

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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## School of Government

The University of North Carolina at Chapel Hill

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House Legislative Day 41

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## SUMMARIES OF BILLS FILED

### *Public Bills*

#### **HOUSE BILLS**

**H 652. [PROPERTY OWNERS PROTECTION ACT](#).** Filed 4/6/11. *ESTABLISHING THE PROPERTY OWNERS PROTECTION ACT.*

Enacts new Chapter 47I to the General Statutes, titled the *Property Owners Protection Act*. States that it is the policy of North Carolina that all statutes, ordinances, rules, and regulations affecting the free use of land will be strictly construed against the government and liberally construed in favor of the free use of land. Directs the court to award to the property owner the attorneys' fees incurred by the property owner, when the owner successfully challenges the construction, interpretation, or enforcement of a statute, ordinance, rule, or regulation that impairs the free use of land. Directs the court to award attorneys' fees incurred by the owner when the property owner or other person entitled to claim a common law vested right to complete a development project files a cause of action to establish the vested right and the court finds that the applicable governmental unit failed to fairly investigate or provide an inexpensive means to establish the vested right. Prohibits the state, state agency, or local government from enforcing a penalty, fine, or forfeiture against a property owner for an act the

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owner did not commit in any matter involving a land use statute, ordinance, rule, or regulation. Includes whereas clauses.

Enacts new GS 153A-348.1 and new GS 160A-394.1 to apply GS Chapter 471 to counties and cities, respectively. Makes conforming and clarifying changes to GS 160A-385, which pertains to changes made to municipal zoning ordinances.

Effective October 1, 2011.

**Intro. by Moffitt, Brubaker, Brawley, McComas.** GS 471, 153A, 160A Property, Land Use, and Housing; Local Government

**H 653. HALIFAX RESOLVES.** Filed 4/6/11. *OBSERVING THE TWO HUNDRED THIRTY-FIFTH ANNIVERSARY OF THE HALIFAX RESOLVES.*

As title indicates.

**Intro. by Justice, McComas, Bradley.** HOUSE RES General Assembly

**H 654. HOMEOWNER/HOMEBUYER PROTECTION ACT.** Filed 4/6/11. *AMENDING THE HOMEOWNER AND HOMEBUYER PROTECTION ACT.*

Amends GS 47G-1, adding that the term *option contract or contract* does not include a contract that obligates the buyer to purchase the property even though the obligation may be subject to one or more contingencies or unilateral rights to terminate the contract. Amends GS 47G-2, adding that the purchaser's equitable right of redemption upon default and forfeiture will also be extinguished by the filing of a notarized memorandum of termination of option contract in the applicable office of the register of deeds, or by delivering to the option purchaser a written notice of cancellation of the option contract and specifying any material breach. Deletes provision stating that the purchaser's right of redemption is extinguished by a final judgment or court order. Amends GS 47G-3, clarifying that the provisions of GS Chapter 42 (Landlord and Tenant law) apply to covered leased agreements, *unless* the parties agree otherwise, and that the magistrate has original jurisdiction over matters involving covered lease agreements.

Amends GS 47H-2(b) (minimum contents for contracts for deed) to require a contract for deed to also include a completed residential property disclosure statement as specified. Deletes provisions requiring the contract for deed to include a description of property conditions and a statement of the amount of the lien in specified circumstances. Amends GS 47H-6 (title requirements) to permit a seller to execute a contract for deed under specified circumstances and only if the mortgage or encumbrance is in the name of the seller and meets one of the conditions under existing law, including the following condition: the mortgage or encumbrance was placed on the property by the seller before the execution of the contract for deed, if the seller is not a licensed general contractor, a licensed manufactured home dealer, or a licensed real estate broker, and the seller continues to make timely payments on the outstanding mortgage or encumbrance and notifies the purchaser as detailed (deletes language providing for notification when the property is encumbered by one or more encumbrances evidencing or securing a monetary obligation constituting a lien). Makes conforming changes. Amends GS 47H-7, prohibiting a seller from charging a late payment charge under a contract for deed more than 5% (currently, 4%) of the amount of the payment past due.

