$250 for a wholesaler license.

Effective May 1, 2011.

**Intro. by McKissick, Atwater.** DURHAM Durham

**S 304. 23RD SENATORIAL DISTRICT LOCAL ACT.** Filed 3/9/11. *RELATING TO THE 23RD SENATORIAL DISTRICT.*

Blank bill.

**Intro. by Kinnaird.** ORANGE, PERSON Orange; Person

**S 305. CARRBORO/HOUSING DISCRIMINATION.** Filed 3/9/11. *AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTIFICATION, AND GENDER EXPRESSION.*

Amends Section 10-1 of the Carrboro Town Charter, as amended, to provide as title indicates. Includes whereas clauses. Effective October 1, 2011.

**Intro. by Kinnaird.** ORANGE Orange

**S 310. 30TH SENATORIAL DISTRICT LOCAL ACT.** Filed 3/9/11. *RELATING TO THE 30TH SENATORIAL DISTRICT.*

Blank bill.

**Intro. by East.** ALLEGHANY, STOKES, SURRY, YADKIN Alleghany; Stokes; Surry; Yadkin

**S 312. ROANOKE RAPIDS LOCAL OPTION SALES TAX.** Filed 3/9/11. *TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO LEVY A ONE CENT LOCAL SALES AND USE TAX TO REPAY TAX INCREMENT FINANCING BONDS.*

Amends Chapter 105 to create a new Article 47 authorizing the city of Roanoke Rapids to levy, by referendum, a one cent municipal sales and use tax. Net proceeds of the tax shall be used only for repayment of tax increment financing bond debt incurred by the city. Provides for the expiration of the tax.

**Intro. by Jones.** HALIFAX Halifax

**S 313. ROANOKE RAPIDS DEANNEXATION.** Filed 3/9/11. *TO DEANNEX CERTAIN PARCELS PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION.*

Repeals legislative annexation of certain parcels in city of Roanoke Rapids. Retains authority of the city to continue to exercise all powers granted under Article 19 of Chapter 160A in deannexed areas. Effective June 30, 2011.

**Intro. by Jones.** HALIFAX Halifax

**S 314. GOLDSBORO DEANNEXATION.** Filed 3/9/11. *REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GOLDSBORO.*

As title indicates.

**Intro. by Rouzer, Pate.** WAYNE Wayne

## ACTION ON BILLS

**March 9, 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](http://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	HF Failed To Override Veto
H0003 Exclusionary Rule/Good Faith Exception. 02-09-11, 02-10-11	H Pres. To Gov. 3/9/2011
H0006 House Pensions Committee Duties.	S Reptd Fav
H0007 Comm. Colleges/Opt Out of Fed'l Loan Program.  02-22-11	S Rec From House S Passed 1st Reading S Ref To Com On Education/ Higher Education
H0022 Vance-Granville Comm. Coll. Bond Funds.	H Passed 2nd & 3rd Reading
H0049 Laura's Law.  02-24-11, 03-09-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 3/10/2011
H0054 Habitual Misdemeanor Larceny.  03-09-11	HA Reptd Fav Com Substitute H Re-ref Com On Appropriations
H0069 Honor Irene Pace Hairston.	H Adopted
H0092 Repeal Land Transfer Tax.	S Rec From House S Passed 1st Reading S Ref To Com On Finance
H0123 Business Entity Changes.	S Passed 2nd & 3rd Reading
H0124 IRC Update.  02-24-11	S Amend Failed 1 S Passed 2nd Reading
H0146 Designate Kidney Month. 03-02-11	H Passed 2nd & 3rd Reading
H0159 Military Service Notation on Licenses.  03-08-11, 03-09-11	HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
H0162 Exempt Small Ag Processing from Permit Req.	H Passed 2nd & 3rd Reading
H0219 Sex Offender Registry Amendments.	HA Reptd Fav Com Substitute H Serial Referral to Appropriations Subcommittee on Justice and Public Safety

