

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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Phone 919.733.2484 ~ Fax 919.715.3464 ~ www.dailybulletin.unc.edu

House Legislative Day 36

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 493. [LANDLORD TENANT LAW CHANGES.](#) Filed 3/28/11. *AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS.*

Enacts new subdivision (4) to GS 42-26(a), which allows removal of holdover tenants or lessees in certain cases, to also allow removal when the sole tenant or lessee under the terms of the written lease dies and the tenant's or lessee's personal property remains in the demised premises. Allows a landlord to bring an action for summary ejectment in that situation under three detailed conditions.

Amends GS 42-25.7 to allow a landlord to permit the next of kin of a deceased residential tenant or lessee to enter the leased unit and remove personal property if: (1) the deceased was the sole tenant or lessee in the unit and (2) the next of kin seeking entry can establish by reasonably reliable information that he or she is a parent, child, or sibling of the deceased tenant or lessee. Provides immunity from civil or criminal liability to a landlord who, in good faith, allows the next of kin to enter and remove personal property. Specifies that no duty or obligation is imposed on a landlord to permit the next of kin to enter the unit or to remove personal property from

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the unit. Also clarifies that the statute does not make the landlord liable to the next of kin, or prevent the landlord from bringing a summary ejection action.

Amends GS 42-29, clarifying that the officer *or authorized process server* receiving the summons must mail a copy of the summons and complaint to the defendant as specified. Makes a conforming change to add *authorized process server*, defined as a person who is at least 21 years old and is not employed by the plaintiff, related by blood to the plaintiff, or an attorney or employee of a law firm, throughout the statute. Provides that, when service cannot be made by the authorized process server, the server must attach copies to a conspicuous part of the premises claimed by the lessor, and file an affidavit of service with the applicable clerk of superior court, as conclusive evidence that the summons was served. Makes a clarifying change.

Amends GS 42-34(b), allowing a stay of execution of judgment for ejection if the defendant appellant pays any rent in arrears and signs an undertaking that he or she will pay the amount of the tenant's share of the contract rent, *reasonable damages that the landlord may suffer, the costs of the pending action*, and comply with GS 42-34(c). Makes a technical change.

Amends GS 42-34.1, providing that, if the judgment in district court is against the defendant appellant, it is sufficient to stay execution of the judgment during the 30-day time period for taking an appeal if the defendant appellant posts a bond as specified. Directs the clerk of superior court to, upon application by the plaintiff appellee, immediately issue a writ of possession allowing the sheriff to dispossess the defendant appellant, if the defendant appellant fails to make rental payments as stated in the undertaking within five days of the day that rent is due under the residential rental agreement. Makes a conforming change.

Amends GS 42-36.2, which provides for notice to tenant of execution of writ for possession of property and storage of evicted tenant's personal property, to allow the sheriff no more than five days (currently, seven days) to execute the writ for possession of real property from the date the sheriff receives the writ. Makes a conforming change throughout the statute, changing all 10-day time periods to 5-day time periods.

Enacts new subsection (e) to GS 42-44, stating that a landlord's acceptance of any rent or housing subsidy payment, where the payment is less than the full amount owed by the tenant, will never be a defense to summary ejection action. Enacts new subsection (f) to GS 42-44, stating that a landlord's acceptance of any rent or housing subsidy payment will not constitute an unfair and deceptive trade practice under GS Chapter 75.

Amends GS 42-50, clarifying that tenant security deposits must be deposited in a trust account that is a demand deposit account in a federally insured bank, which makes account records available for inspection by the North Carolina Real Estate Commission (currently, the monies must be deposited with a licensed and insured bank or savings institution in NC), or the landlord may provide a bond from an insurance company licensed to do business in NC. Makes a clarifying change.

Amends GS 42-51, which lists permitted uses for security deposits, to also allow coverage of authorized fees permitted by GS 42-46. Clarifies that the deposit can pay for damage to the premises, including damage to or destruction of smoke or carbon monoxide detectors, and cover the costs of re-renting the premises after a breach, including any fees or commissions paid to a licensed real estate broker. Makes clarifying and conforming changes.

Enacts new subsection (d) to GS 42A-17, permitting a vacation rental agreement to include a cleaning fee, as described. Makes a conforming change to GS 42A-11(b), which lists certain provisions included in vacation rental agreements, to add any cleaning fee permitted under GS 42A-17(d).

Applies to all actions for summary ejection occurring on and after October 1, 2011, and to all residential rental agreements entered into on or after that date.

**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.*

Amends GS 15A-534.1(a)(2) to allow a judge to require a defendant to abstain from alcohol consumption and be subject to a continuous alcohol monitoring system as a condition of pretrial release.

Amends GS 15A-1340.11(6) to add to the list of conditions that constitute "intermediate punishment" a requirement that an offender in a criminal case abstain from alcohol consumption and be subject to a continuous alcohol monitoring system as a regular condition of probation if alcohol dependency or chronic abuse has been identified by a substance abuse assessment.

Deletes provision in GS 15A-1343(b) that prohibits a defendant from paying the costs associated with a substance abuse monitoring program or any other special condition of probation in lieu of, or prior to, the payments required as regular conditions of probation.

Amends GS 15A-1343(b1) to allow a court to require as a special condition of probation that a defendant abstain from alcohol consumption and submit to continuous alcohol monitoring when alcohol dependency or chronic abuse has been identified by a substance abuse assessment.

Amends GS 15A-1343.2(f) to allow the Division of Community Corrections in the Department of Correction to require an offender sentenced to intermediate punishment to submit to substance abuse treatment through a continuous alcohol monitoring program when abstinence from alcohol consumption has been specified as a term of probation.

Adds new GS 15A-1343.4 to allow judges, in their discretion, to require offenders to abstain from the use of alcohol and to submit to continuous alcohol monitoring systems as a condition of pretrial release or probation in a matter before a Drug Treatment Program Court.

Amends GS 20-28(a) to allow a judge to order an offender who is subject to a license revocation due to an impaired driving offense to abstain from alcohol consumption and submit to continuous alcohol monitoring for a minimum period of 90 days instead of incarceration.

Amends GS 20-179(g) to allow a judge to impose as a condition of special probation for a level one punishment for an impaired driving conviction that the defendant be monitored by a continuous alcohol monitoring system for a period of no less than 120 days after the defendant serves the 30-day term of imprisonment. Allows the minimum term of imprisonment to be reduced to not less than 10 days if a judge orders the defendant to submit to continuous alcohol monitoring as a condition of probation. Allows up to 60 days of pretrial monitoring to be credited against the 120-day monitoring requirement. Amends GS 20-179(h) to allow a judge to suspend a term of imprisonment for a level two punishment for an impaired driving conviction if the defendant has abstained from consuming alcohol for at least 90 consecutive days, as verified by a continuous alcohol monitoring system. Allows up to 60 days of pretrial monitoring to be credited against the 120-day monitoring requirement for probation. Adds new provisions to GS 20-179 to: (1) allow a judge to require a defendant convicted of any level of offense for impaired driving to abstain from alcohol consumption and submit to continuous alcohol monitoring as a condition of probation and (2) allow a probation officer, with a judge's authorization, to require a defendant to submit to continuous alcohol monitoring if the defendant has been required to abstain from alcohol consumption during probation and impose the costs of monitoring on the defendant. Makes other organizational and conforming changes to GS 20-179.

Amends GS 50-13.2 to allow a court to impose as a condition of an order for custody, including visitation, that either or both parents, or other persons seeking custody or visitation, abstain from consuming alcohol and submit to continuous alcohol monitoring.

Effective December 1, 2011, and applies to offenses committed, sentences imposed, or any custody and visitation orders issued on or after that date.

Intro. by M. Alexander, Guice, T. Moore, Stam. GS 15A, 20, 50

Criminal Law, Procedure, and Sentencing; Transportation; Family Law

H 499. LICENSE PLATE COVERS UNLAWFUL. Filed 3/29/11. *TO MAKE PLACING A CLEAR OR COLOR-TINTED LICENSE PLATE COVER ON A LICENSE PLATE AFFIXED TO A MOTOR VEHICLE UNLAWFUL.*

Amends GS 20-68(b) to make it an infraction, punishable under GS 14-3.1, for any operator of a motor vehicle to place a transparent, clear, or color-tinted cover on any registration plate.

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

Intro. by McGuirt.

GS 20

Transportation

H 500. FUNDS/CUMBERLAND INTERN'L EARLY COLLEGE. Filed 3/29/11. *TO APPROPRIATE FUNDS FOR THE CUMBERLAND INTERNATIONAL EARLY COLLEGE HIGH SCHOOL.*

Appropriates \$155,000 for 2011-12 from the General Fund to the Department of Public Instruction to be allocated to the Cumberland County Schools to provide staff, programming, and equipment for the Cumberland International Early College High School. Effective July 1, 2011.

Intro. by Lucas, Glazier.