Amends GS 75-120 (definitions applicable to Article 5A: Home Foreclosure Rescue Scams), clarifying that *default* occurs whenever a notice of default is filed in the county where the property is located (currently, whenever a property owner is more than 60 days delinquent) on any loan or debt secured by the property. Clarifies that *foreclosure rescue transaction* is a transfer of residential real property that includes four features under existing law, including the requirement that the transferor retain a tenancy interest, an interest under a lease with option to purchase agreement, or an option to reacquire the property (clarifies current language). Amends GS 75-121 (pertaining to foreclosure rescue transactions), deleting the delivery timeline for the appraisal, and deleting language excepting exempt transactions from the statute.

Applies to transactions entered on or after October 1, 2011.

**Intro. by McCormick, LaRoque.** GS 47G, 47H, 75 Property, Land Use, and Housing

**H 655. NUTRIENT MANAGEMENT PLAN ONLY FOR NSW.** Filed 4/6/11. *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.*

Enacts new subsection (c7) to GS 143-215.1 to provide as title indicates. Makes a similar change by enacting new Section 4A to SL 2005-190. Applies to nutrient management plans that have not been approved by the Environmental Management Commission before the act becomes law.

**Intro. by Parmon.**

GS 143

Agriculture, Environment, and  
Natural Resources

**H 656. PHOTO ID FOR CERTAIN CONTROLLED SUBSTANCES (=S 474).** Filed 4/6/11. *TO DIRECT PHARMACIES TO REQUIRE PHOTO IDENTIFICATION PRIOR TO DISPENSING SCHEDULE II CONTROLLED SUBSTANCES.* Identical to S 474, filed 3/30/11.

**Intro. by Guice.**

GS 90

Health, Social Services, and Aging

**H 657. CHILDREN'S OUTDOOR BILL OF RIGHTS.** Filed 4/6/11. *HOUSE RESOLUTION EXPRESSING SUPPORT FOR HEALTHY AND ACTIVE CHILDREN IN NORTH CAROLINA AND ENCOURAGING CHILDREN TO PARTICIPATE IN OUTDOOR ACTIVITIES.*

As title indicates.

**Intro. by McGrady, Holloway,  
Fisher, Hurley.**

HOUSE RES

General Assembly

**H 658. CHANGE EARLY VOTING PERIOD.** Filed 4/6/11. *TO CHANGE THE EARLY VOTING PERIOD.*

Amends GS 163-227.2 to provide that a voter taking advantage of the alternative procedures for requesting an application for an absentee ballot must appear in person at the office of the county board of elections no earlier than the second Thursday before an election (was, no earlier than the third Thursday before an election) in which absentee ballots are authorized. Effective for elections held on or after January 1, 2012.

**Intro. by Jones, Stam, Collins,  
Sager.**

GS 163

Elections Law

**H 659. CAPITAL PROCEDURE/SEVERE MENTAL DISABILITY.** Filed 4/6/11. *TO AMEND THE CAPITAL TRIAL, SENTENCING, AND POSTCONVICTION PROCEDURES FOR A PERSON WITH A SEVERE MENTAL DISABILITY AND TO PROVIDE THAT INSANITY IS NOT AVAILABLE AS A DEFENSE TO A CRIMINAL ACTION IF PRIOR ALCOHOL OR DRUG USE OR BOTH ARE THE SOLE CAUSE OF THE PSYCHOSIS OR IF VOLUNTARY INTOXICATION, A VOLUNTARY DRUGGED CONDITION, OR BOTH COMBINED ARE THE SOLE SUPPORT FOR THE DEFENSE.*

Effective October 1, 2011, adds new GS 15A-2007 to prohibit a defendant determined to have a severe mental disability at the time of the commission of a criminal offense from being sentenced to death. Defines severe mental disability to mean any mental disability or defect that significantly impairs a person's capacity to do any of the following: (1) appreciate the nature, consequences, or wrongfulness of the person's conduct; (2) exercise rational judgment in relation to conduct; or (3) conform the person's conduct to the requirement of the law. Requires that compelling evidence of a mental disability be manifested at some time prior to the defendant's alleged offense. Specifies that a mental disability manifested primarily by repeated criminal conduct or attributable solely to the acute effects of alcohol or other drugs does not, standing alone, constitute a severe mental disability.

Requires court to hold a pretrial hearing, upon motion of defendant, to determine if the defendant had a severe mental disability at the time of the commission of the offense. Imposes burden of production and persuasion on defendant to demonstrate by clear and convincing evidence.

