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ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

H 596. [TRANSFER SURPLUS PROP. TO RETIREMENT SYSTEM.](#) Filed 4/4/11. *TO FACILITATE THE IDENTIFICATION OF SURPLUS STATE-OWNED REAL PROPERTY; TO REQUIRE THAT THE OWNERSHIP OF THAT PROPERTY BE TRANSFERRED TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM; TO REQUIRE THE STATE TREASURER TO MANAGE THAT PROPERTY FOR THE BENEFIT OF THE STATE RETIREMENT SYSTEM; AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.*

Enacts new GS 143-341(4)e1. adding the power to identify and dispose of surplus state-owned real property to the Department of Administration's (Department) list of powers and duties.

Enacts new Article 19, *Surplus State-Owned Real Property*, providing for the identification and management of surplus state-owned real property. Defines *surplus state-owned real property* as real property with title vested in the state that is unused or underused and no longer needed for state purposes. Directs the Department to continuously review the current uses of state-owned real property (property) to determine whether the property is surplus. Directs the Department to conduct the required review at least every two years for every piece of

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property with an appraised value of at least \$25,000. Lists nine factors for the Department to consider when determining whether the property is surplus. Specifies that the review of property will not be based solely on qualitative or categorical information, but will also include quantitative data. Instructs the Department to report the determination that a piece of property is surplus to specified entities, and to include a statement that the property will be disposed as required. Details the timeline for transferring surplus property and the effect of a bill disapproving the transfer. Transfers title to the surplus property to the Teachers' and State Employees' Retirement System (Retirement System), effective on the property's transfer date. Specifies that the conveyance will not require approval by the Governor and Council of State. States that the transferred property becomes an asset of the Retirement System within the meaning of Section 6 of Article V of the NC Constitution, and any net proceeds derived from the sale, lease, or other disposition remain funds of the Retirement System. Requires the State Treasurer to manage transferred property, as detailed. Directs the Department to sell, lease, or rent transferred property in a manner similar to other state-owned real property, except as detailed. Specifies that the net proceeds, as defined, of any disposition of transferred property are appropriated in the following priority: (1) in accordance with any trust or other instrument of title under which title to the property was acquired and (2) the remainder remitted to the State Treasurer to be deposited in the Retirement System. Requires state agencies to provide the Department any applicable information, as requested. Instructs the Department to report in writing on a quarterly basis to specified entities, including two types of detailed information. Explains restrictions on property disposition.

Enacts new GS 147-86.3, directing the State Treasurer to determine whether any disposition of transferred property is in the best interest, as defined, of the Retirement System, and to identify the best type of disposition. Includes additional provisions related to disposition of transferred property.

Effective October 1, 2011.

Intro. by Hastings, Stam, Crawford. GS 143, 146, 147 Employment and Retirement; State Government

H 597. UI/FIX AGGRIEVED PARTY DEFINITION. Filed 4/4/11. *TO PROVIDE THAT AN INDIVIDUAL WHO HAS BEEN AWARDED UNEMPLOYMENT INSURANCE BENEFITS BY THE EMPLOYMENT SECURITY COMMISSION, BUT DOES NOT RECEIVE THOSE BENEFITS AS THE RESULT OF AN ACT OR OMISSION OF THE COMMISSION, IS DEEMED AN AGGRIEVED PARTY FOR THE PURPOSES OF JUDICIAL REVIEW WITHOUT THE REQUIREMENT TO EXHAUST ADMINISTRATIVE REMEDIES.*

Enacts new GS 95-12(b)(1)d. (but appears to enact new GS 96-12(b)(1)d.) to direct the Employment Security Commission (Commission) to immediately pay unpaid benefits, if an individual was awarded unemployment benefits but failed to receive the benefits due to an act or omission of the Commission. Specifies that the Commission's failure to rectify and pay benefits owed makes the individual an aggrieved party who is not required to exhaust administrative remedies, and may obtain injunctive and other relief.

Intro. by Murry. GS 95 Employment and Retirement

H 598. NC HIGHWAY 54 CORRIDOR STUDY. Filed 4/4/11. *TO EXPAND THE NC 54/I-40 CORRIDOR STUDY TO INCLUDE THOSE PORTIONS OF NC HIGHWAY 54 IN WAKE COUNTY PASSING THROUGH CARY AND MORRISVILLE.*

As title indicates. Directs the Department of Transportation to report initial findings to the Legislative Transportation Oversight Committee (Committee) by October 1, 2012, and continue to report annually on May 1 until the study expansion is complete and final recommendations are made to the Committee and the Fiscal Research Division on the master plan and any required legislative changes.

Intro. by Murry. STUDY Transportation

H 599. PATIENT'S RIGHT/NOTICE OF PROF. LIAB. INS. Filed 4/4/11. *TO GIVE ADULT CARE HOME AND NURSING HOME RESIDENTS THE RIGHT TO RECEIVE WRITTEN NOTICE OF THE FACILITY'S PROFESSIONAL LIABILITY INSURANCE COVERAGE AND TO REQUIRE ADULT CARE HOMES AND NURSING HOMES TO POST INFORMATION ABOUT THEIR PROFESSIONAL LIABILITY INSURANCE COVERAGE.*

Adds new subdivision (18) to GS 131D-21 (Declaration of residents' rights pertaining to adult care homes), and adds new subdivision (17) to GS 131E-117 (Declaration of patient's rights pertaining to nursing homes) to provide that residents have the right at the time they are admitted to an adult care home or a nursing home facility to receive written notice as to the whether the facility maintains professional liability insurance coverage. Also provides that residents have the right to receive written notice of any changes in that coverage. Specifies information that must be contained in the written notice.

Amends GS 131D-24 to require that a copy of the written notice required under GS 131D-21(18) be posted conspicuously in a public place in all adult care home facilities.

Amends GS 131E-120 to require that a copy of the written notice required under GS 131E-117(17) be posted conspicuously in a public place in all nursing home facilities.

Intro. by Insko.

GS 131D, 131E

Health, Social Services, and Aging

H 600. ALLOW/CONTROLLED SUBSTANCE FELONY/WK 1ST/SNAP. Filed 4/4/11. *ALLOWING THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPT OUT OF THE BAN THAT ONLY ALLOWS INDIVIDUALS CONVICTED OF EITHER CLASS H OR I CONTROLLED SUBSTANCE FELONY OFFENSES TO BE ELIGIBLE TO PARTICIPATE IN THE WORK FIRST PROGRAM AND FOOD AND NUTRITION SERVICES PROGRAM (SNAP).*

Amends GS 108A-25.2 regarding Work First Program participation limitations for individuals convicted of drug-related felonies by deleting the qualification that they apply only to Class H and Class I controlled substance felony offenses, requiring that the county department of Social Security services must verify the individual has completed a program that complies with GS 108A-29.1 for treatment and drug testing, and specifying that eligibility begins six months after release from custody, or if no custody is ordered, six months after conviction, without a further offense. Applies to controlled substance felony offenses committed on or after July 1, 2011.

Intro. by Insko, Glazier.

GS 108A

Health, Social Services, and Aging;
Criminal Law, Procedure, and
Sentencing

H 601. REDUCE BLOODBORNE DISEASE INFECTION. Filed 4/4/11. *TO REDUCE BLOODBORNE DISEASE INFECTION AND NEEDLE STICK INJURIES BY EXCLUDING NEEDLES, SYRINGES, AND OTHER INJECTION EQUIPMENT FROM THE LIST OF ITEMS DESIGNATED AS DRUG PARAPHERNALIA AND BY DECRIMINALIZING THE USE, POSSESSION, MANUFACTURE, AND DELIVERY OF INJECTION EQUIPMENT UNDER THE NORTH CAROLINA DRUG PARAPHERNALIA ACT.*

Amends GS 90-113.21 as the title indicates. Enacts new GS 90-113.25 to declare that the use, possession, manufacture, or delivery of injection equipment used to inject a controlled substance into the body is not unlawful. Identifies legislative findings supporting the decriminalization of injection equipment under the North Carolina Drug Paraphernalia Act. Makes conforming changes to GS 90-113.22 and GS 90-113.23. Effective December 1, 2011, and applies to acts committed on or after that date.

Intro. by Insko.

GS 90

Health, Social Services, and Aging

H 602. LAW ENFORCEMENT OFFICER FAIRNESS ACT. Filed 4/4/11. *TO STANDARDIZE THE DISMISSAL OF MUNICIPAL LAW ENFORCEMENT OFFICERS.*

Creates a new GS chapter 17F governing dismissal and grievances of municipal law enforcement officers. Requires law enforcement agencies, other than those run by state agencies, counties, ABC boards, school boards, and private sector and academic institutions, to adopt an ordinance setting out minimum due process rights for dismissals and grievances of law enforcement officers. The ordinance must, at a minimum, specify "just cause" for dismissal; set out procedures for ensuring notice; provide an opportunity for the officer to be heard, represented by counsel, and call witnesses and confront adverse witnesses; allow recording of hearings; and establish an impartial review board. Effective December 1, 2011, and applies to disciplinary actions taken on or after that date.

**Intro. by Justice, Dollar,
Stevens, Glazier.**

GS 17F

Emergency Services; Local
Government

H 603. PAYING OF OVERWEIGHT FINES BY PRIVATE PARTIES. Filed 4/4/11. *TO ALLOW INDIVIDUALS WHO ARE NOT OPERATING AS A BUSINESS, AS A MOTOR CARRIER, OR UNDER THE AUTHORITY OF A MOTOR CARRIER AND WHO OWE CIVIL FINES FOR OVERWEIGHT VEHICLES TO MAKE PAYMENT ARRANGEMENTS WITH THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY.*

Amends GS 20-118 by adding a new subsection (l) to direct the Secretary of Crime Control and Public Safety and the Secretary of Transportation to allow someone fined \$250 or more for vehicle weight limit violations to make a payment arrangement not to exceed twelve months.

Intro. by Justice, McComas.

GS 20

Transportation

H 604. EXEMPT MILITARY RETIREMENT FROM INCOME TAX. Filed 4/4/11. *TO EXEMPT FROM INCOME TAX MILITARY RETIREMENT INCOME.*

Amends GS 105-134.6(b) to add a deduction for veterans' retirement pay and survivorship benefits. Effective for taxable years beginning on or after January 1, 2011.

Intro. by Iler.

GS 105

Taxation; Military and Veterans
Affairs

H 605. EXPAND SETOFF DEBT COLLECTION ACT. Filed 4/4/11. *TO EXPAND THE DEFINITION OF LOCAL AGENCY FOR PURPOSES OF THE DEBT SETOFF COLLECTION ACT.*

Amends GS 105A-2(6) (definitions applicable to the Debt Setoff Collection Act) to add that a local agency also includes a regional solid waste management authority created under Article 22 of GS Chapter 153A. Applies to income tax refunds determined on or after January 1, 2011.

Intro. by McElraft.

GS 105A

Taxation; Local Government

H 606. SHERIFF/INSPECT PRESCRIPTION DRUG RECORDS. Filed 4/4/11. *TO PROVIDE THAT A SHERIFF OR A DESIGNATED DEPUTY SHERIFF INVESTIGATING THE DIVERSION AND ILLEGAL USE OF CONTROLLED SUBSTANCES MAY INSPECT PRESCRIPTION AND PHARMACEUTICAL RECORDS AND MAY ALSO OBTAIN DATA IN THE CONTROLLED SUBSTANCE REPORTING SYSTEM MAINTAINED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.*

Enacts new subdivision (9) to GS 90-113.74(c), directing the Department of Health and Human Services to also release data in the controlled substances reporting system to a sheriff or designated deputy sheriff assigned to investigate the diversion and illegal use of prescription medication or pharmaceutical products, as specified, provided the sheriff or deputy sheriff is engaged in a bona fide specific investigation into licit drugs, and the sheriff or deputy sheriff notifies the Office of the Attorney General of NC of each inspection request.

Makes a conforming change to GS 90-107, requiring prescriptions, order forms and records, and stocks of controlled substances governed under the NC Controlled Substances Act to be open to inspection to sheriffs and designated deputy sheriffs.

Effective December 1, 2011.

