

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 373. [INSURANCE CHANGES TO PAYMENTS & GROUP LIFE.](#) Filed 3/16/11. *TO FACILITATE THE PAYMENT OF INSURANCE PREMIUMS USING CREDIT CARDS AND TO PERMIT THE COMMISSIONER OF INSURANCE TO APPROVE NONTRADITIONAL GROUPS FOR GROUP LIFE INSURANCE.*

Amends GS 58-3-145(1) to allow an insurer, agent, or broker to accept an insurance premium payment by credit card if the insurer complies with the prohibition against unfair discrimination under GS 58-3-120 (clarifies current law) and satisfies other existing conditions.

Enacts subsection (6) to GS 58-58-135, which defines *group life insurance*, to add group policies that satisfy the following three requirements. (1) One of the following descriptions is true about the policy: (a) the Commissioner of Insurance finds that issuance of the group policy is not contrary to the public's best interests, would result in economies of acquisition or administration, and has a reasonable benefit/premium balance, or (b) another state has approved the policy under requirements substantially similar to those previously listed and the Commissioner has not disapproved the policy. (2) Requires the policy premium be paid from either the

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policyholder's funds or funds contributed by the covered persons, or both. (3) Allows an insurer to exclude or limit coverage on any person due to unsatisfactory individual insurability. Makes a conforming change.

Effective October 1, 2011.

Intro. by Dockham.

GS 58

Business and Commerce

H 374. EUGENICS RECORDS/PUBLIC RECORDS EXEMPTION. Filed 3/16/11. *TO PROTECT THOSE IMPACTED BY THE NORTH CAROLINA EUGENICS BOARD PROGRAM FROM 1929 TO 1975 BY PROVIDING THAT CERTAIN INFORMATION PERTAINING TO THEM IS NOT PUBLIC RECORD.*

Enacts new GS 132-1.23, providing that records in state custody about the NC Eugenics Board program are not public record if they concern: (1) persons impacted by the program or (2) persons or their guardians or authorized agents inquiring about the program's impact on affected persons or on others. Authorizes affected persons or their guardian or authorized agent to obtain that person's individual records.

Intro. by Womble, Parmon.

GS 132

State Government

H 375. CHECKING STATIONS UNLAWFUL. Filed 3/16/11. *TO MAKE ALL CHECKING STATIONS UNLAWFUL UNLESS THEY ARE ESTABLISHED TO CAPTURE A PARTICULAR NAMED OFFENDER IN A MANHUNT.*

Amends GS 20-16.3A as the title indicates. Prohibits law enforcement from conducting a checking station or a roadblock unless the checking station or roadblock is to cordon off an area to locate an offender specifically named in an arrest warrant. Provides that any other person passing through the checking station or roadblock cannot be arrested for any reason unless (1) the person has an outstanding arrest warrant or (2) the person has committed an implied consent offense, been warned by a law enforcement officer not to proceed, and continues through the checking station or roadblock despite the warning. Deletes all existing statutory provisions. Effective December 1, 2011, and applies to offenses committed on or after that date.

Intro. by Bradley.

GS 20

Transportation Emergency
Services

H 376. RETIREMENT TECHNICAL CORRECTIONS. Filed 3/16/11. *TO MAKE TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.*

Amends GS 135-45.2(f) [concerning eligibility for the Teachers' and State Employees' Retirement System (TSERS)] to clarify that former employees are eligible for the retirement plan, as described, if those employees are approved for disability retirement or disability income benefits but do not receive the benefits due to lump-sum payouts of vacation, bonus, and sick leave.

Amends GS 135-3(8)c1. (TSERS) and GS 128-24(5)c1. [concerning the Local Governmental Employees Retirement System (LGERS)], directing the employer to remit penalty payment to the retirement system, in one lump sum, within 90 days of the date the employer receives notification that the employer failed to report reemployed beneficiaries, as specified.

Makes clarifying changes to GS 135-5(c) and GS 128-27(c), which pertain to beneficiaries of disability retirement benefits.

Amends GS 128-21(19), which states the definition for *retirement* applicable to LGERS, to add that a retirement allowance may only be granted upon a member's retirement. Also clarifies that in order for a member's retirement to become effective in any month, the member must render no service, *including part time, temporary, substitute, or contractor service*, at any time during *the month immediately following the effective date of retirement*.

Amends GS 135-4(f)(1), which relates to the armed services credit, to add that a member's employer must remit to the retirement system all employer contributions for the full period of the member's service when a member previously on military leave returns to work, as specified. Makes a similar change to GS 128-26(a).

Currently GS 135-106(b) states that the long-term disability benefit is payable while the beneficiary is disabled and receiving a Social Security disability benefit until the earliest date that the beneficiary is eligible to receive an unreduced service retirement allowance. Amends GS 135-106(b) adding that a long-term disability recipient receiving the unreduced allowance will not be subject to the six-month waiting period prohibiting the member from rendering service for six months immediately following the retirement effective date.

Effective July 1, 2011.

Intro. by McGee.

GS 128, 135

Employment and Retirement

H 377. STRENGTHENING RESIDENTIAL PLACEMENT. Filed 3/16/11. *STRENGTHENING MENTAL HEALTH RESIDENTIAL PLACEMENT UNDER THE MEDICAID PROGRAM.*

Amends Section 10.68A(a)(7) of SL 2009-451, as amended, to direct that the Department of Health and Human Services' restructuring of the Medicaid child mental health, developmental disabilities, and substance abuse residential services program addresses requiring the completion of an assessment, in addition to other specified criteria, to ensure the appropriateness of placement, before a child can be admitted to Level III or Level IV placement. Limits the length of placement to no more than 180 days (was, 120 days). Provides that any exceptions to the time limit will require a psychological or psychiatric assessment that may be completed by the Critical Access Behavioral Health Agency (CABHA) for CABHAs, or an independent psychological or psychiatric assessment for non-CABHAs (was, required an independent psychiatric assessment to make an exception to the length of stay). Requires submission of a discharge plan for the placement request to be complete; however, does not condition receipt of authorization approval upon all signatures. Directs the local management entity to designate appropriate individuals who can sign the discharge plan within 24 hours of receipt.

Intro. by Brisson.

UNCODIFIED

Health, Social Services, and Aging

H 379. UNIFORM DEPOSITIONS AND DISCOVERY ACT. Filed 3/16/11. *TO ENACT THE NORTH CAROLINA INTERSTATE DEPOSITIONS AND DISCOVERY ACT AND TO MAKE CONFORMING AMENDMENTS TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.*

Enacts new Chapter 1F, the *North Carolina Uniform Interstate Depositions and Discovery Act*. Defines *foreign jurisdiction* as a state other than North Carolina, and *foreign subpoena* as a subpoena issued by a court of record in a foreign jurisdiction. Also defines *person*, *state*, and *subpoena*, as applicable in the proposed chapter. Requires a person requesting issuance of a subpoena to submit a foreign subpoena to a clerk of court in the county where discovery is sought. Clarifies that a request for the issuance of a subpoena does not constitute an appearance in the state court. Directs the clerk to promptly issue a subpoena for service upon the person to which the foreign subpoena is directed. Lists information for inclusion in the subpoena. Sets forth provisions concerning service, deposition, production, inspection, and applications for protective orders, in relation to the subpoena.

Makes a conforming change to Rule 28(d), codified in GS 1A-1, rewriting the heading to read *Depositions to be used in foreign countries*.

Adds new subsection (f) to GS 1A-1, Rule 45, titled *Discovery from persons residing outside the State*.

Allows any party to obtain discovery from a person residing in another state or area subject to U.S. jurisdiction in one or more of the following forms: (1) oral depositions; (2) depositions on written questions; or (3) requests for production of documents and tangible things, provided the party follows any procedures under the laws applicable to the area, including obtaining a commission if required. Sets forth procedures and requirements for obtaining a commission.

Directs the revisor of statutes to print all relevant portions of the official comments to the Uniform Interstate Depositions and Discovery Act.

Applies to requests for discovery made in cases pending on or after December 1, 2011.

Intro. by Glazier, Rhyne, Ross,

GS 1A, 1F

Courts; Civil Law and Procedure

McGrady.

H 380. AMEND RCP/ELECTRONICALLY STORED INFORMATION. Filed 3/16/11. *TO CLARIFY THE PROCEDURE FOR DISCOVERY OF ELECTRONICALLY STORED INFORMATION AND TO MAKE CONFORMING CHANGES TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.*

All of the amendments are to GS 1A-1. Makes changes to incorporate gender neutral language where possible.

