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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 433. [NUISANCE ABATEMENT CHANGES](#). Filed 3/23/11. *TO CHANGE THE NUISANCE ABATEMENT LAWS.*

Amends GS 19-1(a) to clarify that the erection, establishment, continuance, maintenance, use, ownership, or leasing of any building or place wherein or whereon repeated acts (was, for the purpose) of an illegal activity, as listed, occur will constitute a nuisance. Makes a conforming change to GS 19-1.2(6) (concerning types of nuisances). Enacts new subdivision (8a) in GS 19-1.1 to define *repeated acts* as more than one occurrence of assignation, prostitution, gambling, or illegal possession or sale of alcoholic beverages, controlled substances, or obscene matter, as defined, at any building or place during a one-year period. Applies to offenses committed or nuisances occurring on or after August 1, 2011.

Intro. by Bordsen, Ingle.

GS 19

Civil Law and Procedure; Courts

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H 436. ECONOMIC DISCLOSURES FOR SANITARY DISTRICTS. Filed 3/23/11. *TO REQUIRE MEMBERS OF SANITARY DISTRICTS ESTABLISHED UNDER PART 2 OF ARTICLE 2 OF CHAPTER 130A OF THE GENERAL STATUTES TO FILE A STATEMENT OF ECONOMIC INTEREST.*

Enacts new GS 130A-49.5 as the title indicates. Requires that the Statement of Economic Interest be filed with the clerk of superior court on the form prescribed by the State Ethics Commission. Effective July 1, 2011.

Intro. by R. Brown, Dockham. GS 130A Health, Social Services, and Aging

H 438. ACCOUNTABLE CO. COMMS./EXPAND LOC. BD. AUTH. Filed 3/23/11. *EXTENDING THE AUTHORITY OF CERTAIN BOARDS OF COUNTY COMMISSIONERS OVER LOCAL BOARDS, AGENCIES, AND COMMISSIONS.*

Amends GS 153A-77(f), extending the authority of boards of commissioners over commissions, boards, and agencies in *coastal counties with a population over 200,000* and to other counties with a population over 425,000.

Intro. by McComas. GS 153A Local Government

H 443. FUNDS/JUSTUS-WARREN TASK FORCE RECS. Filed 3/23/11. *TO APPROPRIATE FUNDS FOR HEART/STROKE COMMUNITY EDUCATION AND TO APPROPRIATE FUNDS FOR THE STROKE ADVISORY COUNCIL.*

Appropriates \$400,000 for 2011-12 and \$400,000 for 2012-13 from the General Fund to the Department of Health and Human Services, Division of Public Health (Division), to be allocated to the Heart Disease and Stroke Prevention Branch for continuation of education campaigns and communication strategies in partnership with the American Heart Association/American Stroke Association on stroke signs and symptoms and the importance of immediate response.

Appropriates \$50,000 for 2011-12 and \$50,000 for 2012-13 from the General Fund to the Division to be allocated for continued operations of the Stroke Advisory Council.

Effective July 1, 2011.

Intro. by Weiss. APPROP Budget and Appropriations; Health, Social Services, and Aging

H 444. EXPAND PHARMACISTS' IMMUNIZING AUTHORITY (=S 246). Filed 3/23/11. *TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.*

Identical to S 246, filed 3/7/11.

Intro. by Wilkins, Parfitt. GS 90, 130A Health, Social Services, and Aging

H 445. PREVENT REAL ID IMPLEMENTATION. Filed 3/23/11. *TO PREVENT THE ADOPTION OF THE FEDERAL REAL ID ACT IN NORTH CAROLINA.*

Enacts new GS 20-6.1 declaring that the General Assembly has determined that the U.S. Congress has issued an unfunded mandate for the production and clearance of North Carolina's driver's licenses in the passage of the REAL ID Act of 2005 (REAL ID Act). Declares that no state agency is to comply with the requirements of the REAL ID Act. Delineates the specific actions that the Division of Motor Vehicles is prohibited from taking. Asserts that the state will take all reasonable measures to ensure the privacy of its citizens and refrain from selling, renting, or leasing for commercial purposes data that is collected during the administration of driver's licenses. Prohibits the DMV from storing a database or hard copies of breeder documents such as birth certificates or Social Security numbers. Also prohibits storing the image of the applicant or identification card other than for the purpose of issuing replacement licenses or licenses issued due to an address change within the state. Effective May 1, 2011.

Intro. by Bradley. GS 20 Transportation

H 446. LABELING REQUIREMENTS/GMOS & RBGH IN FOOD. Filed 3/23/11. *TO REQUIRE LABELING OF FOOD AND MILK PRODUCTS SOLD IN THIS STATE THAT ARE OR THAT CONTAIN GENETICALLY MODIFIED FOOD AND OR MILK AND MILK PRODUCTS FROM ANIMALS THAT HAVE RECEIVED RECOMBINANT BOVINE GROWTH HORMONE (RBGH).*

Enacts new subdivision (16) to GS 106-130 to add that a food will be deemed misbranded if it is a genetically modified food, unless the food bears a conspicuous label identifying such in a font size, as indicated. Enacts new subdivision (4) to GS 106-268(c), which defines *misbranded* as applicable to milk and dairy products, adding that misbranded also means a product containing milk from an animal that has been injected with, or otherwise received recombinant bovine growth hormone, unless the product bears a prominent label stating as such. Enacts new GS 106-121(8b) to define *genetically modified food*, under the NC Food, Drug, and Cosmetic Act, as food

with a genetic structure modified by direct human manipulation in a manner that does not occur under natural conditions, including through genetic engineering methods, as specified, and also including food that is, or is from, the genetic line of an animal or plant so modified. Includes whereas clauses. Effective October 1, 2011.

Intro. by Bradley.

GS 106

Health, Social Services, and Aging

H 448. CONSTITUTIONAL TENDER ACT. Filed 3/23/11. *TO PROVIDE THAT THE STATE OF NORTH CAROLINA DECLARES SECTION 10 OF ARTICLE I OF THE UNITED STATES CONSTITUTION AS AUTHORITY RECOGNIZING ELEMENTAL GOLD AND ELEMENTAL SILVER AS VALID TENDER IN THE STATE OF NORTH CAROLINA.*

Provides definitions for the terms (1) gold tender, (2) silver tender, (3) state money, (4) federal money, and (5) registered specie as used in the proposed *North Carolina Constitutional Hard Tender Act* (Act).

Directs that *state money*, meaning any gold tender, silver tender, or registered specie, is legal tender with North Carolina. Prohibits taxing the purchase or exchange of state money.

Defines *registered specie* to include gold and silver coin and bullion. Provides that gold coins include: (1) U.S. American eagle coins of all denominations minted under the Gold Bullion Coin Act of 1985, Public Law 99-85; (2) Austrian 100 and 20 corona, and 4 and 1 ducat; (3) British sovereign; (4) Canadian 1 and 1/10 maple leaf; (5) French 20 franc; (6) Mexican 50, 20, 10, 5, and 2.5 peso; (7) South African 1, 1/2, 1/4, and 1/10 krugerrand; and (8) Swiss 20 franc. Provides that silver coins include: (1) U.S. dollars required by statute to contain 371.25 grains of fine silver per "dollar" as referred to in the U.S. Constitution; (2) U.S. half and quarter dollars, and dimes, whenever minted, required by statute to contain fine silver in amounts proportionate to the constitutional silver dollar of 371.25 grains of fine silver per dollar; (3) U.S. American eagle or liberty coins minted under the Liberty Coin Act of July 9, 1985; and (4) Canadian maple leaf. Registered specie also includes stamped silver and gold bullion in bars and rounds from providers that correspond with a certified list and any gold or silver coin, or combination of gold and silver coin. Requires bullion providers to register products as specie and directs the state Treasurer to provide for the registration.