	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/10/2011
03-09-11		
H0247 Enhance Charter School Accountability.	H	Passed 1st Reading
	H	Ref to the Com on Education, if favorable, Finance, if favorable, Appropriations
H0248 Establish Tax Modernization Commission.	H	Passed 1st Reading
	H	Ref To Com On Finance
H0249 Update Archaic Disability Terms.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
H0250 Various Clarifying Militia Law Amendments.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
H0251 Devisee/Devise/Statutory Construction.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
H0252 Amend UNC Enrollment Funding Formula.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0253 Home Schoolers Participate in School Sports.	H	Passed 1st Reading
	H	Ref To Com On Education
H0254 African-American Heritage Comm Funds.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0255 DV Funding.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0257 UNCG/A & T/Nanoscience/ Nanoengineering Funds.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0258 Honor Deputy Charlie Brown.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0259 Expand Jurisdiction of Company Police.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Judiciary
H0260 Company Police Authority at Crash Scenes.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Judiciary
H0261 Intrastate Motor Carrier Markings.	H	Passed 1st Reading
	H	Ref To Com On Transportation
H0262 References to Military Orgs./ Make Uniform.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
H0263 Retirement Allowance/ Remarriage Option.	H	Passed 1st Reading
	H	Ref To Com On State Personnel
H0264 NC School of Biotechnology and Agriscience.	H	Passed 1st Reading
	H	Ref To Com On Education
H0285 Active National Guard Special Plate No Cost.	H	Filed
H0286 Official Herring Festival.	H	Filed
H0287 Mental Health Workers' Bill of Rights.	H	Filed
H0288 North Carolina Science Olympiad Funds.	H	Filed
H0289 Authorize Various Special Plates.	H	Filed



H0293	Summary Ejectment/Summons in Envelope.	H	Filed
H0297	Hold on to Your Drivers License.	H	Filed
H0298	Insurance Amendments.-AB	H	Filed
H0299	Surplus Lines/Premium Tax.-AB	H	Filed
H0300	Election Fairness Act of 2011.	H	Filed
H0301	Jt. Legis. Study on Alternative Currency.	H	Filed
H0302	Charitable Licensing Exemption Clarification.	H	Filed
H0303	Funds/Poison Control.	H	Filed
H0304	Child Death Research Funds.	H	Filed
H0305	Food Bank Funds.	H	Filed
H0306	Miscellaneous Service/Process Amendments.	H	Filed
H0308	Admission Ticket Reform Act.	H	Filed
H0309	Selective Vegetation Removal/ State Highways.	H	Filed
H0311	Household Goods Carriers/ID Markings.	H	Filed
H0312	Register of Deeds.	H	Filed
H0313	Repeal Savings Bond Payroll Savings Program.-AB	H	Filed
H0314	UNC Board of Governors Election.	H	Filed H Rules Suspended H Cal Pursuant 32(a) H Placed On Cal For 3/9/2011 H Adopted
H0315	Taxpayer Information Act.	H	Filed
H0316	NCGA Police/Statewide Jurisdiction.	H	Filed H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0317	NC Family & Consumer Services 100th.	H	Filed
H0318	State Treasurer's Investments.-AB	H	Filed
H0319	Restore Cigarette Tax Stamps.	H	Filed
H0320	Continue P3 Study.	H	Filed
H0321	Grifton Shad Festival.	H	Filed
S0007	Add To Schedule 1 Controlled Substances.	HA	Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 3/10/2011
02-23-11, 03-09-11			
S0013	Balanced Budget Act of 2011.	S	Withdrawn From Com S Placed On Cal For 3/9/2011 S Veto Overridden H Received from Senate H Read
02-02-11, 02-07-11			
S0022	APA Rules: Limit Additional Costs.	H	Amend Failed 1 H Amend Failed 2 H Passed 2nd Reading
02-08-11, 02-09-11, 03-07-11			
S0027	Involuntary Annexation	H	Passed 1st Reading