**Intro. by McElraft, Randleman,
McLawnhorn.**

GS 90

Health, Social Services, and Aging;
Emergency Services

H 607. HABITUAL DWI RESTORATION CLARIFICATION. Filed 4/4/11. *TO CLARIFY WHEN A PERSON MAY APPLY FOR A RESTORATION OF THE PERSON'S LICENSE AFTER A HABITUAL DWI CONVICTION.*

Amends GS 20-19(e4), providing that the Division of Motor Vehicles (DMV) may conditionally restore a license revoked for habitual impaired driving after the license has been revoked for at least 10 years after conviction (currently, 10 years after the completion of any sentence imposed by the court) if the person proves to the DMV the person has not used alcohol or unlawfully used controlled substances since the person's conviction and is not currently an excessive prescription drug user (clarifies current language) and provides proof of additional requirement under existing law.

Intro. by McElraft.

GS 20

Transportation

H 608. HONOR B. HOLT. Filed 4/4/11. *HONORING THE LIFE AND MEMORY OF BERTHA "B" MERRILL HOLT.*
As title indicates.

**Intro. by Bordsen, M. Alexander,
Ingle, Hackney.**

HOUSE RES

General Assembly

H 609. PROMOTE WATER SUPPLY DEVELOPMENT. Filed 4/4/11. *TO PROMOTE THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS AND OTHER WATER SUPPLY RESOURCES.*

Directs the Department of Environment and Natural Resources (DENR), in decisions on allocation of water, to provide to the maximum extent legally permissible for the long-term needs identified in local water supply plans. Authorizes DENR to enter into agreements with units of local government to assist in local and regional water supply development, with priority to be given to requests for regional water supplies and requests that benefit local governments with the most severe forecast water shortages. Creates a two-year window for DENR determination of preferred alternatives for future local water supplies when DENR contracts with a local government to assist in water supply development, unless the local government agrees to an extension. Makes determination by DENR of a preferred alternative binding on all state agencies and effective in meeting requirements of the State Environmental Policy Act. For regional water supply systems, authorizes DENR to become a co-applicant for federal approvals for the preferred water supply alternative. Authorizes the creation of "regional water supply planning organizations" by one or more water systems. Regional water supply planning organizations may include representatives of local government water systems and registered water withdrawers.

Intro. by McGrady, Stam, Gillespie, Carney.

GS 143

State Government; Agriculture, Environment, and Natural Resources

H 610. HOG LAGOON PHASE OUT/LIVESTOCK TREATMENT. Filed 4/4/11. *TO PHASE OUT TRADITIONAL ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE FARMS AND TO ESTABLISH MINIMUM HUMANE STANDARDS FOR THE TREATMENT OF COWS, POULTRY, AND SWINE.*

Phases out permits and "deemed permitted" status for swine waste management systems that are currently operated under the moratorium for swine farms enacted in 2007. Requires closure of swine operations with lagoon and sprayfield waste systems by the later of September 1, 2016, or twelve years from the date the operation was first permitted or deemed permitted. Creates a new Article 49I in GS 106 that requires the Board of Agriculture, in consultation with the state veterinarian, to set minimum humane standards for cows, poultry and swine, including restrictions on tethering and confinement, kill methods, and transfer of sick cows. Makes violations of the minimum humane standards a Class 2 misdemeanor. Provisions on minimum standards for livestock effective January 1, 2012; otherwise effective when the act becomes law.

Intro. by Harrison, Luebke.

GS 106

Agriculture, Environment, and Natural Resources

H 611. POLITICAL ROBO CALLS/DO NOT CALL REGISTRY. Filed 4/4/11. *TO ADD POLITICAL ROBO CALLS TO THE "DO NOT CALL REGISTRY."*

Current law prohibits a telephone solicitor from making a telephone solicitation to a telephone subscriber's phone number if the number appears in the latest "Do Not Call" registry, or if the telephone subscriber previously communicated a desire not to receive telephone solicitations to the solicitor. Amends GS 75-101(9), clarifying that a telephone solicitation is a voice *or text* communication, as detailed, and also includes a political message if the message is communicated through an automatic dialing and recorded message player. Effective January 1, 2012.

Intro. by Harrison, Martin.

GS 75

Elections Law

H 612. INCAPACITY TO PROCEED/LRC STUDY. Filed 4/4/11. *TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CURRENT CRIMINAL AND MENTAL HEALTH LAWS AND PROCEDURES REGARDING INCAPACITY TO PROCEED TO TRIAL AND INVOLUNTARY COMMITMENT.*

Authorizes the Legislative Research Commission to study the procedures regarding determinations of a criminal defendant's incapacity to proceed to trial and involuntary commitment, in view of limited resources of law enforcement, hospitals, and mental health facilities, and directing that the study include evaluation of the statutory option for taking dismissals during the involuntary commitment process. Allows an interim report to the General Assembly when it reconvenes in 2012 and requires final report to the 2013 General Assembly.

Intro. by Randleman.

HOUSE RES

General Assembly; Criminal Law, Procedure, and Sentencing; Health, Social Services, and Aging

H 613. NC-THINKS PROGRAM AMENDMENTS. Filed 4/4/11. *MAKING PROGRAMMATIC AMENDMENTS TO THE NC-THINKS STATE EMPLOYEE SUGGESTIONS PROGRAM.*

Current law provides that a state employee or a team of state employees may receive an incentive bonus or bonuses as a reward for suggestions or innovations resulting in monetary savings or increased revenues to the state, or improved quality of services to the public. Amends GS 143-345.21 to provide that the amount of savings generated by suggestions and innovations should be determined after a 12-month period of implementation or, if applicable, no more than 90 days after the one-time savings is determined or the suggestion is approved. Prohibits making suggestion payments (was, incentive bonus) prior to the expiration of 12 months, or 90 days after the final one-time savings are determined or the suggestion is approved. Provides that no monetary award or leave can be awarded through NC-Thinks where such an award or leave is specifically not allowed by the terms of the funding source. Moves the administration of the NC-Thinks program to the Office of State Personnel (was, the Department of Administration). Makes conforming changes.

Provides that 30% of the annualized savings or increased revenues realized from a state employee's suggestion or innovation is to be allocated as follows: (1) 15% (was, 10%) to the implementing agency for nonrecurring budget items to be used as specified, (2) 10% to the Office of State Personnel (was, Department of Administration), and (3) 5% (was, 10%) to the state employee education and training fund. Clarifies that the allocation to the state employee education and training fund does not revert even when nonreversion is otherwise allowed by law or policy. Makes an additional clarifying change.

Amends GS 143-345.23(d) to make the state personnel director (was, the executive secretary) responsible for oversight and administration of NC-Thinks. Provides that the state coordinator is an employee of the Office of State Personnel (was, of the Department of Administration). Amends GS 143-345.24(c) to provide that all administrative, management, clerical, and other functions and services required by the State Review Committee are to be supplied by the Office of State Personnel (was, the Department of Administration). Directs the Office of State Personnel and the State Review Committee to report annually to the Joint Legislative Commission on Governmental Operations on the administration of NC-Thinks.

Effective July 1, 2011, and applies to employees' suggestions made on or after that date.

Intro. by Dollar, McGee.

GS 143

Employment and Retirement; State Government

H 614. DMA POST PUBLIC NOTICES OF CHANGE ON WEBSITE. Filed 4/4/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PUBLISH ON ITS WEB SITE PUBLIC NOTICES OF CHANGES IN STATEWIDE METHODS AND STANDARDS FOR SETTING MEDICAID PAYMENT RATES.*

Amends GS 108A-55(c) by requiring that the Department of Health and Human Services post on the Web site it uses for State Plan amendments notice of changes in medical assistance reimbursement amounts approved by the Health Care Financing Administration of the United States Department of Health and Human Services.

Intro. by Murry, Dollar, Brisson.

GS 108A

Health, Social Services, and Aging

H 615. NO DISCRIMINATORY PURPOSE IN DEATH PENALTY. Filed 4/4/11. *TO REFORM THE RACIAL JUSTICE ACT OF 2009 TO BE CONSISTENT WITH THE UNITED STATES SUPREME COURT'S RULING IN MCCLESKEY V. KEMP.*

Amends GS 15A-2011 (proof of racial discrimination under the NC Racial Justice Act), by deleting most provisions and stating that a finding that race was the basis of the decision to seek or impose a death sentence may be established if the court finds that the state acted with discriminatory purpose in seeking the death penalty or in selecting the jury that sentenced the defendant, or one or more of the jurors acted with discriminatory purpose in the guilt-innocence or sentencing phases of the defendant's trial. Also states that the defendant has the burden of proving that there was discriminatory purpose in seeking or imposing the death sentence in the defendant's case, and that the state may offer evidence to rebut the claims or evidence of the defendant.

Amends GS 15A-2012 (hearing procedure), requiring a defendant to state with particularity how evidence supports a claim that there was discriminatory purpose (currently, that race was a significant factor) in decisions to seek or impose the death sentence in the defendant's case (rather than in the county, prosecutorial district, judicial division, or the state at the time the death sentence was sought or imposed). Clarifies that the court will order that a death sentence will not be sought or that the death sentence imposed will be vacated, and that the defendant will receive a new sentencing hearing (rather than resentenced to life imprisonment without the possibility of parole) if the court finds there was a discriminatory purpose in decisions to seek or impose the death sentence. Makes additional conforming changes.

Clarifies that the act supersedes and nullifies provisions of Article 101A (appears to reference Article 101) of GS Chapter 15A that existed before the act's effective date and are repealed by the act. Includes a severability clause, and specifies that the act does not amend or modify the statutory or common law applicable to trial or postconviction proceedings in capital cases that existed before July 1, 2009. Includes whereas clauses.

The act is effective when it becomes law and applies to all capital trials held prior to, on, or after the effective date and to all capital defendants sentenced to the death penalty prior to, on, or after the effective date.

Intro. by Burr, Stevens, Ingle, Stam.

GS 15A

Criminal Law, Procedure, and Sentencing

H 616. AMEND ENGINEERS AND SURVEYORS LAWS. Filed 4/4/11. *TO AMEND THE LAWS RELATING TO THE REGULATION OF ENGINEERING AND LAND SURVEYING.*

Makes numerous changes to GS Chapter 89C. Changes the definitions of "Professional engineer, retired" and "Professional land surveyor, retired" to require review by the State Board of Examiners for Engineers and Surveyors (Board) of an applicant's record, including disciplinary actions. Allows for the delegation to the executive director certain routine duties which has the majority (was, unanimous) approval of the Board. Deletes requirement to print and distribute an annual roster of all licensed engineers and surveyors. Revises the requirements for licensure by comity to allow credentials from any foreign country (was, Canada only) or from other states and the District of Columbia based on verifiable evidence of standards that the Board deems not lower than NC standards. Permits graduates of four-year engineering or related science programs to stand for the "fundamentals of engineering exam" prior to the four- or eight-year experience requirements, which remain as

prerequisites to the “principles and practice of engineering” exam. Allows certification as an engineering or surveying intern for students that are graduating within two semesters of the semester in which the fundamentals exam is administered (was, seniors only). Expands the Board’s sanctions for misconduct to include refusal of reinstatement and required additional education. Expands and clarifies the grounds for sanction. Removes the limitations in GS 89C-25 on Board jurisdiction over those who practice engineering or surveying for less than ninety days.

Intro. by Gillespie.

GS 89C

Employment and Retirement

H 617. PORTABLE ELECTRONICS INSURANCE COVERAGE. Filed 4/5/11. *TO PROVIDE FOR THE REGULATION OF PORTABLE ELECTRONICS INSURANCE.*

Enacting a new Article 44A of GS Chapter 58 to regulate insurance providing coverage for the repair or replacement of portable electronics. Requires vendors to hold a limited license lines license to offer such insurance, and specifies application requirements and fees for the license. Requires vendors who offer such insurance to provide potential customers with written materials containing information specified in the statute, including that they are not required to purchase it, they have a right to cancel it at any time and to a refund of unearned premium, and of the policy’s material terms. Restricts conditions for insurer to terminate or otherwise change the terms and conditions of a policy. Provides for fines and license suspension of vendors for violations. Effective October 1, 2011.

Intro. by Dockham.

GS 58

Business and Commerce

H 618. STREAMLINE OVERSIGHT/DHHS SERVICE PROVIDERS. Filed 4/5/11. *TO STREAMLINE DUPLICATE OVERSIGHT OF DHHS SERVICE PROVIDERS.*

Requires the Secretary of Health and Human Services (Secretary) to establish a task force to look for redundancies and review items as to service provider monitoring that are not value added by August 1, 2011, and streamline duplication by December 31, 2011. Requires the Secretary to create a regulatory body for oversight review for service providers to reduce duplication by May 1, 2012. Enacts new GS 143B-139.6C directing the Secretary to review laws, rules, and procedures of its departmental divisions for complaints against providers and to coordinate their activities and eliminate redundancies. Requires notice to service providers when a complaint is received. Provides that a service provider will not be deemed in violation of a rule if its interpretation is in conflict within the divisions until the conflict has been resolved and the provider is informed of the decision. Directs the Division of Medical Assistance to remove the requirement for annual reenrollment by September 1, 2011, maintaining enrollment until the enrollment number has not been utilized for six consecutive months. Mandates data sharing from the Incident Response Improvement System. Requires the Secretary to establish a task force to study the North Carolina Treatment Outcomes Program Performance System. Requires the Secretary to allow private sector development of an Internet-based data archive for provider records.