Includes provisions for the exchange of state money for federal money, the exchange of federal money for state money, and vendor exchanges and acceptance. Provides that the exchange rate is the Current Median of 168- by 24-hour Moving Average Spot Price.

Intro. by Bradley.

UNCODIFIED

Constitutional Amendment;
Business and Commerce

H 449. INCREASE IN REM FORECLOSURE FEE. Filed 3/23/11. *TO INCREASE THE IN REM FORECLOSURE FEE.*

Amends GS 105-375, as title indicates, by increasing the fee from \$50 to \$250. Applies to in rem foreclosure proceedings commenced on or after July 1, 2011.

Intro. by Setzer.

GS 105

Taxation

H 450. NO AUTOMATIC RENEWAL OF CREDIT CARD CONTRACTS. Filed 3/23/11. *TO PROHIBIT THE AUTOMATIC RENEWAL OF MERCHANT CREDIT CARD PROCESSING CONTRACTS.*

Enacts new GS 22B-4 to provide that any contract provision that provides for the automatic renewal of a merchant credit card processing contract is against public policy and such a contract is void and unenforceable. Provides that nothing in this proposed section prohibits the renewal of contracts following a 60-day notice of an upcoming expiration from the processing company and an acceptance of the renewal signed by the merchant. Effective October 1, 2011, and applies to contract's entered into on or after that date and to contracts currently scheduled to renew automatically on or after that date.

Intro. by Starnes.

GS 22B

Business and Commerce

H 451. DWLR PENALTIES INCREASED/ VEHICLE SEIZURES. Filed 3/23/11. *TO INCREASE THE PENALTIES FOR DRIVING WHILE LICENSE REVOKED BY SETTING MINIMUM FINES FOR THE INITIAL AND SUBSEQUENT CONVICTIONS, BY REQUIRING THE VEHICLES BEING OPERATED BY A DRIVER WHOSE LICENSE OR DRIVING PRIVILEGES ARE REVOKED AFTER TWO PRIOR CONVICTIONS FOR DRIVING WHILE LICENSE REVOKED TO BE SEIZED AND FORFEITED TO THE STATE, AND TO REQUIRE A MINIMUM TERM OF IMPRISONMENT OR IN THE ALTERNATIVE HOUSE ARREST FOR A THIRD OR SUBSEQUENT CONVICTION.*

Amends GS 20-28 by making a person who drives while the person's license is revoked and has two or more prior convictions for driving with a revoked license guilty of a Class I felony. Fines a person convicted of driving while the person's license or driving privileges are revoked not less than (1) \$250 for the first offense, (2) \$1,000 for the second offense, and (3) \$2,500 for the third and subsequent offenses. Provides that if a person is

convicted for a fourth violation of driving while the person's license is revoked, the motor vehicle driven by the defendant when the defendant committed the offense is subject to forfeiture under the procedure set out in GS 20-28.3. Provides that an owner or a holder of a security interest in the motor vehicle is considered an innocent party with respect to a motor vehicle subject to forfeiture if the defendant drove the motor vehicle without the permission of the owner or the holder of the security interest. Requires a minimum active term of not less than six months for a person convicted of felony driving while license is revoked. Permits the judge to suspend the required active sentence and to place the defendant on supervised probation with a special condition of house arrest with electronic monitoring in accordance with GS 15A-1343 for not less than 90 days.

Makes conforming changes to GS 20-28.3. Provides that the seizing officer is to notify the Division of Motor Vehicles (DMV) no later than 24 hours after the seizure of the motor vehicle. Requires the DMV to issue within 48 hours of receiving the notice of seizure written notice of the impoundment of the vehicle to any lienholder of record and to any motor vehicle owner who was not operating the vehicle at the time of the offense. Also requires the DMV to provide written notification of the seizure to the owner's insurance company of record. Provides that the attorney for the county board of education is to be given notice of all proceedings regarding offenses related to a motor vehicle subject to forfeiture under this section. Provides for the payment of fees upon conviction and sets the guidelines for when the defendant must pay restitution and to whom it must be paid.

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

Intro. by Starnes.

GS 20

Transportation

H 452. ELIMINATE "INSTANT RUNOFF"/PUBLIC FINANCING. Filed 3/23/11. *TO ELIMINATE "INSTANT RUNOFF" VOTING FOR JUDICIAL OFFICES WHEN LATE VACANCIES OCCUR AND INSTEAD DETERMINE THE RESULTS OF THE VACANCY ELECTION BY PLURALITY, AND TO REPEAL PUBLIC CAMPAIGN FINANCING FOR JUDICIAL AND COUNCIL OF STATE RACES.*

Amends GS 163-329, which describes election procedures for filling vacancies created after the primary filing period opens, to add that the plurality method will be used when a vacancy for judicial offices occurs less than 64 days before the second primary and a general election is held on the same day as the general election for General Assembly members. Explains the plurality method as follows: (1) when one or more person seeks election to a single office, the candidate who receives the highest number of votes is elected; and (2) when more persons seek election to two or more offices as superior court judge than there are available offices, the candidates receiving the highest number of votes, equal to the available offices, are elected. Deletes provisions requiring and explaining the instant runoff method.

Repeals Article 22D [the NC Public Campaign Fund (Fund)] and Article 22J (the Voter-Owned Elections Act) in GS Chapter 163. Repeals GS 105-159.2 (allocation of tax to the Fund). Makes conforming changes to GS 84-34 to remove Fund contribution from attorney membership dues. Makes additional conforming changes and repeals GS 163-278.13(e2), (e3), and (e4).

Transfers the balances of the Fund and the Voter-Owned Elections Fund to the General Fund, but specifies that unexpended funds from the tax and attorney allocations will be retained by the State Board of Elections.

Intro. by Starnes.

GS 84, 105, 163

Elections Law

H 453. ALLOW SALARY PROTECTION INSURANCE. Filed 3/23/11. *TO AUTHORIZE THE PLACEMENT AND ISSUANCE OF SALARY PROTECTION INSURANCE UNDER THE SURPLUS LINES ACT.*

Enacts new GS 58-21-22 to provide that the amount of salary protection insurance plus the amount of any income disability income insurance, if applicable, will not exceed 75% of the individual's earned income, when salary protection insurance benefits are payable to an individual or the individual's beneficiary. Defines *disability income insurance*. Amends GS 58-21-10 to define *salary protection insurance* as insurance against financial loss caused by the cessation of earned income due to disability from sickness, ailment, or bodily injury. Makes a clarifying change. Effective October 1, 2011.

Intro. by Dockham.

GS 58

Business and Commerce

H 454. ERC TO STUDY CONSTRUCTION ON SLOPES. Filed 3/23/11. *TO DIRECT THE ENVIRONMENTAL RESOURCES COMMISSION TO STUDY ISSUES RELATED TO SAFE ARTIFICIAL SLOPE CONSTRUCTION IN MOUNTAINOUS AREAS OF THE STATE IN ORDER TO PROMOTE STABLE SLOPES FOR DEVELOPMENT, TO REDUCE THE LIKELIHOOD OF SLOPE FAILURES ON DEVELOPED OR DISTURBED LAND, AND TO PROTECT HUMAN SAFETY AND PROPERTY.*

As title indicates. Also directs the Environmental Review Commission to collect research and information related to slopes, hold public meetings in specified municipalities, and report findings and recommendations to the 2012 General Assembly.