Moratorium.	H	Ref To Com On Rules, Calendar, and Operations of the House
02-22-11, 03-01-11		
S0031 Clarify Penalty Unauth. Practice of Medicine.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
03-03-11		
S0051 Charitable Solicitations/ Clarify Exemption.	S	Reptd Fav
S0074 Comm. Colleges/Opt Out of Fed'l Loan Program.	S	Withdrawn From Cal
	S	Re-ref Com On Rules and Operations of the Senate
02-23-11, 03-01-11, 03-08-11		
#S0076 TC: Eligibility: Indus Facil/ Fix Uwharrie Com.	S	Signed By Gov. 3/9/2011
	SR	Ch. SL 2011-3
02-23-11		
#S0097 Clarify Refunds of Tax Overpayments.	S	Pres. To Gov. 3/9/2011
	S	Signed By Gov. 3/9/2011
	SR	Ch. SL 2011-4
S0109 Spending Cuts for the Current Fiscal Year.	H	Placed On Cal For 3/10/2011
03-02-11		
S0110 Permit Terminal Groins.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
03-09-11		
S0165 NC Turnpike Authority Corridor Selection.	S	Reptd Fav
S0251 Various Clarifying Militia Law Amendments.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0252 Devisee/Devise/Statutory Construction.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0253 References to Military Orgs./ Make Uniform.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0254 Allow Nonattorney Ownership of PC Law Firms.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0255 Amend UNC Enrollment Funding Formula.	S	Passed 1st Reading
	S	Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget
S0256 Pardon Governor Holden.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0257 Honor Deputy Charlie Brown.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0259 Appropriations Act of 2011.	S	Passed 1st Reading
	S	Ref To Com On Appropriations/ Base Budget
S0264 Lobbyists Shall Not Serve on Bd of Governors.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0265 Transfer State Health Plan to State Treasurer.	S	Passed 1st Reading
	S	Ref To Com On Pensions & Retirement and Aging
S0266 Filling Vacancies in Local	S	Passed 1st Reading

	Office.	S	Ref To Com On Judiciary I
S0267	Rev Laws Tech, Clarify., & Admin. Chngs.	S	Passed 1st Reading
S0268	Enhance Protection of Victims and Witnesses.	S	Ref To Com On Finance
		S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0271	Commercial and Other M/V Law Changes.-AB	S	Passed 1st Reading
		S	Ref to Transportation. If fav, re-ref to Finance
S0272	Victims' Compensation Law Changes.-AB	S	Passed 1st Reading
		S	Ref To Com On Judiciary I
S0275	Official Herring Festival.	S	Filed
S0276	Spirituosous Liquor Tastings at ABC Stores.	S	Filed
S0277	ABC Board Sunday Sales/Local Option.	S	Filed
S0278	Continue P3 Study.	S	Filed
S0279	Clarify Renewable Energy Resource Definition.	S	Filed
S0280	Grifton Shad Festival.	S	Filed
S0282	State Health Plan/Add Sterling Montessori.	S	Filed
S0283	School Calendar Flexibility/ Inclement Weather.	S	Filed
S0284	Relief from Admin. Procedures Act/Comm. Coll.	S	Filed
S0285	SHP/ Administrative Commission Appointments.	S	Filed
S0286	Public Bill Filing Deadline.	S	Filed
S0287	Extend Small Business Center Incubator Period.	S	Filed
S0296	Cooperative Innovative High School Programs.	S	Filed
S0300	Miscellaneous Service/Process Amendments.	S	Filed
S0301	Reappoint Ex-Offender Reintegration Study.	S	Filed
S0302	Prepaid Wireless/Point of Sale Collection.	S	Filed
S0303	REAL ID Act Compliance Border on Licenses.	S	Filed
S0305	Carrboro/Housing Discrimination.	S	Filed
S0306	Eliminate Tobacco Discount.	S	Filed
S0307	Smart Card Biometrics Against Medicaid Fraud.	S	Filed
S0308	State Regulation of Greenhouse Gas Emissions.	S	Filed
S0309	Conservation Easements Stewardship Funds.	S	Filed
S0311	Warrantless arrest pretrial release violation.	S	Filed