Intro. by Lewis, Hurley.

GS 143B

Health, Social Services, and Aging

H 619. UPDATE/MODERNIZE PHYSICAL THERAPY ACT. Filed 4/5/11. *TO AMEND THE NORTH CAROLINA PHYSICAL THERAPY PRACTICE ACT BY PROVIDING FOR PROFESSIONAL ASSOCIATION BUSINESS ORGANIZATION STATUS FOR PHYSICAL THERAPISTS AND SOME ASSOCIATED PROFESSIONALS, CLARIFYING THE DEFINITION OF PHYSICAL THERAPY AIDE, AUTHORIZING THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS TO CONDUCT CRIMINAL BACKGROUND CHECKS OF APPLICANTS FOR LICENSURE, AND MAKING OTHER MODERNIZING STATUTORY CHANGES.*

Adds physical therapy to the list of “professional services” regulated under the Professional Corporation Act, authorizing professional corporations comprised of licensed orthopedic physicians and physical therapists. Also authorizes, under GS 90, Article 18B, professional corporations of physical therapists themselves. Clarifies the definition of “physical therapy aide” under GS 90-270.24 to make explicit provision for physical therapists that supervise licensed athletic trainers. Provides for criminal background checks, through the Department of Justice, on applicants for physical therapy licenses. Expands the provisions of GS 90-270.39 to permit any licensed physicians, chiropractors, or podiatrists (was, osteopaths, chiropractors, or podiatrists) to use physical therapy modalities.

Intro. by Howard, McLawhorn, Carney, Ingle.

GS 55B, 90, 114

Business and Commerce; Health, Social Services, and Aging

H 620. PRESERVING VALUE OF PROPERTY/PAVING OF ROADS. Filed 4/5/11. *TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO MAINTAIN OR PAVE CERTAIN ROADS IN A MANNER CONSISTENT WITH THE ORIGINAL CONSTRUCTION OF THE ROAD TO PRESERVE THE HISTORIC*

APPEARANCE AND VALUE OF HISTORIC PROPERTIES ADJOINING THE ROAD OR TO PRESERVE HIGH SCENIC VALUE PROPERTIES OR ENHANCE LOW-VOLUME BUSINESS OR AGRIBUSINESS VENTURES.

Authorizes the Department of Transportation (DOT) to pave or maintain roads at less than current DOT standards if an adjoining property is designated historic or having high scenic value, or if leaving the road unpaved enhances a low-volume business or agribusiness venture, unless the owner of the adjoining property consents to paving and maintenance at current DOT standards. Lists factors that DOT must use in reevaluating whether and how to pave or maintain such a road. Allows DOT to pave to standards despite the lack of consent of adjoining property owners, if DOT determines that the condition of the road places lives of the motoring public at risk based on five specified factors. Requires DOT to pay the owner or owners of property adjoining such a road the depreciation in the historic, scenic or business goodwill of the property if DOT decides to pave to standards without consent of an adjoining owner. Removes roads that are not paved or maintained to standards under these provisions from counting as unpaved miles of state-maintained roads and from counting in the equity formula for highway funding.

Intro. by Bordsen.

GS 136

Transportation

H 621. PROTECT LANDOWNER WATER RIGHTS (=S 492). Filed 4/5/11. *TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS, AND TO EXEMPT AGRICULTURAL PONDS FROM THE DAM SAFETY ACT.*

Identical to S 492, filed 3/31/11.

Intro. by Gillespie, Langdon, Brisson, Hill.

GS 143

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

H 622. STUDY ART. 3A ADMINISTRATIVE HEARINGS PROCED. Filed 4/5/11. *DIRECTING THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO STUDY HOW TO RECONCILE AND HARMONIZE ADMINISTRATIVE HEARINGS IN CONTESTED CASES ARISING UNDER ARTICLE 3A OF CHAPTER 150B OF THE GENERAL STATUTES.*

As title provides. Report is to be made to the 2012 Regular Session of the General Assembly.

Intro. by McCormick, Stevens, Cleveland, Glazier.

STUDY

APA/Rule Making

H 623. ELIMINATE AGENCY FINAL DECISION AUTHORITY. Filed 4/5/11. *TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS.*

Amends GS Chapter 150B to let administrative law judges, rather than agencies, make final decisions in contested cases under Article 3 of the Administrative Procedures Act (APA). If an agency governed by Article 3A requests an administrative law judge to hear the case, that administrative law judge would proceed under Article 3 and would make the final decision. Allows agencies that are parties to contested cases to seek judicial review of final decisions. Allows court orders to compel administrative law judges to make final decisions within 120 days of the close of a contested case hearing. Makes conforming changes so that the record and decision coming from the administrative law judge are directly reviewable by superior court. Effective January 1, 2011, and applicable to contested cases that began on or after that date.

Intro. by McCormick, Stevens, Cleveland, Glazier.

GS 150B

APA/Rule Making; State
Government

H 624. CITIZENS UNITED DISCLOSURES. Filed 4/5/11. *PROVIDING FOR SHAREHOLDER VOTE ON CORPORATE INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS.*

Enacts new GS 163-278.12D requiring North Carolina corporations that spend \$10,000 or more of treasury funds on independent expenditures or electioneering communications during a 12-month period to first obtain approval by a vote of their shareholders. Subjects directors to joint and several liability for unauthorized expenditures. Applies to elections held on or after January 1, 2012.

Intro. by Harrison, Martin.

GS 163

Elections Law

H 625. BILL OF RIGHTS/DEAF/HEARING IMPAIRED. Filed 4/5/11. *ESTABLISHING A BILL OF RIGHTS FOR CHILDREN WHO ARE DEAF OR HEARING IMPAIRED.*

Enacts new GS 143B-216.35 through GS 143B-26.35.3 to require the team developing an Individualized Education Program as defined under GS 115C-106.3(8) for a child who is deaf or hearing impaired to consider the related services and program options for communication access and to advise parents of the full continuum of

alternative educational placements available to them. Requires the team to ensure that such a child not be denied the opportunity for instruction in a particular communication mode or language solely on the basis of residential hearing, the parents' fluency in the mode or language, or the child's prior experience with it.

Intro. by Blackwell, Farmer-Butterfield. GS 143B Health, Social Services, and Aging

H 626. SURCHARGE FOR CREDIT CARD USE PROHIBITED. Filed 4/5/11. *TO PROHIBIT THE CHARGING OF A SURCHARGE ON PERSONS WHO ELECT TO USE A CREDIT CARD, CHARGE CARD, OR DEBIT CARD IN LIEU OF PAYMENT BY CASH, CHECK, OR SIMILAR MEANS.*

Enacts new GS 75-43 to prohibit a person who sells or leases goods or services in North Carolina from imposing a surcharge, as defined, on a person who uses a credit card, charge card, or debit card in lieu of cash, check, or other similar form of payment. Allows a person to offer discounts to induce payment by means not involving the use of a credit, charge, or debit card, provided the discount is offered to all prospective buyers. Makes a violation of GS 75-43 an unfair and deceptive trade practice. Makes a conforming change to GS 159-32.1, permitting a unit of local government, public hospital, or public authority to accept electronic payment in lieu of cash or check, as specified, notwithstanding GS 75-43. Effective October 1, 2011.

Intro. by Blackwell. GS 75, 159 Business and Commerce

H 627. STUDY EFFICIENCY AND COST SAVINGS/STATE GOVT. Filed 4/5/11. *TO ESTABLISH THE JOINT LEGISLATIVE EFFICIENCY AND COST-SAVINGS IN STATE GOVERNMENT STUDY COMMISSION.*

Establishing a Commission composed of 5 members of the Senate appointed by the President Pro Tempore, and 5 members of the House appointed by the Speaker, to use a zero-based budgeting review process to study whether there are obsolete programs, cost-reduction opportunities, and cases where funds can be redirected to meet new and changing demands for public services. Requires any agency under review to identify decision units and divide each unit into specified minimum, reduced, current, and enhanced decision packages. Requires an interim report to the 2012 Regular Session of the 2011 General Assembly and a final report to the 2013 General Assembly.

Intro. by Blackwell, Crawford. STUDY State Government

H 628. DEVELOPMENT READY JOBS STUDY. Filed 4/5/11. *TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY POLICIES AND INCENTIVES THAT CAN BE ESTABLISHED TO STIMULATE THE CREATION OF DEVELOPMENT READY SITES TO AID IN JOB RECRUITMENT AND RETENTION EFFORTS.*

Directs the Revenue Laws Study Committee to study incentives similar to tools for farmland preservation, brownfields redevelopment, historic preservation, and land conservation to stimulate "development ready" sites. The study shall include discussion of property tax relief using agricultural use value taxation for development ready sites as well as income tax deductions or credits. Authorizes appointment of an advisory subcommittee consisting of specified economic development interests. Report to be made to the 2012 Regular Session of the General Assembly.

Intro. by Jeffus, Faircloth. STUDY Community and Economic Development; General Assembly

H 629. SUBSTANCE ABUSE TREATMENT. Filed 4/5/11. *TO AUTHORIZE SCREENING AND ASSESSING FOR CHEMICAL DEPENDENCY FOR DEFENDANTS ORDERED TO SUBMIT TO RESIDENTIAL TREATMENT AT THE BLACK MOUNTAIN SUBSTANCE ABUSE TREATMENT CENTER FOR WOMEN AND TO PROVIDE THAT A DEFENDANT MAY BE REQUIRED TO PARTICIPATE IN TREATMENT ORDERED BY THE COURT FOR ITS DURATION REGARDLESS OF THE LENGTH OF THE SUSPENDED SENTENCE IMPOSED.*

Amends GS 15A-1343(b3) to include defendants ordered to submit to residential treatment at the Black Mountain Substance Abuse Treatment Center for Women among those defendants that must undergo screening to determine chemical dependency. Effective when the act becomes law.

Amends GS 15A-1343(b1) to provide that a defendant may be required, as a condition of probation, to participate in medical or psychiatric treatment and stay in a specified institution if doing so is required to receive that treatment regardless of the length of the suspended sentence the defendant received. Effective when the act becomes law and applies to persons sentenced on or after that date.

Intro. by Guice, Ingle, Faircloth. GS 15A Criminal Law, Procedure, and Sentencing

H 630. CLARIFY LAW/OLDER ADULTS & LT SERVICES. Filed 4/5/11. *TO UPDATE AND CLARIFY NORTH CAROLINA'S GENERAL STATUTES ON OLDER ADULTS AND LONG-TERM SERVICES AND SUPPORTS.*

Amends GS 143B-181.3 by clarifying that policies for long-term services and supports are to be coordinated and administered within each county. Amends GS 143B-181.6 to provide that each county may elect its own Community Resource Connections for Aging in Disabilities or participate in a multicounty program.

Intro. by Guice. GS 143B Health, Social Services, and Aging

H 631. POSTCONVICTION RELEASE BONDS. Filed 4/5/11. *TO AUTHORIZE THE USE OF BONDS TO SECURE THE APPEARANCE OF A DEFENDANT THAT IS RELEASED POSTCONVICTION AND IS DETERMINED TO HAVE ABSCONDED.*

Adds new Article 82A to GS Chapter 15A, providing for postconviction release bonds. When a judge authorizes release of a convicted defendant for intermediate or community punishment prior to serving an active sentence, allows the judge to order the posting of an appearance bond to cover the defendant absconding during probation. Sets qualifications for an approved bail agent as a licensed bail bondsman or runner who possesses a valid concealed handgun permit. Provides for an order of arrest on notice by the probation officer that a defendant has absconded, giving the bail agent a minimum of ninety-six hours to surrender the defendant before forfeiting the bond. Effective for defendants convicted on or after December 1, 2011.

Makes conforming changes.

Intro. by Guice. GS 15A Criminal Law, Procedure, and Sentencing

H 632. JUVENILE AGE TO 18 (=S 506). Filed 4/5/11. *TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS ALLEGED DELINQUENT FOR A CLASS A-E FELONY SHALL BE TRANSFERRED TO ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.*

Identical to S 506, filed 4/4/11.

