

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 477. [CONSOLIDATE COUNTY DSS ADMIN. FUNCTIONS \(=S 410\)](#). Filed 3/25/11. *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.* Identical to S 410, filed 3/23/11.

Intro. by Howard.

STUDY

General Assembly; Local
Government; Health, Social
Services, and Aging

H 478. [NONDISCRIMINATION IN STATE/EMPLOYMENT](#). Filed 3/25/11. *AMENDING THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE STATE PERSONNEL ACT.*

Amends GS 126-16 to require all state departments, agencies, and local governments to give equal opportunity for employment and compensation without regard to race, religion, color, creed, national origin, sex, age, *sexual orientation, gender identity*, or handicapping condition, to all persons otherwise qualified, except as

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defined. Also adds sexual orientation and gender identity to GS 126-34.1, which lists grounds, including discrimination, for state employees, former state employees, and applicants for state employment to file contested cases in the Office of Administrative Hearings and to GS 126-36, which details an employee's right to appeal an unlawful employment practice. Specifies that the act does not require preferential treatment or special rights be provided based on sexual orientation or gender identity.

**Intro. by Luebke, Brandon,
Fisher, Harrison.**

GS 126

State Government;
Employment and Retirement

H 479. SMALL BUSINESS NEW JOB CREATION INCENTIVE. Filed 3/25/11. *TO CREATE A TAX CREDIT FOR NEW JOBS CREATED BY SMALL BUSINESSES.*

Amends GS 105-129.87, which lists credits allowed to qualifying businesses, to add that a taxpayer that is a small business, meets the eligibility requirements in GS 105-129.83, excluding GS 105-129.83(a), and satisfies the threshold requirement for new job creation in GS 105-129.87(b) is allowed a credit for creating jobs. Clarifies that jobs located in an urban progress zone or agrarian growth zone, *created by a taxpayer other than a small business*, are allowed a credit increased by *an additional* \$1,000 per job. Specifies that if the job is located in an urban progress zone or agrarian growth zone and filled by a resident of that zone or by a long-term unemployed worker, *or is created by a small business*, then the credit is increased by an additional \$2,000 per job. Amends GS 105-129.81 to define *small business* as a taxpayer that employs no more than 50 eligible employees during the taxable year. Effective for taxable years beginning on or after January 1, 2011.

Intro. by Goodman.

GS 105

Business and Commerce; Taxation

H 483. DNA SAMPLES/ADDITIONAL FELONIES. Filed 3/25/11. *TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST.*

Amends GS 15A-266.3A(f) as the title indicates. Expands the list of felonies to include: (1) GS 14-32.1(e), Assault on handicapped person; (2) GS 14-32.2, Patient abuse and neglect; (3) GS 14-34.1, Discharging certain barreled weapons or a firearm into occupied property; (4) GS 14-34.4, Adulterated or misbranded foods, drugs, or cosmetics; intent to cause serious injury or death; intent to extort; (5) GS 14-34.9, Discharging a weapon within an enclosure; (6) any offense in Article 13, malicious injury or damage by use of explosive or incendiary device or material; (7) GS 14-50.18, Soliciting; encouraging participation of minor; (8) GS 14-87.1, Punishment for common law robbery; (9) GS 14-190.7, Dissemination of obscene material to minors under the age of 16 years; (10) GS 14-190.8, Dissemination of obscene material to minors under the age of 13 years; (11) GS 14-208.44(a) and (b), Failure to enroll in a satellite-based monitoring program and tampering with a device; (12) GS 14-315(a1), Selling or giving weapons [handguns] to minors; (13) GS 14-318.4, Child abuse a felony; (14) GS 14-320.1, Transporting child outside the State with intent to violate custody order; (15) Any felony offense under GS 14-321.1, prohibiting babysitting service by a sex offender or in the home of a sex offender; (16) GS 14-322.1, Abandonment of a child or children for six months; and (17) Trafficking in a controlled substance.

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

Intro. by Burr, Pridgen.

GS 15A

Criminal Law, Procedure, and
Sentencing

H 484. TRANSFER EMERGENCY FORECLOSURE PROGRAM TO HFA. Filed 3/25/11. *TO TRANSFER MANAGEMENT OF THE STATE HOME FORECLOSURE PREVENTION PROJECT AND FUND TO THE NORTH CAROLINA HOUSING FINANCE AGENCY, TO EXEMPT THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE REQUIREMENTS OF ARTICLES 6 AND 7 OF CHAPTER 143 OF THE GENERAL STATUTES, AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO ACQUIRE PROPERTY SUBJECT TO APPROVAL OF THE STATE BANKING COMMISSION.*

Amends GS 45-104, which establishes the State Home Foreclosure Prevention Project (Project) and the State Home Foreclosure Prevention Trust Fund (Fund), to transfer administration of the Project and Fund to the NC Housing Finance Agency (HFA). Directs the Commissioner of Banks (Commissioner) to deposit funds received from mortgage servicers into a separate account and then transfer funds no less than monthly to the Fund. Directs all funds remaining in the Fund on June 30, 2011, and any funds remaining in the Fund at the expiration of each subsequent fiscal year (was, upon expiration of the Project) to the North Carolina Housing Trust Fund. Makes other conforming and clarifying changes and makes conforming changes to GS 45-103(a), 45-105 and 45-106. Amends GS 45-101 to define *Housing Finance Agency*.

Amends GS 53-102, authorizing the Commissioner to establish and maintain offices as the Commissioner deems necessary (current provision states suitable office space will be provided in a state-owned public building

in Raleigh). Allows the Commissioner to deal with real property and utilities in the same manner as a private person or corporation, subject to approval by the State Banking Commission.

Amends GS 122A-5, which lists the HFA's powers, to delete requirement that the HFA comply with Articles 6 (concerning acquisitions) and 7 (concerning dispositions) of GS Chapter 146.

Effective July 1, 2011.

Intro. by Brubaker.

GS 45, 53, 122A

Banking and Finance;
Property, Land Use, and Housing

H 485. NEW HOME PURCHASE STIMULUS. Filed 3/25/11. *TO STIMULATE NEW HOME PURCHASES.*

Enacts new GS 105-151.33 to provide that an individual who purchases or contracts for the construction of a new home residence during the tax year may apply for a tax credit in the aggregate amount of \$10,000. However; prohibits taking the entire \$10,000 credit in the taxable year during which the residence is purchased; instead requires that the tax credit be taken in five equal installments beginning with the taxable year in which the residence is purchased. Specifies conditions and restrictions under which the credit may be claimed. Defines a *new home residence* for the purposes of this section. Provides application of the credit in the case of a new home residence purchased or contracted for jointly by a husband and wife, or purchased and contracted for by multiple owners who are not married.

Requires a taxpayer to file an application for the credit with the Secretary of Revenue (Secretary) within one week of the closing date on a house that is built and within one week of the execution of the contract for a house that is to be constructed under a contract. Provides that the application is to be made on a form prescribed by the Secretary and include any supporting documentation required by the Secretary.