## LOCAL BILLS

H0068 Tax Certification - Add Brunswick County.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 3/10/2011
03-09-11	
H0140 Oak Island/Recall Officials.	S Rec From House S Passed 1st Reading S Ref To Com On State and Local Government
03-07-11	
H0170 Winston-Salem/Council Meetings.	S Rec From House S Passed 1st Reading S Ref To Com On State and Local Government
H0256 Incorporate Lake James.	H Passed 1st Reading H Ref To Com On Government
H0265 Chowan Fox Seasons.	H Passed 1st Reading H Ref To Com On Agriculture
H0266 Wake Municipalities Energy Efficiency.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0284 Wayne County Design Build.	H Filed
H0290 Marshville Charter Consolidation.	H Filed
H0291 Belhaven Recall Elections.	H Filed
H0292 Incorporate Rougemont.	H Filed
H0294 Sampson: No Permit To Delinquent Taxpayers.	H Filed
H0295 Sampson: No Permits To Delinquent Taxpayers.	H Filed
H0296 Sampson-No Recordation For Delinquent Taxpayr.	H Filed
H0307 Local Electronic Notice.	H Filed
H0310 Kinston Mayoral Veto.	H Filed
H0322 Haywood School Board Filing Period.	H Filed
S0081 Orange County Local Disclosure Act Repeal.	S Passed 2nd & 3rd Reading
S0082 Town of Atkinson/Charter Amendment.	S Passed 2nd & 3rd Reading
S0238 Richmond/Deer Hunting With Dogs.	S Withdrawn From Com S Re-ref Com On Agriculture/Environment/Natural Resources
S0250 2nd Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0258 3rd Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0260 5th Senatorial District Local Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0261 Chowan Fox Seasons.	S Passed 1st Reading

	S	Ref To Com On State and Local Government
S0262 Charlotte Local Act.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0263 ETJ/Wake Municipal Farm Exemption.	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
S0269 Hillsborough Occupancy Tax.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0270 Huntersville E-mail lists/ Electronic Access.	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
S0273 Wake Municipalities Energy Efficiency.	S	Filed
S0274 Greenville Alcoholic Beverage Tax.	S	Filed
S0281 Municipal Service District/ Streets.	S	Filed
S0288 Atlantic Beach/Beaufort/ Parking.	S	Filed
S0289 Cape Carteret Deannexation.	S	Filed
S0290 Peletier Annexation.	S	Filed
S0291 Catawba County/Local Bid Preference.	S	Filed
S0292 42nd Senatorial District Local Act.	S	Filed
S0293 Catawba Ecocomplex Renewable Energy.	S	Filed
S0294 Matthews Tree Ordinance Correction.	S	Filed
S0295 Marshville Charter Consolidation.	S	Filed
S0297 Durham/Small Business Enterprise.	S	Filed
S0298 Durham Co./Pistol Purchase Permit App. Fee.	S	Filed
S0299 City/County Beer and Wine License Taxes.	S	Filed
S0304 23rd Senatorial District Local Act.	S	Filed
S0310 30th Senatorial District Local Act.	S	Filed
S0312 Roanoke Rapids Local Option Sales Tax.	S	Filed
S0313 Roanoke Rapids Deannexation.	S	Filed
S0314 Goldsboro Deannexation.	S	Filed

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 49. LAURA'S LAW**. Filed 2/8/11. House committee substitute makes the following changes to 2nd edition. Makes technical changes only.

Criminal Law, Procedure, and  
Sentencing; Transportation; Courts

**H 54. HABITUAL MISDEMEANOR LARCENY**. Filed 2/8/11. House committee substitute makes the following changes to 1st edition. Changes the title to *AN ACT TO PROVIDE THAT IF A DEFENDANT HAS SEVEN OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY*.