Intro. by Rapp, McGrady, Fisher, Keever. STUDY

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

H 455. OUTDOOR LIGHT FIXTURES USING STATE FUNDS. Filed 3/23/11. *TO CONSERVE ENERGY AND REDUCE THE EXPENSES OF LIGHTING ASSOCIATED WITH THE USE OF OUTDOOR LIGHTING WHEN THE LIGHTING IS NOT NEEDED TO PROVIDE SAFETY, UTILITY, OR SECURITY BY REQUIRING OUTDOOR LIGHTING FIXTURES THAT ARE INSTALLED, REPLACED, MAINTAINED, OR OPERATED USING STATE FUNDS TO MEET CERTAIN STANDARDS DESIGNED TO REDUCE UNNECESSARY ILLUMINATION AND REDUCE GLARE AND LIGHT POLLUTION.*

Adds new Part 3, *Outdoor Lighting Fixtures Involving the Use of State Funds*, to GS Chapter 143, Article 3B, as the title indicates. Provides definitions for the following terms as used in the proposed Part: (1) energy conservation, (2) full cutoff luminaire, (3) light pollution, (4) light trespass, (5) luminaire, (6) outdoor lighting fixture, and (7) state funds. Provides standards to be met for state-funded, meaning funds appropriated by the General Assembly or bond revenues of the state, outdoor lighting fixtures, meaning fixed or movable lighting equipment designed or used for outdoor illumination. Also lists five instances when the standards do not apply. Sets a civil penalty of no more than \$1,000 per violation for any person found by the Secretary of Administration to have violated the provisions of this proposed Part. Limits the maximum civil penalty for any related series of violations occurring within one year after the date of the first violation to no more than \$50,000. Provides criteria to be considered by the Secretary in determining the amount of the penalty. Effective January 1, 2012, and applies to any outdoor lighting fixtures that are installed, replaced, maintained, or operated on or after that date.

Intro. by Fisher, Harrison, McGrady. GS 143

State Government; Energy and Utilities

H 456. JOINT RESOLUTION. Filed 3/23/11. *DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF LOWERING THE MAXIMUM AGE OF INITIAL ENROLLMENT IN THE PUBLIC SCHOOLS FROM AGE SEVEN TO AGE SIX.*

As title indicates. Requires that the Joint Legislative Education Oversight Committee report its findings to the 2012 Regular Session of the General Assembly.

Intro. by Fisher, Cotham, Gill, Keever. JOINT RES

Education; General Assembly

H 457. MUNICIPAL ELECTRIC UTILITIES/UC OVERSIGHT. Filed 3/23/11. *PROVIDING THAT MUNICIPAL ELECTRIC UTILITIES SHALL BE SUBJECT TO OVERSIGHT BY THE UTILITIES COMMISSION AS TO RATES AND SERVICE AND THAT THE UTILITIES COMMISSION PUBLIC STAFF SHALL SERVE AS AN ADVOCATE FOR MUNICIPAL CUSTOMERS IN RATE AND SERVICE CASES.*

Enacts new GS 62-55 to provide that the North Carolina Utilities Commission (Commission) has oversight of the rates for electric service established and services furnished by a municipality. Includes a municipality that is a member of a joint municipal power agency under GS Chapter 159B that operates a municipal electric utility under GS 160A-311(1). Authorizes the Commission to consider the factors provided in GS 62-133 and GS 62-134 in determining whether the rates for electrical service are fair to the consumer and the municipality as operator of the electric utility. Provides that the Commission may issue orders to make necessary adjustments after a determination at a hearing as to whether the rates are just and reasonable. Also provides that the Commission may enter an order requiring changes and improvements if the Commission determines via a hearing that the service furnished by the municipal electric utility is inadequate. Makes conforming changes to GS 62-3(23)d, GS 62-15(d), GS 160A-312, and GS 160A-314.

Provides that this act only applies to the cities and towns in eastern North Carolina that comprise the North Carolina Eastern Municipal Power Agency (NCEMPA) on the date that this act becomes law.

Effective October 1, 2011, and applies to all rates for electric service established and all service provided by a NCEMPA member city or town on or after that date.

Intro. by Farmer-Butterfield. GS 62, 160A

Local Government; Energy and Utilities

H 458. COMMUNITY COLLEGE ADMINISTRATION STUDY. Filed 3/23/11. *TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL STUDY EFFICIENT AND EFFECTIVE COMMUNITY COLLEGE ADMINISTRATION.*

Requires the Joint Legislative Program Evaluation Oversight Committee (Committee) to include a study of the most efficient and effective way to administer the local community colleges system in the Committee's 2010-11 Work Plan for the Program Evaluation Division (Division). Requires that the Division consider consolidating community college administration and strategies for ensuring access for students. Requires the Division to submit the study to the Committee, the Joint Legislative Oversight Committee, and the Fiscal Research Division by June 15, 2011.

Intro. by Howard.

STUDY

Education; General Assembly

SENATE BILLS

S 401. ACH PILOT ON CRISIS INTERVENTION TRAINING (=H 104). Filed 3/23/11. *TO DIRECT THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO COORDINATE A PILOT PROGRAM TO EVALUATE THE EFFECTIVENESS OF CRISIS INTERVENTION TRAINING IN A LIMITED NUMBER OF ADULT CARE HOMES, BASED ON RECOMMENDATION 5.2 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.*

Identical to H 104, filed 2/15/11.

Intro. by Bingham.

STUDY

Health, Social Services, and Aging

S 402. EXTEND HEARING LOSS TASK FORCE (=H 60). Filed 3/23/11. *TO EXTEND THE TASK FORCE DEVELOPING GUIDELINES FOR CONSUMERS TO USE WHEN PURCHASING A HEARING AID, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.*

Identical to H 60, filed 2/8/11.

Intro. by Bingham.

UNCODIFIED

Health, Social Services, and Aging

S 403. ECU DENTAL SCHOOL FUNDS (=H 370). Filed 3/23/11. *TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE SCHOOL OF DENTAL MEDICINE AT EAST CAROLINA UNIVERSITY.*

Identical to H 370, filed 3/15/11.

Intro. by Jenkins, Pate.

APPROP

Budget and Appropriations;
Education

S 404. DEPT. OF ADMIN/PROCUREMENT MODERNIZATION (=H 391). Filed 3/23/11. *TO MODERNIZE PROCUREMENT METHODS USED BY THE SECRETARY OF ADMINISTRATION AND STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES.*

Identical to H 391, filed 3/16/11.

Intro. by Brock.

GS 143

State Government

S 405. AMEND IRRIGATION CONTRACTORS' LICENSING LAWS. Filed 3/23/11. *AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES.*

Amends GS 89G-3 (providing exemptions from the provisions of GS Chapter 89G, Irrigation Contractors) to clarify that the exemption applies to a general contractor classified under GS 87-10(b) as a building contractor, a residential contractor, or a public utilities contractor using the contractor's own employees to perform work. Limits exempted public utilities contractors to persons performing only the activities described in GS 87-10(b)(3)a. Removes any federal, state, or local government agency performing irrigation construction or contracting work on public property from the list of exemptions. Clarifies the term "irrigation construction or irrigation contracting" throughout, and directs the Revisor of Statutes to make conforming statutory changes as necessary. Makes other conforming and clarifying changes.