APPROP

Budget and Appropriations

H 501. CREDIT UNION OWNERSHIP OF STOCK LIFE INS. CO. Filed 3/29/11. *TO PROVIDE FOR THE FORMATION AND OWNERSHIP OF STOCK LIFE INSURANCE COMPANIES BY CREDIT UNIONS.*

Amends GS 54-109.21(22), which is one of the listed powers of credit unions, to add that insurance for a credit union's directors, officers, agents, employees, and members may be provided through any insurance company or through any subsidiary insurance company owned by the credit union. Makes the same change by enacting new GS 54-109.75(c). Makes a conforming change to GS 54-109.82, which concerns the investment of funds.

Adds *credit union* to the following statutes: GS 58-7-162(1), which lists allowable or admitted assets owned by an insurer; GS 58-7-172, which concerns cash and deposits of an insurer; and GS 58-7-173(14), which lists permitted insurer investments.

Effective October 1, 2011.

Intro. by Glazier.

GS 54, 58

Banking and Finance;
Business and Commerce

H 502. PRESERVE BIOLOGICAL EVIDENCE/CUSTODIAL AGENCY. Filed 3/29/11. *TO AMEND THE LAW REGARDING THE RESPONSIBILITY OF A STATE AGENCY WITH REGARD TO THE PRESERVATION AND INVENTORY OF BIOLOGICAL EVIDENCE IN THE AGENCY'S CUSTODY.*

Amends GS 15A-268(a7), clarifying that the custodial agency must, upon written request by the defendant, prepare an inventory of biological evidence relevant to the defendant's case that is in the custodial agency's custody (currently, must prepare inventory of biological evidence that has been preserved pursuant to the statute). Requires the custodial agency to provide the defendant with a copy of the court order or written directive, if the evidence was destroyed through such an order. Amends GS 15A-268(a1), clarifying that a custodial agency must preserve physical evidence, *regardless of the date of collection*, that is reasonably likely to contain biological evidence collected during a criminal investigation or prosecution.

Intro. by Glazier.

GS 15A

State Government; Criminal Law,
Procedure, and Sentencing

H 503. NUTRITION STDS./ALL FOODS SOLD AT SCHOOL. Filed 3/29/11. *DIRECTING THE STATE BOARD OF EDUCATION TO ANNUALLY REVIEW NUTRITION STANDARDS FOR FOODS AND BEVERAGES ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS DURING THE INSTRUCTIONAL DAY TO MEET CERTAIN STANDARDS BY THE 2011-2012 SCHOOL YEAR.*

Enacts new subsection (b) to GS 115C-264.3, directing the State Board of Education to annually examine the statewide nutrition standards and make modifications to reflect current products in the marketplace, best practices in the industry, and science-based evidence from the most current edition of the Dietary Guidelines for Americans, published by the U.S. Department of Health and Human Services.

Enacts new subsection (d) to GS 115C-264.2, requiring school stores, snack bars, fundraisers, and other informal food sales to students on campus during the instructional day, as defined, to meet the most current edition of the Dietary Guidelines for Americans by the 2011-12 school year. Excepts child nutrition programs, culinary programs, fundraisers for grades 9-12 conducted after the lunch period, and extracurricular events from the requirement. Makes a conforming change to the statute catchline.

Intro. by Insko, LaRoque.

GS 115C

Education

H 505. STORMWATER/CERTAIN DEVELOPMENT PROJECTS. Filed 3/29/11. *RELATING TO STORMWATER MANAGEMENT BEST PRACTICES IN CONNECTION WITH PUBLIC AND PRIVATE LINEAR TRANSPORTATION PROJECTS SUCH AS ROADS AND GREENWAYS.*

Amends Section 8 of SL 2006-246 to exclude public and private linear transportation projects, if the projects adhere to the NC Department of Transportation BMPs outlined in the "Stormwater Best Management Practices Toolbox" to the extent practicable as determined by the city, from the post-construction practices required by Section 9 of SL 2006-46.

Intro. by Parmon.

UNCODIFIED

Agriculture, Environment, and
Natural Resources; Transportation

H 507. WITHDRAWING PUBLIC USE DEDICATION. Filed 3/29/11. *AUTHORIZING PROPERTY OWNERS ASSOCIATIONS THAT OWN STREETS THAT ARE LOCATED OUTSIDE INCORPORATED MUNICIPALITIES AND THAT HAVE NOT BEEN ACCEPTED FOR MAINTENANCE BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A PERIOD OF THIRTY YEARS TO FILE, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, A DECLARATION WITHDRAWING THE DEDICATION TO PUBLIC USE OF SUCH STREETS.*

Adds new GS 136-96.2 to allow a property owner association that owns subdivision streets to file a declaration in the office of the register of deeds withdrawing any purported dedication to public use or withdrawing an offer of dedication to public use of the streets if specified criteria are met. The declaration must be approved by the board of county commissioners of the county in which the streets are located. A board of county commissioners only may give approval to the declaration if it finds that specified circumstances exist. A board of county commissioners may make its consent subject to the following conditions: (1) that the withdrawal of dedication not apply to streets or segments of streets where it would terminate all reasonable legal means of access to any property or where the streets or segments of streets are necessary to connect a public street located outside the subdivision with another public street located outside the subdivision, (2) that no gate or other obstruction be placed across any street or segments of streets unless approved by the board of county commissioners, and (3) that the clerk to the board of commissioners sign the declaration of withdrawal only upon completion of improvements to the covered streets in accordance with a plan submitted by the property owners association that complies with any published street standards required by the county on the date that the subdivision plat was recorded as certified by the county engineer. Specifies that any offer of dedication of the streets is conclusively presumed withdrawn upon the recording of the withdrawal declaration in accordance with the statutory requirements. Provides that the right, title, or interest vested in the property owners association remains subject to the following: (1) public pedestrian access as existed immediately before its closing; and (2) public utility use or facility located on, over, or under the road easement immediately before its closing, until the landowner or any successor pays to the utility involved, and the utility accepts, the reasonable cost of removing and relocating the facility.

Intro. by Owens.

GS 136

Transportation

H 509. EXCLUSIONS FROM LICENSURE: HOME SERVICES. Filed 3/29/11. *TO EXCLUDE FROM LICENSURE AS A FACILITY CONSUMERS LIVING IN THEIR OWN HOME AND RECEIVING SERVICES.*

Amends GS 122C-22 to exclude from the licensure requirement for facilities for the mentally ill, developmentally disabled, and substance abusers a home in which up to three adults, two or more having a disability, co-own or co-rent in which the persons with disabilities receive three or more hours of day services in the home or up to 24 hours of residential services in the home. Specifies that the individuals who have disabilities cannot be required to move if the individuals change services or service providers or discontinue services.

Intro. by Hurley.

GS 122C

Health, Social Services, and Aging

H 512. RENDERING ACT AMENDMENTS. Filed 3/29/11. *TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO BRING THE COLLECTION AND PROCESSING OF WASTE KITCHEN GREASE WITHIN THE PURVIEW OF THE ACT.*

Amends GS 106-168.1 to (1) modify definition of "collector" to include a person who collects waste kitchen grease. Specifies that "collector" does not include restaurants or other food establishments that generate kitchen grease; (2) add definitions of farmer, waste kitchen grease, and waste kitchen grease operation.

Amends GS 106-168.2 to require that any person that stores or processes waste kitchen grease at any waste kitchen grease operation or acts as a collector of waste kitchen grease to obtain a valid license.

Amends GS 106-168.3 to specify that exemption from licensing and regulation requirements of certain premises do not apply to a person acting as a collector of, or to a person storing or processing, waste kitchen grease at a waste kitchen grease operation.

Amends GS 106-168.4 to increase application fee to \$100 (was \$50). Imposes annual renewal fee for rendering license of \$100.

Amends GS 106-168.7 to specify that rendering license is valid for one year and must be renewed upon submission of a certification under oath of compliance with the legal requirements for licensure and payment of the annual renewal fee.

Amends GS 106-168.8 to add to the minimum standards required for conducting rendering operations proof of general liability insurance of \$1 million.

Amends GS 106-168.14 to specify that its provisions apply to collectors of raw material, as defined in GS 106-168.1.

Adds new GS 106-168.14A to make collectors of waste kitchen grease subject to certain provisions, including application procedures for licensing, licensing renewal requirements, and information retention and inspection requirements. Prohibits any person required to be licensed from collecting or transporting waste kitchen grease without possessing a copy of the license and conspicuously displaying the licensee's name and license number on any vehicle used to transport the waste kitchen grease. Specifies that the following acts constitute violations of Article 14A: (1) selling or offering for sale to any unlicensed person any waste kitchen grease, knowing such unlicensed person would transport or process the waste kitchen grease in violation of

Article 14A; (2) stealing, misappropriating, contaminating, or damaging any waste kitchen grease container; and (3) taking or possessing waste kitchen grease from a collector that is not licensed, unless otherwise authorized by Article 14A, or knowingly taking possession of waste kitchen grease that has been stolen. Exempts certain collectors from the application fee requirement. Specifies that statute does not apply to a farmer who collects waste kitchen grease for a use related to his or her farm.

Adds new GS 106-168.14B to specify that a container in which waste kitchen grease is deposited that bears a name on the container is presumed to be owned by the person named on the container unless another person in writing states that he or she is the owner.