Prohibits anyone found to be under the influence of a severe mental disability at the time of the commission of the criminal offense from asserting a defense of not guilty by reason of insanity.

Specifies that if court does not find that defendant had a severe mental disability at the time of the commission of the criminal offense during the pre-trial hearing, the defendant may introduce evidence of the disability during the sentencing hearing. Requires court to submit a special issue to the jury as to whether the defendant had a severe mental disability at the time of the commission of the criminal offense prior to the consideration of aggravating or mitigating factors and the determination of a sentence. If the jury determines that the defendant had a severe mental disability at the time of the commission of the criminal offense, the court must declare the case noncapital and the defendant must be sentenced to life imprisonment. Imposes burden of production and persuasion on defendant by a preponderance of the evidence. Authorizes the jury to consider any evidence presented by the defendant of a severe mental disability when determining mitigating factors and the defendant's sentence, even if the jury determines that the defendant did not have a severe mental disability.

Specifies that defendant determined to have a severe mental disability at the time of the commission of the criminal offense may be subject to any other sentence authorized by GS 14-17 for the crime of murder in the first degree.

Effective October 1, 2011, makes conforming changes to GS 15A-2000(b).

Effective October 1, 2011, to October 1, 2012, enacts new GS 15A-2008 to allow a defendant who has been convicted of first degree murder and sentenced to death to request a postconviction determination of severe mental disability. Specifies time period for filing motion and requires that the procedures and hearing on the motion comply with GS 15A-1420.

Effective October 1, 2011, enacts new GS 15A-960 to prohibit an insanity defense if: (1) prior alcohol use, prior drug use, or both are the sole cause of the psychosis or (2) voluntary intoxication, a voluntary drugged condition, or both combined are the sole support for the defense.

**Intro. by Stevens.**

GS 15A

Criminal Law, Procedure, and Sentencing

**H 660. NO IN PERSON SERVICE REQUIRED/50C ORDERS.** Filed 4/6/11. *ALLOWING A RESPONDENT IN AN ACTION FOR A CIVIL NO CONTACT ORDER TO BE SERVED BY MEANS OTHER THAN SERVICE IN PERSON BY A SHERIFF.*

Amends GS 50C-9 to allow a respondent in a civil no-contact action who was not present in court when the order was issued to be served in the manner provided for service of process in civil proceedings in accordance with Rule 4(j) of the Rules of Civil Procedure. Makes other conforming changes.

**Intro. by Stevens.**

GS 50C

Civil Law and Procedure

**H 661. CDL/HAZMAT ENDORSEMENT EXPIRATION.** Filed 4/6/11. *TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO MAKE A COMMERCIAL DRIVERS LICENSE AND A HAZARDOUS MATERIALS ENDORSEMENT EXPIRE AT THE SAME TIME.*

Amends GS 20-37.16 to require that hazardous materials endorsements be renewed every five years or less so that individuals subject to a certain federal Transportation Security Administration screening may receive the screening and be authorized to renew the endorsements of H or X to transport hazardous materials. Specifies that the H and X endorsements on a commercial driver's license expire when the commercial driver's license expires.

Effective December 1, 2011, and applies to endorsements issued for commercial driver's licenses on or after that date.

**Intro. by Cook.**

GS 20

Transportation

**H 662. ELECTRONIC MONITORING FEE.** Filed 4/6/11. *TO AUTHORIZE COUNTIES THAT PROVIDE ELECTRONIC MONITORING FOR OFFENDERS TO COLLECT A FEE TO RECOVER THE ACTUAL COSTS OF PROVIDING THAT MONITORING.*

Enacts new GS 7A-313.1 to authorize a county that provides the personnel, equipment, and other costs of providing electronic monitoring as a condition of an offender's bond or pretrial release to collect a fee from the offender. The fee may not exceed the actual costs of providing the electronic monitoring.

Effective July 1, 2011.