Intro. by Lewis, Randleman, Avila, Bordsen. GS 5A, 7B, 143B, 14 Children and Juvenile Law; Criminal Law, Procedure, and Sentencing

H 633. LIMIT CONTRIBUTIONS FROM POLITICAL PARTIES. Filed 4/5/11. *TO LIMIT THE ROLE OF POLITICAL PARTIES IN CAMPAIGN FUND-RAISING BY LIMITING CONTRIBUTIONS FROM POLITICAL PARTIES TO CANDIDATES AND CANDIDATE CAMPAIGN COMMITTEES.*

Amends GS 163-278.13(e) by applying the contribution limits to contributions made by candidates or candidate campaign committees to political party executive committees, and to contributions made by political party executive committees to candidates and candidate campaign committees. Effective January 1, 2012.

Intro. by Current, Avila, Blust, Harrison. GS 163 Elections Law

H 634. ARTHRITIS FOUNDATION SPECIAL PLATE. Filed 4/5/11. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE ARTHRITIS FOUNDATION, INC.*

Enacts new GS 20-79.4(b)(12a) as title indicates. Plate issuance is contingent on the receipt of at least 300 plate applications. Establishes a special plate fee of \$30 and requires that \$20 of that amount be transferred quarterly to the Arthritis Foundation, Inc., to fund arthritis research grants. Effective July 1, 2011.

Intro. by Samuelson. GS 20 Transportation

H 635. ADJUST HIGHWAY EQUITY FORMULA. Filed 4/5/11. *TO ADJUST THE DISTRIBUTION FORMULA FOR FUNDS EXPENDED ON THE INTRASTATE SYSTEM AND TRANSPORTATION IMPROVEMENT PROGRAM.*

Amends GS 136-17.2A, clarifying that funds expended for Intrastate System projects and state and federal aid funds expended under the Transportation Improvement Program, other than funds listed in new GS 136-17.2A(a1), will be distributed as specified. Enacts new subsection (a1) to list the funds previously included in subsection (a), and to add Surface Transportation Program/Direct Attributable federal funds to the funds exempted from the distribution requirement. Deletes provisions in GS 136-17.2A(b), which directed the Secretary of Transportation (Secretary) to calculate fund distribution based on specified calculations until 90% of the

mileage of the Intrastate System projects is completed. Makes a conforming change and directs the Secretary to make calculations under current GS 136-17.2A(c). Effective July 1, 2011.

Intro. by Murry, Killian, Blust, Hilton. GS 136 Transportation

H 636. AMEND FINANCIAL TRANSACTION CARD THEFT. Filed 4/5/11. *TO PROVIDE THAT THE CRIMINAL PENALTY FOR THE THEFT OF ANY FINANCIAL TRANSACTION CARD SHALL BE THE SAME AS THE CRIMINAL PENALTY FOR THE THEFT OF A CREDIT CARD WHICH IS A CLASS I FELONY.*

Amending GS 14-113.9(b) by expanding the Class I felony designation from just theft of credit cards to also include theft of financial transaction cards more generally, which includes plates, bank services cards, banking cards, check guarantee cards, debit cards, and other financial transaction cards by any other name. Applies to offenses committed on or after September 1, 2011.

Intro. by Haire. GS 14 Criminal Law, Procedure, and Sentencing

H 637. ADOPTION LAW CHANGES. Filed 4/5/11. *TO AMEND THE LAWS APPLICABLE TO ADOPTIONS, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.*

Amends GS 48-2-607(c) by requiring that an action brought to set aside an adoption by a parent or guardian whose consent or relinquishment was obtained by fraud or duress be brought within one year after the date on which the adoption decree was entered. Amends GS 48-3-608(b) by providing that the replacement assessment that triggers the time limit for revoking consent must have been prepared substantially in conformance with statutory requirements. Amends GS 48-3-303(c)(12) by allowing redaction of income information as well as other specified information from what is provided to a placing parent or guardian. Amends GS 48-2-302(a) by providing that a court may waive as well as extend the 30-day time limit for a petition for adoption. Amends GS 48-2-401(a) by deleting the requirement that notice of filing of an adoption petition be no later than 30 days after the petition is filed. Amends GS 48-3-707(a) by adding a third ground on which a relinquishment will become void if after placement but before entry of the adoption decree the agency, the person relinquishing a minor, and the prospective adoptive parent all agree. Applies to actions filed on or after October 1, 2011.

Intro. by Jordan. GS 48 Family Law

H 638. UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT. Filed 4/5/11. *TO ADOPT THE UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT.*

Repeals Article 18 of GS Chapter 163, which governs presidential electors. Adds new Article 18B, the Faithful Presidential Electors Act. Under the bill, the presidential ballot lists the candidates for President and Vice-President, but a vote for the candidates named on the ballot is actually a vote for the electors submitted by the party that has nominated that candidate. In designating electors, a political party contesting the position submits to the Secretary of State two qualified individuals for each elector position, one an "elector nominee" and the other an "alternate elector nominee." The Act provides a statutory remedy in the event a state presidential elector fails to vote in accordance with the voters of his or her state: the Secretary of State is not to accept or count an elector's ballot that is not marked in accordance with the elector's pledge of faithfulness to vote for the party's nominees, and such an elector is deemed to have vacated their position as elector. The Secretary of State is authorized to appoint substitute electors to fill vacancies through a five-step procedure, using the alternate elector nominees, as set out in new GS 163-216.4. Provides for amended certificates of ascertainment under 3 U.S.C. section 6 if the final list of electors differs from a list previously submitted by the Governor. Provides for notice of the prohibition on dual office holding under the NC Constitution, which includes the office of elector. Effective January 1, 2012, and applicable to presidential elections held on or after that date.

Intro. by Jordan, Stam. GS 163 Elections Law

H 639. CLINICAL EXERCISE PHYSIOLOGIST LICENSURE. Filed 4/5/11. *TO ESTABLISH THE CLINICAL EXERCISE PHYSIOLOGIST LICENSING ACT.*

Enacts new Article 34A, *Clinical Exercise Physiology*, to GS Chapter 90 to regulate persons offering clinical exercise physiology services to the public. Defines a *clinical exercise physiologist* as an individual who, under the supervision of a licensed physician, has (1) had comprehensive education and training in the field of exercise physiology; (2) obtained appropriate certification as specified; and (3) either implements exercise prescriptions, protocols, or programs; administers and provides education for exercise tests; or provides risk factor modification in a cardiopulmonary rehabilitation or diagnostic setting as specified. Includes additional definitions applicable to proposed Article 34A. Prohibits a person, on or after October 1, 2012, from practicing or offering to practice clinical exercise physiology or otherwise indicating that the person is a licensed clinical exercise physiologist

unless the person is licensed under Article 34A. Exempts certain persons, as detailed, from Article 34A. Provides that a clinical exercise physiologist may perform any of the four detailed activities and may administer four listed agents as a first-line emergency response to conditions arising in the scope of practice. Requires the physiologist to administer prescription drugs only upon the written prescription of a licensed state practitioner.

Creates a five-member NC Clinical Exercise Physiologist Licensing Board (Board), and includes requirements and qualifications for Board members. Sets forth additional details for Board administration. Enumerates 12 powers of the Board, including the power to issue, renew, deny, suspend, or revoke licenses, and the power to conduct investigations to determine whether violations or grounds for discipline exist. Lists the requirements for applicants to the Board. Authorizes the Board to grant a license to a person licensed to practice clinical exercise physiology in another state or U.S. territory with substantially equivalent standards of competency. Directs the Board to establish a schedule of fees, as specified, and to pay all expenditures out of funds from the fees or other funds. Sets forth provisions for license renewal and lapsed licensure. Allows the Board to discipline applicants or licensees, after a hearing, under nine specified circumstances.

Makes each violation of Article 34A a Class 1 misdemeanor. Authorizes the Board to apply to any appropriate court to enjoin violations of Article 34A. Authorizes the Board to assess, after considering four factors, a civil penalty up to \$1,000 for a violation of Article 34A or adopted rules, with proceeds remitted to the Civil Penalty and Forfeiture Fund.

Clarifies that an individual who holds a bachelor's degree with a major course of study, as specified, from a college or university approved by the Board, and who has been practicing as a clinical exercise physiologist for a minimum of 10,000 hours immediately preceding the date of application may become a licensed clinical exercise physiologist, if the individual pays the required fee, achieves appropriate certification within one year after the act's effective date, and is certified in Basic Cardiac Life Support.

Intro. by M. Alexander.

GS 90

Health, Social Services, and Aging

H 640. FOREIGN LAWS/PROTECT CONSTITUTIONAL RIGHTS. Filed 4/5/11. *TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE NORTH CAROLINA AND UNITED STATES CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW.*

Enacting new Article 7A of GS Chapter 1 to declare that no court, administrative agency, mediator, or other entity or person acting under authority of state law may apply or enforce a law of another country if it would violate North Carolina or United States constitutional rights. Requires strict construction and modification of contracts involving choice of a forum venue or forum to protect constitutional rights.

Intro. by Cleveland, Killian.

GS 1

State Government

H 641. CERTIFICATION OF RESTORATION OF RIGHTS ACT. Filed 4/5/11. *TO ESTABLISH A CERTIFICATE OF RESTORATION OF RIGHTS THAT WILL ASSIST INDIVIDUALS CONVICTED OF LESS SERIOUS CRIMES IN DEALING WITH COLLATERAL SANCTIONS AND DISQUALIFICATIONS THAT RESULT FROM A CRIMINAL CONVICTION AND A PROCEDURE FOR ISSUING THAT CERTIFICATE.*

Adds new Article 6 to GS Chapter 15A, *Certification of Restoration of Rights*, as the title indicates. Permits an individual meeting the following conditions to petition the court where the individual was convicted for a Certificate of Restoration of Rights (Certificate) that relieves collateral sanctions as permitted by this proposed Article; the individual must: (1) have no other record of a criminal conviction; (2) have been convicted of no more than two charges in one session of court; and (3) not have a conviction higher than a Class G felony. Authorizes the Chief Judge in each district to delegate the authority to issue, modify, or revoke Certificates of Restoration of Rights to judges, clerks, or magistrates in that district. Requires the person petitioning for the Certificate to establish specified factors by a preponderance of the evidence and requires the court to additionally review the petition, the individual's criminal history, any filing by a victim under GS 15A-173.6 or the appropriate district attorney's office, and any other relevant evidence.

Requires the Certificate to specify any restrictions imposed on the petitioner and collateral sanctions from which relief has not been granted. Provides criteria under which an issued Certificate may be revoked. Requires that the denial of a petition is to state the reasons for the denial and provides the individual the right to file a subsequent petition 12 months from the date of the denial in which the petitioner must demonstrate that the petitioner has remedied the defects in the previous petition in order to have the petition granted.

Enumerates collateral sanctions that cannot be relieved by the issuance of a Certificate of Restoration of Rights, which include (1) requirements imposed by Article 27A (Sex Offender and Public Protection Registration Programs) of GS Chapter 14, (2) a motor vehicle license suspension, revocation, limitation, or ineligibility imposed under GS Chapter 20; and (3) ineligibility for employment in certain law enforcement, corrections, or prosecutorial jobs because of a sanction imposed by a statute or session law of North Carolina.

Provides criteria regarding the issuance, modification, and revocation of a Certificate. Requires the court to notify the district attorney's office that prosecuted the case giving rise to the collateral consequences for which relief is sought. Allows the court to issue a Certificate subject to restrictions, conditions, or added requirements. Provides that the issuance, modification, and revocation of Certificates are a public record.

Provides that in a judicial or administrative proceeding alleging negligence, a Certificate is a bar to any action alleging lack of due care in transacting business or engaging in activity with the individual to whom the Certificate was issued, if the person attempting to allege lack of due care knew of the Certificate at the time of the alleged negligence.

Provides that the victim of the underlying offense for which the Certificate is sought may participate in the proceeding for issuance, modification, or revocation of the Certificate. Directs the Victim Witness Coordinator in the office of original prosecution to provide notification to the victim.

Provides definitions as they apply in this proposed Article.

Effective December 1, 2011.

Intro. by Guice, Floyd.