Amends GS 89G-5(11) to clarify that the NC Irrigation Contractors' Licensing Board (Board) has the power to require licensees to file and maintain an adequate surety bond or *letter of credit*. Enacts new GS 89G-6.1 to allow the Board to issue a license in the name of a corporation, limited liability company, partnership, or in an assumed

or designated trade name if the respective conditions are met. Sets forth additional details and requirements for licenses and licensees. Enacts new GS 89G-6.2 to allow the Board to issue a license to a nonresident individual or a foreign entity that meets all licensure requirements. Includes definitions and additional provisions describing certificates of authority and required tax information.

Amends GS 89G-9(b), allowing the Board to suspend a licensee's license for 30 days (rather than lose) for failure to obtain continuing education units, with reinstatement after fee payment. Specifies that failure to request reinstatement and pay the fee will result in license forfeiture. Amends several fees in GS 89G-10(a). Enacts new GS 89G-11(b), allowing the Board to assess costs for disciplinary proceedings against an applicant or licensee. Makes other conforming changes.

Effective October 1, 2011.

Intro. by Hartsell, Brown.

GS 89G

Employment and Retirement

S 406. REPEAL CROSSBOW PURCHASE PERMIT REQUIREMENT (=S 358). Filed 3/23/11. *TO REPEAL THE REQUIREMENT THAT A PERSON OBTAIN A PERMIT TO RECEIVE, SELL, PURCHASE, OR OTHERWISE TRANSFER A CROSSBOW.*

Identical to S 358, filed 3/16/11.

Intro. by Brock, East, Newton.

GS 14

Criminal Law, Procedure, and Sentencing

S 407. TRUSTS AND ESTATE PLANNING CHANGES. Filed 3/23/11. *TO AMEND THE LAWS GOVERNING TRUSTS, ESTATE PLANNING, AND TRUST COMPANIES.*

Makes an organizational change to GS 32-55, which provides for notice under the Uniform Fiduciaries Act. Enacts new subsection (c) to GS 36C-5-505, which pertains to a creditor's claim against a settlor, to provide that, subject to the Uniform Fraudulent Transfer Act, trust property will be deemed to have been contributed by the settlor's spouse after the death of the settlor's spouse, if the settlor is a beneficiary of any of the four listed trusts after the death of the settlor's spouse. Amends GS 36C-7-704(f) to clarify that a successor trustee will be vested with the title to property of the former trustee. Amends GS 36C-8-816(26), clarifying a specific power of the trustee, to provide that the trustee may exercise all powers otherwise exercisable during the administration of the trust, upon termination of the trust. Amends GS 28A-8-1(b), clarifying that a bond is not required from a personal representative that is a licensed trust institution. Amends GS 53-43(6), one of the listed general powers of banks, to clarify that a bank may maintain separate departments and deposit all uninvested fiduciary funds in its commercial department, as specified, by segregating and delivering to the trust department such securities as required by GS 53-163.1 (funds held by a corporation exercising fiduciary powers) for such deposits.

Rewrites the title of Article 14 of GS Chapter 53 to read *Trust Institutions Acting in a Fiduciary Capacity*; makes a conforming change throughout the article to replace *bank* with *trust institution* and replace *clearing corporation* with *securities intermediary*. Enacts new GS 53-158.10 to add definitions for *depository institution*, *hazardous condition*, and *trust institution*, applicable to the article. Amends GS 53-161, to allow the Commissioner of Banks (Commissioner) to examine any trust institution that applies for or is licensed by the Commissioner. Allows the Commissioner to refuse to issue a license to a trust institution in a hazardous condition. Deletes GS 53-162 (certificate of solvency). Amends GS 53-163.5(b), which concerns common trust funds, to provide that a maintaining institution is considered to be affiliated with a participating institution if the former is controlled by, or is under common control with the latter, as determined under federal law or by the Commissioner. Makes other conforming and clarifying changes.

Amends GS 53-301(a), adding definitions for *board of directors* and *director*, applicable to trust companies and interstate trust business. Amends GS 53-315 (establishing an interstate trust office) and 53-316 (acquiring an interstate trust office) to delete conditional language placed on trust offices. Makes clarifying changes to GS 53-331(a) and 53-335(b). Amends GS 53-332, authorizing the Commissioner to allow a state trust company to organize as a company other than a corporation; makes a conforming change. Amends GS 53-352(a), deleting language allowing shareholders to authorize additional directorships. Amends GS 53-363(b), which concerns private trust companies, to add that the holders of the equity securities of a private trust company may by unanimous agreement limit or alter the board of directors' authority, as specified. Includes notification requirement to the Commissioner. Makes a conforming change to GS 53-363(c).

Makes other conforming and clarifying changes. Applies to all trusts created before, on, or after October 1, 2011.

Intro. by Hartsell.

GS 28A, 32, 36C, 53

Trusts, Estates, and Wills

S 408. COMMUNITY COLLEGE ADMINISTRATION STUDY (=H 458). Filed 3/23/11. *TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL STUDY EFFICIENT AND EFFECTIVE COMMUNITY COLLEGE ADMINISTRATION.* Identical to H 458, filed 3/23/11.
Intro. by Hartsell, Clary, STUDY General Assembly; Education
Clodfelter.

S 409. GLOBAL TRANSPARK PED STUDY. Filed 3/23/11. *TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL CONDUCT A COMPREHENSIVE PROGRAM AND FINANCIAL REVIEW OF THE NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY.*
 As title indicates. Establishes issues to be examined and studied in the review. Requires the Program Evaluation Division to report to the Joint Legislative Program Evaluation Oversight Committee by June 1, 2011.
Intro. by Hartsell, Clary, STUDY General Assembly
Clodfelter.

S 410. CONSOLIDATE COUNTY DSS ADMIN. FUNCTIONS. Filed 3/23/11. *TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL STUDY THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS AMONG COUNTY DEPARTMENTS OF SOCIAL SERVICES.*
 As title indicates. Lists issues to be studied by the Program Evaluation Division (Division). Prohibits the Department of Health and Human Services, Division of Social Services, from consolidating these administrative functions except as directed by the General Assembly. Requires the Division to report to specified legislative entities by June 1, 2011.
Intro. by Hartsell, Clary, STUDY General Assembly
Clodfelter.

S 411. VOTE FOR THE PERSON, NOT THE PARTY ACT. Filed 3/23/11. *TO ELIMINATE THE OPTION OF STRAIGHT-PARTY TICKET VOTING ON BALLOTS IN NORTH CAROLINA.*
 Repeals GS 163-165.6(e) and GS 163-182.1(a)(7), as the title indicates.
Intro. by Newton, Meredith, GS 163 Elections Law
Brown.