**Intro. by Cook.**

GS 7A

Criminal Law, Procedure, and Sentencing

**H 663. HARVEST OF DIGNITY/LABOR REFORMS.** Filed 4/6/11. *AMENDING THE LABOR LAWS OF NORTH CAROLINA RELATING TO REPORTING ON INSPECTIONS OF HIGH HAZARD INDUSTRIES, AGRICULTURAL WORKERS' HOUSING AND EMPLOYMENT CONDITIONS, EMPLOYEE ACCESS TO TOILET FACILITIES, AND HEAT ILLNESS PREVENTION.*

Amends GS 95-36.1, clarifying that the Department of Labor (Department) must use the most current data available from its own database and from other sources, including state *and federal* departments and other *governmental entities*, to identify an employer for a special emphasis inspection. Adds a list of four specified items to be included in the written report on the impact of the special emphasis inspection program.

Amends GS 95-223 (definitions applicable to the Migrant Housing Act), clarifying that *migrant* means an individual employed in agricultural employment and his dependents (deletes conditional language). Clarifies the definition for *operator* to mean any person who owns or controls migrant housing and any person who contracts with or employs an operator to provide him or her with migrants to perform agricultural employment. Adds definitions for *reasonable cost* and *retaliatory action* and makes other clarifying changes. Amends GS 95-224(a)(1), clarifying that the Migrant Housing Act applies to all operators and migrants except any operator who owns housing, regularly provides housing on a commercial basis to the general public, and provides housing to migrants of the same character and on the same or comparable terms and conditions as housing provided to the general public *if more than 50% of the tenants are not migrants or their dependents.*

Amends GS 95-225 (standards and interpretations), adding that charges for migrant housing will not exceed reasonable cost, and the employer has the burden of providing reasonable cost through records or other credible evidence. Also adds that no migrant will be charged for heat or fuel for heat. Makes additional clarifying changes and adds standards applicable to migrant housing related to kitchen facilities, food preparation facilities, telephones, toilets, washing machines and dryers, locks, sleeping quarters, showers, and receiving visitors. Specifies that operators are responsible for all maintenance of the migrant housing unit and surrounding grounds. Amends GS 95-227 (enforcement of the Migrant Housing Act), clarifying that the Department must maintain a list of operators and the physical address of their migrant housing units, the total number of migrant housing units held by each operator, and a summary of complaints filed against each operator annually. Requires the Department to make a summary of inspections filed annually available to the general public within 15 days of request. Directs the Department to implement procedures to identify and prosecute the most serious violators of the Migrant Housing Act, and to maximize the efforts of personnel implementing the Act, as detailed. Specifies that the provisions of the Migrant Housing Act should be performed by Department employees who, to the extent feasible, are bilingual in English and Spanish. Also specifies that any right or obligation under the Migrant Housing Act is enforceable by civil action, in addition to other remedies at law and in equity. Makes other clarifying changes. Enacts new GS 95-227.1, prohibiting an owner from taking retaliatory action against a migrant because of the migrant's good faith attempt to exercise, secure, or enforce any rights or protections under the Migrant Housing Act or other law. Specifies that any right or obligation under the Migrant Housing Act is enforceable by civil action, in addition to other remedies at law and in equity. Makes a conforming change to GS 95-241(a)(1) to prohibit discrimination or retaliatory action against an employee with respect to the Migrant Housing Act.

Amends GS 143-460 (definitions applicable to the NC Pesticide Law), adding definitions for *employee* and *employer*. Amends GS 143-466 to direct the NC Pesticide Board (Board) to adopt rules requiring recording of the date, time, and field location of worker reentry to the treated area after pesticide application. Further permits any employee or any representative of an employee who suspects that a violation of the Pesticide Law is occurring in any workplace where the employee is employed to request inspection of the workplace by notifying the Board or designated inspectors. Clarifies that employee names referred to in the notice of violation will not appear in any record published, released, or made available. Provides additional details regarding interviews, enforcement hearings, and statements relating to the violation. Amends GS 143-469, adding that a civil penalty not more than \$20,000 per violation may be assessed if the Board finds a serious violation of the Pesticide Law, and the Board may assess an additional penalty of up to \$100,000 for any violation that causes serious damage to the environment, serious injury to property, or serious injury to, or death of, any person. Permits the Board to use discretion when issuing fines. Makes conforming changes. Removes provision detailing penalties for pesticide applicators.

Enacts new GS 95-275, adopting specified federal standards. States that employees must be provided prompt access to toilet facilities. Enacts new GS 95-276, directing the Department to adopt rules to prevent heat illness, as defined, in agricultural workers, as detailed.