Rule 16. Pre-trial procedure; formulating issues. Provides that if a pre-trial conference is held, the judge must (was, may) make an order that reviews the action taken at the conference which may limit (was, which limits) the issues for trial to those not disposed of by admissions or agreements of counsel. Also requires the order to include any amendments allowed to the pleadings, and any agreements made by the parties on any of the matters considered. Makes a conforming change to reflect the reorganizing of Rule 26.

Rule 26. General provisions governing discovery. Provides that the scope of discovery includes electronically stored information. Defines *electronically stored information* as reasonably accessible metadata that enables the party requesting discovery the ability to access such information as the date sent, the date received, the author, and recipients. The phrase does not include other metadata unless the parties are in agreement to provide it upon a motion of a party and a showing of good cause.

Imposes additional limitations on electronically stored information, providing that in addition to the limitations imposed by new subdivision (b)(2) [currently codified under subdivision (b)(1)], discovery of electronic stored information is subject to the limitations set out in Rule 34(b). Allows the court to specify the condition for discovery, including the allocation of discovery costs.

Enacts subdivision (7) to provide criteria when a party withholds information that is otherwise discoverable by claiming that the information is privileged or protected as trial preparation material. Also provides criteria for the inadvertent production of material in response to a discovery request which the producing party is claiming as privileged or as trial preparation material.

Provides that a party seeking a protective order to limit discovery on the basis that the electronically stored information sought is from a source that is not reasonably accessible because of undue burden or cost has the burden of showing that the basis exists. Provides that even if the burden of showing is made, the court may still order that the information be produced if the requesting party shows good cause, but only after the court considers the limitations of subsection (b)(2) of Rule 26. Renumbers subdivisions under subsection (b) of Rule 26 and makes conforming changes to reflect the renumbering of the subdivisions.

Amends subsection (f) to provide criteria for the scheduling of the discovery meeting, the setup and structure of the discovery conference, and the content of the discovery plan (was, discovery conference). Permits the court to combine the discovery conference with a pretrial conference as authorized under Rule 16, except specifies that a discovery conference in a medical malpractice action is to be governed by subsection (g) of Rule 26 (currently subsection (f1)). Makes additional conforming and technical changes to reflect reorganization of the subsections and subdivisions of Rule 26.

Rule 33(c). Option to produce business records. Current law allows a party to answer an interrogatory by specifying the business records from which the answer may be derived. Provides that such a specification is to be in sufficient detail to allow the party proposing the interrogatories to locate and identify the records where the answers may be found.

Rule 34. Production of documents, electronically stored information, and things; entry upon land for inspection and other purposes. Provides criteria for the production of electronically stored information. Provides that the request for electronically stored information may specify the form or forms in which the information is to be produced. Allows the party upon whom the request for production is served to object to production of electronically stored information as not reasonably accessible because of undue burden or cost. Permits the party asked to produce the electronically stored information to also object to the form in which the information is requested. Provides additional criteria regarding the procedures for producing documents or electronically stored information. Makes organizational changes

Rule 37. Failure to make discovery; sanctions. Provides that if a motion to compel discovery is based on an objection to production of electronically stored information from sources that the objecting party has identified as not being accessible because of undue burden or cost, the party objecting to producing the electronically stored information has the burden of showing that the basis for the objection exists. Provides that unless there are exceptional circumstances, a court cannot impose sanctions on a party for not providing electronically stored information that was lost as a result of routine, good-faith operation of an electronic information system.

Rule 45. Subpoena. Identifies electronically stored information as evidence to be gathered via a subpoena. Provides that a subpoena may specify the form or forms in which electronically stored information is to be produced. Clarifies that the provisions regarding subpoenas apply to records, books, papers, documents, electronically stored information, or tangible things. Provides applicable criteria regarding producing electronically stored information in response to subpoenas. Makes organizational and conforming changes.

Effective October 1, 2011, and applies to all cases on or after that date.

Intro. by Glazier, T. Moore, Ross. GS 1A

Courts; Civil Law and Procedure

H 381. CHECKING STATION PATTERN SELECTION. Filed 3/16/11. *TO PREVENT LAW ENFORCEMENT AGENCIES FROM ESTABLISHING PATTERNS FOR VEHICLE STOPS AT CHECKING STATIONS BASED ON A PARTICULAR TYPE OF VEHICLE.*

Amends GS 20-16.3A, as title indicates. Further prohibits a written policy providing a law enforcement agency guidelines for a pattern of stopping vehicles or requesting drivers to produce specified information from authorizing a pattern that is based on a vehicle type. Provides that prosecutions for offenses before the date that the act becomes law are not abated or affected by the act and that the statutes that would be applicable but for the act remain applicable to those prosecutions.

Intro. by Torbett. GS 20

Emergency Services;
Transportation

H 382. JUVENILE CODE REVISIONS. Filed 3/16/11. *AMENDING THE JUVENILE CODE UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY.*

Amends GS 7B-200(a) to provide that the court has exclusive original jurisdiction of proceedings for reinstatement of parental rights. Amends GS 7B-503 to provide that serious emotional damage to a juvenile, as

defined by GS 7B-101(1)e., is basis for the court to make an order for nonsecure custody when there is a reasonable basis to believe the allegations in the petition for nonsecure custody are true.

Amends GS 7B-507 to clarify that the county department of social services (Department) is to provide or arrange for the foster care or other placement of a juvenile in the Department's custody or placement responsibility; however, provides that the court may order a specific placement that is in the best interest of the juvenile after considering the Department's recommendations.

Current law allows the court to direct a permanency planning hearing be held within 30 calendar days after any hearing at which the court finds that reasonable efforts to eliminate the need for placing the juvenile should cease or are not required. Amends GS 7B-507(c) to direct the court to order a plan for permanence as soon as possible after reunification efforts cease or are not required and after the court has provided each party with a reasonable opportunity to prepare and present evidence. Provides that if the court's determination to cease reunification efforts is made at a hearing for which there was proper and timely notice that it was a permanency planning hearing, then the court may immediately proceed to consider all the criteria under GS 7B-907(b) (regarding permanency planning hearings), make findings of fact, and provide the best plan of care to achieve a safe, permanent home for the juvenile within a reasonable period of time. Provides that if the court decides to cease reunification at any hearing other than a permanency planning hearing then the court must schedule another hearing within 30 days to address a permanent plan in accordance with GS 7B-907. Provides that at any hearing at which the court orders that reunification efforts are to end, then the affected parent, guardian, or custodian may give notice to preserve the right to appeal under GS 7B-1001, which requires that the notice of appeal be given in writing within 30 days of the order to cease reunification. GS 7B-1001 also provides that the order to cease reunification is identified as an issue (was, assigned as an error) in the record on appeal of the termination of parental rights

Repeals GS 7B-902 (consent judgment in abuse, neglect, or dependency proceeding) and moves its content to a new subsection (b1) under GS 7B-801. Amends GS 7B-807(a) to provide the court may include stipulations in determining that the allegations in a petition have been proven by clear and convincing evidence. Requires stipulations to be in writing and signed by the party making the stipulations. Amends GS 7B-901 to require the court to inquire at the dispositional hearing as to the identity and location of any missing parent and to address any question of paternity. Provides additional guidelines regarding the court's inquiry.

Amends GS 7B-905(a) to require the clerk of court to schedule a subsequent hearing when the dispositional order is not entered within 30 days following the hearing to determine the reason for the delay. Directs that the order be entered within 10 days of the subsequent hearing required by this subsection.

Amends GS 7B-908 to require that the court make written findings in its post termination of parental rights' placement court review. Adds to the relevant findings to be addressed whether the current placement is in the juvenile's best interest. Provides that the court after making its findings of fact may choose to affirm the Department's or child-placing agency's plan, or if the juvenile is not being placed with adoptive parents, the court may order a different placement or plan that the court finds to be in the best interest of the juvenile. Deletes the provisions of subsection (f) regarding the selection of adoptive parents. Instead enacts new GS 7B-1112.1 providing for the selection of adoptive parents. Continues to rest the authority for the process of selecting adoptive parents with the Department or licensed child-placing agency; however, provides that after hearing the motion for adoption and considering the recommendations of the agency and the guardian ad litem, the court is to determine whether the proposed adoptive placement is in the child's best interests.