Sets a ceiling for the total aggregate cost of all the tax credits allowed to taxpayers under this section at \$100 million with a maximum total annual cost of \$20 million. Provides that if the total amount of tax credits claimed under this section in a calendar year is more than \$20 million, the Secretary is to allocate the credits on a first-come, first-served basis.

Provides additional limitations on the eligibility for this credit and conditions and events that trigger the forfeiture of the credit. Requires an individual allowed a credit under this section to provide any information required by the Secretary to substantiate the individual's eligibility for the credit and provides that the individual has the burden of proving eligibility for a credit.

Directs the Secretary to prepare and publish the number of applications for the credit that have been received by the Department of Revenue beginning July 1, 2011, and at least weekly thereafter.

Makes a conforming change to GS 105-134.6(d).

Effective for taxable years beginning on or after July 1, 2011, and expires for taxable years beginning on or after July 1, 2012.

**Intro. by Brubaker, Gillespie,
Johnson, Barnhart.**

GS 105

Taxation; Property, Land Use, and
Housing

H 487. EXEMPT BD CERT. BEH. ANALYST/PSYCH. PRACTICE. Filed 3/28/11. *AMENDING THE NORTH CAROLINA PSYCHOLOGY PRACTICE ACT TO ALLOW PERSONS CERTIFIED AS BEHAVIOR ANALYSTS AND ASSISTANT BEHAVIOR ANALYSTS BY THE BEHAVIOR ANALYST CERTIFICATION BOARD TO PRACTICE BEHAVIOR ANALYSIS AND THERAPY UNDER CERTAIN CIRCUMSTANCES.*

Enacts new subsection (f1) to GS 90-270.4, clarifying that a Board Certified Behavior Analyst (BCBA) or a Board Certified Assistant Behavior Analyst (BCaBA) may offer services authorized by the Behavior Analyst Certification Board (Board) and following professional standards of certification if the BCBA or BCaBA (1) is certified and in good standing with the Board and (2) does not hold himself or herself out to the public as a psychologist or licensed, certified, or registered to practice psychology in NC.

Intro. by Parmon.

GS 90

Health, Social Services, and Aging

H 489. MECHANICS LIEN AND BOND LAW CHANGES. Filed 3/28/11. *TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN AND BOND LAWS.*

Makes an organizational change, deleting GS 44A-17 and moving the definitions contained therein, *contractor, first tier subcontractor, obligor, second tier subcontractor, and third tier subcontractor* to GS 44A-7.

Enacts new GS 44A-9.1 regarding the Notice of Commencement required to be filed with the clerk of superior court in each county in which any part of the real property is located prior to commencing improvement to any real property or recommencing completion of any improvement after default or abandonment of the real property. Provides criteria under which a Notice of Commencement (Notice) is required; directs the clerk of court to index the Notice as specified; provides guidelines for the posting and distribution of the Notice; and provides specifications as to the content of the Notice and a sample form for the Notice. Provides that the filing of the

Notice does not create a lien. Provides the consequences of failing to file the Notice and the process for amending the Notice.

Enacts new GS 44A-9.2 directing the authority issuing a permit required to be posted for a particular improvement project to include in no less than 14-point, capitalized, boldfaced type a warning that a Notice must be filed and posted on the job site before the first inspection. Also requires the permit issuing agency to provide the applicant with two or more copies of a Notice of Commencement form that conforms with the requirements of proposed GS 44A-9.1. Provides that the receipt of the Notice is a prerequisite for inspections. Does not require filing a Notice before the issuance of a permit. Provides that there is no liability in any civil action for a permit issuing authority for the failure to verify that a Notice has been filed as required under this section. Provides exceptions for the issuance of a permit or conducting of an inspection without providing the issuing authority with a copy of the Notice.

Enacts new GS 44A-9.3 regarding the Notice of Owner Built Project required to be filed with the clerk of superior court for each county in which any part of the real property is located prior to commencing improvement to any real property or recommencing completion of any improvement after default or abandonment of real property for owner- built projects. Provisions apply to an owner acting as a general contractor on a project which involves the construction of a residence designed to be occupied by one to four families. Provides criteria under which a Notice of Owner Built Project (Notice of Owner) is required; directs the clerk of court to index the Notice of Owner as specified; provides guidelines for the posting and distribution of the Notice of Owner; and provides specifications as to the content of the Notice of Owner and a sample form for the Notice of Owner. Provides that the filing of the Notice does not create a lien. Provides that the Notice of Owner is effective upon filing with the clerk of superior court. Requires the Owner to sign the Notice of Owner and does not permit someone else to sign in the owner's place. Provides the consequences of the Owner's failure to file the Notice of Owner and the process for amending the Notice of Owner.

Amends GS 44A-10 to provide the effective date of a lien claim on real property is the earlier of the following: (1) the time that the claimant files its claim of lien on real property with the clerk of superior clerk; (2) the time that a Notice of Commencement is filed with the clerk of superior court; or (3) for a first, second, or third tier subcontractor, that date of filing its notice to the owner if there has been no Notice of Commencement previously filed for the contractor through which the subcontractor has provided labor and materials for the improvement of the property. Provides criteria governing satisfying lien claims when there are insufficient proceeds to satisfy all claims of lien on real property. Provides that if a Notice of Commencement or Notice to Owner is filed no more than five days before the date that a deed or a deed of trust is recorded for the same real property, the claims of lien relating back to the date and time of the filing of the notice of commencement are presumed inferior to the rights created by the deed or deed of trust unless a contrary intention is expressed with the terms of the deed or deed of trust.

Amends GS 44A-12 to modify the form for filing a claim of lien on real property. Adds provisions to the form for a partial lien waiver and a final lien waiver.

Enacts new GS 44A-17.1 to provide that before a subcontractor may assert a claim of lien on real property the subcontractor must serve a written notice to the owner and file with the appropriate clerk(s) of superior court a written notice containing information as specified in proposed GS 44A-17.1. Requires that service be completed according to the provisions of GS 44A-19(d) [Permits service by personal delivery or any manner authorized under Rule 4 of the NC Rules of Civil Procedure].

Amends GS 44A-18 to clarify that first tier, second tier, or third tier subcontractors may perfect their claims by service of the notice of claim of lien upon funds to the extent of the claim. Clarifies that a lien on funds granted under this statute arises, attaches, and is effective immediately upon the furnishing of labor, materials, or rental equipment at the improvement site by a subcontractor. Provides additional guidelines regarding subrogation rights of a first, second, or third tier subcontractor. Makes conforming changes.

Amends GS 44A-19, notice of claim of lien upon funds, to make conforming changes and technical corrections.

Amends GS 44A-20 regarding the duties and liability of the obligor (the owner, contractor, or subcontractor in any tier who owes money to another for the partial or total performance of a contract to improve real property). Makes clarifying changes regarding payments by the obligor to a contractor or subcontractor against whose interest the lien or lien funds are claimed after receipt of the notice of claim of lien upon funds to the obligor. Provides that the obligor does not incur personal liability to the person or persons entitled to a lien upon funds for paying out funds in violation of subsection (b) of GS 44A-20. Provides guidelines regarding the obligor's right to reimbursement, indemnification, setoff, and recoupment that arises out of subsection (b).