**Intro. by M. Alexander.**

GS 95, 143

Agriculture, Environment, and  
Natural Resources; Employment  
and Retirement

**H 664. [DISCLOSURE/GROUP LIFE INSURANCE](#).** Filed 4/6/11. *TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S GROUP LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT.*

Amends GS 58-58-97 to authorize certain funeral directors, or employees of licensed funeral establishments, that are providing funeral services to request information regarding a deceased person's life insurance contracts if the deceased person is insured or believed to be insured under a life insurance contract or a group life insurance policy. Specifies certain information that must be provided with request, including the affiliation of the deceased entitling them to coverage under the group life insurance policy. Makes other conforming changes.

**Intro. by K. Alexander.**

GS 58

Business and Commerce

**H 665. [REQUIRE DRIVERS EDUCATION FOR ALL DRIVERS](#).** Filed 4/6/11. *TO REQUIRE THE COMPLETION OF AN APPROVED DRIVERS EDUCATION COURSE BEFORE A PERSON MAY BE ISSUED A DRIVERS LICENSE AND TO PROVIDE THAT A PERSON WHO MOVES TO THIS STATE WHO HAS A VALID DRIVERS LICENSE ISSUED FROM ANOTHER STATE THAT REQUIRED A DRIVERS EDUCATION COURSE BEFORE THE ISSUANCE OF A DRIVERS LICENSE MAY RECEIVE A NORTH CAROLINA DRIVERS LICENSE.*

Amends GS 20-7(b1) to prohibit the Division of Motor Vehicles from issuing an identification card, learner's permit, or driver's license to an applicant who fails to provide documentation of satisfactory completion of a

driver's education course, as prescribed by GS 20-88.1, or if licensed by another state, demonstrate that the issuing state requires a driver's education course that has equivalent requirements.

Repeals GS 20-7(l) (Learner's Permit).

Makes conforming changes to GS 20-7(m).

Effective October 1, 2011, and applies to any license issued on or after that date.

**Intro. by Boles.**

GS 20

Transportation

**H 666. FACILITATE LOCUM TENENS PHYSICIANS.** Filed 4/6/11. *TO AMEND THE INSURANCE LAWS IN ORDER TO FACILITATE THE USE OF LOCUM TENENS PHYSICIANS TO ENSURE NORTH CAROLINA'S MEDICAL PROFESSIONALS ARE CAPABLE OF SERVING THE STATE'S EXPANDING POPULATION.*

Enacts new GS 58-3-231, requiring an insurer that provides a health benefit plan and that credentials providers to establish and maintain a process to allow a patient's regular physician to submit a claim and, if accepted, receive payment for covered visits provided by a locum tenens physician, provided seven requirements are met. Defines *locum tenens physician* as a physician who is not an employee of the regular physician, but substitutes for the physician on a temporary basis. Includes definitions for additional terms used in the statute. Permits a medical group or hospital to submit claims for a locum tenens physician substituting for a regular physician who is a member of the medical group or an employee of the hospital, provided the seven requirements are met. Specifies that per diem or similar fee-for-time compensation paid for the locum tenens physician is considered paid by the regular physician. Sets forth additional criteria for billing, substituting for a regular physician, and locum tenens agencies. Directs insurers to establish the claim and payment process within 180 days after the act becomes effective. Effective October 1, 2011.

**Intro. by Justice, Hollo.**

GS 58

Business and Commerce;  
Health, Social Services, and Aging

**H 667. HONOR GORDON P. ALLEN SR.** Filed 4/6/11. *HONORING THE LIFE AND MEMORY OF GORDON PHILLIP ALLEN, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

**Intro. by Wilkins, Crawford,  
Brubaker, Luebke.**

HOUSE RES

General Assembly

**H 668. INCREASE DEDUCTION: VOLUNTEER RESCUE WORKERS.** Filed 4/6/11. *TO INCREASE THE INCOME TAX DEDUCTION FOR FIREFIGHTERS AND RESCUE SQUAD WORKERS.*

Amends GS 105-134.6(d)(6) to allow a taxpayer who is an eligible firefighter or rescue squad worker to deduct \$400 (currently, \$250) from taxable income. Effective for taxable years beginning on or after January 1, 2012.