Makes technical changes to GS 106-168.5, GS 106-168.9, GS 106-168.10, and GS 106-168.11.

Adds new GS 14-79.2 to make it a Class H felony for any person to take and carry away, or aid in the taking or carrying away, of any waste kitchen grease in a container bearing the name of the owner of the container and bearing a notice that unauthorized removal is prohibited without written consent of the owner.

Effective January 1, 2012.

Intro. by Torbett.

GS 14, 106

Criminal Law, Procedure, and Sentencing; Agriculture, Environment, and Natural Resources

H 514. UNIFORM MILITARY AND OVERSEAS VOTERS ACT. Filed 3/29/11. *TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.*

Adds new GS 163-258.2 to define “covered voter,” “dependent,” “military-overseas ballot,” “overseas voter,” “state,” “uniformed service,” “uniformed-service voter,” and “United States.”

Adds new GS 163-258.3 to specify to what elections the voting procedures apply.

Adds new GS 163-258.4 to direct the State Board of Elections to implement the Article and to do the following: (1) make information available regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots; (2) establish an electronic transmission system through which covered voters may apply for and receive voter registration materials, military-overseas ballots, and other pertinent information; (3) develop standardized absentee-voting materials to be used with the military-overseas ballot; and (4) prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations as to the voter’s identity, eligibility to vote, status as a covered voter, and timely and proper completion of military-overseas ballot, based on certain federal provisions.

Adds new GS 163-258.5 to specify the address that must be used by an overseas voter.

Adds new GS 163-258.6 to (1) allow a covered voter to use a federal postcard application or a declaration accompanying the federal write-in absentee ballot to apply to register to vote and (2) direct the State Board of Elections to ensure that its electronic transmission system is capable of accepting both a federal postcard application and any other approved electronic registration application.

Adds new GS 163-258.7 to prescribe the allowable methods by which an authorized voter who is either registered to vote in this state or not registered to vote in this state may apply for a military-overseas ballot.

Adds new GS 163-258.8 to specify that: (1) an application for a military-overseas ballot is timely if received by the deadline prescribed in GS 163-230.1(a) and (2) an application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.

Adds new GS 163-258.9 to specify the time period by which ballots and balloting materials must be sent to covered voters.

Adds new GS 163-258.10 to specify when a military-overseas ballot must be received by the appropriate county board of elections to be valid.

Adds new GS 163-258.11 to specify that a covered voter may use the federal write-in absentee ballot, in accordance with federal law, to vote for all offices and ballot measures in a covered election.

Adds new GS 163-258.12 to specify that a valid military-overseas ballot must be counted if it is delivered within a certain, specified time period, even if it has a late postmark, an unreadable postmark, or no postmark.

Adds new GS 163-258.13 to require each military-overseas ballot to include or be accompanied by a declaration signed by the voter declaring that a material misstatement of fact in completing the document may be grounds for a conviction of perjury.

Adds new GS 163-258.14 to direct the State Board of Elections to implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether the voter’s application has been received and whether the voter’s military-overseas ballot has been received and its current status.

Adds new GS 163-258.15 to direct the county board of elections to request an electronic-mail address from each covered voter who registers after January 1, 2012, to be used only for official communication with the voter about the voting process and to transmit ballots and election materials. Allows a covered voter to make the voter's application for a military-overseas ballot a standing request for a specified period of time.

Adds new GS 163-258.16 to require each county board of elections to prepare and update an electronic notice that contains certain information and complies with certain legal provisions. Authorizes a covered voter to request a copy of the electronic notice.

Adds new GS 163-258.17 to specify that certain mistakes or omission by a voter will not invalidate a document submitted under Article 21A.

Adds new GS 163-258.18 to authorize a court to issue an injunction or grant other equitable relief to ensure substantial compliance with, or enforce, Article 21A.

Adds new GS 163-258.19 to specify that the Act be applied and construed with consideration of the need to promote uniformity of the law.

Adds new GS 163-258.20 to specify the relation of the Act to the federal Electronic Signatures in Global and National Commerce Act.

Repeals Article 21 of Chapter 163, except for certain, specified provisions that it recodifies as GS 163-258.21 though GS 163-258.26. Makes conforming changes to those statutory provisions.

Makes conforming changes to GS 163-22(k), GS 163-231(b), GS 163-232.1(b), and GS 163-239.

Effective January 1, 2012.

Intro. by Martin, Killian. GS 163 Elections Law; Military and Veterans Affairs

H 515. COMM. COLL. TUITION FOR MEMBERS OF MILITARY (=S 446). Filed 3/29/11. *TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES.*

Identical to S 446, filed 3/29/11.

Intro. by Boles, Floyd. GS 115D Education; Military and Veterans Affairs

H 517. SUPERVIS. OF MAGISTRATES/JURIES/CALENDARING. Filed 3/29/11. *TO PROVIDE FOR SUPERVISION OF MAGISTRATES BY THE CLERK OF SUPERIOR COURT IN EACH COUNTY, TO PROVIDE THE JUDICIAL STANDARDS COMMISSION WITH THE AUTHORITY TO INVESTIGATE AND DISCIPLINE MAGISTRATES, TO AUTHORIZE THE USE OF SIX-PERSON JURIES IN MISDEMEANOR CASES, AND TO PROVIDE FOR CERTAIN CONTROL OF CALENDARING IN SUPERIOR COURT BY THE SENIOR RESIDENT SUPERIOR COURT JUDGE.*

Enacts new subdivision (1a) to GS 7A-103, authorizing the clerk of superior court to prescribe times and places at which magistrates must be available to perform their duties, consistent with the salaries set by the Administrative Officer of the Courts. Amends GS 7A-146(4), removing that duty from the purview of the chief district judge; the chief district judge retains the duty to assign matters to magistrates.

Amends GS 7A-374.2(5) to clarify that the term *judge* includes magistrates for purposes of the Judicial Standards Commission only.

Amends GS 15A-1201, which concerns the right to trial by jury, adding that the defendant has the right to be tried by a six-member jury whose verdict must be unanimous in misdemeanor cases. Clarifies that the right to a jury of 12 applies to all felony cases.

Amends GS 7A-49.4(c), which concerns superior court criminal case docketing, to provide that when a case has not been tried within nine months after the defendant was indicted or bound over to superior court, the senior resident superior court judge may give notice and schedule a trial conference, unless the district attorney provides good cause that the case is not ready for trial.

Effective January 1, 2012.

Intro. by Stevens, Sager. GS 7A, 15A Courts

SENATE BILLS

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.*

Specifies 19 UNC and constituent institution capital improvement projects and their respective costs authorized to be constructed and financed with funds from gifts, grants, receipts, self-liquidating indebtedness, Medicare reimbursements, hospital receipts, and other funds not including funds received from tuition or appropriated from the General Fund. Also specifies four projects and their respective costs for which planning only can be undertaken with non-General Fund money. Provides for an increase or decrease in costs or changes to the funding methods by the Governor at the request of the UNC Board of Governors and the issuance of special obligation bonds.

Intro. by Hartsell.

APPROP

Budget and Appropriations;
Education

S 445. EXEMPT PALLETS FOR AG USE FROM SALES TAX (=S 211). Filed 3/29/11. *TO EXEMPT THE SALE OF CERTAIN ITEMS FROM SALES AND USE TAX WHEN USED FOR AGRICULTURAL PURPOSES.*

Identical to S 211, filed 3/3/11.

Intro. by Rabon, Newton.

GS 105

Agriculture, Environment, and
Natural Resources; Taxation

S 446. COMM. COLL. TUITION FOR MEMBERS OF MILITARY. Filed 3/29/11. *TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES.*

Enacts new GS 115D-39(d) to provide as title indicates.

**Intro. by Meredith, Preston,
Brown.**

GS 115D

Education; Military and Veterans
Affairs

S 447. REWRITE LANDSCAPE CONTRACTOR LAWS. Filed 3/29/11. *REWRITING THE LAWS REGULATING LANDSCAPE CONTRACTORS AND AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD TO INCREASE CERTAIN FEES.*

Repeals GS 89D-1 through 89D-10 (creating the NC Landscape Contractors' Registration Board and requiring certification of landscape contractors), effective August 1, 2012.

Amends Chapter 89D by enacting new GS 89D-11 through GS 89D-24 to create the NC Landscape Contractors' Licensing Board and require licensure of landscape contractors. New GS 89D-12 prohibits anyone from engaging in the practice of landscape construction or contracting or holding himself or herself out as a landscape contractor unless licensed by the North Carolina Landscape Contractor Licensing Board. Defines *landscape contractor* as anyone (a) engaged in the business requiring the art, experience, ability, knowledge, science and skill to prepare contracts and bid for the performance of landscape services, including installing, planting, repairing and maintaining gardens, lawns, shrubs, vines, trees, or other decorative vegetation, including the grading and preparation of plots and areas of land for decorative utilitarian treatment and arrangement; (b) practicing the act of horticulture consultation or planting design for employment purposes; (c) who constructs, installs or maintains landscape drainage systems and cisterns; (d) designs, installs, or maintains low voltage landscape lighting; or (e) engages in the construction of garden pools, fountains, pavilions, arbors, retaining walls, fences, walks, patios, driveways, or other decorative landscape features, excluding poured concrete or asphalt driveways.