Amends GS 44A-23 regarding the perfection of the subrogation rights of a subcontractor. Provides that when completing the claim of lien on real property the date on which labor or materials were last furnished on the real property can be either the date when the first tier subcontractor making the claim last furnished labor or materials

or the date when the contractor through which the claim of lien is being asserted last furnished labor or materials on the real property. Provides that a lien waiver signed by the contractor before the commencement of the action waives the subcontractor's right to a claim of lien on real property but does not affect the subcontractor's rights to a claim of line on funds under Article 2 of GS Chapter 44A. Provides that first tier, second tier, and third tier subcontractors are to give notice to owner (was, notice of claim of lien upon funds) to enforce the claim of lien on real property of the contractor created by Part I of Article 2 of GS Chapter 44A. Provides exceptions when the second or third subcontractor cannot enforce the claim of lien on real property of the contractor. Deletes the form for the notice of contract under this section. Makes conforming changes.

Amends GS 44A-24 to make a false statement by a contractor or any other person receiving payment from an obligor regarding improvements to real property or the conveyance of real property with improvements as to the amounts due or claimed to be due a Class 1 misdemeanor and subject to a claim for violation under GS 75-1.1. Provides additional specifications as to the elements of the offense. Also makes it a Class 1 misdemeanor to knowingly sign or direct another to sign a false statement.

Amends GS 44A-27 to provide for the action on payment bonds and service of notice. Requires a contractor to provide a copy of a payment Bond as required under Article 2 within seven calendar days of receiving a written request served by a claimant under the provisions of GS 44A-27(d). Subsection (d) provides the form of the notice of subcontract to be used by the claimant. Also places limitations on the claim.

.Effective July 1, 2012, and applies to improvements to real property for which the first permit required is obtained on or after that date, or, with respect to projects for which no permit is required, applies to improvements to real property commenced on or after that date.

Intro. by Pridgen, Stam, Martin. GS 44A

Property, Land Use, and Housing

H 490. RENAME YADKIN RIVER BRIDGE. Filed 3/28/11. *TO NAME THE YADKIN RIVER BRIDGE AT DAVIDSON AND ROWAN COUNTY LINES THE "YADKIN RIVER VETERANS MEMORIAL BRIDGE."*

Directs the Department of Transportation (DOT) to rename a portion of the Yadkin River Bridge, as the title indicates. Allows DOT to spend \$1,000 of the funds appropriated to DOT for signage. Makes conforming changes to GS 136-17.2A, GS 136-89.183C, and GS 136-188.

Intro. by Steen, Carney, Dockham, Barnhart. GS 136

Transportation

H 491. NC CERTIFICATES OF PARTICIPATION REFERENDUM. Filed 3/28/11. *TO REQUIRE A VOTE OF THE PEOPLE FOR THE STATE OF NORTH CAROLINA TO ISSUE CERTIFICATES OF PARTICIPATION.*

Subject to the approval of the state's qualified voters on November 6, 2012, amends Section 3 of Article V of the North Carolina Constitution to require the approval of a majority of the state's qualified voters before the General Assembly can authorize the state to purchase, or finance or refinance the purchase, of real property by installment contracts that create a security interest in the property to secure payment of the purchase price to the seller or an entity advancing money or supplying financing for the purchase. Requires that the election be held at the same time as the election for members of the General Assembly. Provides that the new subsection also applies to financing improvement to real property.

Intro. by R. Brown, Cleveland. CONST

Constitutional Amendment; State Government

H 492. STORMWATER/ISOLATED POPL. GROWTH IN COUNTY. Filed 3/28/11. *TO (1) PROVIDE THAT DEVELOPMENT IN THE UNINCORPORATED AREAS OF A COUNTY IS NOT SUBJECT TO THE STANDARDS REGARDING POSTCONSTRUCTION PRACTICES UNDER SECTION 9 OF S.L. 2006-246 OR ANY ADMINISTRATIVE RULES ADOPTED TO REPLACE THAT SECTION WHEN THE DEVELOPMENT IS LOCATED IN A COUNTY THAT CONTAINS AN URBANIZED AREA AND HAD AN ACTUAL POPULATION GROWTH RATE THAT EXCEEDED THE STATE POPULATION GROWTH RATE FOR THE PERIOD 1995 THROUGH 2004 WHEN THAT POPULATION GROWTH OCCURRED IN AN AREA WITHIN THE COUNTY THAT CONSISTS OF LESS THAN FIVE PERCENT OF THE TOTAL LAND AREA OF THE COUNTY AND (2) RESCIND THE CURRENT DESIGNATION OF ANY SUCH COUNTY.*

Amends Section 4 of SL 2006-246 to provide as the title indicates.

Requires that any rule adopted to replace rules that were disapproved under SL 2006-246 or any rule adopted to implement SL 2006-246 from and after its effective date be consistent with the provisions of this act.

Rescinds all designations of counties under subdivision (5) of subsection (a) of SL 2006-246, Section 4 that occurred after August 16, 2006, that would not have occurred under SL 2006-246 as amended in this act. Provides that the provisions of this section do not preclude any future designations of counties as Phase 2

counties by the Environmental Management Commission under subdivision (5) of subsection (a) of Section 4 of SL 2006-246 as amended by this act.

Effective when the act becomes law and applies to any development that occurs on or after that date.

Intro. by Howard. UNCODIFIED Agriculture, Environment, and Natural Resources; Local Government

H 493. LANDLORD TENANT LAW CHANGES. Filed 3/28/11. *AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS.*

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

Intro. by Howard, Blust, Randleman. GS 42, 42A Property, Land Use, and Housing

H 494. CONTINUOUS ALCOHOL MONITORING LAW CHANGES. Filed 3/28/11. *TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS A CONDITION OF PROBATION, TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE; TO MITIGATE PUNISHMENTS FOR IMPAIRED DRIVING OFFENSES; AND TO ENSURE COMPLIANCE WITH CHILD CUSTODY AND VISITATION ORDERS.*

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

Intro. by M. Alexander, Guice, T. Moore, Stam. GS 15A, 20, 50 Criminal Law, Procedure, and Sentencing; Transportation; Family Law

H 495. THE SOLAR JOBS BILL. Filed 3/28/11. *(1) TO REDUCE THE AMOUNT OF PURCHASED RENEWABLE ENERGY CERTIFICATES DERIVED FROM OUT-OF-STATE NEW SOLAR FACILITIES THAT MAY BE USED TO COMPLY WITH THE REPS REQUIREMENT THROUGH THE USE OF SOLAR ENERGY RESOURCES AND (2) TO DOUBLE THE REPS REQUIREMENT FOR THE USE OF SOLAR ENERGY RESOURCES AND EXPAND THE COMPLIANCE SCHEDULE.*

Under current law, GS 62-133.8 establishes the Renewable Energy and Energy Efficiency Portfolio Standard (REPS) requirements for each electric public utility in North Carolina. Amends GS 62-133.8(b)(2) to reduce the amount of purchased renewable energy certificates derived from out-of-state new solar electric facilities and new metered solar thermal energy facilities that may be used by electric public utilities in the state to comply with the REPS requirement to 12.5% (was, limited certificates derived from out-of-state new renewable energy facilities to 25%). Amends GS 62-133.8(d) to increase the REPS requirement for the use of solar energy resources to four-tenths of one percent (was, two-tenths of one percent) for calendar year 2018 and each calendar year thereafter. Also expands the schedule for electric power suppliers to comply with the requirements of subsection (d) adding requirements for the following calendar years: 2011, 2013, 2014, 2016, and 2017, and increasing the requirement for solar energy resources for calendar years 2012, 2015, and 2018.