Deletes the provisions of the 1<sup>st</sup> edition and instead amends GS 14-72 (larceny of property; receiving stolen goods or possession stolen goods) to provide that larceny is a felony if the larceny is committed after the defendant has been convicted of larceny at least seven times in this state or another jurisdiction regardless of whether the prior convictions were misdemeanors, felonies, or a combination. Excludes from the prior conviction count convictions where the record reflects that the defendant waived council. Provides that if a person is convicted of more than one offense of misdemeanor larceny in a single session of district court or a single week of superior court, then only one of the convictions may be used as a prior conviction. Applies to offenses committed on or after December 1, 2011.

Criminal Law, Procedure, and  
Sentencing

**H 68. TAX CERTIFICATION - ADD COUNTIES (NEW)**. Filed 2/9/11. House committee substitute makes the following changes to 1st edition.

Amends GS 161-31(b) to authorize Alamance, Brunswick, Buncombe, and Yancey counties to require the payment of delinquent property taxes before recording deeds that convey property (was, added Brunswick County). Makes conforming change to the title.

Previously: Brunswick  
Now: Brunswick; Buncombe;  
Alamance; Yancey

**H 159. MILITARY SERVICE NOTATION ON LICENSES**. Filed 2/22/11. House amendment makes the following changes to 2nd edition. Amends proposed new GS 20-7(q1) to direct the Division of Motor Vehicles to develop a military designation for identification cards, in addition to driver's licenses, that may be granted to NC residents who are honorably discharged from military service in the United States Armed Forces.

Transportation; Military and  
Veterans Affairs

**H 219. SEX OFFENDER REGISTRY AMENDMENTS**. Filed 3/2/11. House committee substitute makes the following changes to 1st edition. Amends proposed new GS 14-208.9(f) to require a person to report in person to the sheriff within three business days (was, ten days) if a person required to register as a sex offender changes his or her name. Deletes appropriation of funds to the Department of Justice for computer and software repairs to the statewide registry computer system. Makes conforming changes to title and effective date.

Previously: Courts; Criminal Law,  
Procedure, and Sentencing;  
Budget and Appropriations  
Now: Courts; Criminal Law,  
Procedure, and Sentencing

### SENATE BILLS

**S 7. ADD CONTROLLED SUBSTANCES (NEW)**. Filed 1/27/11. House committee substitute makes the following changes to 2nd edition.

Adds new section amending GS 90-95(d)(1) (penalty for possessing Schedule I controlled substance) to add that if the controlled substance in possession is 1 gram or less of MDPV, then the violation is punishable as a Class 1 misdemeanor.

Adds new section enacting GS 90-95(h)(3d) to provide that any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of MDPV or any mixture containing such substance, will be guilty of the felony known as *trafficking in MDPV* and will be punished and penalized, according to quantity involved, as specified.

Adds new section enacting GS 90-95(h)(3e) to provide that any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of mephedrone or any mixture containing such substance, will be guilty of the felony known as *trafficking in mephedrone* and will be punished and penalized, according to quantity involved, as specified.

Adds new section amending GS 90-94 (Schedule VI controlled substances) to add *synthetic cannabinoids*, as defined, to the list of Schedule VI controlled substances.

Adds new section amending GS 90-95(b)(2) (punishment for Schedule III, IV, V, or VI controlled substances) to add that a transfer of less than 2.5 grams of a synthetic cannabinoid or any mixture containing such substance without payment will not constitute a delivery in violation of GS 90-95(a)(1).

Adds new section amending GS 90-95(d)(4) to make possession of more than seven grams of a synthetic cannabinoid or any mixture containing such substance punishable as a Class 1 misdemeanor, and to make possession of more than 21 grams of a synthetic cannabinoid or any mixture containing such substance a Class I felony.

Adds new section enacting GS 90-95(h)(1a) to provide that any person who sells, manufactures, delivers, transports, or possesses more than 50 dosage units of a synthetic cannabinoid or any mixture containing such substance, will be guilty of the felony known as *trafficking in synthetic cannabinoids* and will be punished and penalized, according to quantity involved, as specified. A *dosage unit* consists of three grams of synthetic cannabinoid or any mixture containing such substance.

Makes a conforming change to the title to reflect new bill content.

Applies to offenses committed on or after June 1, 2011 (was, April 1, 2011).