Amends GS 7B-1105(b) to provide that the court may, at its discretion, order the petitioner (was, may appoint a guardian ad litem for the unknown parent) to conduct a diligent search for the unknown parent. Also amends GS 7B-1106(b)(5) to require the summons issued upon the filing of a petition to terminate parental rights to be mailed by the petitioner (was, the clerk) when the answer is filed or 30 days from the date of service if no answer is filed. Amends GS 7B-1108 to provide that only a district court judge may grant an extension of time in which to answer the petition or respond to the motion. Amends GS 7B-1109(f) to provide that the rules of evidence in civil cases apply to termination of parental rights actions. Amends GS 7B-1110(a) to allow the court to consider hearsay evidence as defined in GS 8C-1, Rule 801, that the court considers relevant, reliable, and necessary to determine the best interests of the juvenile. Additionally provides that the court must make written findings of the listed criteria that the court determines is relevant. Makes conforming changes to GS 7B-1112(1).

Enacts new GS 7B-1114 to provide that if all of the following conditions are met that a juvenile whose parent's rights have been terminated the guardian ad litem, or Department with custody, may file a motion to have the parent's rights reinstated: (1) the juvenile filing the motion is at least 12 years old, or if the juvenile is younger than 12, the motion must allege extraordinary circumstances requiring consideration of the motion; (2) the juvenile does not have a legal parent, is not in an adoptive placement, and is unlikely to be adopted within a reasonable time period; and (3) the order terminating parental rights was entered at least three years before the filing of the motion to reinstate parental rights, unless the court has found or the juvenile's attorney advocate and the

Department with custody of the juvenile stipulate that adoption is no longer the juvenile's permanent plan. Provides additional and specific detail as to the filing of the motion to reinstate parental rights, the supporting information required to be submitted, and the factors to be considered by the court in determining whether to dismiss or grant the motion.

Effective October 1, 2011, and applies to actions filed or pending after that date.

Intro. by Jordan, Glazier, GS 7B Children and Juvenile Law
Randleman, Stevens.

H 383. COMMUNICATIONS REGULATORY REFORM (=S 343). Filed 3/16/11. *ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011.*

Identical to S 343, filed 3/14/11.

Intro. by Brubaker, McComas, GS 62 Energy and Utilities
Wainwright, Tolson.

H 384. REGISTER OF DEEDS/FEES. Filed 3/16/11. *TO SIMPLIFY THE FEES CHARGED FOR REGISTERING INSTRUMENTS WITH A REGISTER OF DEEDS IN THIS STATE.*

Amends GS 161-10(1)(1), which sets out uniform fees of registers of deeds, to increase the fee for registering or filing any instrument to \$30 for the first 15 pages plus \$5 for each additional page. Adds that a subsequent instrument presented for registration with reference to more than one instrument requiring indexing will cost an additional \$25 per reference. Clarifies that a document presented for registration consisting of multiple instruments will cost an additional \$10 per instrument. Deletes the provisions of GS 161-10(a)(1a), which lists fees for deeds of trusts and mortgages, and GS 161-10(a)(16), which lists the probate fee.

Repeals GS 161-11.4 (fees for floodplain mapping) and GS 161-11.6 (fees for archival of records).

Amends GS 161-11.5, directing \$5 of the fee collected by the register of deeds for registering an instrument to ultimately be remitted to the state treasurer and credited as follows: (1) 50% to the Department of Crime Control and Public Safety for the Floodplain Mapping Fund, (2) 25% to the Department of Cultural Resources to offset the costs of the Archives and Records Management program, and (3) 25% to the General Fund. Current law directs the monies solely to the General Fund. Makes a conforming change.

Applies to instruments registered on and after October 1, 2011.

Intro. by Howard, West, Rapp, GS 161 Property, Land Use, and Housing
Wilkins.

H 385. 2011 OMNIBUS LABOR LAW CHANGES. Filed 3/16/11. *MAKING OMNIBUS AMENDMENTS TO THE LABOR LAWS OF NORTH CAROLINA.*

Amends GS 95-69.10(a) to state that the Uniform Boiler and Pressure Vessel Act (Act) applies to all boilers and pressure vessels constructed, used, or designed for operation in this state including all new and existing installations, unless specifically excluded by GS 95-69.10(b); deletes conditional language. Makes a clarifying change to GS 95-69.10(b)(17). Makes clarifying and technical changes to GS 95-69.10(c), (d), and (e), which concern construction and inspection requirements established by the Department of Labor. Enacts new subdivision (17) to GS 95-69.11, authorizing the Commissioner of Labor (Commissioner) to grant exceptions from the requirements of the rules and regulations adopted under the Act and to permit the use of other devices, provided the exceptions and uses do not create unsafe conditions.

Amends GS 95-111.3(a) to exclude four additional items from the term *amusement device*. Makes other clarifying and technical changes. Makes a clarifying change to GS 95-111.8. Amends GS 95-119(a), requiring a registration certificate for passenger tramways to be issued annually (rather than issued without delay). Makes a conforming change. Amends GS 95-130(11) to allow any employee to file notice within 15 working days (rather than 20 days) from the date the citation is posted, if the employee believes the employer was granted unreasonable time to correct a violation under the Occupational Safety and Health Act of North Carolina.

Enacts new subsection (b1) to GS 95-242, allowing the Commissioner to reopen an investigation of retaliatory employment discrimination for good cause shown within 30 days of receiving the right-to-sue letter. In such a case, the 90-day time limit will not commence until the new investigation is complete and either a right-to-sue letter is issued or the Commissioner notifies the parties, in writing, that conciliation efforts have failed.

Amends GS 95-242(c), allowing an employee to request a right-to-sue letter 90 days (rather than 180 days) after the complaint filing.

Intro. by Howard, Brubaker. GS 95 Employment and Retirement

H 386. REAL ESTATE LICENSE LAW AMENDMENTS. Filed 3/16/11. *TO MODERNIZE THE NORTH CAROLINA REAL ESTATE LICENSE LAW.*

Amends GS 93A-2 to clarify that the term broker-in-charge under the Real Estate License law means a real estate broker with responsibility for the supervision of brokers on provisional status (rather than real estate salespersons) engaged in real estate brokerage, as specified. Further clarifies that the provisions of the real estate license law do not apply to legal acts or services performed by an attorney who is a member of the NC State Bar, except when finding and introducing parties to a real estate transaction. In the trustee exemption from the real estate license provisions, also requires a written trust agreement, deed of trust, or will to specifically identify the trustee, beneficiary, corpus, and the trustee's authority. Exempts specified activities related to vacation rental transactions from the license requirement. Makes additional clarifying changes. Makes conforming changes to GS 93A-11(a).

Makes a clarifying change to GS 93A-3(e), which allows the NC Real Estate Commission (Commission) to receive assistance from the Attorney General.

Amends GS 93A-4(a1) to provide that a provisional broker's license will be placed on inactive status (rather than cancelled) if the broker fails to complete all required education in the time period allowed. Deletes provision for reinstatement and instead provides that the license will not be declared active until all Commission requirements are met. Includes additional details for reinstatement. Makes clarifying changes to GS 93A-4(b), concerning applicant's possession of good moral character and general fitness, and adds that specified reports on the applicant will not be public record. Makes other clarifying changes. Authorizes the Commission to adopt rules, as necessary.

Makes a clarifying change to GS 93A-4.1(c). Deletes the provisions of GS 93A-5(c) and instead directs the Commission to file reports annually as required under GS 93B-2. Makes a conforming change to the section heading.

Amends GS 93A-6(a) to allow the Commission to discipline a licensee if the person failed, at the time the sales transaction is consummated, to deliver to the broker's client a detailed and accurate closing statement showing the receipt and disbursement of all monies relating to the transaction about which the broker knows or reasonably should know. Allows a broker to rely on a closing statement prepared by an attorney or lawful settlement agent, after the broker reviews for accuracy. Makes other clarifying and conforming changes.

Amends GS 93A-6(b) to allow the Commission to discipline a licensee without a hearing for reasons listed in that subsection. Allows discipline if the licensee, who is also a member of another licensed profession or occupation, has been disciplined for committing fraud, theft, misrepresentation, breach of trust, or willful or negligent malpractice. Expands the list of applicable misdemeanors and felonies that would reasonably affect the licensee's performance in the real estate business. Enacts new GS 93A-6(g) to require a broker's trust or escrow account to be a demand deposit account in a federal insured depository institution; makes a conforming change to GS 93A-54(a)(9), effective when the act becomes law. Makes other clarifying and technical changes.