New GS 89D-13 lists exemptions from the provisions of Chapter 89D. New GS 89D-14 creates a nine-member North Carolina Landscape Contractors' Licensing Board (Board), with appointees as listed, and new GS 89D-15 sets forth Board powers and duties. New GS 89D-16(a) allows an applicant to sit for the examination if the applicant pays required fees and submits evidence demonstrating the applicant's qualifications for licensure, as specified. Directs the Board to establish and administer examinations.

New GS 89D-17 authorizes the Board to issue a license in the name of a corporation, a limited liability company, a partnership, or in an assumed or designated trade name, provided specified conditions are met. Details additional requirements for licenses and licensees. New GS 89D-18 authorizes the Board to issue a license to a nonresident individual or a foreign entity that meets applicable requirements. Sets forth provisions related to certificates of authority and information requested by the Secretary of Revenue. Defines terms applicable to GS 89D-18.

New GS 89D-19 allows the Board to issue a license without examination to any person licensed, certified, or registered as a landscape contractor in another state or country if that state or country's requirements are substantially equivalent. New GS 89D-20 provides for annual renewal of landscape contractor licenses on or before August 1, in accordance with continuing education requirements and the fee schedule set out in new GS 89D-21. New GS 89D-22 authorizes the Board to deny, restrict, suspend or revoke a license for reasons including fraud, deceit or misrepresentation in the application for a license or its renewal, fraudulent misrepresentation in

the practice of landscape contracting, gross malpractice or incompetence, violation of rules adopted by the Board, or failure to file or keep the required surety bond in force. New GS 89D-23 authorizes the Board to assess a civil penalty of \$2,000 or less for each violation of Chapter 89D or any rules adopted by the Board, with proceeds remitted to the Civil Penalty and Forfeiture Fund. New GS 89D-24 authorizes the Board to file a motion for an injunction against anyone engaging in landscape construction without a license. Also requires that the licensed landscape contractor notify the Board of any written complaints filed against the landscape contractor not resolved within 30 days.

Members currently serving on the NC Landscape Contractors' Registration Board will continue to serve until new members are appointed to the Board created by this act. Details additional appointing criteria for new appointees, and transfers all items from the Registration Board to the Licensing Board. Provides that any person who, on or before December 31, 2011, meets one of four enumerated criteria will receive a landscape contractor's license from the Board without the examination requirement, upon submission of a completed application and fee payment on or before August 1, 2012. Specifies that landscape contractors currently registered are not required to renew registration for the 2012 calendar year.

Intro. by Apodaca, Brown. GS 89D Business and Commerce

S 448. FUNDS/CUMBERLAND INTERN'L EARLY COLLEGE (=H 500). Filed 3/29/11. *TO APPROPRIATE FUNDS FOR THE CUMBERLAND INTERNATIONAL EARLY COLLEGE HIGH SCHOOL.*

Identical to H 500, filed 3/29/11.

Intro. by Mansfield. APPROP Budget and Appropriations

S 449. TASK FORCE ON FRAUD AGAINST OLDER ADULTS (=H 110). Filed 3/29/11. *TO DIRECT THE CONSUMER PROTECTION DIVISION, DEPARTMENT OF JUSTICE, TO COORDINATE A TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.*

Identical to H 110, filed 2/15/11.

Intro. by Bingham. STUDY Criminal Law, Procedure, and Sentencing; Health, Social Services, and Aging

S 450. DIRECT CARE WORKER WAGE AND BENEFIT STUDY (=H 106). Filed 3/29/11. *TO DIRECT A STUDY OF DIRECT CARE WORKER WAGES AND BENEFITS TO EXAMINE WAYS TO REDUCE TURNOVER AND ADDRESS THE ANTICIPATED DIRECT CARE WORKER SHORTAGE RESULTING FROM INCREASED DEMAND FROM AGING BABY BOOMERS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.*

Identical to H 106, filed 2/15/11.

Intro. by Bingham. STUDY Health, Social Services, and Aging

S 451. EXTEND REPORTING ON BABY BOOMER PREPARATIONS (=H 109). Filed 3/29/11. *TO AMEND THE ACT THAT DIRECTED THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO PROVIDE LEADERSHIP IN HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.*

Identical to H 109, filed 2/15/11.

Intro. by Bingham. UNCODIFIED Health, Social Services, and Aging

S 452. NONDISCRIMINATION IN STATE/EMPLOYMENT (=H 478). Filed 3/29/11. *AMENDING THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE STATE PERSONNEL ACT.*

Identical to H 478, filed 3/25/11.

Intro. by Stein. GS 126 Employment and Retirement; State Government

S 453. CONGRESSIONAL DISTRICTS. Filed 3/29/11. *TO REALIGN THE UNITED STATES CONGRESSIONAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS.*

Amends GS 163-201 but leaves the 13 districts blank. Applies to elections held on or after January 1, 2012.

Intro. by Rucho, Brock, Brown. GS 163 Elections Law

S 454. NC HOUSE DISTRICTS. Filed 3/29/11. *TO REALIGN NORTH CAROLINA HOUSE OF REPRESENTATIVES DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS.*

Amends GS 120-2 but leaves the districts blank. Applies to elections held on or after January 1, 2012.

Intro. by Rucho, Brock, Brown. GS 120 Elections Law; General Assembly

S 455. NC SENATE DISTRICTS. Filed 3/29/11. *TO REALIGN THE NORTH CAROLINA SENATORIAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS.*

Amends GS 120-1 but leaves the districts blank. Applies to elections held on or after January 1, 2012.

Intro. by Rucho, Brock, Brown. GS 120 Elections Law; General Assembly

S 456. CANDIDATE LIST PARTY OR UNAFFILIATED STATUS. Filed 3/29/11. *TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS.*

Amends GS 115C-37(a), which pertains to local boards of education elections, providing that unless a candidate chooses to list the candidate's political party of affiliation, the names of the candidates will be printed on the ballots without reference to any party affiliation. Provides that an unaffiliated candidate may also list the unaffiliated status on the ballot by indicating such in the notice of candidacy. Makes the same or similar change by enacting new GS 115C-37.2 (pertaining to nonpartisan elections under a local act), GS 163-323(h) (pertaining to candidates for appellate, superior, and district court judges), new GS 163-294.2(g) (pertaining to municipal elections), and by amending GS 139-6 (pertaining to district boards of supervisors). Effective with respect to elections conducted on or after January 1, 2012.

Intro. by Goolsby. GS 115C, 139, 163 Elections Law

S 457. AMEND ARTICLE 13 OF BUSINESS CORPORATION ACT. Filed 3/29/11. *TO AMEND ARTICLE 13 OF THE NORTH CAROLINA BUSINESS CORPORATION ACT.*

Amends GS 55-13-01 to modify the definitions of "corporation," "fair value," "interest," "record shareholder," "beneficial shareholder," and "shareholder," and adds definitions of "affiliate," "expenses," "interested transaction," "interested person," "beneficial owner," "preferred shares," and "senior executive."

Amends GS 55-13-02 to provide that a shareholder is entitled to appraisal rights and to obtain payment of the fair value of the shareholder's shares upon any of the following corporate actions: (1) consummation of a merger to which the corporation is a party if either shareholder approval is required for the merger and the shareholder is entitled to vote on the merger, except with respect to shares of any class or series that remain outstanding after the merger, or the corporation is a subsidiary and the merger is governed by GS 55-11-04; (2) consummation of a share exchange if the shareholder is entitled to vote on the exchange, except with respect to any class or series of shares that is not exchanged; (3) consummation of a disposition of assets pursuant to GS 55-12-02 if the shareholder is entitled to vote on the disposition; (4) an amendment of the articles of incorporation (a) with respect to a class or series of shares that reduces the number of shares of a class or series owned by the shareholder to a fraction of a share if the corporation has an obligation or right to repurchase the fractional share so created or (b) changes the corporation into a nonprofit corporation or cooperative organization; (5) any other amendment to the articles of incorporation, merger, share exchange, or disposition of assets to the extent provided by the articles of incorporation, bylaws, or a resolution of the board of directors; (6) consummation of a conversion to a foreign corporation if the shareholder does not receive shares in the foreign corporation that have terms as favorable to the shareholder and that represent at least the same percentage interest of the total voting rights of the outstanding shares of the corporation as the shares held by the shareholder before the conversion; (7) consummation of a conversion of the corporation to nonprofit status; (8) consummation of a conversion to an unincorporated entity. Specifies certain conditions under which appraisal rights are limited. Authorizes the articles of incorporation to limit or eliminate appraisal rights for any class or series of preferred shares, subject to certain restrictions. Provides that a shareholder holding shares of a class or series that were issued and outstanding as of the effective date of the act but did not entitle the shareholder to vote on certain corporate actions is entitled to appraisal rights to the same extent as if such shares did entitle the shareholder to vote.

Amends GS 55-13-03 to make technical and conforming changes.