GS 15A

Criminal Law, Procedure, and
Sentencing

H 642. JUSTICE REINVESTMENT ACT. Filed 4/5/11. *TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE JUSTICE REINVESTMENT PROJECT, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE JUSTICE REINVESTMENT ACT OF 2011."*

Amends GS 15A-1340.11(2), GS 15A-1340.11(6), and GS 15A-1343 to designate drug treatment court as an intermediate punishment and to include as additional authorized sentencing conditions special probation, confinement to a local confinement facility for a total of not more than six days per month, participation in educational and vocational skills development, and submission to satellite-based monitoring. Amends GS 15A-1343.2(e) by listing four additional types of community punishment the Division of Community Corrections in the Department of Correction may require unless the presiding judge specifically found that delegation was inappropriate. Specifies a procedure for the probation officer to exercise the delegated authority, and requires the Department to adopt guidelines and procedures to implement the requirements. Amends GS 15A-1343.2(f) by listing three additional types of intermediate punishment the Division of Community Corrections in the Department of Correction may require, unless the presiding judge specifically found that delegation was inappropriate. Specifies a procedure for the probation officer to exercise the delegated authority, and requires the Department to adopt guidelines and procedures to implement the requirements. Amends GS 15A-1343.2 by requiring the Department of Correction to use a validated instrument to assess each probationers for risk of reoffending and to place them in a supervision level. Repeals GS 15A-1343(b1)(3b) regarding a court's authority to impose as a special condition intensive supervision by rules adopted by the Division of Community Corrections. Repeals GS 15A-1340.11(3), defining a day-reporting center. Repeals GS 15A-1340.11(5), defining intensive supervision. Repeals GS 15A-1340.11(8), defining residential program. Amends 15A-1343.2(c) to set a goal that probation officer caseloads not exceed an average of 60 offenders who are at high or moderate risk of rearrest. Effective December 1, 2011.

Amends GS 15A-1368.1 by excluding from Article 84A (post-release supervision) only those who are Class A and Class B1 sentenced to life imprisonment without parole. Amends GS 15A-1368.2 by requiring post-release supervision on the date equivalent to maximum imposed prison term less nine months, 12 months in the case of Class B1 through E felons and less nine months in the case of Class F through I felons, less any earned time awarded. Amends GS 15A-1368.4(e) by adding a new subdivision (7a) authorizing as a condition to post-release supervision that the supervisee not abscond, willfully avoid supervision, or willfully make whereabouts unknown to the probation officer. Amends GS 15A-1338.3(c) by requiring that a supervisee be returned to prison for three months for a violation except that violators of certain conditions be returned for their maximum imposed terms. Amends GS 15A-1340.17(d) by changing the maximum sentences for Class F through Class I felonies. Amends GS 15A-1340.17(e) by changing the maximum sentences for Class B1 through Class E felonies. Effective December 1, 2011.

Enacts new Article 2D of Chapter 14 by providing for a habitual and breaking and entering status offense, defining the crime, charging requirements, and sentencing and punishment. Amends GS 14-7.3 by requiring that an indictment for habitual felony include that class felony that is being requested upon conviction and the penalties that may be imposed. Amends GS 14-7.6 by changing the sentence for habitual felon. Amends GS 15A-1343(b) by adding as an authorized condition of probation a condition not to abscond, willfully avoid supervision, or willfully make whereabouts unknown to the probation officer. Amends GS 15A-1344(a) by specifying the conditions for which probation may be revoked and imprisonment imposed. Amends GS 15A-1344 by authorizing a 90-day confinement for violation of certain probation conditions. (All of the preceding effective December 1, 2011).

Amends GS 90-96 by making conditional discharge and probation mandatory for certain first-time felonies regarding controlled substances. (Effective January 1, 2012). Amends GS 15A-145.2 by changing the conditions for expungement of records to include possession of a controlled substance, formerly limited to possession of less than one gram of cocaine. (Effective January 1, 2012). Enacts new GS 15A-1340.18 by providing for advanced supervised release, defining the eligible defendants and its authorized incentives and conditions. (Effective January 1, 2012). Repeals Article 6A of GS Chapter 143B, the North Carolina State County Criminal Justice Partnership Act of 1993. Enacts new Article 6B of GS Chapter 143B, establishing a "Treatment for Effective Community Supervision Act of 2011, providing for the Department of Correction to enter into agreements with local or regional governments, entities," or partnerships to contract with service providers through a competitive procurement process for probation, parole, and post-release supervision. Establishes a State Community Corrections Advisory Board of 23 members. (Effective July 1, 2011). Enacts GS 15A-1340.24 requiring that a defendant convicted solely on a misdemeanor or misdemeanor charges under Article 35 with an imposed sentence less any time credited for time served that results in a period of confinement of six months or less, to serve the period of confinement in a local confinement facility. Amends GS 148-32.1(b) by changing the definition of those whom a judge may order to another camp or facility to those with a term between 90 days and six months. Enacts new GS 164-50 to require the Judicial Department to evaluate the Justice Reinvestment Project and provide a report by April 15, 2012, and annually thereafter. Except as noted above, effective when the bill becomes law.

**Intro. by Guice, Faircloth,
Bordsen, Parmon.**

GS 14, 15A, 143B, 164

Criminal Law, Procedure, and
Sentencing

H 643. EXEMPT CCPCUA FROM IBT REQUIREMENTS. Filed 4/5/11. *TO EXEMPT TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS.*

Provides that a certificate issued pursuant to GS 143-215.22L (regulation of surface water transfers) is not required for a transfer of water from one river basin to another river basin to supplement groundwater supplies in the 15 counties designated as the Central Coastal Plain Capacity Use Area (CCPCUA).

Amends Section 7 of SL 2007-518, as amended, deleting the provision concerning interbasin transfer certification for the CCPCUA.

Directs the Environmental Review Commission (Commission) to review the state water supply laws, and to specifically consider whether the policies supporting the interbasin transfer and capacity use area laws are consistent. Directs the Commission to report any findings and recommendations to the 2012 General Assembly. Specifies that the act applies to any transfer of water from one river basin to another to supplement groundwater supplies in the CCPCUA initiated on or after the date the act becomes law. Provides that the act will expire if the cumulative volume of interbasin transfers in the CCPCUA exceeds 30,000,000 gallons per day. Provides that any interbasin transfer in the CCPCUA initiated while the act is effective will not require certification upon expiration of the act.

**Intro. by LaRoque, McLawhorn,
Wainwright.**

UNCODIFIED

Agriculture, Environment, and
Natural Resources

H 644. ESTABLISH PHARMACY AUDIT RIGHTS. Filed 4/5/11. *TO ESTABLISH PHARMACY AUDIT RIGHTS AND TO ESTABLISH STANDARDS FOR RECOUPMENT OF CLAIMS.*

Enacts new Article 4C of GS Chapter 90 to specify rights of pharmacies in connection with audits of their records by managed care companies, insurance companies, third-party payers, and others responsible for payment of health care services. Rights include 30 days advance notice of an audit, a requirement that audits involving clinical or professional judgment be only by licensed North Carolina pharmacists, limitations on the scheduling and scope of the audits, rights to have access to records from prescribers to validate prescriptions, prohibitions against deeming certain kinds of discrepancies as fraudulent, and requirements for dismissal of audits under certain conditions. Requires establishment of an appeals process by the entity conducting the audit. Prohibits recoupment of disputed funds prior to final internal disposition of an audit including exhaustion of appeal rights, and restricts the amount of the recoupment. Effective October 1, 2011.

Intro. by Murry.

GS 90

Health, Social Services, and Aging

H 645. GENERAL ASSEMBLY MEET IN CAPITOL. Filed 4/5/11. *PROVIDING THAT THE 2011 GENERAL ASSEMBLY SHALL MEET FOR A DAY AT THE STATE CAPITOL.*

Directs the Senate and House of Representatives to meet at the State Capitol in their respective chambers on Tuesday, April 12, 2011, at 2:00 p.m.

Intro. by T. Moore.

UNCODIFIED

General Assembly

H 646. PRISON HOSPITAL COMPLETION. Filed 4/5/11. *TO PROVIDE FUNDING TO THE DEPARTMENT OF CORRECTION TO COMPLETE THE CONSTRUCTION OF AN AUTHORIZED PRISON HOSPITAL.*

Directing the Department of Corrections to take measures to reduce the cost of projects authorized by SL 2007-323 and SL 2008-27, as each was amended by SL 2009-209, including by use of the Inmate Construction Program, and to use up to \$20 million in savings for the capital facility expenses for the Regional Medical Center and Mental Health Center.

Intro. by Committee on Health and Human Services.

APPROP

Budget and Appropriations

H 647. DIABETES TASK FORCE. Filed 4/5/11. *TO ESTABLISH THE JOINT LEGISLATIVE TASK FORCE ON DIABETES PREVENTION AND AWARENESS.*

Establishes task force, as title provides, to study issues relating to diabetes awareness, treatment and prevention. Task force consists of six members of the House and six members of the Senate. Requires a report to the Governor and 2013 General Assembly by February 1, 2013.

Intro. by Committee on Health and Human Services.

JOINT RES

General Assembly; Health, Social Services, and Aging

H 648. IMPROVE ENFORCEMENT/GENERAL CONTRACTOR LAWS. Filed 4/5/11. *TO CLARIFY AND AMEND THE LAWS PERTAINING TO EXCEPTIONS AND BUILDING PERMITS AS RELATED TO GENERAL CONTRACTORS.*

Amends GS 87-1 to also except any person, firm, or corporation who constructs or alters a building on land owned by that person, firm, or corporation from the definition of *general contractor*, provided the person, firm, or corporation complies with GS 87-14 (regulations for building permit issuance). Makes other clarifying and technical changes, and organizes the amendment to GS 87-1 under GS 87-1(b)(2). Amends GS 87-14, requiring any applicant for a building or construction permit, as specified, where the cost for the project will be \$30,000 or more, to satisfy, in addition to requirements under current law, the following requirement: furnish satisfactory proof that the person seeking the permit or another person contracting to manage the construction is duly licensed under Article 1 of GS Chapter 87, or is exempt from licensure under GS 87-1(b). Provides that an applicant must execute a verified affidavit containing three listed attestations if the applicant claims exemption from licensure under GS 87-1(b)(2). Directs the building inspector or other authority to transmit a copy of the affidavit to the State Licensing Board for General Contractors who will verify the exemption, or revoke the building permit if the applicant is not exempt. Makes conforming and organizational changes.

Amends GS 153A-360 (inspections of work in progress in counties) and GS 160A-420 (inspections of work in progress in cities), adding that no inspection will be conducted without the owner personally present, if the permit was obtained pursuant to GS 87-1(b)(2).

Intro. by Hastings, Hager.

GS 87, 153A, 160A

Business and Commerce; Local Government; Property, Land Use, and Housing

H 649. AMEND GROUNDS/LICENSE REVOCAT'N/BAIL BONDSMAN. Filed 4/5/11. *TO AMEND THE LAWS PERTAINING TO GROUNDS FOR REVOCATION OF LICENSURE UNDER THE LAWS REGULATING BAIL BONDSMAN.*

Enacts new GS 58-71-16 providing that a bail bond surety shall not be required to return any portion of a bond premium if the bond is reduced after an agreement of a defendant and a surety are reached. Amends GS 58-71-80 by specifying that bail bond surety licensees may be put on probation as well as have their licenses suspended or revoked. Revises conditions for adverse license actions by Insurance Commissioner to include fraudulent, coercive, or dishonest practices demonstrating incompetence, untrustworthiness, or financial responsibility, adverse action in another jurisdiction, violating laws governing bail bonding or insurance, failing to comply with orders, failing to pay taxes, or forging a name on a bail bond transaction. Enacts new subsection GS 58-71-115(c) by making records provided to the Insurance Commissioner by bail bond sureties confidential and not subject to public records requests or subpoena, other than in matters involving the Commission's duties. Enacts new section GS 58-71-122 by imposing requirements on the transfer of a business by a bail bond surety, including a list of liabilities to be filed with the clerk of superior court. Also making confidential records involving bail bond runners by amending GS 58-71-125 by adding a subsection (c) and denoting the previous two paragraphs as subsections (a) and (b).

Intro. by Randleman.