Amends GS 93A-6.1(b), directing the Commission to send a copy of any issued subpoena to the licensee's address of record by regular mail (deletes requirement for subpoena and notice provided by service of process or certified mail).

Deletes provisions of GS 93A-9(a) and instead authorizes the Commission to issue a broker license to an applicant licensed in a foreign jurisdiction who satisfies licensure requirements. Authorizes the Commission to adopt rules, as necessary.

Rewrites the title of Article 2 of GS Chapter 93A to read *Real Estate Education and Recovery Fund*, and makes a conforming change to the phrase throughout the Article. Authorizes the Commission to expend money from the fund to educate licensees and the public, provided such expenditures do not result in a fund balance below \$200,000. Increases the monetary limitations placed on liability payments from the fund. Makes other conforming and clarifying changes.

Makes clarifying changes to GS 93A-35(b) and 93A-41(9). Amends GS 93A-42, adding that an instrument concerning a time share which burdens or pertains to no real property located in North Carolina will not be recorded in the register of deeds office. Makes conforming changes. Deletes provisions of GS 93A-53(c) and instead directs the Commission to include a copy of the roster of time share projects current on the preceding June 30 and a statement of the income received by the Commission for time share project registration during the fiscal year ending June 30 with the report required under GS 93B-2.

Effective January 1, 2012, unless otherwise indicated.

Intro. by Howard, Brubaker.

GS 93A

Property, Land Use, and Housing

H 387. [ACCESS CONFIDENTIAL INFO/CHILD ABUSE/NEGLECT](#). Filed 3/16/11. *CLARIFYING WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; AND CLARIFYING WHAT INFORMATION THE DIVISION OF SOCIAL SERVICES IS REQUIRED TO MAINTAIN IN THE FOSTER CARE REGISTRY AND UNDER WHAT CIRCUMSTANCES INFORMATION IN THE REGISTRY MAY BE WITHHELD.*

Amends GS 7B-302(a1) to require a department of social services to disclose confidential information about the identity of an individual reporting child abuse, neglect, or dependency to any federal, state, or local government entity or its agent with a court order. Provides that the information may be disclosed to the same entities without a court order if the entity demonstrates a need for the reporter's name in order for the entity to carry out its mandated responsibilities.

Amends GS 131D-10.6C to require the Division of Social Services (Division) to keep a register of all licensed family foster and therapeutic foster homes (was, applicable to applicants only). Amends the information that the register must include to remove including any other information deemed necessary by the Division and includes conforming changes. Allows the Division to withhold specific information about a foster parent to the extent that the release of the information would likely pose a threat to the health or safety of the foster parent or child. Allows a person who is denied access to information to seek a court order compelling disclosure or copying.

Effective October 1, 2011.

Intro. by Glazier, Stevens. GS 7B, 131D Health, Social Services, and Aging;
Children and Juvenile Law

H 388. [APA: DISAPPROVE RECLAIMED WATER RULES](#). Filed 3/16/11. *TO PREVENT THE RECLAIMED WATER RULES ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM BECOMING EFFECTIVE.*

As title indicates, provides that 32 specified rules adopted by the Environmental Management Commission on November 18, 2010, and approved by the Rules Review Commission on December 16, 2010, will not become effective.

Intro. by Committee on Rules, Calendar, and Operations of the House. UNCODIFIED APA/Rule Making; Agriculture, Environment, and Natural Resources

H 389. [STUDY MOPED REGISTRATION AND LIABILITY INS](#). Filed 3/16/11. *TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NEED FOR A MOTOR VEHICLE REGISTRATION, INSPECTION, AND FINANCIAL RESPONSIBILITY PROGRAM FOR MOPEDS.*

Requires the Joint Legislative Transportation Oversight Committee (Committee) to study the need for moped registration and if the Committee finds a need for such registration, then suggests the Committee make recommendations concerning registration, financial responsibility for operation and registration, inspections, and insurance. Requires the Committee to report to the 2012 Regular Session of the General Assembly.

Intro. by Committee on Rules, Calendar, and Operations of the House. STUDY Transportation

H 390. [REPEAL PISTOL/CROSSBOW TRANSFER PERMIT](#). Filed 3/16/11. *TO REPEAL THE STATE LAW THAT REQUIRES A PERSON TO OBTAIN A LICENSE OR PERMIT TO PURCHASE, SELL, GIVE AWAY, RECEIVE, OR OTHERWISE TRANSFER A PISTOL OR CROSSBOW.*

Repeals the following statutes, as the title indicates: GS 14-402 through GS 14-406.1, GS 14-407.1, and GS 14-408. Effective December 1, 2011.

Intro. by Wray, Hilton. GS 14 Criminal Law, Procedure, and Sentencing

H 391. [DEPT. OF ADMIN/PROCUREMENT MODERNIZATION](#). Filed 3/16/11. *TO MODERNIZE PROCUREMENT METHODS USED BY THE SECRETARY OF ADMINISTRATION AND STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES.*

Amends GS 143-49, providing that it is the Secretary of Administration's (Secretary's) duty to canvass sources of supply, including sources of goods with recycled content, and to purchase or contract to purchase, lease and lease-purchase all goods required by the state government under competitive bidding or other suitable means authorized by the Secretary. Defines *goods* to include, without limitation, all commodities, supplies, materials, equipment, and other tangible personal property. Adds that it is the Secretary's duty to establish procedures to permit state government to join any federal, state, local government entity, or any nonprofit organization in cooperative purchasing plans or agreements. Makes other conforming and clarifying changes.

Amends GS 143-51 to add that all entities of the state government subject to the reporting requirement under GS 143-51(a) will also submit to the Secretary, when requested, actual expenditures for all goods and services, as indicated. Makes conforming changes.

Deletes GS 143-53(3), which allows the Secretary to adopt rules governing contractual services for certain purposes. Makes other conforming changes.

Makes additional conforming, clarifying, and technical changes to GS 143-52 and 143-55.

Effective July 1, 2011.

Intro. by Avila, Torbett.

GS 143

State Government

H 392. MODIFY MOTORCYCLE HELMET REQUIREMENTS. Filed 3/16/11. *TO REPEAL THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING A MOTORCYCLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.*

Amends GS 20-140.4, as title indicates, by limiting the requirement that a person wear a helmet to motorcycle or moped operators and passengers under 18 years of age, when the vehicle is operated on a public street, highway, or public vehicular area.

Intro. by Hastings, T. Moore, McCormick.

GS 20

Transportation

H 393. MODIFY INTERNAL AUDITING STATUTES. Filed 3/16/11. *TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.*

Deletes provisions of GS 143-746(c) and instead states that any state employee who performs the internal audit function must meet the minimum qualifications for internal auditors established by the Office of State Personnel. Amends GS 143-746(d), providing that the Director of Internal Auditing (Director) will report to (1) the agency head, (2) the chief deputy or chief administrative assistant, or (3) the agency governing board, if the board exists. States that the Director will be situated to avoid impairing independence. Makes other clarifying changes to GS 143-746.

Adds the President of the University of North Carolina, or designee, to the list of members on the Council of Internal Auditing in GS 143-147. Makes other clarifying changes.

Intro. by Hastings, McGee.

GS 143

State Government; Education

H 394. FLEX. WORK OPTION FOR ALL STATE EMPLOYEES.-AB. Filed 3/16/11. *PROVIDING FOR VOLUNTARY FLEXIBLE WORK SCHEDULES FOR STATE EMPLOYEES DURING THE 2011-2013 FISCAL BIENNIUM.*

Authorizes all state agencies, departments, and institutions to allow voluntary flexible work schedules, for the fiscal biennium ending June 30, 2013, for permanent state employees, including allowing thirty hour workweeks. Specifies that the budgeted salary for an employee on a flexible schedule remains the same, but the employee's pay will be reduced pro rata based on hours worked, with salary savings reverted to the funding source. Allows the State Personnel Commission to assist with the implementation of the flexible schedules.

Intro. by Hurley.