Amends GS 55-13-20(a) to specify certain notice requirements of any corporate action specified in GS 55-13-02.

Amends GS 55-13-20(b) to specify certain notice requirements of a merger pursuant to GS 55-11-04 and of any other corporate action specified in GS 55-13-02(a).

Amends GS 55-13-20(c) to specify certain notice requirements of any corporate action that is specified in GS 55-13-02(a) to be approved by written consent of shareholders pursuant to GS 55-7-04.

Amends GS 55-13-20(d) to require additional information be included in notice to shareholders if the corporation concludes that appraisal rights are or may be available.

Amends GS 55-13-21 to specify certain actions that a shareholder may and may not take in order to exercise his or her appraisal rights.

Amends GS 55-13-22 to specify information that must be include in the appraisal notice that must be provided to shareholders who satisfy the requirements of GS 55-13-21. Requires the appraisal notice to be sent no earlier than the date the corporate action became effective and no later than 10 days after that date.

Amends GS 55-13-23 to specify how a shareholder may exercise his or her appraisal rights and the consequences of failing to follow the applicable procedures.

Repeals GS 55-13-24.

Amends GS 55-13-25 to require the corporation to pay each shareholder who complied with the procedures in GS 55-13-23 the estimated fair market value of their shares, plus interest, within 30 days after the form required by GS 55-13-22(b) is due. Specifies certain financial and other information that must accompany the payment.

Repeals GS 55-13-26.

Amends GS 55-13-27 to specify the conditions under which a corporation may withhold payment required by GS 55-13-25 and the notice it is required to provide to affected shareholders.

Amends GS 55-13-28 to specify the procedure that a shareholder who is dissatisfied with the amount of payment made pursuant to GS 55-13-25 must use to contest the payment amount and make a demand for additional payment.

Amends GS 55-13-30 to authorize a corporation to commence a judicial proceeding within a specified period of time if a shareholder makes a demand for payment under GS 55-13-28 which remains unsettled. Provides that each shareholder made a party to the proceeding is entitled to judgment either (1) for the amount, if any, by which the court finds the fair value of the shareholder's shares, plus interest, exceeds the amount paid by the corporation to the shareholder; or (2) for the fair value, plus interest, of the shareholder's shares for which the corporation elected to withhold payment under GS 55-13-27.

Amends GS 55-13-31 to: (1) direct the court to determine the court costs of a proceeding commenced pursuant to GS 55-13-30, and assess the costs against the corporation unless the court finds that the shareholders acted arbitrarily, vexatiously, or not in good faith; (2) allow the court to determine the expenses of the parties and assess them against the corporation if the corporation did not substantially comply with the applicable statutory provisions or against the corporation of any shareholder demanding appraisal if the court finds that the party against whom expenses are assessed acted arbitrarily, vexatiously, or not in good faith; (3) allow the court, if a determines that expenses incurred by any shareholder were of substantial benefit to other similarly situated shareholders, and the expenses are not assessed against the corporation, to direct that the expenses be paid out of the amounts awarded to the shareholders who were benefited; and (4) allow a shareholder to sue directly for the amount owed and be entitled to recover from the corporation all expenses of the suit if the corporation fails to make a required payment pursuant to GS 55-13-25, GS 55-13-27, or GS 55-13-28.

Adds new GS 55-13-40 to specify that shareholders may not contest the legality of a proposed or completed corporate action in GS 55-13-02(a) after the shareholders have approved the action, except under certain, specified circumstances.

Makes conforming changes to GS 53-362, GS 54B-261(a1), GS 54C-195(b), GS 55-10-03(e), GS 55-11-06(a)(7); GS 55-11-06(b), GS 55-11-10(e)(7), GS 55-11-10(e1)(1), GS 55-11A-13(a)(6), GS 55-11A-13(b)(1), GS 55-14A-01(c), GS 55A-11-09(e)(7), GS 55A-11-09(e1)(1), GS 57C-9A-23(a)(7), GS 57C-9A-23(b)(1), GS 59-73.33(a)(6), GS 59-73,33(b)(1), GS 59-1073(a)(7), and GS 59-1073(b)(1).

Directs the Revisor of Statutes to print with the act all relevant portions of the Official Comments to the 2002 Model Business Corporation Act and all explanatory comments the Revisor deems appropriate.

If Senate Bill 26 of the 2011 Regular Session of the General Assembly becomes law repeals Section 2 of Senate Bill 26 of the 2011 Regular Session of the General Assembly, further amends GS 55-13-02(a) and makes a conforming change.

Effective October 1, 2011.

Intro. by Clodfelter.

GS 53, 54B, 55, 54C, 55A, 57C, 59 Business and Commerce

S 458. JUDICIAL APPOINTMENT/VOTER RETENTION. Filed 3/29/11. *TO AMEND THE NORTH CAROLINA CONSTITUTION TO REPLACE THE PRESENT PRACTICE OF SELECTING JUSTICES AND JUDGES OF THE APPELLATE DIVISION AND JUDGES OF THE SUPERIOR COURT GENERALLY BY GUBERNATORIAL APPOINTMENT, FOLLOWED BY ELECTIONS, WITH A METHOD BY WHICH (1) TWO CANDIDATES FOR JUSTICE AND JUDGE WILL BE NOMINATED BY A JUDICIAL NOMINATING COMMISSION, THE GOVERNOR*

WILL APPOINT ONE OF THEM, AND AT THE NEXT ELECTION THE VOTERS WILL CHOOSE IN A NONPARTISAN ELECTION BETWEEN THE TWO PERSONS, (2) AT THE END OF THE TERM OF A JUSTICE OR JUDGE WHO HAS SUCCESSFULLY WON AN ELECTION, THE QUESTION OF THE JUSTICE'S OR JUDGE'S RETENTION IN OFFICE IS SUBMITTED FOR APPROVAL OR DISAPPROVAL BY NONPARTISAN VOTE OF THE PEOPLE, (3) PROVISION IS MADE FOR THE CASE OF WITHDRAWAL OF A CANDIDATE BEFORE THE ELECTION, AND (4) PROVISION IS MADE FOR APPOINTMENT OF THE CHIEF JUSTICE FROM AMONG THE ASSOCIATE JUSTICES.

Subject to approval by the voters at the November 6, 2012, general election, amends Section 16 of Article IV of the North Carolina Constitution to create a nomination, appointment, and retention election system for appellate judges and justices and superior court judges. Makes conforming statutory changes to GS Chapter 7A *only* if the voters approve the constitutional amendment.

Constitutional Amendment. Current law provides for the election of judges of the Superior Court, judges of the Court of Appeals, and justices of the Supreme Court. This act creates a new appointment and retention process for vacancies of Superior Court Judges, Court of Appeals Judges, and Supreme Court Justices. To fill such a vacancy, the Governor will appoint a person from among two nominees from the Judicial Nominating Commission (Commission) for a term that extends through January 31 after the next statewide election for members of the General Assembly that is held more than 210 days after the vacancy. That election will be between the two candidates nominated by the Commission, with the winning candidate elected to a regular term. Provides procedures when the person appointed or when the person not appointed by the Governor chooses by July 31 of the election year not to seek election. Makes an incumbent who was successful in a contested election or in a retention election and files for retention by February 1 of the election year, subject to approval by nonpartisan ballot. The regular term of office for judges on the superior court and appellate division judges and justices is eight years, expiring on January 31. If the voters fail to approve the retention of the judge or justice by a majority of votes cast, the office will become vacant at the end of the term and the Governor will appoint a replacement as detailed above. Provides procedure when a vacancy occurs in the office of Chief Justice.

The term of office of a person elected before January 1, 2013, to the office of Chief Justice, Associate Justice, or Judge of the Appellate Division for a term which extends beyond January 1, 2013, and who is in office on December 31, 2012, is extended through January 31 of the year following the eighth year after the date any such Justice or Judge was last elected to the office. If the person continues to serve for the remainder of the term, that person may stand for retention in the office for a succeeding regular term as provided, subject to the provisions of law relating to mandatory retirement. If the person continues to serve for the remainder of the term but does not stand for retention election, a vacancy is created in the office upon expiration of the term, and this vacancy shall be filled by nomination and appointment as provided. The term of office of a person appointed before January 1, 2013, to a vacancy occurring during the period beginning on the sixtieth day before the 2012 general election and ending December 31, 2012, to the office of Chief Justice, Associate Justice, or Judge of the Appellate Division for a term which extends beyond January 1, 2013, and who is in office on December 31, 2012, shall end on January 31, 2015. If such person wishes to remain in office at the end of that term, he or she must sit for a retention election as specified at the statewide election for members of the General Assembly held in 2014. Vacancies occurring in the appellate division before January 1, 2012, will be filled by the nomination and appointment procedure detailed above. Upon the death, resignation, removal, or retirement of any incumbent on or after January 1, 2013, the resulting vacancy will be filled by nomination and appointment as detailed above.

Directs the General Assembly to create a Judicial Nominating Commission, as specified.