GS 58

Business and Commerce

H 650. AMEND VARIOUS GUN LAWS. Filed 4/5/11. *TO AMEND VARIOUS LAWS REGARDING THE RIGHT TO OWN, POSSESS, OR CARRY A FIREARM IN NORTH CAROLINA.*

Amends numerous gun laws. Reduces the penalty for firearm possession on school grounds to a Class 1 misdemeanor (was, Class I felony) and adds a scienter requirement; reduces the penalty for possessing knives, bb guns, and similar weapons on school grounds, and for encouraging or aiding a minor to possess such weapons on school grounds, to a Class 2 misdemeanor (was, Class 1). Exempts a person with a valid concealed carry permit from criminal penalties for possession on school grounds or at school activities when the firearm is located in a vehicle. Adds a scienter requirement to the prohibition on open or concealed carry of deadly weapons in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor and any courts, and exempts a person with a concealed carry permit who has a firearm in a closed container in a locked vehicle from the prohibition on weapons at those locations. Eliminates the exemption for weapons at state owned rest areas, rest stops and hunting or fishing reservations. Eliminates the automatic prohibition on firearms for persons subject to domestic violence protective orders and reduces the penalty to a Class 1 misdemeanor (was, Class H felony). Allows a justification defense for persons otherwise guilty of communicating threats. Permits guns locked in vehicles in parades, funeral processions, picket lines and demonstrations at private health care facilities or government properties, narrows the definition of "dangerous weapons" prohibited at such locations, and exempts persons with concealed carry permits from those prohibitions. Apparently intends to prohibit local ordinances that would allow confiscation or seizure of weapons during states of emergency. Broadens the preemption of local ordinances or exercise of proprietary authority that regulate firearms and ammunition. Narrows the power of counties and municipalities to use zoning authority to restrict sale or display of firearms and ammunition. Narrows power of counties and municipalities to extend bans on firearm possession to parking areas. Provides that prohibition of firearms in publicly owned buildings does not apply to business or residential lessees in those buildings. Provides for persons who have been convicted of felonies or otherwise lost their firearms rights to have those rights restored by pardon or otherwise. Allows concealed carry permit holders to carry concealed handguns in bars, at parades and other public assemblies, and in areas subject to rules of the Legislative Service Commission. Limits the grounds on which sheriffs can deny concealed carry permits, and provides for judicial review of permit denials, with the right of appeal. Decreases the time within which a sheriff must deny or issue a permit and the length of temporary emergency permits to 45 days. Narrows the grounds for a sheriff to revoke a concealed carry permit. Provides for comity with any state that issues a concealed handgun permit. Restricts the fees that sheriffs may charge for storage of surrendered and seized weapons, and removes liability shield from sheriffs for damage or deterioration of weapons in storage or transport. Directs courts to order the return of seized or surrendered weapons absent a finding that the defendant is precluded by law from possessing the weapon. Eliminates the requirement that persons subject to a protective order prohibiting the possession of firearms must disclose all information about weapons they possess. Reduces the penalty for violation of protective orders to a misdemeanor (was, Class H felony). Amends GS 153A to eliminate a county's authority to regulate the display of firearms on public roads, sidewalks or other public property. Amends GS 160A similarly, and provides that city regulation of firearms is subject to Article 53C of Chapter 14, providing for sport shooting ranges. Effective December 1, 2011.

Intro. by Hilton, LaRoque, Cleveland, Hastings.

GS 160A,166A,14,120,153A

Criminal Law, Procedure, and Sentencing

H 651. PARDON GOVERNOR HOLDEN (=S 256). Filed 4/5/11. *TO PARDON WILLIAM W. HOLDEN FROM THE JUDGMENT IMPOSED UPON HIM BY THE SENATE ON MARCH 22, 1871, ON CONVICTION OF ARTICLES OF IMPEACHMENT.*

Identical to S 256, filed 3/8/11.

Intro. by Luebke.

JOINT RES

General Assembly

SENATE BILLS

S 506. JUVENILE AGE TO 18. Filed 4/4/11. *TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS ALLEGED DELINQUENT FOR A CLASS A-E FELONY SHALL BE TRANSFERRED TO ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.*

Current law identifies as a delinquent juvenile an individual who commits a crime or infraction under state law or local ordinance and is less than 16 years of age but at least 6 years of age. Rewrites GS 7B-1501(7) to amend the definition of delinquent juvenile to incrementally increase the upper age limit for identification as a juvenile from age 16 to 18 over a four year period. Makes incremental increases in the age limit for identification as a juvenile effective as follows: (1) 16 years and six months of age effective July 1, 2015; (2) 17 years of age effective July 1, 2016; (3) 17 years and six months of age effective July 1, 2017; and (4) 18 years of age effective July 1, 2018.

Amends GS 7B-1501(11) to clarify that a holding facility is a place located in a jail, approved by the Department of Health and Human Services (DHHS) as meeting the standards for the operation of local confinement facilities (was, standards for detention) as required in GS 153A-221. Effective July 1, 2015.

Amends GS 7B-1601, effective July 1, 2015, to provide that a court obtaining jurisdiction over a juvenile alleged to be delinquent for an offense committed before the juvenile reaches the age of 16 years is to continue its jurisdiction until terminated by order of the court or until the juvenile reaches the age of 18 years, except as otherwise provided in Article 16 of GS Chapter 7B.

Enacts new GS 7B-1601(b1), effective July 1, 2015, providing that jurisdiction will continue until terminated by court order or until the juvenile reaches 19 years of age when the juvenile is alleged to be delinquent for an offense that would be a Class 1, 2, or 3 misdemeanor offense if committed by an adult, and the offense was committed while the juvenile was at least 16 years old. Makes additional changes, effective July 1, 2017, to conform to the increased age.

Enacts new GS 7B-1601(b2), effective July 1, 2015, providing that jurisdiction will continue until terminated by court order or until the juvenile reaches 21 years of age when the juvenile is alleged to be a delinquent for an offense that would be a Class A1 misdemeanor or felony offense if committed by an adult and the offense was committed while the juvenile was at least 16 years old. Makes conforming changes to GS 7B-1601(c) and (d).

Amends GS 7B-1602(b), effective July 1, 2015, providing that when a juvenile is committed to the Department of Juvenile Justice and Delinquency Prevention (Department) for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, as specified, and the offense was committed while the juvenile was under 16 years old, jurisdiction will continue until terminated by court order or until the juvenile reaches 19 years old.

Makes various conforming changes to coincide with the incremental increases to raise the upper age limit for identification as a juvenile delinquent from age 16 to 18 to the following statutes: GS 7B-1604(a), 7B-2204, 7B-2506, 7B-2513(a), 7B-2513(a2), 7B-2513(a3), 7B-2515(a), 7B-2603(b), 5A-31(a), 5A-34(b), 143B-515(7), and 14-316.1. Includes effective dates corresponding with the effective dates for the incremental increases in the definition age for juvenile delinquent. Recodifies GS 20-106 as GS 14-72.9, effective July 1, 2015.

Amends GS 7B-1604(b) (limitations on juvenile court jurisdiction), stating that a juvenile (1) who is transferred to and convicted in superior court or (2) who has previously been convicted in either district or superior court for a felony, including a violation of the state motor vehicle laws, will be prosecuted as an adult for any criminal offense the juvenile commits after the superior court conviction. Enacts new GS 7B-2200(c), providing that if the juvenile was at least 16 years of age at the time the juvenile allegedly committed an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, after notice, hearing, and a finding of probable cause, the court must transfer jurisdiction to superior court for trial. Allows the court to retain jurisdiction only if, upon motion of the prosecutor, the court finds extraordinary circumstances. Amends GS 7B-2204, directing the court to order that the juvenile be detained in a holdover facility pending release, if the juvenile is at least 16 years of age, unless the court finds that such detention is not appropriate or the juvenile is not physically capable of caring for himself or herself. Amends GS 7B-2507, to modify the point system used to determine the delinquency history level for a delinquent juvenile. Also provides that prior adjudications and convictions (was, adjudications) are to be considered in determining the delinquency history level. Amends GS 143B-516 to provide for the transportation for any person under the jurisdiction of the juvenile court to and from any state or juvenile facility for any purpose required under GS Chapter 7B or upon a court order. Effective July 1, 2015.

Provides that for the purposes of this act, a juvenile's age is to be determined from the date of birth in the month of birth to the same date in each calendar month. Upon the enactment of the legislation expanding the jurisdiction of Juvenile Justice and Delinquency Prevention to include persons who are 16 and 17 years of age who commit crimes or infractions, directs the Youth Accountability Task Force (Task Force) to monitor and review implementation of the expansion and to make additional recommendations to the General Assembly as necessary.

Amends Section 18.9(h) of SL 2009-451, effective January 14, 2011, to direct the Task Force to submit a final report of its findings and recommendations by January 15, 2019 (was January 15, 2011) to the General Assembly, the Governor, and the citizens of North Carolina.

Except as otherwise indicated, effective when the act becomes law.

**Intro. by Hartsell, Bingham,
McKissick.**

GS 5A, 7B, 14, 143B

Children and Juvenile Law;
Criminal Law, Procedure, and
Sentencing

S 511. CITIES/COMMUNICATIONS SERVICE. Filed 4/4/11. *TO PROMOTE ECONOMIC DEVELOPMENT BY PROVIDING NEW AND ENHANCED COMMUNICATIONS SERVICES TO THE PUBLIC AND ENCOURAGING THE USE OF PUBLIC-PRIVATE PARTNERSHIPS IN PROVIDING COMMUNICATIONS SERVICES.*

Adds a new Article 16A to GS Chapter 160A authorizing cities to become providers of cable, video programming, telecommunications, broadband, or high-speed Internet access service to the public. Sets forth the requirements for offering the services, including establishing a separate enterprise fund; giving other service providers access to rights-of-ways, poles, and conduits; and prohibiting using funds from other public enterprises except when directly related. Authorizes public-private partnerships by contract with firms to expand or enhance public service. Sets forth requirements for public meetings before providing services and requests for proposals for private firms with which the city proposes to enter into a contract. Lists exemptions.

**Intro. by Hartsell, Newton,
Meredith.**

GS 160A

Community and Economic
Development; Local Government

S 512. ADULT DAY CARE/OVERNIGHT RESPITE PROGRAM. Filed 4/5/11. *TO ESTABLISH ADULT DAY CARE/OVERNIGHT RESPITE PROGRAMS.*

Rewrites GS 131D-6 to add provisions for adult day care/overnight respite programs, which provide 24-hour group care for adults that are physically or mentally disabled for no more than ten consecutive calendar days or sixty days in a one-year period. Such programs must be inspected and certified by the Department of Health and Human Services. Also reorganizes provisions governing adult day care programs. Directs the Social Services Commission to adopt rules for adult day care/overnight respite programs. Amendments to GS 131D-6 become effective January 1, 2012.

Intro. by Clary.

GS 131D

Health, Social Services, and Aging

S 513. ALLOW SAVINGS PROMOTION RAFFLES (=H 583). Filed 4/5/11. *TO ALLOW CREDIT UNIONS TO CONDUCT SAVINGS PROMOTION RAFFLES.*

Identical to H 583, filed 4/1/11.

Intro. by Gunn, Clary.

GS 14, 54

Criminal Law, Procedure, and
Sentencing; Banking and Finance

S 514. NUTRIENT MANAGEMENT PLAN ONLY FOR NSW. Filed 4/5/11. *TO PROVIDE THAT A NUTRIENT MANAGEMENT PLAN SHALL NOT BE DEVELOPED, ADOPTED OR IMPLEMENTED FOR SURFACE WATERS OF THE STATE UNLESS THOSE WATERS HAVE FIRST BEEN CLASSIFIED AS NUTRIENT SENSITIVE WATERS.*

Amends GS 143-215.1 and SL 2005-190 as title provides. Applies to nutrient management plans that have not been approved by the Environmental Management Commission prior to the date the act becomes law.

Intro. by Brunstetter.

GS 143

Agriculture, Environment, and
Natural Resources

S 515. MUNICIPAL INCORPORATIONS/STUDY. Filed 4/5/11. *AUTHORIZING THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS TO STUDY THE PROCEDURE FOR INCORPORATING MUNICIPALITIES.*

As title provides. Commission may make an interim report to the 2012 session of the General Assembly, with a final report to the 2013 Regular Session of the General Assembly.

Intro. by Hartsell.

STUDY

General Assembly; Local
Government

S 516. CERTIFICATION OF RESTORATION OF RIGHTS ACT (=H 641). Filed 4/5/11. *TO ESTABLISH A CERTIFICATE OF RESTORATION OF RIGHTS THAT WILL ASSIST INDIVIDUALS CONVICTED OF LESS SERIOUS CRIMES IN DEALING WITH COLLATERAL SANCTIONS AND DISQUALIFICATIONS THAT RESULT FROM A CRIMINAL CONVICTION AND A PROCEDURE FOR ISSUING THAT CERTIFICATE.*

Identical to H 641, filed 4/5/11.

Intro. by Hartsell.