UNCODIFIED

State Government; Employment and Retirement

H 395. STRENGTHEN PROHIBITION ON COCKFIGHTING. Filed 3/16/11. *TO STRENGTHEN THE LAW PROHIBITING COCKFIGHTING AND RELATED ACTIVITIES.*

Clarifies that the prohibition against cockfighting in GS 14-362 applies to a rooster, gamecock, or other fighting bird (was, a cock). Provides that owning, breeding, possessing, selling, or training a rooster, gamecock, or other fighting bird with the intent to use the bird in an exhibition featuring the baiting or fighting of that bird with another bird or another animal is a Class I felony. Also provides that a person who manufactures, possesses, promotes, buys, sells, or transports gaffs or slashers, or any sharp implement designed to replace the natural spur of a rooster, gamecock, or other fighting bird, or who uses any device intended to enhance an animal's fighting ability is guilty of a Class I felony. Adds definitions for the following terms: (1) cockfight, (2) fighting bird, (3) gaff, and (4) slasher. Effective December 1, 2011, and applies to offenses committed on or after that date.

Intro. by McGrady, Hurley, Ingle, Burr.

GS 14

Criminal Law, Procedure, and Sentencing; Animal Law

H 396. PUBLIC SAFETY ACT. Filed 3/16/11. *TO INCREASE PUBLIC SAFETY BY REQUIRING AN APPLICANT FOR A DRIVERS LICENSE TO BE ABLE TO SPEAK OR READ AND WRITE ENGLISH WITH ENOUGH PROFICIENCY THAT THE PRODUCTION OF MULTIPLE TESTS AND HANDBOOKS BY THE DIVISION OF MOTOR VEHICLES IS NOT NECESSARY THEREBY NETTING A COST SAVINGS TO THE STATE.*

Amends GS 20-7(b1) and 20-7(c), which relate to the application and test for a drivers license, to provide as title indicates. Prohibits the Division of Motor Vehicles from publishing any examination or handbook in a language other than English. Applies to license applications and renewals on or after October 1, 2011.

Intro. by Brubaker, Howard, GS 20 Transportation
McComas, Hurley.

H 397. DHHS PENALTIES AND REMEDIES REVISION. Filed 3/16/11. *REVISING PENALTIES AND REMEDIES CONCERNING HEALTH FACILITIES.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Lewis. GS 122C, 131D, 131E Health, Social Services, and Aging

SENATE BILLS

S 353. UNBORN VICTIMS OF VIOLENCE ACT. Filed 3/16/11. *TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT."*

Adds new Article 6A to GS Chapter 14, titled *Unborn Victims*, specifying crimes against an *unborn child*, defined as a human carried in the womb. Makes it murder to cause the death of an unborn child willfully and maliciously, through a reckless and wanton disregard for life, or while perpetrating or attempting acts defined as a Class A felony if a person is killed. Requires life imprisonment without parole as punishment. Makes it voluntary manslaughter to cause the death of an unborn child by an act that would be voluntary manslaughter if it resulted in the mother's death, punishable as a Class D felony. Makes it involuntary manslaughter to cause the death of an unborn child by an act that would be involuntary manslaughter if it resulted in the mother's death, punishable as a Class F felony. Makes it an assault on an unborn child punishable as a Class F felony to inflict serious bodily harm upon an unborn child who is later born alive by a battery of the child's mother. Defines *serious bodily harm*. Makes it an assault on an unborn child to commit an assault, assault and battery, or affray upon a pregnant woman, punishable as a Class H felony. Exempts abortions that are lawful under GS 14-45.1, customary diagnostic or therapeutic medical acts, and acts by a pregnant woman that result in miscarriage or stillbirth, as defined. Provides that with the exception of an act in which a person causes the death of an unborn child by willfully and maliciously committing an act intending to cause the death of the unborn child, an offense under the proposed article does not require proof that (1) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant or (2) the defendant intended to cause the death of, or bodily injury to, the unborn child.

Repeals GS 14-18.2 (injury to a pregnant woman).

States that the act will not be construed to impose criminal liability on an expectant mother who is the victim of domestic violence. Includes a severability clause.

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

Intro. by Daniel, Harrington, GS 14 Criminal Law, Procedure, and
Gunn. Sentencing

S 354. RENTAL PROPERTY/LITHIUM BATTERY SMOKE ALARMS. Filed 3/16/11. *PROVIDING THAT AFTER DECEMBER 31, 2011, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.*

Amends GS 42-42 to require a landlord installing a new smoke alarm or replacing an existing alarm after December 31, 2011, to install a 10-year lithium battery smoke alarm, unless the dwelling unit is equipped with a (1) hardwired smoke alarm with a battery backup or (2) smoke alarm combined with a carbon monoxide alarm that meets specified statutory requirements. Makes conforming changes. Also makes conforming changes to GS 42-43 (tenant to maintain dwelling unit) and GS 42-44 (general remedies, penalties, and limitations). Changes the term *smoke detector* to *smoke alarm* throughout the above mentioned statutes.

Amends GS 42-51 to allow a tenant's security deposit to be used for damage or destruction of a smoke or carbon monoxide alarm.

Effective December 31, 2011.

Intro. by Bingham. GS 42 Property, Land Use, and Housing

S 355. MASONIC SPECIAL PLATE/MOTORCYCLES. Filed 3/16/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A MOTORCYCLE PLATE FOR CIVIC CLUBS SUCH AS THE JAYCEES, MASONS, KIWANIS, OPTIMIST, ROTARY, RURITAN, AND SHRINE.*

Amends GS 20-79.4(27), as the title indicates.

Intro. by East.

GS 20

Transportation

S 356. NO FILING FOR PARTY AND UNAFFILIATED (=H 363). Filed 3/16/11. *TO LIMIT A PARTY NOMINEE FROM FILING AS AN UNAFFILIATED CANDIDATE FOR ANOTHER OFFICE EXCEPT IN CERTAIN CIRCUMSTANCES.*

Identical to H 363, filed 3/15/11.

Intro. by Robinson.

GS 163

Elections Law

S 357. DNR FORM SIGNATURE. Filed 3/16/11. *TO REQUIRE THE SIGNATURE OF AN INCAPACITATED PATIENT'S GUARDIAN, REPRESENTATIVE, OR FAMILY MEMBER ON A "DO NOT RESUSCITATE" ORDER FORM IN ORDER TO WITHHOLD OR DISCONTINUE LIFE-PROLONGING MEASURES IN THE ABSENCE OF A VALID DECLARATION BY THE PATIENT.*

Amends GS 90-322, as the title indicates. Effective October 1, 2011.

Intro. by Kinnaird.

GS 90

Health, Social Services, and Aging

S 358. REPEAL CROSSBOW PURCHASE PERMIT REQUIREMENT. Filed 3/16/11. *TO REPEAL THE REQUIREMENT THAT A PERSON OBTAIN A PERMIT TO RECEIVE, SELL, PURCHASE, OR OTHERWISE TRANSFER A CROSSBOW.*

Amends GS 14-402 (sale of certain weapons without permit forbidden) to remove crossbows from the statute's provisions. Makes a conforming change in GS 14-404(c)(1). Repeals GS 14-406(b) (excluding crossbow manufacturers and crossbow wholesale dealers from the statute requiring recording of sales) and GS 14-406.1 (permit issued to manufacturer, wholesale dealer, or retail dealer of crossbows deemed to be a continuing permit).

Intro. by Jenkins.

GS 14

Criminal Law, Procedure, and Sentencing

S 359. MODIFY SPECIAL PLATE DESIGN REQUIREMENTS. Filed 3/16/11. *TO MODIFY SPECIAL REGISTRATION PLATE DESIGN REQUIREMENTS.*

Amends GS 20-63(b) to require the Division of Motor Vehicles (DMV), in consultation with the State Highway Patrol and Department of Correction, to develop a standardized format for special registration plates, which do not have to be a "First in Flight" plate. Requires the format to be easily read by the human eye and cameras. Requires a designated portion of the plate to be used for any unique design or logo representing a group or interest for which the DMV is authorized to produce a special plate. Deletes the 25 listed special plates. Amends GS 20-79.4 to (1) replace the requirement that the Autism Society of NC plate include the phrase "providing support, promoting opportunities," with "Autism Society of North Carolina;" (2) remove the requirement that "HC" on the Hospice Care plate be located on the right side of the plate; (3) provide that the National Kidney Foundation plate include a phrase and logo representing, not selected by, the Foundation; and (4) provide that the NC Wildlife Habitat Foundation plate include the Foundation's logo, removing specific detail about the plate's design and the requirement that the plate be developed in consultation with the Foundation. Amends GS 20-81.12(a), concerning college insignia plates, to require that the plate's color, design, and material be developed in consultation with the school's alumni association (was, be approved by both the DMV and the alumni association).

Intro. by Jenkins.