S 412. PUBLIC MEETINGS/RECORDS LAW VIOLATIONS. Filed 3/23/11. *TO MAKE VIOLATIONS OF THE PUBLIC RECORDS AND OPEN MEETINGS LAWS A CLASS 3 MISDEMEANOR.*
 Enacts new GS 143-318.18A making a violation of Article 33C (meetings of public bodies) of GS Chapter 143 a Class 3 misdemeanor. Also amends GS 132-9 to make it a Class 3 misdemeanor to deny access to public records for inspection and examination or to deny copies of public records.
Intro. by Goolsby, Clary, Tucker. GS 132, 143 Local Government; State Government

S 413. ORDINANCE FIRST READING VOTE. Filed 3/23/11. *TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY AND GOVERNING BOARDS.*
 Amends GS 153A-45 (county board of commissioners adoption of ordinances) to provide that in order to qualify for the three exceptions to the requirement that an ordinance receive the approval of all of the members of the board of commissioners in order to be adopted at the meeting at which it is first introduced, the public hearing must have been held at least seven calendar days before the vote.
 Amends GS 160A-75 (city council voting) to require that in order to be adopted at the meeting at which an ordinance is first introduced, the ordinance must receive the approval of all of the members of the governing board, not including the mayor unless the mayor has the right to vote on all questions before the council. Includes the same provisions concerning the three exceptions as amended GS 153A-45. Provides that if the ordinance is approved by a majority of those voting by not all board members, or if the ordinance is not voted on at that meeting, it must be considered at the next regular board meeting; the ordinance is adopted if at that time, or at any time within 100 days of its introduction, it receives a majority of the votes cast.
 Effective with respect to votes on or after January 1, 2012.
Intro. by Clodfelter. GS 153A, 160A Local Government

S 414. ALLOW ATTORNEYS' FEES IN BUSINESS CONTRACTS. Filed 3/23/11. *TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS STATE.*

Enacts new GS 6-21.6 to provide that reciprocal attorneys' fees provisions in business contracts (defined as contracts entered into primarily for business or commercial purposes) are valid and enforceable for the recovery of reasonable attorney's fees and expenses. Provides that if a business contract governed by the state's laws contains a reciprocal attorneys' fees provision, the court or arbitrator involved in a suit, action, proceeding, or arbitration involving the contract may award reasonable attorneys' fees according to the terms of the contract. Establishes 13 factors to be considered in determining reasonable fees and expenses. Prohibits reasonable attorneys' fees and expenses from being governed by (1) any statutory presumption or provision in the contract providing for a stated percentage, or (2) the amount recovered in other cases in which the business contract contains reciprocal attorneys' fees provisions. Provides for the recovery of fees and expenses when the business contract is also a note, conditional sale contract, or other evidence of indebtedness.

Effective October 1, 2011.

Intro. by Clodfelter.

GS 6

Business and Commerce

S 415. ELIMINATE COST OF REDUCED PRICE SCHOOL MEALS. Filed 3/23/11. *TO ELIMINATE THE COST OF REDUCED PRICE LUNCHESES FOR SCHOOL CHILDREN WHO QUALIFY FOR REDUCED PRICE MEALS.*

Requires that state funds appropriated to the Department of Public Instruction for the Child Nutrition Program (Program) be used to eliminate the cost of reduced price lunches for children qualifying for reduced price meals; funds that are not needed to eliminate the costs are to be used for other Program expenses. Effective July 1, 2011.

Intro. by Purcell.

UNCODIFIED

Education

S 416. SCHOOL BUSES/STATE VEHICLES/TIRES. Filed 3/23/11. *PROVIDING THAT THE STATE AND LOCAL BOARDS OF EDUCATION SHALL USE THE MOST COST-EFFICIENT TIRE RETREADS ON AND PRESERVE CRITICAL TIRE INFORMATION FOR STATE VEHICLES AND SCHOOL BUSES, RESPECTIVELY.*

Enacts new GS 143-63.2 and new GS 115C-249.1 requiring the procurement and installation of tires for state vehicles and school buses, respectively, that possess the original, unaltered, and uncovered tire sidewall. Prohibits executing a contract for the repair or refurbishment of tires for state vehicles or school buses that provides for the removal, covering, or other alteration of the critical tire information contained on the sidewall. Requires contracts for the purchase, repair, or refurbishment of tires for state vehicles and school buses, or for the purchase of related products or services, that are executed on or after the date that the act becomes law comply with the provisions of the new statutes.

Intro. by Harrington, Rabon, Forrester.

GS 115C, 143

Local Government; State Government; Transportation; Education

Local Bills

HOUSE BILLS

H 434. DURHAM/SMALL BUSINESS ENTERPRISE (=S 297). Filed 3/23/11. *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.*

Identical to S 297, filed 3/9/11.

Intro. by Luebke, Hall, Michaux.

DURHAM

Durham

H 435. MECKLENBURG ENERGY EFFICIENCY/ RENEWABLE. Filed 3/23/11. *TO ALLOW MECKLENBURG COUNTY TO USE THE PROCUREMENT PROCESS PROVIDED IN THIS ACT WHEN LETTING CONTRACTS AUTHORIZED BY ITS BOARD OF COMMISSIONERS TO INCREASE ENERGY EFFICIENCY, AND TO AUTHORIZE THAT COUNTY TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF RENEWABLE ENERGY FACILITIES FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.*

As the title indicates. Permits Mecklenburg County to contract for apparatus, supplies, materials, or equipment used as part of any program (1) aimed at increasing energy efficiency and (2) authorized by its Board of Commissioners without being subject to the requirements of GS 143-129 (procedure for the letting of public contracts), GS 143-131 (regarding when counties, cities, towns and other subdivisions may let contracts on

informal bids), and GS 143-132 (minimum number of bids for public contracts). Permits Mecklenburg County to award a contract under this section in its sole discretion. Provides that a political subdivision of the state may contract for renewable energy systems using the procedures in this proposed section in addition to or instead of any other procedure that is available under state law. Provides minimal requirements to be satisfied in a request for proposals procedure. Provides that the awarding authority may use procurement methods set out in GS 143-135.9 (best value procurement). Directs that the proposals submitted under this proposed section are not subject to public inspection until a contract is awarded. Limits application of this act to Mecklenburg County.

Intro. by Samuelson, Cotham. MECKLENBURG Mecklenburg

H 437. NH COUNTY COMMISSIONERS ACCOUNTABILITY ACT. Filed 3/23/11. *HOLDING THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS ACCOUNTABLE FOR THE WORK OF GOVERNMENTAL AND QUASI-GOVERNMENTAL AUTHORITIES, BOARDS, COMMITTEES, AND COMMISSIONS APPOINTED BY THE COMMISSION OR RECEIVING COUNTY FUNDS.*

Directs the New Hanover County Board of Commissioners (Board) to review the activities of 37 enumerated authorities, boards, committees, and commissions to evaluate whether continued county funding is warranted, and to determine whether the Board's appointees are acting in the best interest of New Hanover County, by December 1, 2011. Authorizes the Board to remove any Board appointees serving on the listed entities, by unanimous vote by the Board.

Authorizes the Wilmington City Council (Council), upon adoption of a resolution to conduct the required review by December 1, 2011, to have powers identical to the Board to review entities and remove appointees under the Council's authority. Grants the same review and removal authority to other governing boards of other incorporated municipalities in New Hanover County, upon adoption of a resolution by the applicable board.

Intro. by McComas. NEW HANOVER New Hanover

H 439. CORNELIUS/DAVIDSON TREE ORDINANCES. Filed 3/23/11. *MODIFYING THE AUTHORITY OF THE TOWNS OF CORNELIUS AND DAVIDSON TO ADOPT ORDINANCES REGULATING THE REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES.*

Amends Section 4 of SL 1997-420 as the title indicates. Deletes provision that required any ordinance adopted under this section to exclude property to be developed for single family or duplex residential uses.

Intro. by T. Moore. MECKLENBURG Mecklenburg; Iredell

H 440. HUNTERSVILLE E-MAIL LISTS/ELECTRONIC ACCESS (=S 270). Filed 3/23/11. *TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF HUNTERSVILLE IS OPEN TO PUBLIC INSPECTION BUT IS NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.*

Substantively identical to S 270, filed 3/8/11.