Statutory Provisions. Requires persons appointed by the Governor to fill vacancies to first be nominated by a 16 member Judicial Nominating Commission (Commission), created in new Article 1A of GS Chapter 7A. Specifies Commission members, appointing procedures, term limits, and enumerates Commission duties and nominating procedures. Requires the Governor to issue commissions to those judges or justices nominated and appointed to office.

Amends GS 7A-16 (concerning the Court of Appeals) to state the Court of Appeals consists of 15 judges, with the Chief Judge selected by the Supreme Court Chief Justice. Deletes provisions pertaining to previous judge appointments and terms. Makes conforming changes to GS 7A-10, GS 163-1, GS 163-9, various sections of Article 25 (Subchapter X) of GS Chapter 163 and GS 163-182.16. Amends GS 143-318.11(a) to permit a closed session to consider the candidates seeking judicial nomination by the Commission. Repeals GS 163-328(e), 163-329(a) and 163-329(b1).

Enacts new GS 163-333.1 to codify guidelines pertaining to elections occurring after the Governor fills a vacancy by appointment, and when either candidate nominated by the Commission chooses not to run for election. Enacts new GS 163-331.2 to provide guidelines governing retention elections.

Intro. by Clodfelter, Hartsell.

CONST, GS 7A, 143, 163

Courts; Elections Law;
Constitutional Amendment

S 459. REPEAL MATCHING FUNDS. Filed 3/29/11. *TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC CAMPAIGN ACT AND THE VOTER-OWNED ELECTION ACT, CONSISTENT WITH THE DECISION OF THE SUPREME COURT OF THE UNITED STATES IN DAVIS V. FEDERAL ELECTION COMMISSION, AND TO MAKE CONFORMING AND RELATED CHANGES.*

Amends GS 163-278.64(d)(2), GS 163-278.64A(a), GS 163-278.65(b)(2), GS 163-278.68(d), GS 163-278.98(e)(2), GS 163-278.98(e)(3), and GS 163-278.99(b)(2), and repeals GS 163-278.62(18), GS 163-278.66, GS 163-278.67, GS 163-278.96(17), GS 163-278.99A, GS 163-278.99B, and GS 163-278.13(e4), as title indicates.

Intro. by Brock.

GS 163

Elections Law

S 460. NONPROFITS/CRITERIA TO RECEIVE STATE FUNDS (=H 100). Filed 3/29/11. *TO PROVIDE THAT A NONPROFIT CORPORATION IS ELIGIBLE TO RECEIVE A STATE-FUNDED GRANT ONLY IF IT MEETS CERTAIN CRITERIA.* Identical to H 100, filed 2/15/11.

Intro. by Brock.

GS 143C

State Government; Business and Commerce

Local Bills

HOUSE BILLS

H 504. CARRBORO BUILDING CODES. Filed 3/29/11. *TO ALLOW THE TOWN OF CARRBORO TO ADOPT AND ENFORCE WITHIN ITS CORPORATE LIMITS AND EXTRATERRITORIAL PLANNING JURISDICTION THE 2012 ENERGY CONSERVATION CODE AND 2012 RESIDENTIAL CODE.*

As title indicates.

Intro. by Insko.

ORANGE

Orange

H 506. WRIGHTSVILLE BEACH / ABANDONED VESSELS. Filed 3/29/11. *AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING JURISDICTION.*

As title indicates, amends GS 160A-303(b1) to modify the definition of abandoned motor vehicle to include: (1) one that is moored, anchored, or otherwise located for more than 30 consecutive days in any 180-consecutive-day period in any waters or marshes waterward of the pierhead line or (2) one that is designed to float, is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels. Applies to areas where the Town of Wrightsville Beach exercises territorial and extraterritorial jurisdiction.

Intro. by McComas.

NEW HANOVER

New Hanover

H 508. MODIFY MECKLENBURG COUNTY LOCAL TAXES. Filed 3/29/11. *MODIFY CERTAIN MECKLENBURG COUNTY LOCAL TAXES.*

Modifies the distribution of Mecklenburg County's occupancy and prepared food and beverage tax proceeds. Requires that the towns of Cornelius, Davidson, and Huntersville distribute at least 28 percent of the portion of occupancy tax net proceeds they receive from the local administrative authority, and 25 percent of the portion of prepared food and beverage tax proceeds they receive from the City of Charlotte, to the Lake Norman Convention and Visitors Bureau for tourism-marketing promotions.

Intro. by Earle.

MECKLENBURG

Mecklenburg

H 510. REIDSVILLE ELECTIONS. Filed 3/29/11. *TO RESTORE ELECTIONS IN THE CITY OF REIDSVILLE TO NOVEMBER, SUBJECT TO A REFERENDUM.*

Changes timing of elections for mayor and city council members to the Tuesday after the first Monday in November (was October, four weeks before the Tuesday after the first Monday in November). Also changes the runoff election date for Mayor to the fourth Tuesday after the election (was Tuesday after the first Monday in November). Makes changes subject to a voter referendum, to be held on October 11, 2011.

Intro. by Jones.

ROCKINGHAM

Rockingham

H 511. GOLDSBORO-WAYNE AIRPORT AUTHORITY. Filed 3/29/11. *AUTHORIZING THE CITY OF GOLDSBORO TO CONVEY BY PRIVATE NEGOTIATION AND SALE ITS RIGHT, TITLE, AND INTEREST IN THE GOLDSBORO-WAYNE MUNICIPAL AIRPORT TO WAYNE COUNTY, DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, AND CREATING THE WAYNE AIRPORT AUTHORITY.*

Amends SL 1963-927, as amended by SL 1987-1006 and SL 1998-20, as title indicates. Terminates the Goldsboro-Wayne Airport Authority as of June 30, 2011. Clarifies that this act does not affect any pending litigation against the Goldsboro-Wayne Airport Authority or the Goldsboro-Wayne Municipal Airport.

Intro. by Sager. WAYNE Wayne

H 513. ABERDEEN/TREE REMOVAL. Filed 3/29/11. *AUTHORIZING THE TOWN OF ABERDEEN TO REGULATE THE REMOVAL OF TREES WITHIN ITS TERRITORIAL AND EXTRATERRITORIAL JURISDICTION.*

As title indicates, authorizes the Town of Aberdeen to adopt ordinances to regulate the removal of trees from public and private property within its corporate limits and extraterritorial jurisdiction. Provides a non-exclusive list of purposes for which the ordinances may be adopted. Specifies that any ordinance adopted must comply with the requirements of GS 160A-458.5 (prohibiting restrictions of certain forestry activities), and prohibits any ordinance from applying to agricultural, horticultural, or forest land currently in present-use value taxation pursuant to GS 105-277.4 or to land that is currently being used for bona fide farm purposes, as specified in GS 153A-340(b)(2).

Intro. by Boles. MOORE Moore

H 516. MOUNT AIRY CHARTER AMENDMENTS. Filed 3/29/11. *TO AMEND THE CHARTER OF THE CITY OF MOUNT AIRY.*

Amends the City of Mount Airy's charter to: (1) limit payment of salary and benefits to any city manager that is involuntarily removed by the Board, except for cause, to the amount that was earned as of the date of the removal; (2) specify that the city's governing board may communicate with any employee of the city in any manner that is not inconsistent with the other charter provisions; (3) require the manager to report to the city's governing board, at or before the board's next regular meeting, certain contracts that the manager enters into on behalf of the city; (4) require the manger to report to the city's governing board, at the board's next regular meeting, certain information relating to the purchase of property by the manager on behalf of the city; and (5) make certain technical changes.

Intro. by Stevens. SURRY Surry

H 518. AUTHORIZE ADD'L PERSON COUNTY OCCUPANCY TAX. Filed 3/29/11. *TO AUTHORIZE AN ADDITIONAL ONE PERCENT OCCUPANCY TAX FOR PERSON COUNTY.*

Amends Section 14 of SL 1997-364 to allow Person County to levy an additional room occupancy tax of up to 1% of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to the state's sales tax under GS 105-164.4(a)(3). Prohibits Person County from levying the additional tax unless it levies the 5 percent occupancy tax previously authorized. Specifies that proceeds from the additional 1% tax are earmarked for operating the Person County Museum of History.

Intro. by Wilkins. PERSON Person

H 519. PIED. TRIAD WATER AUTH. / CONTROL FISHING. Filed 3/29/11. *TO PROVIDE THE PIEDMONT TRIAD REGIONAL WATER AUTHORITY WITH THE AUTHORITY TO CONTROL FISHING IN RANDLEMAN RESERVOIR.*

Authorizes the Piedmont Triad Regional Water Authority to regulate and restrict the size and quantities of fish that may be taken from the waters of Randleman Reservoir. Applies to Piedmont Triad Regional Water Authority properties in Guilford and Randolph Counties only.