GS 20

Transportation

S 360. CHANGE HOURS OF SALE FOR ALCOHOLIC BEVERAGES. Filed 3/16/11. *TO REMOVE THE RESTRICTION ON THE HOURS OF SALES OF ALCOHOLIC BEVERAGES.*

Repeals GS 18B-1004 (hours for sale and consumption of alcohol) and GS 18B-1006(q) (concerning hours for sale and consumption of alcoholic beverages on the premises of a permittee for in-stand sales). Provides that prosecutions for offenses committed before the date that the act becomes law are not abated or affected by the act and the statutes that would be applicable but for the act remain applicable to those prosecutions.

Intro. by Jenkins.

GS 18B

Alcoholic Beverage Control

S 361. INTERSCHOLASTIC SPORTS OPEN TO ALL STUDENTS. Filed 3/16/11. *PERMITTING STUDENTS WHO ATTEND A PUBLIC SCHOOL, PRIVATE SCHOOL, HOME SCHOOL, OR CHARTER SCHOOL WITHOUT AN INTERSCHOLASTIC ATHLETICS PROGRAM IN A GIVEN SPORT TO PARTICIPATE IN THAT SPORT AT A PUBLIC HIGH SCHOOL.*

Amends GS 115C-12 to provide that rules adopted by the State Board of Education concerning interscholastic athletic activities conducted by local boards of education must provide for high school students attending schools as follows: (1) a public high school without an interscholastic athletics program in a given sport may participate in that sport at the high school closest to the student's school with a program in that sport and (2) a private, home, or charter school that does not have an interscholastic athletics program in a given sport may participate in that sport at the base public high school for the student's address; if that school does not have a program in that sport, the student may participate in the sport at the public high school closest to the student's based school with a program in that sport. Applies beginning with the 2011-12 school year.

Intro. by Tillman, Hise. GS 115C Education

S 362. REALLOCATE LOTTERY FUNDS. Filed 3/16/11. *TO REALLOCATE LOTTERY FUNDING FROM CLASS SIZE REDUCTION AND PRE-K PROGRAMS TO SCHOOL CONSTRUCTION.*

Under current law, the net revenues of the North Carolina State Lottery Fund are transferred four times a year to the Education Lottery Fund, and 5% of the net revenue of the previous year is transferred from the Education Lottery Fund to the Education Lottery Reserve Fund. Of the remaining net revenue, 50% is used to support class size reduction in early grades and to support academic prekindergarten programs for at risk four-year-olds, and 40% is allocated to the Public School Building Capital Fund. Amends GS 18C-164(c) to discontinue the 50% allocation to support class size reduction and pre-k programs and increases the allocation to the Public School Building Capital Fund to 90%. Retains the 10% allocation to the State Educational Assistance Authority. Makes conforming changes. Effective July 1, 2011.

Intro. by Tillman, Tucker. GS 18C Lottery and Gaming; Education

S 363. REPEAL PRISON MAINTENANCE RESTRICTION. Filed 3/16/11. *TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES.*

Repeals Section 19.10 of SL 2010-31 as the title indicates.

Intro. by Clodfelter. UNCODIFIED State Government; Criminal Law, Procedure, and Sentencing

S 364. CANCEL AIRCRAFT LIEN W/SURETY BOND DEPOSIT. Filed 3/16/11. *TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT.*

Amends GS 44A-75 as the title indicates. Additionally provides that upon the deposit of the surety bond in the specified amount, the lien holder or the lien holder's agent is to release the aircraft to the owner, if the lien holder has possession of the aircraft. Effective when the act becomes law and applies to liens perfected under Article 5 of GS Chapter 44A on or after that date.

Intro. by Clodfelter. GS 44A Property, Land Use, and Housing

S 365. REAL ESTATE LICENSE LAW AMENDMENTS (=H 386). Filed 3/16/11. *TO MODERNIZE THE NORTH CAROLINA REAL ESTATE LICENSE LAW.*

Identical to H 386, filed 3/16/11.

Intro. by Brown. GS 93A Property, Land Use, and Housing

S 366. MANUFACTURED HOME TITLING CHANGES. Filed 3/16/11. *TO PROVIDE CLARIFICATION FOR THE RETITLING OF A MANUFACTURED HOME THAT IS REMOVED FROM REAL PROPERTY AFTER THE ORIGINAL TITLE HAS BEEN CANCELLED.*

Amends GS 20-109.2(d), which concerns the application for a manufactured home title after title cancellation, to add that the owner must also include in the affidavit to the Division of Motor Vehicles (DMV) verification of the identity of the current owner of the real property upon which the mobile home is located. Adds that the DMV will issue a new title for the manufactured home in the name of the current owner of the real property upon which the manufactured home is located. Applies to titles issued on or after August 1, 2011.

Intro. by Goolsby, Newton, Daniel. GS 20 Transportation; Property, Land Use, and Housing

*Local Bills***HOUSE BILLS**

H 371. WINSTON-SALEM/INFORMAL BIDS ELECTRONICALLY. Filed 3/16/11. *AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN LETTING CONTRACTS ON INFORMAL BIDS.*

Amends GS 143-131(a) as the title indicates. Requires the development of procedures to ensure the same security, authenticity, and confidentiality of bids as is provided with sealed paper bids. Applies only to the city of Winston-Salem.

Intro. by Parmon.

FORSYTH

Forsyth

H 372. WINSTON-SALEM FRANCHISES. Filed 3/16/11. *CONCERNING UTILITY FRANCHISES IN THE CITY OF WINSTON-SALEM.*

Amends GS 160A-319 to add the following public enterprises, as identified in GS 160A-311, to those for which the city does not have the authority to grant a franchise: (1) water supply and distribution systems and (2) waste water collection, treatment, and disposal systems of all types (was, a city had authority to grant franchises for any of the public enterprises listed in GS 160A-311 except cable television systems only).

Intro. by Parmon.

FORSYTH

Forsyth

H 378. EXCLUSION FROM POST-CONSTRUCTION PRACTICES. Filed 3/16/11. *TO AMEND THE EXCLUSIONS FOR POST-CONSTRUCTION PRACTICES TO INCLUDE PUBLIC AND PRIVATE LINEAR TRANSPORTATION PROJECTS FOR THE CITY OF WINSTON-SALEM.*

Amends Section 8 of SL 2006-246, as amended, to exclude public and private linear transportation projects from post construction practices if the projects meet the Department of Transportation's best management practices outlined in the "Stormwater Best Management Practices Toolbox," to the extent the city determines is practicable. Applies to Winston-Salem only. Effective July 1, 2010.

Intro. by Parmon, Womble.

FORSYTH

Forsyth

H 398. CLEVELAND COUNTY WATER ADVISORY REFERENDUM. Filed 3/16/11. *TO ALLOW CLEVELAND COUNTY WATER, A SANITARY DISTRICT, TO CONDUCT AN ADVISORY REFERENDUM ON WHETHER OR NOT A RESERVOIR SHOULD BE CONSTRUCTED IN UPPER CLEVELAND COUNTY IN THE DISTRICT.*

As title indicates. Requires that the advisory referendum be called before July 1, 2011, and be held on November 8, 2011. Requires the referendum to be conducted by the Cleveland County Board of Elections and provides for the approval of the ballot form.

Intro. by Hastings.