Effective January 1, 2012.

Intro. by Murry, Moffitt, Samuelson. GS 62 Energy and Utilities

H 496. INSURANCE CO-PAYS FOR CHIROPRACTIC SERVICES. Filed 3/28/11. *TO REENACT A LAW CONCERNING HEALTH BENEFIT PLAN CO-PAYMENTS FOR CHIROPRACTIC SERVICES.*

Amends GS 58-50-30(a3) to prohibit an insurer from imposing as a limitation on treatment or level of coverage a co-payment amount for chiropractic services that is higher than the co-payment amount charged to the insured by a primary care physician for a comparable medically necessary treatment or condition. Applies to policies issued or renewed on or after October 1, 2011. Provides that the renewal for a health benefit plan is presumed to occur on each anniversary of the date on which coverage was first effective on the person or persons covered by the health benefit plan.

Intro. by T. Moore, McLawhorn. GS 58 Health, Social Services, and Aging

H 497. CLARIFY DEFINITION OF GENERAL CONTRACTOR. Filed 3/28/11. *TO CLARIFY THE DEFINITION OF A GENERAL CONTRACTOR.*

Amends GS 87-1 to provide that the term *general contractor* also includes any person, firm, or corporation performing design/build work within the limits of the license classification held.

Intro. by Justice, Owens. GS 87 Business and Commerce

SENATE BILLS

S 432. REVISE PROBATE CODE. Filed 3/28/11. *TO AMEND THE JURISDICTIONAL AND PROCEDURAL PROVISIONS OF THE PROBATE CODE AND RELATED STATUTES TO PROVIDE UNIFORMITY IN ESTATE MATTERS, TO DEFINE THE JURISDICTION OF THE CLERK OF SUPERIOR COURT CONSISTENT WITH THE PROVISIONS OF THE UNIFORM TRUST CODE, TO RECODIFY CERTAIN PROVISIONS RELATING TO THE PROBATE OF WILLS, AND TO UPDATE AND AMEND THE PROCEDURE FOR CLAIMING SPOUSAL AND CHILDREN'S ALLOWANCES.*

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

Intro. by Hartsell.

GS 1, 7A, 28A, 29, 30, 31, 31A,
31B, 32A, 36C

Trusts, Estates, and Wills; Courts;
Family Law

S 433. LOCAL HUMAN SERVICES ADMINISTRATION. Filed 3/28/11. *CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.*

Amends GS 153A-77, which details the authority of boards of commissioners in certain counties, to allow the board of county commissioners to consolidate the provision of human services in the county under the direct control of a human services director *or by the consolidated human services board* created as specified. Allows the county board of commissioners to make staff of a consolidated county human services agency subject to the State Personnel Act. Also allows the board to have the human services director appointed, supervised, or dismissed by the consolidated human services board. Deletes provision limiting the statute's application to counties with populations in excess of 425,000.

Intro. by Hartsell.

GS 153A

Local Government;
Health, Social Services, and Aging

S 434. DIRECTED TRUSTEE AND TRUST PROTECTOR. Filed 3/28/11. *GOVERNING THE LIABILITY OF DIRECTED TRUSTEES.*

Amends GS 36C-8-808(a), adding that the settlor of a revocable trust has the power to direct or consent to the actions of the trustee whether or not the power is conferred upon the settlor by the trust. Adds that the trustee is not liable, individually or as a fiduciary, for any loss resulting from compliance with the settlor's directive or for any loss resulting from the trustee's failure to take action requiring the settlor's consent, as detailed. Makes a conforming change. Amends GS 36C-8-808(b), clarifying that the terms of the trust may confer the power to take certain actions on a person other than the settlor of a revocable trust including the power to (1) direct or consent to actions regarding three listed issues; (2) modify or amend the trust as specified; (3) remove and appoint trustees, advisors, trust committee members, and trust protectors; (4) increase or decrease the interests of any beneficiary; (5) grant, modify, or terminate a power of appointment as described, and (6) change the governing law of the trust. Amends GS 36C-8-808(c), enumerating four duties and liabilities of the trustee, when the trust confers the power to take actions under GS 36C-8-808(b) on a person other than the settlor of a revocable trust. Clarifies that a person other than the settlor of a revocable trust authorized to take actions under GS 36C-8-808(b) is required to act in good faith with regard to the trust and the interests of the beneficiaries, *except* that the beneficiary is not a fiduciary with respect to three specified powers if the beneficiary is a person with a power authorized under GS 36C-8-808(b). Clarifies that the holder of a power under GS 36C-8-808(b) is liable for any loss resulting from a breach of fiduciary duty *resulting from the exercise or nonexercise of the power*.

Enacts new subsection (e1) to GS 36C-7-703, which concerns cotrustees, detailing applicable conditions when the terms of a trust confers upon a cotrustee the power to take certain actions with respect to the trust, to the exclusion of another cotrustee.

Deletes the provisions of GS 32-72(d) and instead lists provisions applicable to an instrument creating a fiduciary relationship other than a trust instrument under GS Chapter 36C and to a fiduciary other than a trustee.

Applies to trusts and other instruments created before, on, or after October 1, 2011.

Intro. by Hartsell.

GS 32, 36C

Trusts, Estates, and Wills

S 435. CIVIL PRO./REQUIRE CERTIFICATE OF MERIT. Filed 3/28/11. *REQUIRING A CERTIFICATE OF MERIT ON CIVIL ACTIONS FILED AGAINST A PERSON OR FIRM PROVIDING ARCHITECTURE OR ENGINEERING SERVICES IN THIS STATE.*

Enacts new Article 12, *Certificate of Merit for Civil Actions Against Design Professionals*, in Subchapter VI of GS Chapter 1. Requires the plaintiff in any civil action or arbitration proceeding for damages arising out of the provision of professional services performed by a design professional (including professionally licensed engineers

and licensed architects or firms in which such individuals practice) to file along with the complaint an affidavit of a third-party licensed professional engineer or licensed architect. Requires the third-party engineer or architect, who must be licensed in the state and actively engaged in practice, to (1) be competent to testify and hold the same professional license and practice in the same area of practice as the defendant design professional and (2) offer testimony based on knowledge, skill, experience, education, training and practice. Requires that the affidavit state for each theory of recovery the negligence or other action by the design professional in providing the service and the factual basis for each claim. Provides that if a plaintiff does not file the affidavit, the complaint will be dismissed. Provides exceptions for the contemporaneous filing requirement. Provides for the timing of filing an answer.