GS 15A

Criminal Law, Procedure, and
Sentencing

S 517. FREEDOM TO NEGOTIATE HEALTH CARE RATES. Filed 4/5/11. *TO ALLOW HEALTH CARE PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS.*

Enacts new section GS 50-58-270 as the title indicates. Enumerates prohibited contract provisions that restrict reimbursement rate negotiations. Effective October 1, 2011.

Intro. by Apodaca.

GS 50

Health, Social Services, and Aging

S 518. BUYER CHOICE/TITLE INSURER & SETTLEMENT AGENT. Filed 4/5/11. *TO PROTECT CONSUMERS BY REQUIRING BUYER'S CHOICE OF TITLE INSURER AND SETTLEMENT AGENT.*

Enacts new GS 45-45.3, prohibiting a foreclosing mortgagee or a mortgagee who acquires property through a foreclosure proceeding in connection with a judicial foreclosure or foreclosure under power of sale of residential property improved by four or fewer units, from requiring either of the following conditions, as a condition of selling the property: (1) that the buyer purchase an owner's or lender's title insurance policy from a particular title insurer or from a title insurer selected or designated by the mortgagee, or (2) that the buyer use a particular settlement agent or a settlement agent selected by the mortgagee. Makes a mortgagee who violates the section liable to the buyer in an amount equal to three times all charges incurred in the buyer's purchase of the title insurance or retention of a settlement agent. Clarifies that a transaction will not be invalid solely for failure to comply with the statute. Applies to all sales placed under a sales contract on or after the date the act becomes law.

Intro. by Vaughan, Stein.

GS 45

Business and Commerce

S 519. MEMO OF CONTRACT/DEEDS & DEEDS OF TRUST. Filed 4/5/11. *TO ALLOW THAT A CONTRACT TO CONVEY REAL ESTATE MAY BE REGISTERED BY REGISTERING A MEMORANDUM OF CONTRACT AND TO REQUIRE THAT DEEDS AND DEEDS OF TRUST PREPARED IN OTHER STATES AND PRESENTED FOR REGISTRATION TO THE REGISTER OF DEEDS OF ANY COUNTY IN THIS STATE SHALL BEAR AN ENTRY SHOWING THE NAME OF EITHER THE PERSON OR LAW FIRM WHO DRAFTED THE INSTRUMENT.*

Amends GS 47-119.1 to provide a form of memorandum for a contract to convey real estate that can be registered in lieu of the contract itself. Amends GS 47-120 to provide that proper execution and registration of such memo has the same effect as registration of the entire contract. Establishes a conclusive presumption that the conditions of any contract to purchase that is the subject of a recorded memo have been complied with or have expired and are no longer enforceable against subsequent recorded interests after 60 days from the later of the stated closing date or final payment and deed delivery date, as provided in the recorded memo. Amends GS 47-17.1 to prohibit recording of documents prepared in other states without the name of the person or law firm that drafted the document.

**Intro. by Vaughan, Stein,
Newton.**

GS 47

Property, Land Use, and Housing

S 520. THE FOUNDING PRINCIPLES ACT (=H 588). Filed 4/5/11. *TO ENACT THE FOUNDING PRINCIPLES ACT.*

Identical to H 588, filed 4/4/11.

Intro. by Vaughan.

GS 115C

Education

S 521. REPEAL RULE IN DUMPOR'S CASE. Filed 4/5/11. *PROVIDING THAT A RESTRICTION ON THE TRANSFER OF REAL PROPERTY OR A TENANT'S INTEREST IN A LEASE APPLIES TO A SUBSEQUENT TRANSFER OF THE REAL PROPERTY OR INTEREST IN THE LEASE UNLESS THE GRANTOR OR LANDLORD EXPRESSLY PROVIDES OTHERWISE.*

Enacts new GS 39-6.8 to provide that a restriction on the transfer of land or an interest in land in a deed, lease, or other written conveyance applies to a subsequent transfer of the land or interest in the land, regardless of the grantor's consent to a prior transfer or the grantor's waiver of a standard or condition for a prior transfer. Provides, however, that the statute does not apply if one of the following conditions is met: (1) the written conveyance expressly provides that the restriction on transfer is limited to the original grantee, trustee, beneficiary, tenant, or other person who received the conveyance, or (2) the grantor expressly states in writing that the consent or waiver applies to a subsequent transfer. Enacts new GS 42-14.4, to create the same provisions with respect to a tenant's interest in a lease. Applies to all subsequent transfers of real property or interests in a lease occurring on or after October 1, 2011.

Intro. by Clodfelter.

GS 39, 42

Property, Land Use, and Housing

S 522. REQUIRE "CLEAN SCAN" PREVENTION SOFTWARE. Filed 4/5/11. *TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ESTABLISH AND IMPLEMENT A SOFTWARE PROGRAM UPDATE FOR EMISSION*

*INSPECTION COMPUTERIZED PROGRAMS THAT WILL PREVENT "CLEAN SCAN" REPORTS BEING
ERRONEOUSLY SENT TO THE DIVISION.*

As title indicates. Directs the Division of Motor Vehicles to report to the Joint Legislative Transportation Oversight Committee on the progress of implementing the software update before October 1, 2011.

Intro. by Clodfelter.

UNCODIFIED

Transportation

Local Bills

None

ACTION ON BILLS

April 5, 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

H0007	Comm. Colleges/Opt Out of Fed'l Loan Program. 02-22-11	H	Ratified
H0021	County Administration of Municipal Elections. 03-10-11	H	Ratified
H0059	Sex Offenders Can't Be EMS Personnel. 02-17-11, 04-04-11	S	Passed 2nd & 3rd Reading
H0061	Speaker/Pro Tem Term Limits.	H	Postponed To 4/6/2011
#H0062	Prohibit Boylston Creek Reclassification.	H	Became Law w/o Signature
H0103	Rqmts. for Min'l Oil Spills - 2. 02-28-11	HR	Ch. SL 2011-24
H0129	Level Playing Field/Local Gov't Competition. 03-23-11, 03-24-11, 03-28-11	S	Withdrawn From Com
H0149	Terrorism/State Offense. 04-05-11	S	Re-ref Com On Finance
		HA	Reptd Fav Com Substitute
		H	Serial Referral Stricken to Appropriations
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 4/6/2011
H0153	No Public Retirement for Convicted Felons. 03-31-11, 04-05-11	HA	Amend Adopted 1
		H	Passed 2nd Reading
H0159	Military Service Notation on Licenses. 03-08-11, 03-09-11	H	Ratified

H0234 Juror Qualifications/ Disabilities. 03-16-11, 03-22-11, 04-05-11	SA Amend Adopted 1 S Passed 2nd & 3rd Reading
H0235 Bonnie's Law. 04-05-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/6/2011
H0280 County Law Enforcement Service District. 03-31-11	H Passed 3rd Reading
H0293 Summary Ejectment/Summons in Envelope. 04-05-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/6/2011
H0321 Grifton Shad Festival.	H Placed On Cal For 4/6/2011
H0383 Communications Regulatory Reform. 03-30-11	H Passed 3rd Reading
H0583 Allow Savings Promotion Raffles.	H Passed 1st Reading H Ref To Com On Banking
H0584 Governor's Budget.	H Passed 1st Reading H Ref To Com On Appropriations
H0585 NC Energy Independence Search Committee.	H Passed 1st Reading H Ref To Com On Public Utilities
H0586 Enhance Water Supply Funding.	H Passed 1st Reading H Ref To Com On Environment
H0587 North Carolina Jobs Bill.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0588 The Founding Principles Act.	H Passed 1st Reading H Ref To Com On Education
H0589 Divorce/DVPO/Child Support Changes.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0590 Amend Interpreter Laws/Cued Speech.	H Passed 1st Reading H Ref To Com On Education
H0591 LDP Changes/Ignition Interlock Exemption.	H Passed 1st Reading H Ref to the Com on Transportation, if favorable, Judiciary Subcommittee B
H0592 Study County Public-Private Partnerships.	H Passed 1st Reading H Ref to the Com on Public Utilities, if favorable, Finance
H0593 Allow County Public-Private Partnerships.	H Passed 1st Reading H Ref to the Com on Public Utilities, if favorable, Finance
H0594 Functionally Equivalent Wastewater Systems.	H Passed 1st Reading H Ref To Com On Environment
H0595 Reorganization/Legislative Oversight Comms.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0596 Transfer Surplus Prop. to	H Passed 1st Reading

	Retirement System.	H	Ref To Com On Finance
H0597	UI/Fix Aggrieved Party Definition.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee A
H0598	NC Highway 54 Corridor Study.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0599	Patient's Right/Notice of Prof. Liab. Ins.	H	Passed 1st Reading
		H	Ref To Com On Health and Human Services
H0600	Allow/Controlled Substance Felony/Wk 1st/SNAP.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0601	Reduce Bloodborne Disease Infection.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0602	Law Enforcement Officer Fairness Act.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0603	Paying of Overweight Fines by Private Parties.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0604	Exempt Military Retirement From Income Tax.	H	Passed 1st Reading
		H	Ref To Com On Finance
H0605	Expand Setoff Debt Collection Act.	H	Passed 1st Reading
		H	Ref To Com On Government
H0606	Sheriff/Inspect Prescription Drug Records.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0607	Habitual DWI Restoration Clarification.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0608	Honor B Holt.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0609	Promote Water Supply Development.	H	Passed 1st Reading
		H	Ref To Com On Environment
H0610	Hog Lagoon Phase Out/Livestock Treatment.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0611	Political Robo Calls/Do Not Call Registry.	H	Passed 1st Reading
		H	Ref To Com On Elections
H0612	Incapacity To Proceed/LRC Study.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0613	NC-THINKS Program Amendments.	H	Passed 1st Reading
		H	Ref To Com On Appropriations
H0614	DMA Post Public Notices of Change on Website.	H	Passed 1st Reading
		H	Ref To Com On Health and Human Services
H0615	No Discriminatory Purpose in Death Penalty.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B

H0616	Amend Engineers and Surveyors Laws.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C
H0617	Portable Electronics Insurance Coverage.	H	Filed
H0618	Streamline Oversight/DHHS Service Providers.	H	Filed
H0619	Update/Modernize Physical Therapy Act.	H	Filed
H0620	Preserving Value of Property/ Paving of Roads.	H	Filed
H0621	Protect Landowner Water Rights.	H	Filed
H0622	Study Art. 3A Administrative Hearings Proced.	H	Filed
H0623	Eliminate Agency Final Decision Authority.	H	Filed
H0624	Citizens United Disclosures.	H	Filed
H0625	Bill of Rights/Deaf/Hearing Impaired.	H	Filed
H0626	Surcharge for Credit Card Use Prohibited.	H	Filed
H0627	Study Efficiency and Cost Savings/State Govt.	H	Filed
H0628	Development Ready Jobs Study.	H	Filed
H0629	Substance Abuse Treatment.	H	Filed
H0630	Clarify Law/Older Adults & LT Services.	H	Filed
H0631	Postconviction Release Bonds.	H	Filed
H0632	Juvenile Age to 18.	H	Filed
H0633	Limit Contributions From Political Parties.	H	Filed
H0634	Arthritis Foundation Special Plate.	H	Filed
H0635	Adjust Highway Equity Formula.	H	Filed
H0636	Amend Financial Transaction Card Theft.	H	Filed
H0637	Adoption Law Changes.	H	Filed
H0638	Uniform Faithful Presidential Electors Act.	H	Filed
H0639	Clinical Exercise Physiologist Licensure.	H	Filed
H0640	Foreign Laws/Protect Constitutional Rights.	H	Filed
H0641	Certification of Restoration of Rights Act.	H	Filed
H0642	Justice Reinvestment Act.	H	Filed
H0643	Exempt CCPCUA from IBT Requirements.	H	Filed
H0644	Establish Pharmacy Audit Rights.	H	Filed
H0645	General Assembly Meet in Capitol.	H	Filed
H0646	Prison Hospital Completion.	H	Filed
		H	Fav. For Introduction
H0647	Diabetes Task Force.	H	Filed