CLEVELAND

Cleveland

ACTION ON BILLS**March 16, 2011**

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

PUBLIC BILLS

H0006 House Pensions Committee Duties.	H Ratified
H0021 County Administration of Municipal Elections.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Judiciary I

03-10-11	
H0042 Honor John A. Garwood.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
H0045 Accelerate Cleanup of Industrial Properties.	S Rec From House S Passed 1st Reading S Ref To Com On Agriculture/ Environment/Natural Resources
03-03-11, 03-10-11	
H0060 Extend Hearing Loss Task Force.	S Reptd Fav
H0061 Speaker/Pro Tem Term Limits.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
H0087 Sunshine Amendment.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
03-16-11	
H0092 Repeal Land Transfer Tax.	S Reptd Fav S Placed On Cal For 3/21/2011
H0145 Work/School Zones- Speed Camera Pilot Program.	HA Reptd Fav Com Substitute H Re-ref Com On Judiciary Subcommittee A
03-16-11	
H0171 Municipal Self-Annexations.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
03-16-11	
H0173 State Shrimp Festival-Sneads Ferry.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
H0181 Add Supt. to NC Econ. Dev. Bd.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
H0187 Require Labels for Ethanol- Blended Gasoline.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
H0234 Juror Qualifications/ Disabilities.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
H0243 Certificates Under Seal in Indigent Cases/Fee.	HA Reptd Fav com substitute H Re-ref Com On Finance
H0258 Honor Deputy Charlie Brown.	H Reptd Fav H Cal Pursuant Rule 36(b)
H0312 Register of Deeds.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee B
H0316 NCGA Police/Statewide Jurisdiction.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 3/17/2011
03-16-11	
H0353 Designation of Coastal Game Fish.	H Passed 1st Reading H Ref To Com On Commerce and Job Development Subcommittee on Business and Labor
H0354 No Sunset for SWCD Animal	H Passed 1st Reading

	Waste Inspections.	H	Ref To Com On Environment
H0355	Simplify Taxation of Certain HOA Property.	H	Passed 1st Reading
H0356	Psychological Counseling for Jurors.	H	Ref To Com On Finance
		H	Passed 1st Reading
H0357	ECU/Bd of Governors Dental Scholarship-Loan.	H	Ref To Com On Judiciary
		H	Passed 1st Reading
		H	Ref to the Com on Education, if favorable, Appropriations
H0363	No Filing for Party and Unaffiliated.	H	Passed 1st Reading
		H	Ref To Com On Elections
H0364	Funds/Project C.A.R.E.	H	Passed 1st Reading
		H	Ref To Com On Appropriations
H0366	Special Election Dates.	H	Passed 1st Reading
		H	Ref To Com On Elections
H0368	State Historic Sites Special Fund.	H	Passed 1st Reading
		H	Ref To Com On Finance
H0370	ECU Dental School Funds.	H	Passed 1st Reading
		H	Ref To Com On Appropriations
H0373	Insurance Changes to Payments & Group Life.	H	Filed
H0374	Eugenics Records/Public Records Exemption.	H	Filed
H0375	Checking Stations Unlawful.	H	Filed
H0376	Retirement Technical Corrections.-AB	H	Filed
H0377	Strengthening Residential Placement.	H	Filed
H0379	Uniform Depositions and Discovery Act.	H	Filed
H0380	Amend RCP/Electronically Stored Information.	H	Filed
H0381	Checking Station Pattern Selection.	H	Filed
H0382	Juvenile Code Revisions.-AB	H	Filed
H0383	Communications Regulatory Reform.	H	Filed
H0384	Register of Deeds/Fees.	H	Filed
H0385	2011 Omnibus Labor Law Changes.-AB	H	Filed
H0386	Real Estate License Law Amendments.-AB	H	Filed
H0387	Access Confidential Info/Child Abuse/Neglect.-AB	H	Filed
H0388	APA: Disapprove Reclaimed Water Rules.	H	Filed
		H	Passed 1st Reading
		H	Ref To Com On Environment
H0389	Study Moped Registration and Liability Ins.	H	Filed
		H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0390	Repeal Pistol/Crossbow Transfer Permit.	H	Filed
H0391	Dept. of Admin/Procurement Modernization.-AB	H	Filed
H0392	Modify Motorcycle Helmet	H	Filed

Requirements.

H0393	Modify Internal Auditing Statutes.	H	Filed
H0394	Flex. Work Option for All State Employees.-AB	H	Filed
H0395	Strengthen Prohibition on Cockfighting.	H	Filed
H0396	Public Safety Act.	H	Filed
H0397	DHHS Penalties and Remedies Revision.-AB	H	Filed
H0399	Cap Motor Fuel Excise Tax Rate.	H	Filed
H0400	Taxpayer Transparency Act.	H	Filed
S0007	Add Controlled Substances. 02-23-11, 03-09-11	S	Ratified
S0008	No Cap on Number of Charter Schools. 02-16-11, 02-22-11, 02-23-11, 03-16-11	HA H	Reptd Fav Com Substitute Re-ref Com On Finance
S0022	APA Rules: Limit Additional Costs. 02-08-11, 02-09-11, 03-07-11	S	Ratified
S0032	Hospital Medicaid Assessment/ Payment Program. 02-22-11	H	Passed 3rd Reading
S0058	Modify FMAP Cuts. 03-10-11	S S	Rec To Concur H Com Sub Placed On Cal For 3/17/2011
S0065	Honor John A. Garwood.	S S	Withdrawn From Com Placed On Cal For 3/17/2011
S0075	Promote Electricity Demand Reduction. 03-15-11	S	Passed 2nd & 3rd Reading
S0099	Reform UI Tax Structure/ Expedite Analysis. 03-16-11	HA H H S S S	Reptd Fav Com Substitute Cal Pursuant Rule 36(b) Placed On Cal For 3/16/2011 Passed 2nd & 3rd Reading Rec To Concur H Com Sub Placed On Cal For 3/16/2011 Concurred In H/com Sub
S0109	Spending Cuts for the Current Fiscal Year. 03-02-11	S	Ratified
S0110	Permit Terminal Groins. 03-09-11, 03-14-11	H H	Passed 1st Reading Ref To Com On Environment
S0118	Downtown Service District Definition.	S	Passed 2nd Reading
S0133	Juror Privacy.	S	Passed 2nd & 3rd Reading
S0137	Establish Forgivable Loan Fund.	S S	Reptd Fav Re-ref Com On Finance
S0146	State Shrimp Festival-Sneads Ferry.	S	Passed 2nd & 3rd Reading
S0154	Abolish Higher Education Bond Oversight Comm.	S	Reptd Fav
S0165	NC Turnpike Authority	H	Reptd Fav

Corridor Selection.	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/17/2011
S0194 Electric Vehicle Incentives. 03-15-11	S	Passed 2nd & 3rd Reading
S0212 Cemeteries/Survey Stamp.	S	Passed 2nd & 3rd Reading
S0248 Update Archaic Disability Terms.	S	Reptd Fav
S0308 State Regulation of Greenhouse Gas Emissions. 03-15-11	S	Passed 2nd & 3rd Reading
S0346 Exempt Cooking Schools from Food Regulations.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0347 Report Health Care-Associated Infections.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0348 Tuition for Dependents of Deployed Military.	S	Passed 1st Reading
	S	Ref To Com On Education/ Higher Education
S0349 Confidentiality/Investigative Info/Optomety.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0350 Fire and Rescue Separation Allowances.	S	Passed 1st Reading
	S	Ref To Com On Pensions & Retirement and Aging
S0351 Annual Transaction Reports Requirement.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0352 Restore Confidence in Government.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0353 Unborn Victims of Violence Act.	S	Filed
S0354 Rental Property/Lithium Battery Smoke Alarms.	S	Filed
S0355 Masonic Special Plate/ Motorcycles.	S	Filed
S0356 No Filing for Party and Unaffiliated.	S	Filed
S0357 DNR Form Signatures.	S	Filed
S0358 Repeal Crossbow Purchase Permit Requirement.	S	Filed
S0359 Modify Special Plate Design Requirements.	S	Filed
S0360 Change Hours of Sale for Alcoholic Beverages.	S	Filed
S0361 Interscholastic Sports Open to All Students.	S	Filed
S0362 Reallocate Lottery Funds.	S	Filed
S0363 Repeal Prison Maintenance Restriction.	S	Filed
S0364 Cancel Aircraft Lien W/ Surety Bond Deposit.	S	Filed
S0365 Real Estate License Law Amendments.-AB	S	Filed
S0366 Manufactured Home Titling Changes.	S	Filed

LOCAL BILLS

H0026 Henderson County Fire	H	Reptd Fav
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Districts.	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/17/2011
H0358 Apex/Cary Annexation Into Chatham Restricted.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0359 City/County Beer and Wine License Taxes.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0360 Columbia Municipal Early Voting.	H	Passed 1st Reading
	H	Ref To Com On Government
H0361 Currituck Electronic Notice.	H	Passed 1st Reading
	H	Ref To Com On Government
H0362 Pasquotank Hunting.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0365 Pink Hill Elections.	H	Passed 1st Reading
	H	Ref To Com On Government
H0367 Roanoke Rapids Deannexation.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0369 Roanoke Rapids Local Option Sales Tax.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0378 Exclusion From Post-Construction Practices.	H	Filed
H0398 Cleveland County Water Advisory Referendum.	H	Filed
H0401 Haywood Community College Leases.	H	Filed
S0155 Wake Local Stormwater Utility Fees.	S	Passed 2nd & 3rd Reading
S0182 Greenville/Email Subscription Lists.	S	Passed 2nd & 3rd Reading
S0227 Haywood Community College Leases.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
03-16-11		
S0261 Chowan Fox Seasons.	S	Passed 2nd & 3rd Reading
S0263 ETJ/Wake Municipal Farm Exemption.	S	Passed 2nd & 3rd Reading
S0269 Hillsborough Occupancy Tax.	S	Passed 2nd Reading
S0270 Huntersville E-mail lists/ Electronic Access.	S	Passed 2nd & 3rd Reading

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 87. [SUNSHINE AMENDMENT](#). Filed 2/10/11. House committee substitute makes the following changes to 1st edition.