**Intro. by Wilkins, West, Dixon,  
Faison.**

GS 105

Taxation; Emergency Services

**H 669. ALLOW OUT OF STATE CPA/USE CREDENT'L IN STATE.** Filed 4/6/11. *ALLOWING A PERSON PRACTICING AS A CERTIFIED PUBLIC ACCOUNTANT IN ANOTHER STATE TO LIST THE PERSON'S CREDENTIAL ON THE PERSON'S RESUME WHEN APPLYING FOR EMPLOYMENT IN THIS STATE.*

Amends GS 93-1 to specify that the "public practice of accountancy" must not be construed to prevent a person credentialed as a certified public accountant in another state from listing the credential on the person's resume when applying for employment in this state so long as the resume clearly indicates the state in which the person holds the credential.

**Intro. by Martin.**

GS 93

Business and Commerce

**H 670. SODIUM RESOLUTION.** Filed 4/6/11. *CREATING AWARENESS ABOUT THE BENEFITS OF ELIMINATING EXCESSIVE DIETARY SODIUM INTAKE AND RELATED SUPPORTING MEASURES AIMED AT DECREASING HEART DISEASE AND STROKE.* As title indicates.

**Intro. by Carney, Owens, Rapp.**

HOUSE RES

General Assembly; Health, Social  
Services, and Aging

**H 671. BEAUTIFY ROADS AND CLEAN UP COUNTRYSIDE.** Filed 4/6/11. *TO BEAUTIFY NORTH CAROLINA ROADWAYS AND CLEAN UP ITS COUNTRYSIDE AND TO PROMOTE TOURISM AND MAKE NORTH CAROLINA MORE INVITING TO NEW INDUSTRY, BY DISCOURAGING LITTERING AND BY RESTORING ORPHAN CONTAMINATED WASTE SITES.*

Enacts new GS 130A-309.130 to 130A-309.141 establishing a system for consumer beverage container deposits and refunds. Provides for consumer payment of a deposit of ten cents on certain malt beverage and spirituous liquor containers and five cents for all other beverage containers. Requires clear deposit redemption labeling for all beverage containers offered for sale in NC except certain permanently labeled glass containers. Requires all beverage containers sold in the state to be made of recycled or recyclable materials. Provides for the Department of Environment and Natural Resources to increase the amount of the deposit by five cents if return rates are below 75%, as determined every 5 years. Requires retailers to pay distributors the refund value on beverage containers, to receive deposits from the consumers at time of sale, to accept certain empty beverage containers from consumers, and to pay consumers the refund values in cash. Allows retailers to utilize private redemption centers to accept beverage container returns, and sets forth requirements for Department approval of these centers. Requires distributors to accept certain empty beverage containers from retailers and to pay retailers the redemption value plus a handling fee of five cents for every beverage container accepted. Provides that each distributor shall establish separate funds for all deposits received and shall report to the Department the amount of deposits and refunds. Establishes an Unredeemed Beverage Container Deposits Fund, administered by the Department, for receipt of the amount of deposits unredeemed by consumers, to be used to pay the costs of administering the program and the Fund, to reimburse distributors for redemptions and fees that exceed deposits collected, and to be credited to the Inactive Hazardous Sites Cleanup Fund. Provides a civil penalty for certain violations of the Act. Requires the Department to study various economic and environmental effects of the program and to report to the General Assembly. Allows the Department to adopt rules to implement the Act. Effective January 1, 2012.

**Intro. by Hamilton, Haire, Hall, Harrison.** GS 130A

Agriculture, Environment, and Natural Resources

**H 672. USE OF MISAPPROPRIATED IT AN UNFAIR PRACTICE.** Filed 4/6/11. *TO MAKE MANUFACTURE OF ANY ARTICLE OR PRODUCT WHILE USING STOLEN OR MISAPPROPRIATED INFORMATION TECHNOLOGY AN UNFAIR ACT.*

Adds new Article 1A to GS Chapter 75.

Adds new GS 75-48 to define relevant terms.

Adds new GS 75-48.1 to specify that it constitutes an unfair act for any person to manufacture any article or product while using stolen or misappropriated information technology in the person's business operations which causes a material competitive injury as a result of such use and where the article or product is sold or offered for sale in this state and in competition with an article or product that was manufactured without constituting an unfair act. Specifies that persons who commit an unfair act are subject to certain liabilities and remedial provisions. Provides for certain exceptions.