Intro. by T. Moore. MECKLENBURG Mecklenburg

H 441. CORNELIUS E-MAIL LISTS/ELECTRONIC ACCESS. Filed 3/23/11. *TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF CORNELIUS ARE OPEN TO PUBLIC INSPECTION BUT ARE NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.*

Amends Section 3 of SL 2010-83 to provide as title indicates.

Intro. by T. Moore. MECKLENBURG Mecklenburg

H 442. CORNELIUS DESIGN-BUILD AND INVESTMENTS. Filed 3/23/11. *TO ALLOW THE TOWN OF DAVIDSON TO USE DESIGN-BUILD DELIVERY METHODS AND CONCERNING THE TOWN'S INVESTMENT AUTHORITY.*

Amends the Cornelius Town Charter, SL 1971-288, authorizing Cornelius to contract for the design and construction of public projects using design-build or other specified delivery methods. Sets forth procedures for requesting proposals, awarding contracts, and paying costs. Further amends the charter to authorize Cornelius to invest and reinvest any restricted or unrestricted fund balance accounts and any capital reserves in the securities or investments authorized by state law as specified.

Intro. by T. Moore. MECKLENBURG Mecklenburg

H 447. FONTANA DAM INCORPORATED. Filed 3/23/11. *TO INCORPORATE THE TOWN OF FONTANA DAM.*

Incorporates the Town of Fontana Dam, describing the area to be incorporated by metes and bounds. Sets out the charter of the Town of Fontana Dam, including the establishment of corporate and taxation powers, boundaries, election procedures, and ordinance-making power. Provides that the governing body of the town is the Mayor and a four-member town council and prescribes that the town is to operate under the council-manager form of government as provided in GS Chapter 160A, Article 7, Part 2.

Intro. by West.

GRAHAM

Graham

H 459. ROCKINGHAM/HUNTING WHILE IMPAIRED. Filed 3/23/11. *TO REGULATE HUNTING WHILE IMPAIRED ON PRIVATE LAND IN ROCKINGHAM COUNTY.*

Makes it unlawful to hunt upon another's land in Rockingham County while under the influence of alcohol or any impairing substance, as specified. Makes a violation a Class 2 misdemeanor, punishable by a fine of not more than \$500 and imprisonment from 30 days to six months. Requires the offender to complete a hunter safety course, as indicated. Authorizes enforcement by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction. Applies to offenses committed on or after October 1, 2011.

Intro. by Jones.

ROCKINGHAM

Rockingham

H 460. ROCKINGHAM/TRESPASSING ON PRIVATE LAND. Filed 3/23/11. *TO REGULATE HUNTING, FISHING, AND TRAPPING ON PRIVATE LAND IN ROCKINGHAM COUNTY.*

Makes it unlawful to enter onto another's private lands to hunt, fish, or trap in Rockingham County without the permission of the land owner or lessee. Requires either written (for posted land) or verbal permission (for nonposted land), as detailed. Sets forth additional details for posted land. Makes a violation upon posted land a Class 3 misdemeanor, punishable by a fine of not more than \$250 for the first offense, a fine of not more than \$250 for a second or subsequent offense or by imprisonment for 30 days, or both. Makes a violation upon nonposted land a Class 3 misdemeanor, punishable by a fine of not more than \$125 for the first offense, a fine of not more than \$125 for a second or subsequent offense or by imprisonment not exceeding 30 days, or both. Clarifies that a hunter may retrieve a hunting dog from another's land, provided the hunter does not enter with a firearm or other hunting weapon. Authorizes enforcement by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction. Applies to offenses committed on or after October 1, 2011.

Intro. by Jones.

ROCKINGHAM

Rockingham

ACTION ON BILLS

March 23, 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

H0022 Vance-Granville Comm. Coll. Bond Funds.	S Reptd Fav
	S Re-ref Com On Finance
H0027 Forensic Sciences Act. 02-09-11, 02-15-11, 03-21-11	S Passed 2nd & 3rd Reading
H0029 Retrieval of Big Game. 02-22-11, 02-23-11	S Passed 2nd & 3rd Reading
H0049 Laura's Law. 02-24-11, 03-09-11	S Withdrawn From Com
	S Re-ref Com On Judiciary I
H0062 Prohibit Boylston Creek Reclassification.	S Passed 2nd & 3rd Reading

H0087 Sunshine Amendment.	H	Withdrawn From Cal
	H	Placed On Cal For 3/30/2011
03-16-11, 03-17-11		
H0090 Confectioners may use up to 5% Alcohol By Vol.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Commerce
03-17-11		
H0092 Repeal Land Transfer Tax.	H	Pres. To Gov. 3/23/2011
H0111 Handgun Permit Valid in Parks & Restaurants.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
03-23-11		
H0129 Level Playing Field/Local Gov't Competition.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/24/2011
03-23-11		
H0205 Motorcycle Awareness Month.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
H0215 Unborn Victims of Violence Act/Ethen's Law.	HA	Reptd Fav Com Substitute
	H	Serial Referral to Appropriations Stricken
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/24/2011
03-23-11		
H0234 Juror Qualifications/Disabilities.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
03-16-11, 03-22-11		
H0262 References to Military Orgs./Make Uniform.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/24/2011
H0270 Amend Conditions of Probation.	HA	Amend Adopted 1
	H	Passed 3rd Reading
	H	Ordered Engrossed
03-17-11, 03-23-11		
H0331 Allow PAs and NPs to Sign Death Cert.	H	Passed 2nd & 3rd Reading
03-22-11		
H0334 Report on Fitness Testing in Schools.	HA	Amend Adopted 1
	H	Passed 2nd & 3rd Reading
	H	Ordered Engrossed
03-23-11		
H0407 Modify ATV Helmet Use Requirements.	H	Passed 2nd & 3rd Reading
03-22-11		
H0423 Enact First Evaluation Program.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0424 Add'l Section 1915 Medicaid Waiver Sites.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0425 Medicaid Billing by Local Health Departments.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0426 Chamberlin's Law.	H	Passed 1st Reading
	H	Ref To Com On Judiciary

	Subcommittee B
H0427 Run and You're Done.	H Passed 1st Reading
	H Ref To Com On Judiciary
	Subcommittee B
H0428 Hiring of State Highway Patrol Commander.	H Passed 1st Reading
	H Ref to the Com on Transportation, if favorable, Government
H0429 Establish Music Therapy Practice Act.	H Passed 1st Reading
	H Ref To Com On Rules, Calendar, and Operations of the House
H0430 Repeal Bilingual Ballot Instruction Statute.	H Passed 1st Reading
	H Ref To Com On Elections
H0431 Repeal Senate Bill 3 of the 2007 Session.	H Passed 1st Reading
	H Ref to the Com on Public Utilities, if favorable, Commerce and Job Development, if favorable, Finance
H0432 Swine in Transport/Regulate Feral Swine.	H Passed 1st Reading
	H Ref To Com On Agriculture
H0443 Funds/Justus-Warren Task Force Recs.	H Filed
H0444 Expand Pharmacists' Immunizing Authority.	H Filed
H0445 Prevent REAL ID Implementation.	H Filed
H0446 Labeling Requirements/GMFs & rBGH in Food.	H Filed
H0448 Constitutional Tender Act.	H Filed
H0449 Increase In Rem Foreclosure Fee.	H Filed
H0450 No Automatic Renewal of Credit Card Contracts.	H Filed
H0451 DWLR Penalties Increased/ Vehicle Seizures.	H Filed
H0452 Eliminate "Instant Runoff"/ Public Financing.	H Filed
H0453 Allow Salary Protection Insurance.	H Filed
H0454 ERC to Study Construction on Slopes.	H Filed
H0455 Outdoor Light Fixtures Using State Funds.	H Filed
H0457 Municipal Electric Utilities/ UC Oversight.	H Filed
H0458 Community College Administration Study.	H Filed
H0462 Study Business Opportunity & Franchise Sales.	H Filed
S0020 Amend Law Regulating Proprietary Schools.	H Passed 2nd & 3rd Reading
02-23-11	
S0049 Increase Fine for Speeding/ School Zones.	HA Reptd Fav Com Substitute
	H Serial Referral to Finance Stricken