Makes conforming changes to GS 1A-1, Rule 9 (pleading special matters), GS 89C-10 (powers of the North Carolina State Board of Examiners for Engineers and Surveyors), and GS 83A-6 (North Carolina Board of Architecture rules, bylaws, and standards of professional conduct).

Effective for complaints and affidavits filed on or after October 1, 2011.

Intro. by Hartsell. GS 1, 1A, 83A, 89C Civil Law and Procedure

S 436. EXTEND QUALIFIED BUSINESS VENTURE TAX CREDIT. Filed 3/28/11. *TO EXTEND THE QUALIFIED BUSINESS VENTURE TAX CREDIT SUNSET.*

Amends GS 105-163.015, as the title indicates, to extend the sunset from January 1, 2013, to January 1, 2016.

Intro. by Hartsell. GS 105 Business and Commerce; Taxation

S 437. ENACT FIRST EVALUATION PROGRAM (=H 423). Filed 3/28/11. *TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM.* Identical to H 423, filed 3/22/11.

Intro. by Hartsell. GS 122C Health, Social Services, and Aging

S 438. CLARIFY MOTOR VEHICLE LICENSING LAW. Filed 3/28/11. *TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW.*

Amends GS 20-288(a1) to delete language exempting an applicant holding a new motor vehicle dealer license and operating an established showroom one mile or less from the showroom for which the applicant seeks a used motor vehicle license from the licensing requirement, and instead exempts an applicant holding a new motor vehicle dealer license, as defined. Also deletes language allowing an applicant who also holds a new motor vehicle dealer license from designating a representative to complete the required licensing course. Enacts new subsection (b1) to GS 20-288, directing the Division of Motor Vehicles to require certification that the applicant is familiar with and will comply with the NC Motor Vehicle Dealers and Manufacturers Licensing Law and with other applicable NC laws within each license and renewal license application. Enacts new subsection (g) to GS 20-301, authorizing any franchised new motor vehicle dealer to file a petition with the Commissioner of Vehicles (Commissioner) for resolution of any dispute arising with respect to the dealer's rights or obligations related to franchise or franchise-related form agreement. Specifies the Commissioner's authority, with appeal under the Administrative Procedure Act.

Amends GS 20-301.1(a), clarifying that it is unlawful for any manufacturer, factory branch, distributor, or distributor branch to charge or assess one of its NC franchised motor vehicle dealers for merchandise, tools, or equipment, or *other charges or amounts which individually or collectively total more than \$250*, as detailed. Directs the required prior written notice to include any charges or amounts that total over \$250. Allows a franchised new motor vehicle dealer to dispute all or any portion of an actual or proposed charge or debit to the dealer's account, as detailed. Makes conforming and clarifying changes. Amends GS 20-305(4), adding that it is unlawful for any manufacturer, factory branch, distributor, or distributor branch to prevent or refuse to approve the change in use of an existing facility to provide for the sales or service of one or more additional line-makes of new motor vehicles. Specifies that the sole issue for determination by the Commissioner, with respect to the proposed change in use of the dealership facility, is whether the new motor vehicle dealer has a reasonable line of credit for each make or line of motor vehicle and complies with applicable requirements, as detailed. Makes conforming changes.

Amends GS 20-305(6)d.3. to make the manufacturer or distributor liable to the dealer for an amount at least equivalent to the fair market value of the franchise on the day 3 years (currently, 12 months) prior to the date on which the notice of termination, cancellation, or nonrenewal, as defined, is issued, or on one of the other dates existing under current law, whichever is higher. Amends GS 20-305(14), clarifying that except as required by any

consent decree or other order of the Commissioner or order of a court of competent jurisdiction, each manufacturer, factory branch, distributor, and distributor branch must allocate its products based on each dealer's specific allocation needs and historical selling patterns to provide each dealer an adequate supply of vehicles to remain economically viable, and cannot discriminate against a dealer because the dealer fails to relocate, update, or renovate the dealer's existing facility. Reorganizes and retains the additional conditions for product allocation. Further clarifies that the statute is not violated if a failure is caused *solely* by the occurrence of product shortages resulting from natural disasters, unavailability of parts, labor strikes, product recalls, and other factors and events beyond the manufacturer's control. Makes it an unfair and deceptive trade practice to use a vehicle allocation process that forces or coerces a NC dealer to close or sell the franchise, causes the dealer financial distress, or causes the dealer to relocate, update, or renovate the existing facility. Makes conforming changes.

Amends GS 20-305 3(9), which concerns unreasonable or unlawful signage, to add that any requirement by a manufacturer or distributor that a new motor vehicle dealer purchase or lease a sign in violation of GS 20-305 3(9) as a condition of an incentive program, as detailed, is deemed null and void and without force and effect. Makes the requirement that the dealer replace a sign or purchase or lease an additional sign unreasonable and onerous, when the dealer has purchased or leased such a sign within the previous 10 years. Enacts new subdivision (43) to GS 20-305, making it unlawful to require, coerce, or attempt to coerce any new motor vehicle dealer to change dealership location or make substantial alterations, as specified. Enacts new subdivision (44) to GS 20-305 to make it unlawful to require, coerce, or attempt to coerce any franchised motor vehicle dealer to change the principal operator, general manager, or other manager or supervisor, as specified.

Enacts new subsections (a1), (a2), (a3), (a4), and (a5) to GS 20-305.1, which concerns automobile dealer warranty obligations, to add provisions relating to retail rates charged for parts and labor and warranty parts compensation. Amends GS 20-305.1(b), making any audit for warranty parts or service compensation only for the 6 month (currently, 12 month) period immediately following the date of the payment of the claim. Also makes any audit for sales incentives, services incentives, rebates, or other incentive compensation only for the 6 month (currently, 12 month) period immediately following the date of the payment of the claim. Amends GS 20-305.1(b1), forbidding a manufacturer from failing to fully compensate a dealer for warranty or recall work or make any chargeback to the dealer's account based on the dealer's failure to comply with the manufacturer's claim documentation procedure unless both of the following requirements are met: (1) the dealer has, within the previous 6 months (currently, 12 months), failed to comply with the same claim documentation procedure, and (2) the manufacturer has, within the previous 6 months (currently, 12 months), provided a written warning to the dealer, as specified. Enacts new subsection (h) to GS 20-305.1 to make it unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to deny a franchised new motor vehicle dealer the right to return any part or accessory that the dealer has not sold within 12 months, provided certain conditions are met.

Amends GS 20-305.7(a), adding that all customer and consumer data and other information collected by a new motor vehicle dealer are the sole and exclusive property of the dealer. Details additional information related to customer information, and prohibits manufacturers, factory branches, distributors, and distributor branches from requiring a dealer to provide such information, except in accordance with law. Enacts new subsections (h) and (i) to GS 20-305.7, to address the provision of customer data to requesting parties, and to fully indemnify and hold harmless any dealer providing such data. Clarifies the definitions for *dealer management computer system* and *security breach* in GS 20-305.7(f). Makes a clarifying change.