Intro. by Brubaker. GUILFORD, RANDOLPH Guilford; Randolph

H 520. TROUTMAN VOLUNTARY ANNEXATION. Filed 3/29/11. *TO ALLOW VOLUNTARY ANNEXATION BY THE TOWN OF TROUTMAN UNDER CERTAIN CONDITIONS AND SUBJECT TO THE APPROVAL OF THE IREDELL COUNTY BOARD OF COMMISSIONERS.*

Authorizes the town of Troutman, with the consent of the Board of County Commissioners of Iredell County, to voluntarily annex certain territory in Iredell County that is not within the boundaries or extraterritorial jurisdiction of any municipality and that is not contiguous to the municipal boundaries of the town of Troutman. Specifies certain information that must be included in the annexation petition and provides for additional requirements if a

subdivision is involved. Requires the town of Troutman's governing board to hold two public hearings on the proposed annexation and specifies certain notice requirements of the hearings. Requires the town of Troutman's governing board to make certain findings about the needs of the inhabitants of the town of Troutman and of the area to be annexed and the ability of the town of Troutman to extend services to the newly annexed area. Authorizes the town of Troutman to make annexation contingent on conditions specified by the town's governing board.

Intro. by McCormick, Mills.

IREDELL

Iredell

H 521. EXTEND TROUTMAN ETJ. Filed 3/29/11. *ALLOWING THE TOWN OF TROUTMAN TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER A DEFINED AREA SUBJECT TO THE APPROVAL OF THE IREDELL COUNTY BOARD OF COMMISSIONERS.*

Authorizes the town of Troutman to exercise extraterritorial jurisdiction over specified territory, subject to the provisions of GS 160A-360.

Intro. by Mills, McCormick.

IREDELL

Iredell

ACTION ON BILLS

March 29, 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 Withdrawn From Com S Re-ref Com On Appropriations/ Base Budget
H0027 Forensic Sciences Act. 02-09-11, 02-15-11, 03-21-11	H Ratified
H0033 Consular Documents Not Acceptable as ID 02-28-11, 03-24-11	H Amend Failed 1 H Amend Failed 2 H Passed 2nd Reading
H0061 Speaker/Pro Tem Term Limits.	H Withdrawn From Cal H Postponed To 4/5/2011
H0087 Sunshine Amendment. 03-16-11, 03-17-11	H Withdrawn From Cal H Ordered Engrossed H Re-ref Com On Rules, Calendar, and Operations of the House
H0090 Confectioners may use up to 5% Alcohol By Vol. 03-17-11	S Reptd Fav
H0111 Handgun Permit Valid in Parks & Restaurants. 03-23-11, 03-29-11	HA Amend Adopted 1 HA Amend Adopted 2 H Amend Failed 3 H Passed 2nd Reading
H0129 Level Playing Field/Local Gov't Competition.	S Rec From House S Passed 1st Reading

	S	Ref To Com On Commerce
03-23-11, 03-24-11, 03-28-11		
H0166 Purple Heart Motorcycle Special Plates.	H	Reptd Fav
	H	Re-ref Com On Finance
H0187 Require Labels for Ethanol- Blended Gasoline.	S	Reptd Fav
H0250 Various Clarifying Militia Law Amendments.	H	Passed 2nd & 3rd Reading
03-24-11		
H0258 Honor Deputy Charlie Brown.	H	Adopted
H0261 Intrastate Motor Carrier Markings.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/30/2011
03-29-11		
H0285 Active National Guard Special Plate No Cost.	HA	Reptd Fav Com Substitute
	H	Re-ref Com On Finance
03-29-11		
H0312 Register of Deeds.	H	Passed 2nd & 3rd Reading
03-24-11		
H0329 Bldg. Codes/Expand Equine Exemption.	H	Withdrawn From Cal
	H	Postponed To 4/5/2011
03-24-11		
H0336 Amend Weight Requirements- Certain Vehicles.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/30/2011
03-29-11		
H0477 Consolidate County DSS Admin. Functions.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0478 Nondiscrimination in State/ Employment.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0479 Small Business New Job Creation Incentive.	H	Passed 1st Reading
	H	Ref to the Com on Commerce and Job Development, if favorable, Finance
H0482 Norwood Water Lines.	H	Passed 1st Reading
	H	Ref To Com On Government
H0483 DNA Samples/Additional Felonies.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
H0484 Transfer Emergency Foreclosure Program to HFA.	H	Passed 1st Reading
	H	Ref To Com On Commerce and Job Development
H0485 New Home Purchase Stimulus.	H	Passed 1st Reading
	H	Ref to the Com on Commerce and Job Development, if favorable, Finance
H0487 Exempt Bd Cert. Beh. Analyst/ Psych. Practice.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0489 Mechanics Lien and Bond Law Changes.	H	Passed 1st Reading
	H	Ref to the Com on Judiciary Subcommittee B, if favorable,

		Finance
H0490	Rename Yadkin River Bridge.	H Passed 1st Reading
		H Ref to the Com on Transportation, if favorable, Appropriations Subcommittee on Transportation
H0491	NC Certificates of Participation Referendum.	H Passed 1st Reading
		H Ref To Com On Finance
H0492	Stormwater/Isolated Popl. Growth in County.	H Passed 1st Reading
		H Ref To Com On Government
H0493	Landlord Tenant Law Changes.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee A
H0494	Continuous Alcohol Monitoring Law Changes.	H Passed 1st Reading
		H Ref to the Com on Judiciary Subcommittee B, if favorable, Finance
H0495	The Solar Jobs Bill.	H Passed 1st Reading
		H Ref to the Com on Public Utilities, if favorable, Finance
H0496	Insurance Co-Pays for Chiropractic Services.	H Passed 1st Reading
		H Ref To Com On Insurance
H0497	Clarify Definition of General Contractor.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee A
H0499	License Plate Covers Unlawful.	H Filed
H0500	Funds/Cumberland Intern'l Early College.	H Filed
H0501	Credit Union Ownership of Stock Life Ins. Co.	H Filed
H0502	Preserve Biological Evidence/ Custodial Agency.	H Filed
H0503	Nutrition Stds./All Foods Sold at School.	H Filed
H0505	Stormwater/Certain Development Projects.	H Filed
H0507	Withdrawing Public Use Dedication.	H Filed
H0509	Exclusions from Licensure: Home Services.	H Filed
H0512	Rendering Act Amendments.	H Filed
H0514	Uniform Military and Overseas Voters Act.	H Filed
H0515	Comm. Coll. Tuition for Members of Military.	H Filed
H0517	Supervis. of Magistrates/ Juries/Calendaring.	H Filed
H0519	Pied. Triad Water Auth./ Control Fishing.	H Filed
H0522	Midwifery Licensing Act.	H Filed
H0525	Hoke County's 100th Anniversary.	H Filed
H0526	Honor Wagram's 100th Anniversary.	H Filed
S0005	Honor John McNeill Smith, Jr.	S Withdrawn From Com

	S	Placed On Cal For 3/30/2011
S0042 Lay Testimony/Child Witness Remote Testimony. 03-28-11	S	Passed 2nd & 3rd Reading
S0049 Increase Fine for Speeding/ School Zones. 02-28-11, 03-01-11, 03-23-11	H	Placed On Cal For 3/30/2011
S0051 Charitable Solicitations/ Clarify Exemption.	H	Placed On Cal For 3/30/2011
S0130 Wine Distribution Territories. 03-29-11	S SA	Reptd Fav Com Substitute Com Substitute Adopted
S0252 Devisee/Devise/Statutory Construction.	S	Passed 2nd & 3rd Reading
S0257 Honor Deputy Charlie Brown.	S	Withdrawn From Com
	S	Placed On Cal For 3/29/2011
	S	Adopted
S0265 State Health Plan/ Appropriations and Transfer. 03-22-11, 03-23-11	H H	Reptd Fav Re-ref Com On Appropriations
S0287 Extend Small Business Center Incubator Period.	H H	Passed 1st Reading Ref To Com On Education
S0316 Add'l Section 1915 Medicaid Waiver Sites. 03-24-11	S S	Withdrawn From Cal Placed On Cal For 3/31/2011
S0323 Insurance Amendments.-AB 03-24-11	S	Passed 2nd & 3rd Reading
S0340 State Historic Sites Special Fund. 03-29-11	S SA	Reptd Fav Com Substitute Com Substitute Adopted
S0369 Confirm Joseph A. Smith Commissioner of Banks.	H H	Withdrawn From Cal Re-ref Com On Rules, Calendar, and Operations of the House
S0399 Minority Appeal From County Bd Elections.	S	Reptd Fav
S0406 Repeal Crossbow Purchase Permit Requirement.	S	Reptd Fav
S0432 Revise Probate Code.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0433 Local Human Services Administration.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0434 Directed Trustee and Trust Protector.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0435 Civil Pro./Require Certificate of Merit.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0436 Extend Qualified Business Venture Tax Credit.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0437 Enact First Evaluation Program.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0438 Clarify Motor Vehicle Licensing Law.	S	Passed 1st Reading
	S	Ref To Com On Commerce
S0439 ABC Permit Issuance.	S	Passed 1st Reading
	S	Ref To Com On Commerce
S0440 Presidential Primary in March.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I