Amends proposed constitutional amendment to state that every person has the right to inspect or copy any public record made or received in connection with the official business of any agency, public officer, or official of the state (was, public body, officer, or employee of the state) or persons acting on their behalf, unless exempted. Deletes the judicial branch of government from the amendment's scope. Allows the General Assembly to provide by general law passed by a three-fifths vote (was, two-thirds vote) of the members present and voting for the

exemption of records and meetings. Clarifies that all statutes, rules, case law, and common law in effect on January 1, 2013, that limit public access to records or meetings will remain in force until amended or repealed. Makes other clarifying changes.

Courts; Constitutional Amendment;
General Assembly; Local
Government; State Government

H 145. PHOEBE'S LAW (NEW). Filed 2/17/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 20-141.7(f)(2) to increase the civil penalty for speeding within a school zone to \$250 (was, \$125). Amends proposed GS 20-141.7(h)(2) to clarify that a sworn affidavit provided by a registered owner contesting liability for speeding must include documentation that the owner reported theft or other loss of the photographed vehicle within 48 hours of the violation (was, before the date of the violation).

Transportation; Education;
Civil Law and Procedure

H 171. MUNICIPAL SELF-ANNEXATIONS. Filed 2/23/11. House committee substitute makes the following changes to 1st edition.

Adds new section amending GS 160A-58.1(a) (concerning voluntary satellite annexations) to add that a petition for annexation is not valid when: (1) it is unsigned; (2) it is signed by the city for the annexation of property the city does not own or have a legal interest in; or (3) it is for the annexation of property for which a signature is not required and the property owner objects to the annexation. Clarifies that a city (in proposed GS 160A-58.7(b)) and a municipality (in proposed GS 160A-31(i)) have no authority to *adopt a resolution* or petition for annexation of property it does not own or have any legal interest in. Makes a clarifying change, and changes the bill's title to reflect new content.

Local Government

H 234. JUROR QUALIFICATIONS/DISABILITIES. Filed 3/3/11. House committee substitute makes the following changes to 1st edition. Amends GS 9-6.1 to allow a person that has been summoned as a juror who is 66 (was, 72) years old or older to request to be excused, deferred, or exempted by filing a signed statement instead of appearing in person.

Courts

H 316. MODIFY NCGA POLICE POWERS (NEW). Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

The previous edition deleted most of the provisions of GS 120-32.2, and extended the authority of the General Assembly Special Police (Special Police) throughout the state. New edition restores the provisions of GS 120-32.2 and makes the following amendments. Grants the Special Police the powers of police in cities, throughout the state, while performing advance work for continuity of government planning and while performing other types of advance work, as specified. Adds that Special Police have the powers of police of cities, throughout the state, while conducting a criminal investigation or a threat of physical violence against the General Assembly, a member or staff, or their immediate family, and while accompanying a General Assembly member to provide executive protection in response to a threat of physical violence. Makes other clarifying changes.

General Assembly

SENATE BILLS

S 8. NO CAP ON NUMBER OF CHARTER SCHOOLS. Filed 1/27/11. House committee substitute makes the following changes to 4th edition.

Increases the membership of the Public Charter Schools Commission (Commission) to 13 members (was, 11) with two additional appointments by the Governor. Clarifies that the Commission is subject to the Public Records and Open Meetings laws. Authorizes the State Board of Education to veto any decision of the Commission by a two-thirds vote (was, three-fourths).

Provides that a charter school application indicate the number of students to be served and sets the minimum number at 50; however, permits a charter school to serve fewer than 50 students if the application presents a compelling reason for doing so. Requires that a school seeking a charter from the Commission make efforts to ensure that transportation is not a barrier to attendance for any student who resides within three miles of

the charter school in a household with an income below 185% of the federally defined poverty level. Requires that the application include the school's plan for providing food services. Directs the school to develop a plan for food services which ensures that lack of food services is not a barrier for any student enrolled in the charter school who resides in a household with an income below 185% of the federally defined poverty level. Requires that for charters granted after July 1, 2011, (1) that efforts are made to develop transportation plans for students residing in a household within three miles of the school in which the household income is below 185% of the federal poverty level and (2) that plans are developed for food service for enrolled students residing in a household with a household income below 185% of the federal poverty level.

Provides that up to 50 new charters may be granted each calendar year, not including renewals of existing charters.

Requires that the charter set out measurable academic and operational performance standards that the charter school must meet to earn charter renewal, including the type of objective and verifiable data the Commission will review to evaluate the charter school's performance. Specifies standards to be included.

Provides that enrollment growth up to 20% of current enrollment (was, 10%) is not a material revision of a charter application and does not require the prior approval of the Commission. Enrollment growth greater than 20% requires the approval of the Commission based on the specified factors.

Permits a charter school to charge any fees that are charged by the local school administrative unit (LEA) in which the charter school is located. Prohibits charter schools from employing a teacher whose certification has been revoked by the State Board of Education (SBE). Provides that a charter school may give enrollment priority to the children of other full time employees in addition to the children of the charter school's teachers and teacher assistants and the charter school principal.

Requires state and county funds used to purchase real property to be remitted back to the source of the funds, after all liens on the property are satisfied, upon dissolution of the charter school or nonrenewal of the charter.

Directs the Commission to develop criteria for identifying adequate performance by a charter school and to identify charter schools with inadequate performance. Requires that charter schools identified with inadequate performance must develop school improvement plans approved by the Commission and that failure to demonstrate improvement under the plan is cause for termination or nonrenewal.

Clarifies that if a student attends a charter school, then the LEA in which the student resides is to transfer the per pupil share of the local current expense fund, as defined in GS 115C-426, to the charter school that the student attends. Provides that the amount transferred is not to include special funds of individual schools established under GS 115C-448. Makes a conforming change to GS 115C-448. Permits state funds and county funds provided to charter schools to be used for any purpose identified under the capital outlay fund (GS 115C-426(f)).

Amends GS 115C-426 to eliminate the use of other funds to account for sales tax revenues distributed using the ad valorem method and sales tax refund and eliminates the exclusion of interest income from the local current expense appropriation. Effective when the act becomes law.

Requires the Department of Public Instruction to report annually by October 15, beginning in 2012, on charter school programs and policies that could improve the public schools to the Joint Legislative Education Oversight Committee, and to send that report to local boards of education.

Changes the date for appointments to the Commission to be made by August 1, 2011 (was, by October 1, 2011). Except as otherwise indicated, effective July 1, 2011.

Education

S 99. REFORM UI TAX STRUCTURE/EXPEDITE ANALYSIS. Filed 2/22/11. House committee substitute makes the following changes to 1st edition. Provides that a contract to obtain consultant services under the act is not subject to Article 3C of GS Chapter 143. Deletes provision requiring the Department of Commerce (Department) to begin work immediately to identify a qualified independent consultant with the necessary expertise and expedite entering into a contract. Allows the consultation contract to be funded from (1) funds available within the Employment Security Commission and (2) non-state or nongovernmental funds, grants, and in-kind contributions specifically designated for carrying out the analysis required by the act (was, contract may be funded from departmental funds and allowed the Department to seek and accept non-state funds, grants, and in-kind contributions).

Business and Commerce; State Government; Taxation

S 227. HAYWOOD COMMUNITY COLLEGE LEASES. Filed 3/3/11. Senate committee substitute makes the following changes to 1st edition.

Amends GS 160A-272 to codify authorization to allow the Board of Trustees of the Haywood Community College to approve a lease for the siting and operation of a renewable energy facility, as defined in GS 62-133.8(a)(7), for up to 20 years without treating the lease as a sale and without giving notice by publication of the intended lease (1st edition added Haywood Community College to the towns and cities identified as having this authority in Section 3 of SL 2009-149, as amended). Makes a conforming change to the title.

Education

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

March 17, 2011

HOUSE convenes at 1:00 p.m.

SENATE convenes at 11:00 a.m.