Includes a severability clause. Applies to all current and future franchises and other agreements in existence between any new motor vehicle dealer in NC and a manufacturer or distributor, as of the effective date of the act.

Intro. by Apodaca.

GS 20

Business and Commerce;
Transportation

S 439. ABC PERMIT ISSUANCE. Filed 3/28/11. *TO REQUIRE THAT ANY PERSON ISSUED AN ALCOHOLIC BEVERAGE PERMIT BE LAWFULLY PRESENT IN THE UNITED STATES; TO PREVENT THE ABC COMMISSION FROM ISSUING A SPECIAL ONETIME PERMIT TO ANY PERSON LESS THAN TEN BUSINESS DAYS FROM THE PLANNED EVENT; AND TO GIVE NOTICE TO THE ALCOHOL LAW ENFORCEMENT DIVISION OF ALL SPECIAL ONETIME PERMITS ISSUED WITHIN THREE BUSINESS DAYS OF THE PERMIT'S ISSUANCE.*

Amends GS 18B-900(a) to require a person to have a valid Social Security number or be able to produce valid documentation demonstrating legal presence in the U.S. in order for the person to be eligible to receive and hold an ABC permit. Amends GS 18B-1002 to provide that a special one-time permit must not be issued less than 10 days before a qualifying event. Requires the North Carolina Alcoholic Beverage Control Commission to notify

the Alcohol Law Enforcement Division of specified applicant and event information no more than three business days after a one-time permit is issued. Applies to permits issued on or after the date that the act becomes law.

Intro. by Brock. GS 18B Alcoholic Beverage Control

S 440. PRESIDENTIAL PRIMARY IN MARCH. Filed 3/28/11. *TO MOVE THE PREFERENCE PRIMARY TO MARCH.*

Amends GS 163-213.2 to move the presidential primary to the first Tuesday in March 2012. Amends GS 163-213.4 to require that the list of presidential candidates to be placed on primary ballots be submitted to the State Board of Elections by the third Tuesday in December of the year preceding the primary.

Intro. by Brock. GS 163 Elections Law

S 441. AMEND WEIGHT REQUIREMENTS—CERTAIN VEHICLES (=H 336). Filed 3/28/11. *TO ALLOW THE HAULING OF READY-MIXED CONCRETE IN EXCESS OF WEIGHT LIMITS SO LONG AS CERTAIN CONDITIONS ARE MET.* Identical to H 336, filed 3/10/11.

Intro. by Gunn, Vaughan. GS 20 Transportation

S 442. IRISH AMERICAN HISTORY MONTH. Filed 3/28/11. *RECOGNIZING THE MONTH OF MARCH AS IRISH HERITAGE MONTH.* As title indicates.

Intro. by Graham. SENATE RES State Government

S 443. REMOVE RESTRICTION/LEO DISABILITY BENEFITS. Filed 3/28/11. *TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF DUTY.*

Amends GS 128-27(c) as the title indicates. Effective July 1, 2011.

Intro. by Stevens, Harrington, Newton. GS 128 Emergency Services; Employment and Retirement

S 444. UNC NONAPPROPRIATED CAPITAL PROJECTS. Filed 3/28/11. *TO AUTHORIZE THE PLANNING, CONSTRUCTION, AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.*

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

Intro. by Hartsell. APPROP Budget and Appropriations

Local Bills

HOUSE BILLS

H 480. STANLY COUNTY SCHOOL BOARD FILING PERIOD. Filed 3/25/11. *TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY BOARD OF EDUCATION.*

Provides that regardless of the provisions in GS 163-106 (regarding the date for filing a notice of candidacy with the appropriate board of elections) or any provisions in the merger and consolidation plan of the Stanly County and Albemarle City school administrative units, candidates for the Stanly County Board of Education must file notice of candidacy no earlier than the first Monday in July; however, if that Monday is July 4, then the filing must be done on the next business day, and no later than 12:00 noon on the fourth Friday in July preceding the general election.

Intro. by Burr. STANLY Stanly

H 481. STANLY COUNTY SHERIFF VACANCY. Filed 3/25/11. *TO CHANGE THE MANNER OF FILLING VACANCIES IN THE OFFICE OF SHERIFF OF STANLY COUNTY.*

Directs vacancies in the office of sheriff in Stanly County to be filled according to GS 162-5, which requires the coroner or chief deputy in the county to perform the sheriff's duties until the first meeting of the board of county commissioners following the vacancy, during which the board will elect a sheriff. Removes Stanly County from the list of counties following sheriff vacancy procedures in GS 162-5.1 (which includes provision for political party recommendation).

Intro. by Burr. STANLY Stanly

H 482. NORWOOD WATER LINES. Filed 3/25/11. *TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998.*

As the title indicates. Directs the Secretary of Environment and Natural Resources to grant a waiver to allow additional connections to a bond-funded water line within designated areas providing that the purpose for the additional connection is either to (1) address an existing threat to public health or water quality or (2) provide water to a habitable structure located on a lot zoned for a single family residence and platted at the time of construction for the bond-funded water line.

Intro. by Burr. STANLY Stanly

H 486. TRYON DEANNEXATION. Filed 3/28/11. *REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF TRYON.*

Removes four described tracts from Tryon's corporate limits. Provides that the act does not affect the duty to pay taxes for any prior year and does not eliminate tax liens for prior years.

Intro. by Guice. POLK Polk

H 488. PRTF/EXTEND NASHVILLE WAIVER. Filed 3/28/11. *EXTENDING THE WAIVER OF RETROACTIVITY PERTAINING TO THE ACQUISITION OF LAND BY THE TOWN OF NASHVILLE UNDER THE PARKS AND RECREATION TRUST FUND PROGRAM.*

Extends Nashville's waiver of retroactivity, as title indicates, until the next full round of funding.

Intro. by Collins. NASH Nash

H 498. WAKE COUNTY SCHOOL BOARD CHAIR VOTING. Filed 3/28/11. *TO ALLOW THE CHAIRMAN OF THE WAKE COUNTY BOARD OF EDUCATION TO VOTE IN ALL CASES.*

Amends SL 1975-717, as the title indicates.