	H	Cal Pursuant Rule 36(b)
02-28-11, 03-01-11, 03-23-11		
S0091 Extend E-NC Sunset.	S	Passed 2nd & 3rd Reading
03-15-11, 03-22-11		
S0105 Increase Penalty/2nd Degree Murder.	S	Passed 2nd & 3rd Reading
S0107 Tax of Improved Prop. in Roadway Corridors.	S	Passed 2nd & 3rd Reading
03-22-11		
S0137 Establish Forgivable Loan Fund.	S	Passed 2nd & 3rd Reading
03-22-11		
S0245 Medicaid Billing by Local Health Departments.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
03-17-11		
S0256 Pardon Governor Holden.	S	Withdrawn From Cal
	S	Re-ref Com On Rules and Operations of the Senate
S0265 State Health Plan/ Appropriations and Transfer.	S	Reptd Fav Com Substitute
03-22-11, 03-23-11	SA	Com Substitute Adopted
S0275 Official Herring Festival.	S	Passed 2nd & 3rd Reading
S0287 Extend Small Business Center Incubator Period.	S	Reptd Fav
S0368 Modify Public Swimming Pool Requirements.	S	Passed 2nd & 3rd Reading
03-22-11		
S0390 UNCG/A & T/Nanoscience/ Nanoengineering Funds.	S	Passed 1st Reading
	S	Ref To Com On Appropriations/ Base Budget
S0391 SPA/Repeal RIF Priority Consideration.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0392 Special Plates for Retired Legislators.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0393 Felony Death by Vehicle/ Penalty Increase.	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
S0394 Clarify Process/Reportable Offenses in Sch.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0395 Property Insurance Rate Review Board.	S	Passed 1st Reading
	S	Ref To Com On Insurance
S0396 Repay Civil Penalty Funds to Schools.	S	Passed 1st Reading
	S	Ref To Com On Appropriations/ Base Budget
S0397 Expunge Nonviolent Offense by Minor.	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
S0398 Perpetuities & Trusts/Amend Constitution.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0399 Minority Appeal From County Bd Elections.	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
S0400 Report on Fitness Testing in Schools.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0401 ACH Pilot on Crisis Intervention Training.	S	Filed

S0402	Extend Hearing Loss Task Force.	S	Filed
S0403	ECU Dental School Funds.	S	Filed
S0404	Dept. of Admin/Procurement Modernization.-AB	S	Filed
S0405	Amend Irrigation Contractors' Licensing Laws.	S	Filed
S0406	Repeal Crossbow Purchase Permit Requirement.	S	Filed
S0407	Trusts and Estate Planning Changes.	S	Filed
S0408	Community College Administration Study.	S	Filed
S0409	Global TransPark PED Study.	S	Filed
S0410	Consolidate County DSS Admin. Functions.	S	Filed
S0411	Vote for the Person, Not the Party Act.	S	Filed
S0412	Public Meetings/Records Law Violations.	S	Filed
S0413	Ordinance first reading vote.	S	Filed
S0414	Allow Attorneys' Fees in Business Contracts.	S	Filed
S0415	Eliminate Cost of Reduced Price School Meals.	S	Filed
S0416	School Buses/State Vehicles/Tires.	S	Filed

LOCAL BILLS

H0026	Henderson County Fire Districts.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
H0192	Greensboro Rental Property Utility Liens.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
H0439	Cornelius/Davidson Tree Ordinances.	H	Filed
H0440	Huntersville E-Mail Lists/Electronic Access.	H	Filed
H0441	Cornelius E-Mail Lists/Electronic Access.	H	Filed
H0442	Cornelius Design-Build and Investments.	H	Filed
H0447	Fontana Dam Incorporated.	H	Filed
H0456	Joint Resolution.	H	Filed
H0459	Rockingham/Hunting While Impaired.	H	Filed
H0460	Rockingham/Trespassing on Private Land.	H	Filed
H0461	Cornelius ROW Ordinance.	H	Filed
H0463	Rockingham/Taking of Foxes.	H	Filed
S0120	New Bern Charter Amendments.	S	Passed 2nd & 3rd Reading

03-22-11

S0145	Southern Shores Canal Dredging/Maintenance.	S	Passed 2nd & 3rd Reading
S0177	Greensboro Rental Property Utility Liens.	S	Passed 2nd & 3rd Reading
S0288	Atlantic Beach/Beaufort/ Parking.	S	Passed 2nd & 3rd Reading

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 111. HANDGUN PERMIT VALID IN PARKS & RESTAURANTS. Filed 2/15/11. House committee substitute makes the following changes to 2nd edition.

Amends proposed GS 14-269.3(b)(5) to add that a person cannot carry a concealed handgun on the premises of an eating establishment or restaurant if the person in legal possession or control of the premises has posted a conspicuous notice prohibiting the carrying of a concealed handgun, as specified. Also permits a restaurant server to ask a patron ordering alcohol whether the patron is carrying a firearm, if the restaurant has not posted a notice prohibiting firearms on the premises. Makes a clarifying change.

Adds a new section, enacting GS 14-415.11(c1) to allow any person with a concealed handgun permit to carry a concealed handgun in a state park.

Criminal Law, Procedure, and
Sentencing

H 129. LEVEL PLAYING FIELD/ LOCAL GOV'T COMPETITION. Filed 2/17/11. House committee substitute makes the following changes to 1st edition.

Amends the definition of *communications service* to clarify that (1) sharing data between governmental entities for governmental purposes and (2) providing free services to the public or a subset of the public are not considered to be providing communications service.

Amends GS 160A-340.1, setting the requirements for a city owned communications service provider as follows. Subdivision (2) of proposed GS 160A-340.1(a) requires a city-owned communications service provider to prepare and publish an independent annual report and audit. Amends subdivision (2) to provide that an annual independent audit conducted under GS 159-34 and submitted to the Local Government Commission satisfies the audit requirement of this subdivision. Restricts the provision of communications service by a city-owned service provider to within the corporate limits (was, within the jurisdictional boundaries) of the city that is providing the communications service. Deletes the requirement that a city-owned communications service provider must provide nondiscriminatory access to other permanent distribution facilities. Prohibits the city from airing advertisements or other promotions for the city on a public, educational, or governmental access channel that the city requires another communications service provider to carry. Deletes provision providing that proposed subdivisions (7), (8), and (9) do not apply to communications services provided by a city on or before January 1, 2011.

Makes clarifying and conforming changes to the exemptions from the proposed provisions of Article 16A regarding the provision of communications services by cities. Proposed subsection (b) of new GS 160A-340.2 provides that the provisions regarding city-owned communications service provider requirements, financing, and taxes do not apply to the provision of communications service in an unserved area. Redefines an *unserved area* to mean a geographical area in which at least 50% (was, 90%) of households either have no access to high speed Internet service or have access to high-speed Internet service only via a satellite provider.