Criminal Law, Procedure, and  
Sentencing

**S 110. PERMIT TERMINAL GROINS.** Filed 2/23/11. Senate committee substitute makes the following changes to 1st edition.

Amends proposed GS 113A-115.1(e) (required components for each terminal groin permit application submitted to the Coastal Resources Commission) to require that an applicant also provide proof of financial insurance, in the form of a bond, insurance policy, escrow account, or other financial instrument, that will cover the cost of long-term maintenance and monitoring, mitigation measures, modification or removal, and restoration of property if necessary. Reorganizes and clarifies the remaining application requirements as follows: (1) information to demonstrate that structures or infrastructure are imminently threatened by erosion, and nonstructural approaches to erosion control are impractical; (2) an environmental impact statement (removes requirement that statement be reviewed by an independent third party); (3) a list of property owners and local governments that may be affected by the proposed construction and accompanying beach fill project, and proof that those parties have been notified; (4) a plan for terminal groin construction and maintenance and its accompanying beach fill project prepared by a licensed professional engineer and reviewed by a licensed, independent third party professional engineer; and (5) a plan for the management of the inlet and the estuarine and ocean shorelines immediately adjacent to and under the inlet's influence, including the listed criteria. Clarifies that any rule (was, any existing rule) that prohibits permanent erosion control structures will not apply to terminal groins permitted by the statute.

Amends proposed GS 113A-115.1(f) to direct the Coastal Resources Commission (Commission) to issue a permit for terminal groin construction if the Commission finds no grounds to deny the permit under GS 113A-120 (general conditions for denying permit), and finds that the six (was, three) enumerated requirements are met. Adds the following requirements for the Commission to find: (1) the applicant demonstrated that structures or infrastructure are imminently threatened by erosion and that nonstructural approaches to erosion control are impractical; (2) construction and maintenance of the terminal groin will not result in significant adverse impacts to private property or to the public recreational beach, accounting for mitigation measures; (3) the inlet management plan is adequate to monitor the impacts of the proposed groin and to mitigate any adverse impacts; and (4) the project complies with state guidelines for coastal development adopted under GS 113A-107. Removes requirement that applicant notify affected property owners and local governments.

Amends proposed GS 113A-115.1(g) to authorize only one terminal groin on each ocean shoreline immediately adjacent to an inlet for a maximum of two groins per inlet. Deletes authorization for one additional groin on the ocean shoreline of an inlet immediately adjacent to a federally maintained navigation channel associated with a state port.

Adds section directing the Department of Environment and Natural Resources to adopt any rules necessary to implement the act.

Makes additional technical and clarifying changes.

Agriculture, Environment, and  
Natural Resources;  
Property, Land Use, and Housing

## Legislation Enacted

**SL 2011-3 (S 76). [TC: ELIGIBILITY: INDUS FACIL/FIX UWHARRIE COM.](#) AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE INDUSTRIAL FACILITIES SALES TAX REFUND, A TECHNICAL CORRECTION TO THE MEMBERSHIP COUNT OF THE UWHARRIE COMMISSION, TO PROVIDE INTEREST ON OVERPAYMENT OF PROPERTY TAX, AND TO PROVIDE DELAY OF THE COLLECTION OF PROPERTY TAX PENDING APPEAL.** Summarized in *Daily Bulletin* 2/15/11 and 2/23/11. Enacted March 9, 2011. Section 1 is effective July 1, 2010. Section 3 is effective for taxable years beginning on or after January 1, 2011. The remainder is effective March 9, 2011.

Taxation; Agriculture, Environment,  
and Natural Resources

**SL 2011-4 (S 97). [CLARIFY REFUNDS OF TAX OVERPAYMENTS.](#) AN ACT 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.** Summarized in *Daily Bulletin* 2/21/11. Enacted March 9, 2011. Effective March 9, 2011.

Taxation

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## Notes

None

## NEXT SESSIONS

March 10, 2011

**HOUSE convenes at 10:00 a.m.**

**SENATE convenes at 10:00 a.m.**