Intro. by Dollar. WAKE Wake

ACTION ON BILLS

March 28, 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

H0027 Forensic Sciences Act.	H Rec To Concur S Com Sub
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 3/28/2011
	H Concurred In S/Com Sub
02-09-11, 02-15-11, 03-21-11	
H0029 Retrieval of Big Game.	H Pres. To Gov. 3/25/2011
02-22-11, 02-23-11	
H0033 Consular Documents Not Acceptable as ID	H Placed On Cal For 3/29/2011
02-28-11, 03-24-11	
H0062 Prohibit Boylston Creek Reclassification.	H Pres. To Gov. 3/25/2011
H0111 Handgun Permit Valid in Parks & Restaurants.	H Placed On Cal For 3/29/2011

03-23-11		
H0129	Level Playing Field/Local Gov't Competition.	HA Amend Adopted 4 HA Amend Adopted 5 H Passed 3rd Reading H Ordered Engrossed
03-23-11, 03-24-11, 03-28-11		
H0215	Unborn Victims of Violence Act/Ethen's Law.	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
03-23-11, 03-24-11		
H0250	Various Clarifying Militia Law Amendments.	H Placed On Cal For 3/29/2011
03-24-11		
H0262	References to Military Orgs./ Make Uniform.	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary I
H0312	Register of Deeds.	H Placed On Cal For 3/29/2011
03-24-11		
H0329	Bldg. Codes/Expand Equine Exemption.	H Placed On Cal For 3/29/2011
03-24-11		
H0455	Outdoor Light Fixtures Using State Funds.	H Withdrawn From Com H Re-ref Com On Rules, Calendar, and Operations of the House
H0462	Study Business Opportunity & Franchise Sales.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0464	Sanitary Districts/Public Utility.	H Passed 1st Reading H Ref To Com On Public Utilities
H0465	REPS Credits at Cleanfields Parks.	H Passed 1st Reading H Ref To Com On Public Utilities
H0466	Spend 65% of Funds in the Classroom.	H Passed 1st Reading H Ref to the Com on Education, if favorable, Appropriations
H0467	Improve School Discipline.	H Passed 1st Reading H Ref to the Com on Education, if favorable, Judiciary Subcommittee A
H0468	Amend Weight Limits for Farm Products.	H Passed 1st Reading H Ref To Com On Transportation
H0470	Amend Allocation of TVA Payment.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0472	City/County Electronic Notice.	H Passed 1st Reading H Ref To Com On Government
H0473	Equal Tax Treatment of Gov't Retiree Benefits.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House H Withdrawn From Com H Ref to the Com on State Personnel, if favorable,

		Finance
H0474	Protect Adult Care Home Residents.	H Passed 1st Reading H Ref To Com On Health and Human Services
H0475	English the Official Language.	H Passed 1st Reading H Ref To Com On Judiciary
H0476	Protect Galax & Venus Flytrap/WRC Rule Fines.	H Passed 1st Reading H Ref to the Com on Agriculture, if favorable, Finance
H0487	Exempt Bd Cert. Beh. Analyst/Psych. Practice.	H Filed
H0489	Mechanics Lien and Bond Law Changes.	H Filed
H0490	Rename Yadkin River Bridge.	H Filed
H0491	NC Certificates of Participation Referendum.	H Filed
H0492	Stormwater/Isolated Popl. Growth in County.	H Filed
H0493	Landlord Tenant Law Changes.	H Filed
H0494	Continuous Alcohol Monitoring Law Changes.	H Filed
H0495	The Solar Jobs Bill.	H Filed
H0496	Insurance Co-Pays for Chiropractic Services.	H Filed
H0497	Clarify Definition of General Contractor.	H Filed
#S0007	Add Controlled Substances. 02-23-11, 03-09-11	S Signed By Gov. 3/25/2011 SR Ch. SL 2011-12
S0020	Amend Law Regulating Proprietary Schools. 02-23-11	S Pres. To Gov. 3/25/2011
#S0022	APA Rules: Limit Additional Costs. 02-08-11, 02-09-11, 03-07-11	S Signed By Gov. 3/25/2011 SR Ch. SL 2011-13
#S0032	Hospital Medicaid Assessment/Payment Program. 02-22-11	S Signed By Gov. 3/25/2011 SR Ch. SL 2011-11
S0042	Sex Offense/Child Witness Remote Testimony. 03-28-11	S Reptd Fav Com Substitute SA Com Substitute Adopted
S0091	Extend E-NC Sunset. 03-15-11, 03-22-11	H Passed 1st Reading H Ref To Com On Commerce and Job Development
#S0099	Reform UI Tax Structure/Expedite Analysis. 03-16-11	S Signed By Gov. 3/25/2011 SR Ch. SL 2011-10
S0105	Increase Penalty/2nd Degree Murder.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
S0107	Tax of Improved Prop. in Roadway Corridors. 03-22-11	H Passed 1st Reading H Ref To Com On Finance
#S0109	Spending Cuts for the Current	S Signed By Gov. 3/25/2011

Fiscal Year.	SR Ch. SL 2011-15
03-02-11	
S0137 Establish Forgivable Loan Fund.	H Passed 1st Reading H Ref to the Com on Education, if favorable, Finance
03-22-11	
S0265 State Health Plan/Appropriations and Transfer.	S Amend Failed 1 S Passed 3rd Reading H Passed 1st Reading H Ref to the Com on Insurance, if favorable, Appropriations
03-22-11, 03-23-11	
S0275 Official Herring Festival.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
S0369 Confirm Joseph A. Smith Commissioner of Banks.	H Placed On Cal For 3/29/2011
S0417 Funds for Prevent Blindness NC.	S Passed 1st Reading S Ref To Com On Appropriations/Base Budget
S0418 North Carolina Health Benefit Exchange Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0419 Campaign Finance and Regulatory Reforms.	S Passed 1st Reading S Ref To Com On Judiciary I
S0420 Municipal Sunshine Act.	S Passed 1st Reading S Ref To Com On Judiciary I
S0421 GAST Training Pilot.	S Passed 1st Reading S Ref To Com On Mental Health & Youth Services
S0422 DHHS Study of IOM Task Force Recom 3.1.	S Passed 1st Reading S Ref To Com On Health Care
S0423 Educ. Oversight Comm. Study of Teacher Tenure.	S Passed 1st Reading S Ref To Com On Education/Higher Education
S0424 Increase Small Brewery Limits.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0425 Ecosystem Enhancement Program Changes.	S Passed 1st Reading S Ref To Com On Agriculture/Environment/Natural Resources
S0426 Modify/Clarify Public Finance Statutes.	S Passed 1st Reading S Ref To Com On Finance
S0427 NC Water Security Act.	S Passed 1st Reading S Ref To Com On Agriculture/Environment/Natural Resources
S0428 Study Consolidated Environmental Commission.	S Passed 1st Reading S Ref To Com On Program Evaluation
S0429 Hunting Protection Act.	S Passed 1st Reading S Ref To Com On Agriculture/Environment/Natural Resources
S0430 LRC/Study Uranium Mining Near Roanoke River .	S Passed 1st Reading S Ref To Com On Rules and

		Operations of the Senate
S0432	Revise Probate Code.	S Filed
S0433	Local Human Services Administration.	S Filed
S0434	Directed Trustee and Trust Protector.	S Filed
S0435	Civil Pro./Require Certificate of Merit.	S Filed
S0436	Extend Qualified Business Venture Tax Credit.	S Filed
S0437	Enact First Evaluation Program.	S Filed
S0438	Clarify Motor Vehicle Licensing Law.	S Filed
S0439	ABC Permit Issuance.	S Filed
S0440	Presidential Primary in March.	S Filed
S0441	Amend Weight Requirements-Certain Vehicles.	S Filed
S0442	Irish American Heritage Month.	S Filed
S0443	Remove Restriction/LEO Disability Benefits.	S Filed
S0444	UNC Nonappropriated Capital Projects.	S Filed