Provides that the proposed provisions regarding city-owned communications service provider requirements, notice and public hearing, financing, taxes and payment in lieu of taxes, and public-private partnerships for communications service, do not apply to a city or joint agency providing communications service as of January 1, 2011, however requires the city or joint agency to limit the provision of communications service to specified service area boundaries.

Clarifies that the notice and public hearing requirements do not apply to the repair, rebuilding, replacement, or improvement (was, repair or improvement) of an existing communications network or equipment relating to an existing network.

Restricts a city or joint agency from entering into certain purchasing or financing contracts (was, also refinancing contracts) unless it complies with the provisions of proposed subsection (b) of new GS 160A-340.4

(financing). Prohibits a city from incurring debt to construct a communications system without first holding a special election under GS 163-287 on the question as to whether the city should incur the debt to build the communications system. Permits the city to provide the communications service if a majority of votes cast in the special election are in favor of incurring the debt. Does not prohibit the city for revising its plan and having an additional special election before offering the service. Provides that a special election required under GS Chapter 159 as a condition to issuing bonds will satisfy the requirements of this section.

Requires a city-owned communications provider to provide requested information to the Secretary of Revenue necessary to calculate the assessment to be made in lieu of taxes. Requires the Department of Revenue to inform each city-owned communications provider of the amount of the assessment by January 1 of each year and requires the city-owned communications service provider to make payment by March 15 of each year.

Directs a city to solicit proposals from private businesses prior to the city engaging in constructing a communications network. Provides criteria for the city to issue requests for proposals including notice requirements. Provides factors for the city to consider in evaluating the proposals. Requires all proposals to be sealed and opened in public. Provides that if the city is unable to successfully negotiate the terms of a contract with the most responsive proposer within 60 days of opening the proposal, the city may enter into negotiations with the next most responsive proposer if such a proposer exists. Allows a city unable to successfully negotiate the terms of a contract with the next most responsive proposer within 60 days to proceed under proposed Article 16A of GS Chapter 160A to provide communications services.

Amends GS 105-164.14 to provide that a city subject to proposed GS 160A-340.5 is not allowed a refund of sales and use tax paid by the city for purchases related to providing communications services as defined in proposed Article 16A. Effective when the act becomes law and applies to sales made on or after that date.

Provides that GS 62-3(23) as amended in this act is not to be construed to change the regulatory nature or requirements applicable to any particular service that is currently regulated by the North Carolina Utilities Commission under GS Chapter 62.

Amends GS 159-175.10 to provide that the additional requirements for reviewing city financing applications do not apply to the repair, rebuilding, replacement, or improvement of an existing communications network or equipment relating to an existing network, but do apply to the expansion of an existing network.

Makes additional conforming and technical changes.

Local Government; Business and
Commerce; Energy and Utilities

H 215. UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW. Filed 3/2/11. House committee substitute makes the following changes to 1st edition.

Amends proposed GS 14-23.2(a), clarifying that a person is guilty of the *separate offense* of murder of an unborn child if the person does any of the listed acts; makes a conforming change to clarify "separate offense" throughout proposed Article 6A. Amends proposed GS 14-23.2(a)(3), stating that a person is guilty of the separate offense of murder of an unborn child if the person causes the death of the unborn child in perpetration or attempted perpetration of murder in the first or second degree (removes requirement that offense constitute a Class A felony if a person were killed). Clarifies proposed GS 14-23.4(b) to state that the penalty for involuntary manslaughter of an unborn child is a Class F felony (corrects Class E felony classification in previous edition). Amends proposed GS 14-23.5(a), clarifying that a person is guilty of the separate offense of assault inflicting serious bodily injury on an unborn child if the person commits battery on the mother and the child is subsequently born alive and suffered serious bodily harm from the battery. Amends proposed GS 14-23.6 to make a person guilty of the separate offense of battery on an unborn child, as a lesser-included offense, if the person commits battery on a pregnant woman (removes offense of assault from proposed statute), punishable as a Class A1 misdemeanor (was, Class H felony). Amends proposed GS 14-23.7(3) to clarify that the proposed article does not apply to acts committed by a pregnant woman *with respect to her own unborn child*, as specified.

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. Makes other linguistic and clarifying changes.

Criminal Law, Procedure, and
Sentencing

H 270. AMEND CONDITIONS OF PROBATION. Filed 3/9/11. House amendment makes the following changes to 2nd edition. Amends proposed language in GS 15A-1343(b)(2) to require that a defendant make the

defendant's whereabouts known to the probation officer (was, known to the probation officer at all times). Also provides that if the results of a breath, urine, or blood analysis is positive, the probationer may be required to reimburse the Department of Correction for the actual costs of drug or alcohol screening and testing (was, defendant must pay the costs of the breath, urine, or blood analysis when instructed by the probation officer).

Criminal Law, Procedure, and
Sentencing

H 334. REPORT ON FITNESS TESTING IN SCHOOLS. Filed 3/10/11. House amendment makes the following changes to 1st edition. Deletes proposed language in GS 115C-12(37) and instead requires that the State Board of Education (SBOE) present the report prepared by the NC Alliance for Athletics, Health, Physical Education, Recreation and Dance, on the fitness testing conducted during the previous school year to the Joint Legislative Education Oversight Committee by September 15 of each year. Extends the date by which the SBOE must annually report on the results of fitness testing from August 1 to September 15.

Education

SENATE BILLS

S 49. INCREASE FINE FOR SPEEDING/SCHOOL ZONES. Filed 2/8/11. House committee substitute makes the following changes to 3rd edition.

Amends GS 20-141.1 to remove language added in the third edition that required signage in the school zone to include notice of the maximum penalty for exceeding the authorized speed limit. Also amends the penalty for speeding in a school zone to not less than \$250 (restores language in original edition). Adds a new section to make conforming changes to GS 20-141(e1), which concerns speed limits and speeding on school property. Changes the effective date to August 25, 2011 (was, December 1, 2011).

Transportation; Criminal Law,
Procedure, and Sentencing

S 265. STATE HEALTH PLAN/APPROPRIATIONS AND TRANSFER. Filed 3/8/11. Senate committee substitute makes the following changes to 2nd edition.

Amends GS 135-48.20 to add the Director of the Office of State Budget and Management as an ex officio, nonvoting member on the Board of Trustees for the State Health Plan for Teachers and State Employees (Board). Clarifies that the State Treasurer will only vote in order to break a tie. Changes the remaining composition of the 10 member Board as follows: two members (was, three) appointed by the Governor for two year terms; two members appointed by the State Treasurer for two year terms; two members (was, three) appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives for two year terms; and two members (was, three) appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate for two year terms. Adds details concerning requirements and qualifications for all appointees. Makes conforming and technical changes.

Amends GS 135-48.21 to clarify that a majority of the *voting* members of the Board constitutes a quorum. Requires the Board to meet at least *quarterly*, upon call of the Chair, or at the written request of three members. Makes other conforming changes. Enacts new GS 135-48.22 to enumerate six powers and duties of the Board, including approving benefit programs, overseeing administrative reviews and appeals, and approving premium rates, co-pays, deductibles, and coinsurance maximums.

Enacts new GS 135-48.33(a), requiring the Board to approve all State Health Plan contracts in excess of \$500,000, including contracts with an initial cost less than \$500,000 that may exceed that amount during the contract term.

Makes other conforming and clarifying changes.

Health, Social Services, and Aging;
State Government; Employment
and Retirement

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

March 24, 2011

HOUSE convenes at 1:00 p.m.

SENATE convenes at 11:00 a.m.