S0441 Amend Weight Requirements- Certain Vehicles.	S	Passed 1st Reading
	S	Ref To Com On Transportation
S0442 Irish American Heritage Month.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0443 Remove Restriction/LEO Disability Benefits.	S	Passed 1st Reading
	S	Ref To Com On Pensions & Retirement and Aging
S0444 UNC Nonappropriated Capital Projects.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0445 Exempt Pallets for Ag Use From Sales Tax.	S	Filed
S0446 Comm. Coll. Tuition for Members of Military.	S	Filed
S0447 Rewrite Landscape Contractor Laws.	S	Filed
S0448 Funds/Cumberland Intern'l Early College.	S	Filed
S0449 Task Force on Fraud Against Older Adults.	S	Filed
S0450 Direct Care Worker Wage and Benefit Study.	S	Filed
S0451 Extend Reporting on Baby Boomer Preparations.	S	Filed
S0452 Nondiscrimination in State/ Employment.	S	Filed
S0453 Congressional Districts.	S	Filed
S0454 NC House Districts.	S	Filed
S0455 NC Senate Districts.	S	Filed
S0456 Candidate List Party or Unaffiliated Status.	S	Filed
S0457 Amend Article 13 of Business Corporation Act.	S	Filed
S0458 Judicial Appointment/Voter Retention.	S	Filed
S0459 Repeal Matching Funds.	S	Filed
S0460 Nonprofits/Criteria to Receive State Funds.	S	Filed

LOCAL BILLS

H0193 Topsail Beach Recall Elections.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
03-24-11, 03-28-11		
H0194 Topsail Beach Charter Amendment.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
H0201 Bladen Fox Hunting and Trapping.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/30/2011
H0212 Town of Cramerton/Regulate Utility Vehicles.	H	Passed 3rd Reading
H0265 Chowan Fox Seasons.	H	Reptd Fav

	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/30/2011
H0415 Topsail Beach/Littoral Rights.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
H0480 Stanly County School Board Filing Period.	H	Passed 1st Reading
	H	Ref To Com On Government
H0481 Stanly County Sheriff Vacancy.	H	Passed 1st Reading
	H	Ref To Com On Government
H0486 Tryon Deannexation.	H	Passed 1st Reading
	H	Ref to the Com on Government, if favorable, Finance
H0488 PRTF/Extend Nashville Waiver.	H	Passed 1st Reading
	H	Ref To Com On Government
H0498 Wake County School Board Chair Voting.	H	Passed 1st Reading
	H	Ref To Com On Government
H0504 Carrboro Building Codes.	H	Filed
H0506 Wrightsville Beach/Abandoned Vessels.	H	Filed
H0508 Modify Mecklenburg County Local Taxes.	H	Filed
H0510 Reidsville Elections.	H	Filed
H0511 Goldsboro-Wayne Airport Authority.	H	Filed
H0513 Aberdeen/Tree Removal.	H	Filed
H0516 Mount Airy Charter Amendments.	H	Filed
H0518 Authorize Add'l Person County Occupancy Tax.	H	Filed
H0520 Troutman Voluntary Annexation.	H	Filed
H0521 Extend Troutman ETJ.	H	Filed
H0523 CHANGE Winston-Salem/Forsyth Election Method.	H	Filed
H0524 Durham Co./Pistol Purchase Permit App. Fee.	H	Filed
S0046 Surry Fox and Coyote Trapping Season.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 3/30/2011
02-16-11		
S0068 Robeson Hunting and Fishing.	H	Placed On Cal For 3/30/2011
S0081 Orange County Local Disclosure Act Repeal.	H	Placed On Cal For 3/30/2011
S0281 Municipal Service District/ Streets.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
03-29-11		
S0295 Marshville Charter Consolidation.	S	Reptd Fav

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 111. [HANDGUN PERMIT VALID IN PARKS & RESTAURANTS](#). Filed 2/15/11. House amendments make the following changes to 3rd edition. Amendment #1 removes the provision in GS 14-269.3(b) that allowed a

restaurant server to ask a patron ordering alcohol if the patron is carrying a firearm if the restaurant has not posted a notice prohibiting firearms on the premises.

Amendment #2 amends GS 14-415.23 to allow a local government to adopt an ordinance to prohibit carrying a concealed handgun on specifically identified municipal and county recreational facilities (defined as a playground, athletic field, swimming pool and athletic facility). Provides that if an ordinance is adopted, the concealed handgun permittee may still secure the handgun in a locked vehicle in the trunk, glove box, or other enclosed compartment within or on the vehicle.

Criminal Law, Procedure, and
Sentencing

H 261. INTRASTATE MOTOR CARRIER MARKINGS. Filed 3/8/11. House committee substitute makes the following changes to 1st edition.

Amends GS 20-101(b), clarifying that an intrastate motor carrier motor vehicle that is used in intrastate commerce *and that is required to have an identification number by the Department of Crime Control and Public Safety* must have the carrier's identification number preceded by the letters "USDOT" and followed by the letters "NC" printed on each side of the vehicle at least three inches in height. Deletes exception for farm vehicles, as described.

Transportation

H 285. ACTIVE NATIONAL GUARD SPECIAL PLATE NO COST. Filed 3/9/11. House committee substitute makes the following changes to 1st edition. Makes a technical change to the title only.

Military and Veterans Affairs;
Transportation

H 336. AMEND WEIGHT REQUIREMENTS-CERTAIN VEHICLES. Filed 3/10/11. House committee substitute makes the following changes to 1st edition.

Clarifies one of the three conditions in proposed GS 20-118(c)(16), which excepts certain vehicles hauling ready-mixed concrete from weight limits by setting weight limits based on number of axles. Makes an additional clarifying change. Provides that the act applies to offenses committed on or after the October 1, 2011, effective date.

Transportation

SENATE BILLS

S 130. WINE DISTRIBUTION TERRITORIES. Filed 2/24/11. Senate committee substitute makes the following changes to 1st edition. Deletes proposed amendments to GS 18B-1200(b).

Amends GS 18B-1203 to: (1) specify that redesignation of sales territories after July 1, 2011, must be reported to the Alcohol Beverage Control (ABC) Commission within 30 days; and (2) specify that only upon request from a retail permit holder must each wholesaler make a good faith effort to make available any brand of wine the wholesaler is authorized to distribute in the territory.

Deletes proposed amendments to GS 18B-1204.

Amends GS 18B-1001(4) to specify that an off-premises unfortified wine permit authorizes the permittee to transfer unfortified wine, up to four times per calendar year, to another off-premises unfortified wine permittee that is under common ownership or control as the transferor. Specifies that a particular brand of wine may be transferred only if both the transferor and the transferee are located within the territory designated between the winery and the wholesaler on file with the ABC Commission. Directs transferor to provide certain notice of the transfer. Prohibits all other transfers of wine by off-premises unfortified wine permittees, and purchases of wine by a retail permittee from another retail permittee for the purpose of resale.

Amends GS 18B-1001(6) to specify that an off-premises fortified wine permit authorizes the permittee to transfer fortified wine, up to four times per calendar year, to another off-premises fortified wine permittee that is under common ownership or control as the transferor. Specifies that a particular brand of wine may be transferred only if both the transferor and the transferee are located within the territory designated between the winery and the wholesaler on file with the ABC Commission. Directs transferor to provide certain notice of the transfer. Prohibits all other transfers of wine by off-premises fortified wine permittees, and purchases of wine by a retail permittee from another retail permittee for the purpose of resale.

Makes conforming changes to title.

Alcoholic Beverage Control

S 281. MUNICIPAL SERVICE DISTRICT/STREETS. Filed 3/9/11. Senate committee substitute makes the following changes to 1st edition. Deletes all provisions in proposed new GS 160A-536 and replaces them with the following. Authorizes a city to establish a service district to convert private residential streets to public streets if the following conditions are met: (1) the service district tax only is used to pay certain specified costs related to the transfer of ownership of the streets, evaluation of the condition of the streets, and the design and construction costs related to improving the private streets to meet public street standards; (2) the service district tax may not exceed 30% of the ad valorem tax rate in effect in the city in the fiscal year prior to the establishment of the district; (3) no further service district tax may be imposed, and the district must be abolished, after the private streets have been upgraded to meet public street standards and all costs have been recovered. Provides that if the city abandons the streets and associated rights-of-way, the street-related common elements must be returned to the owner's association from which the city acquired them. Specifies that certain conditions must be met for a city to be able to create a municipal service district to convert private residential streets to public streets, including that the private residential road be nongated; that the city receive a petition signed by at least 60% of the lot owners of the owners' association requesting the service district; that the city agree to accept the converted streets for perpetual public maintenance; and that the city, and county in which the city is located, meet certain threshold population requirements.

Local Government

S 340. STATE HISTORIC SITES SPECIAL FUND. Filed 3/14/11. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 121-7.6 to provide that the State Historic Sites Fund (Fund) is a special, interest-bearing revenue (was, non-reverting) fund. Requires Fund revenues to be used at the individual State Historic Site where the receipts are generated and requires the Division of State Historic Sites and the staff from each site to determine how the funds will be used at that site. Clarifies that the act does not apply to the Bentonville Battlefield State Historic Site, which is subject to GS 121-7.5. Makes clarifying and organizational changes.

State Government

Legislation Enacted

None

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Notes

None

NEXT SESSIONS

March 30, 2011

HOUSE convenes at 2:00 p.m.

SENATE convenes at 2:00 p.m.