LOCAL BILLS

H0056	Rocky Mount Annexations Repealed.	H Postponed To 3/31/2011
H0180	Wilmington Annexation Suspension.	H Postponed To 3/31/2011
H0193	Topsail Beach Recall Elections.	HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
	03-24-11, 03-28-11	
H0194	Topsail Beach Charter Amendment.	H Passed 2nd & 3rd Reading
H0212	Town of Cramerton/Regulate Utility Vehicles.	H Passed 2nd Reading
H0236	Biltmore Lake Annexation Repealed.	H Postponed To 3/31/2011
H0415	Topsail Beach/Littoral Rights.	H Passed 2nd & 3rd Reading
H0461	Cornelius ROW Ordinance.	H Passed 1st Reading H Ref To Com On Government
H0463	Rockingham/Taking of Foxes.	H Passed 1st Reading H Ref To Com On Agriculture
H0469	Additional Lumberton Occupancy Tax.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
H0471	Buncombe County Commission Districts.	H Passed 1st Reading H Ref To Com On Government
H0486	Tryon Deannexation.	H Filed
H0488	PRTF/Extend Nashville Waiver.	H Filed
H0498	Wake County School Board Chair Voting.	H Filed
S0120	New Bern Charter Amendments.	H Passed 1st Reading H Ref To Com On Government

03-22-11

S0145 Southern Shores Canal Dredging/Maintenance.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
S0177 Greensboro Rental Property Utility Liens.	H Passed 1st Reading H Ref To Com On Government
S0288 Atlantic Beach/Beaufort/ Parking.	H Passed 1st Reading H Ref to the Com on Government, if favorable, Finance
S0312 Roanoke Rapids Local Option Sales Tax.	S Withdrawn From Com S Re-ref Com On Finance
S0431 Fontana Dam Incorporated.	S Passed 1st Reading S Ref To Com On Finance

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 129. LEVEL PLAYING FIELD/LOCAL GOV'T COMPETITION. Filed 2/17/11. House amendments makes the following changes to 2nd edition, as amended.

Amendment #4 amends proposed GS 160A-340.1(a)(8) (concerning requirements of a city- owned communications service provider in setting the price for communications services) to allow the city to amortize the capital assets of the communications system over the assets' useful life in accordance with generally accepted principles of governmental accounting.

Amendment #5 further amends proposed GS 160A-340.2(c), which was previously amended by Amendment #1, to provide that the specified statutes do not apply to a city or joint agency providing communications service as of January 1, 2011, provided the city or joint agency limits the provision of communications services to any one or more of the listed services (was, limits the provision of communications service to the specified services).

Business and Commerce; Energy
and Utilities; Local Government

H 193. TOPSAIL BEACH RECALL ELECTIONS. Filed 2/28/11. House amendment makes the following changes to 2nd edition. Prohibits a recall petition from being filed during the first six (was, three) months of the officer's term.

Pender

SENATE BILLS

S 42. LAY TESTIMONY/CHILD WITNESS REMOTE TESTIMONY (NEW). Filed 2/8/11. Senate committee substitute makes the following changes to 1st edition. Deletes the provisions of the 1st edition and instead amends GS 15A-1225.1 (child witnesses; remote testimony) to prohibit the court from requiring that expert testimony be presented at an evidentiary hearing. Allows the court to make its determination based solely on lay testimony whether or not expert testimony is presented. Maintains the October 1, 2011, effective date and provides that the act does not amend or alter the evidentiary rules applying to proceedings that occur before the effective date.

Changes the title of the act to *AN ACT TO CLARIFY THAT A COURT MAY RELY SOLELY ON LAY TESTIMONY WHEN MAKING A DETERMINATION THAT A CHILD WITNESS IN A CRIMINAL CASE WOULD SUFFER SERIOUS EMOTIONAL DISTRESS AND THE CHILD'S ABILITY TO COMMUNICATE WITH THE TRIER OF FACT WOULD BE IMPAIRED BY TESTIFYING IN THE DEFENDANT'S PRESENCE.*

Civil Law and Procedure; Children
and Juvenile Law; Courts

Legislation Enacted

SL 2011-10 (S 99). [REFORM UI TAX STRUCTURE/EXPEDITE ANALYSIS](#). AN ACT TO EXPEDITE THE ANALYSIS OF THE TAX STRUCTURE FOR UNEMPLOYMENT INSURANCE IN NORTH CAROLINA GIVEN THE SUBSTANTIAL NEGATIVE BALANCE IN THE STATE'S UNEMPLOYMENT INSURANCE TRUST FUND AND THE SUBSTANTIAL FEDERAL LOAN BALANCE OWED BY THE STATE FOR PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS. Summarized in *Daily Bulletin* 2/22/11 and 3/16/11. Enacted March 25, 2011. Effective March 25, 2011.

Business and Commerce; State Government; Taxation

SL 2011-11 (S 32). [HOSPITAL MEDICAID ASSESSMENT/PAYMENT PROGRAM](#). AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA. Summarized in *Daily Bulletin* 2/2/11 and 2/22/11. Enacted March 25, 2011. Effective March 25, 2011.

Health, Social Services, and Aging

SL 2011-12 (S 7). [ADD CONTROLLED SUBSTANCES](#). AN ACT TO ADD MEPHEDRONE, METHYENEDIOXYPROVALERONE AND CERTAIN DERIVATIVES OF 2-AMINO-1-PHENYL-1-PROPANONE, AND SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES. Summarized in *Daily Bulletin* 1/27/11, 2/23/11, and 3/9/11. Enacted March 25, 2011. Effective June 1, 2011.

Criminal Law, Procedure, and Sentencing

SL 2011-13 (S 22). [APA RULES: LIMIT ADDITIONAL COSTS](#). AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS THAT RESULT IN SUBSTANTIAL ADDITIONAL COSTS. Summarized in *Daily Bulletin* 2/1/11, 2/8/11, 2/9/11, and 3/7/11. Enacted March 25, 2011. Effective March 25, 2011.

APA/Rule Making; State Government

SL 2011-14 (H 6). [HOUSE PENSIONS COMMITTEE DUTIES](#). AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL. Summarized in *Daily Bulletin* 1/26/11. Enacted March 25, 2011. Effective March 25, 2011.

General Assembly

SL 2011-15 (S 109). [SPENDING CUTS FOR THE CURRENT FISCAL YEAR](#). AN ACT TO REQUIRE THE GOVERNOR TO CUT SPENDING FOR THE CURRENT FISCAL YEAR. Summarized in *Daily Bulletin* 2/22/11 and 3/2/11. Enacted March 25, 2011. Effective March 25, 2011.

Budget and Appropriations; State Government

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Notes

None

NEXT SESSIONS

March 29, 2011

HOUSE convenes at 2:00 pm

SENATE convenes at 3:00 pm