	H	Fav. For Introduction
H0648 Improve Enforcement/General Contractor Laws.	H	Filed
H0649 Amend Grounds/License Revocat'n/Bail Bondsman.	H	Filed
H0650 Amend Various Gun Laws.	H	Filed
H0651 Pardon Governor Holden.	H	Filed
H0652 Property Owners Protection Act.	H	Filed
H0653 Halifax Resolves.	H	Filed
H0654 Homeowner/Homebuyer Protection Act.	H	Filed
H0655 Nutrient Management Plan Only For NSW.	H	Filed
H0656 Photo ID for Certain Controlled Substances.	H	Filed
H0657 Children's Outdoor Bill of Rights.	H	Filed
H0658 Change Early Voting Period.	H	Filed
H0659 Capital Procedure/Severe Mental Disability.	H	Filed
H0660 No In Person Service Required/ 50C Orders.	H	Filed
H0661 CDL/HAZMAT Endorsement Expiration.	H	Filed
H0662 Electronic Monitoring Fee.	H	Filed
H0663 Harvest of Dignity/Labor Reforms.	H	Filed
H0664 Disclosure/Group Life Insurance.	H	Filed
H0665 Require Drivers Education for All Drivers.	H	Filed
H0666 Facilitate Locum Tenens Physicians.	H	Filed
H0667 Honor Gordon P. Allen, Sr.	H	Filed
H0668 Increase Deduction: Volunteer Rescue Workers.	H	Filed
H0669 Allow Out of State CPA/Use Credent'l In State.	H	Filed
H0670 Sodium Resolution.	H	Filed
H0671 Beautify Roads and Clean Up Countryside.	H	Filed
H0672 Use of Misappropriated IT an Unfair Practice.	H	Filed
H0673 Street Gang Nuisance Abatement.	H	Filed
H0674 Amend Habitual Felon Law.	H	Filed
H0675 Amend Expunction Law.	H	Filed
H0676 UI/Implement EB Three-Year Look Back.	H	Filed
H0677 Discharge of Adult Care Home Residents.	H	Filed
H0678 Pilot Release of Inmates to Adult Care Homes.	H	Filed
H0679 Strengthening Residential Placement.	H	Filed

H0680	Study/American Indian Child Welfare Act.	H	Filed
H0681	Study of American Indian Mascots at Schools.	H	Filed
H0682	Require Dom. Vio. Training/ Certain Persons.	H	Filed
H0683	Born Alive Infant Protection Act.	H	Filed
H0684	Uniform Child Abduction Prevention Act.	H	Filed
H0685	Government Transparency Act of 2011.	H	Filed
H0686	Payable on Death Accounts.	H	Filed
H0687	Local Abuse of Authority Attorneys Fees.	H	Filed
S0018	Clarify Definition/Jud. District/State Bar. 03-07-11	S	Pres. To Gov. 4/5/2011
S0031	Clarify Penalty Unauth. Practice of Medicine. 03-03-11	H	Postponed To 4/6/2011
S0049	Increase Fine for Speeding/ School Zones. 02-28-11, 03-01-11, 03-23-11	S	Withdrawn From Cal S Placed On Cal For 4/6/2011
S0107	Tax of Improved Prop. in Roadway Corridors. 03-22-11	S	Ratified
S0241	Increase DWI Penalty/Child in Vehicle. 04-04-11	S	Passed 2nd & 3rd Reading
S0245	Medicaid Billing by Local Health Departments. 03-17-11	H	Reptd Fav H Re-ref Com On Appropriations
S0248	Update Archaic Disability Terms. 03-17-11	S	Pres. To Gov. 4/5/2011
S0265	State Health Plan/ Appropriations and Transfer. 03-22-11, 03-23-11, 03-30-11, 03-31-11	S	Ratified
S0316	Add'l Section 1915 Medicaid Waiver Sites. 03-24-11	S	Withdrawn From Cal S Placed On Cal For 4/6/2011
S0339	Modify Driver Education Program. 03-31-11, 04-04-11	S	Passed 3rd Reading S Engrossed
S0343	Communications Regulatory Reform. 04-05-11	S	Reptd Fav Com Substitute SA Com Substitute Adopted
S0346	Exempt Cooking Schools from Food Regulations. 03-31-11	H	Passed 1st Reading H Ref To Com On Commerce and Job Development
S0347	Report Health Care-Associated Infections.	H	Passed 1st Reading H Ref To Com On Health and Human Services
S0368	Modify Public Swimming Pool	S	Concurred In H/com Sub

Requirements.
03-22-11, 03-31-11

#S0369 Confirm Joseph A. Smith Commissioner of Banks.	S Ratified SR Ch. Res 2011-4
S0378 Energy Crops for Biofuels Feedstocks.	S Reptd Fav Com Substitute SA Com Substitute Adopted
04-05-11	
S0384 Conforming Changes/Persons W/ Disabilities Act.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
S0413 Ordinance first reading vote.	S Reptd Fav
S0416 School Buses/State Vehicles/ Tires.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
03-31-11	
S0500 Governor's Budget.	S Passed 1st Reading S Ref To Com On Appropriations/ Base Budget
S0501 Swine House Renovations/Site Limits.	S Passed 2nd & 3rd Reading S Ref To Com On Agriculture/ Environment/Natural Resources
S0502 Voting Materials in English.	S Passed 1st Reading S Ref To Com On Judiciary I
S0503 No Second Primaries.	S Passed 2nd & 3rd Reading S Ref To Com On Judiciary I
S0504 Water Infrastructure Authority/Water Grants.	S Passed 1st Reading S Ref to Agriculture/ Environment/Natural Resources. If fav, re-ref to Finance
S0505 Equal Treatment Under SMFP.	S Passed 1st Reading S Ref To Com On Health Care
S0506 Juvenile Age to 18.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0507 Clarify Exception/Real Estate Broker Laws.	S Passed 1st Reading S Ref To Com On Commerce
S0508 Clarify Vaccine Exemptions/ Emerg. Mgmt Act.	S Passed 1st Reading S Ref To Com On Health Care
S0509 "Ban the Box"/Public Employment.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0510 Honor B Holt.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0511 Cities/Communications Service.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate
S0512 Adult Day Care/Overnight Respite Program.	S Filed
S0513 Allow Savings Promotion Raffles.	S Filed
S0514 Nutrient Management Plan Only For NSW.	S Filed
S0515 Municipal Incorporations/	S Filed

Study.
 S0516 Certification of Restoration of Rights Act. S Filed
 S0517 Freedom to Negotiate Health Care Rates. S Filed
 S0518 Buyer Choice/Title Insurer & Settlement Agent. S Filed
 S0519 Memo of Contract/Deeds & Deeds of Trust. S Filed
 S0520 The Founding Principles Act. S Filed
 S0521 Repeal Rule in Dumpor's Case. S Filed
 S0522 Require "Clean Scan" Prevention Software. S Filed

LOCAL BILLS

H0056 Rocky Mount Annexations Repealed. S Rec From House
 S Passed 1st Reading
 S Ref To Com On Rules and Operations of the Senate
 H0180 Wilmington Annexation Suspension. S Rec From House
 S Passed 1st Reading
 S Ref To Com On Rules and Operations of the Senate
 H0236 Biltmore Lake Annexation Repealed. S Rec From House
 S Passed 1st Reading
 S Ref To Com On Rules and Operations of the Senate
 H0278 School Calendar/Onslow County. H Passed 2nd & 3rd Reading
 04-04-11
 H0310 Kinston Mayoral Veto. S Rec From House
 S Passed 1st Reading
 S Ref To Com On Judiciary I
 03-31-11
 H0322 Haywood School Board Filing Period. S Rec From House
 S Passed 1st Reading
 S Ref To Com On State and Local Government
 H0328 Wayne Sheriff Vacancies. S Rec From House
 S Passed 1st Reading
 S Ref To Com On State and Local Government
 H0338 Burke School Board Recall. S Rec From House
 S Passed 1st Reading
 S Ref To Com On State and Local Government
 H0358 Apex/Cary Annexation Into Chatham Restricted. H Passed 2nd & 3rd Reading
 03-24-11
 H0360 Columbia Municipal Early Voting. S Rec From House
 S Passed 1st Reading
 S Ref To Com On State and Local Government
 03-31-11
 H0362 Pasquotank Hunting. H Withdrawn From Com
 H Cal Pursuant Rule 36(b)

03-31-11	H0365 Pink Hill Elections.	H	Placed On Cal For 4/6/2011
		S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
03-31-11	S0281 Municipal Service District/ Streets.	H	Passed 1st Reading
		H	Ref To Com On Finance
03-29-11	S0295 Marshville Charter Consolidation.	H	Passed 1st Reading
		H	Ref To Com On Government

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 149. [TERRORISM/STATE OFFENSE](#). Filed 2/21/11. House committee substitute makes the following changes to 1st edition.

Deletes the provisions, as organized in the previous edition, and replaces with the following provisions. Enacts new Article 2D, *Terrorism*, in GS Chapter 14. Defines *act of violence* as murder in the first or second degree, manslaughter, any felony offense in GS Chapter 14 including an assault or use of violence or force, any felony offense including the threat or use of any explosive or incendiary device, or any offense including the threat or use of a nuclear, biological, or chemical weapon of mass destruction. Specifies that *continuing criminal enterprise* is defined in GS 14-7.20(c). Makes a person guilty of the separate offense of terrorism if the person commits an act of violence or is engaged in a continuing criminal enterprise with the intent to: (1) intimidate the civilian population at large, or an identifiable group of the civilian population or (2) influence, through intimidation the conduct or activities of the U.S. government, a state, or any local government. Makes the offense of terrorism a felony punishable (1) one class higher than the underlying offense, except that a violation is a Class B1 felony if the underlying offense is a Class B1 or Class A felony or (2) as a Class D felony if the violation is based on continuing criminal enterprise. Specifies that each offense is separate from the underlying offense, and does not merge. Makes a person who causes or attempts to cause another to participate in an act of terrorism guilty of a Class D felony. Provides that all real and personal property used, or intended for use, derived from, or realized through a violation of proposed Article 2D is subject to legal seizure and forfeiture, as specified. Includes whereas clauses. Applies to offenses committed on or after December 1, 2011.

Criminal Law, Procedure, and
Sentencing

H 153. [NO PUBLIC RETIREMENT FOR CONVICTED FELONS](#). Filed 2/21/11. House amendment makes the following changes to 2nd edition. Changes the effective date from December 1, 2011, to July 1, 2011.

Criminal Law, Procedure, and
Sentencing; Employment and
Retirement

H 234. [JUROR QUALIFICATIONS/DISABILITIES](#). Filed 3/3/11. Senate amendment makes the following changes to 3rd edition. Amends GS 9-6.1 to provide that requests to be excused may be filed anytime five business days (was, five days) before the date that the person is summoned to appear.

Courts

H 235. [BONNIE'S LAW](#). Filed 3/3/11. House committee substitute makes the following changes to 1st edition. Instead of enacting new GS 1-621, amends SL 2010-5 to provide that the act is to be cited as "Bonnie's Law."

Civil Law and Procedure

H 293. [SUMMARY EJECTION/SUMMONS IN ENVELOPE](#). Filed 3/9/11. House committee substitute makes the following changes to 1st edition. Amends GS 42-29 to require that the plaintiff provide both envelopes (which

must be standard #10 size envelopes) displaying the name and address of the tenant. Clarifies that the act applies to summonses and complaints issued on or after October 1, 2011.

Property, Land Use, and Housing

SENATE BILLS

S 343. [COMMUNICATIONS REGULATORY REFORM](#). Filed 3/14/11. Senate committee substitute makes the following changes to 1st edition.

Makes clarifying changes.

Energy and Utilities

S 378. [ENERGY CROPS FOR BIOFUEL FEEDSTOCKS](#). Filed 3/17/11. Senate committee substitute makes the following changes to 1st edition.

Directs the Interagency Group (rather than the Department of Environment and Natural Resources in consultation with the Interagency Committee) to establish agronomic rates to ensure proper application levels of animal waste for specified energy crops. Directs the Interagency Group (Group) to establish interim rates and any guidance for technical specialists before July 1, 2011, and final rates and any guidance before December 1, 2014 (was, publish rates and guidance before May 6, 2011). Instructs the Group to submit a report on interim rates to specified entities before July 1, 2011 (was, before June 1, 2011) and a report on final rates before December 1, 2014. Makes conforming changes and makes a conforming change to the bill title.

Agriculture, Environment, and
Natural Resources; Energy and
Utilities

Legislation Enacted

SL 2011-24 (H 62). [PROHIBIT BOYLSTON CREEK RECLASSIFICATION](#). AN ACT TO PROHIBIT THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK FROM BECOMING EFFECTIVE. Summarized in *Daily Bulletin* 2/9/11. Enacted April 5, 2011. Effective July 1, 2011.

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

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Notes

None

NEXT SESSIONS

April 6, 2011

HOUSE convenes at 2:00 p.m.

SENATE convenes at 3:00 p.m.