Adds new GS 75-48.2 to specify that a person subject to liability under GS 75-48.1 must receive written notice of the alleged use of the stolen or misappropriated information technology and be afforded an opportunity to cure the violation. Specifies contents of notice. Requires that notice be certified. Authorizes the information technology owner or its agent to extend the statutory period for person to cure violation.

Adds new GS 75-48.3 to authorize the Attorney General or any injured persons (as defined by the statute) to commence an action against a person who is subject to GS 75-48.1(a) no earlier than 90 days after providing notice. Specifies remedies that may be imposed by court. Authorizes the Attorney General or any injured persons to add to an action a claim for actual direct damages against a third party who sells or offers to sell in this state products made by a person who is found to have violated GS 75-48.1(a), subject to certain restrictions and procedural requirements. Provides that an award of damages against a third party must be the lesser of the retail price of the stolen or misappropriated information technology at issue or \$250,000, less any amount recovered from the person adjudicated to have violated GS 75-48.1(a). Prohibits award of treble damages against third party. Allows court to award attorneys' fees according to specified criteria. Authorizes injunctive relief against person found to have violated GS 75-48.1(a) and against third party who sells or offers to sell in this state products made by a person who is found to have violated GS 75-48.1(a), subject to certain conditions. Authorizes court to establish a longer cure period for alleged violator of GS 75-48.1(a).

Adds new GS 75-48.4 to prohibit injunction against any person other than the person adjudicated to have violated GS 75-48.1(a).

Adds new GS 75-48.5 to authorize a court that is unable to obtain personal jurisdiction over a person subject to GS 75-48.1(a) to proceed in rem against any articles or products subject to GS 75-48.1(a) sold or offered for sale in this state in which the person alleged to have violated GS 75-48.1(a) holds title, subject to certain restrictions and procedural requirements.

Adds new GS 75-48.6 to provide for certain affirmative defenses for third parties subject to liability under GS 75-48.3.

Adds new GS 75-48.7 to specify that GS 75-1 to GS 75-16.2 do not apply to this Article and to provide that the remedies authorized by the Article are exclusive.

Adds new GS 75-48.8 to provide a severability clause.

Effective 90 days after the act becomes law, except that no award of damages against a third party pursuant to GS 75-48.3(c) may be enforced until 18 months have elapsed from the date the act becomes law.

**Intro. by Steen, T. Moore,  
Wilkins.**

GS 75

Business and Commerce

**H 673. STREET GANG NUISANCE ABATEMENT.** Filed 4/6/11. *TO PROVIDE THAT INDIVIDUALS ENGAGED IN A PATTERN OF STREET GANG ACTIVITY ARE SUBJECT TO INJUNCTIONS AS NUISANCES PURSUANT TO CHAPTER 19 OF THE GENERAL STATUTES.*

Enacts new Article 13B, the *North Carolina Street Gang Nuisance Abatement Act*, to GS Chapter 14.

Provides that any real property erected, established, maintained, owned, leased, or used by any criminal street gang to conduct criminal street gang activity, as defined, is a public nuisance, and may be abated according to Article 1 of GS Chapter 19. Clarifies that the statute does not apply to real property used for criminal street gang activity where the owner or person in possession has no actual knowledge that the property is being used for that purpose. Declares that a street gang, as defined, that regularly, defined as at least five times in a period less than 12 months, associates in criminal street gang activities, as defined, constitutes a public nuisance. Specifies that any person who regularly associates with others to engage in criminal street gang activity may be a defendant in a suit to abate the public nuisance. Authorizes the court to enter an order enjoining the defendant from engaging in criminal street gang activities and to enter other reasonable requirements to prevent the defendant or gang from engaging in future activities, after finding that a public nuisance exists. Repeals GS 14-50.24 (real property used by criminal street gangs declared a public nuisance; abatement). Applies to offenses committed and abatement actions commenced on or after October 1, 2011.

**Intro. by Faircloth.**

GS 14

Criminal Law, Procedure, and  
Sentencing

**H 674. AMEND HABITUAL FELON LAW.** Filed 4/6/11. *TO AMEND THE HABITUAL FELON LAW BY REDEFINING AN HABITUAL FELON AS A PERSON WHO HAS BEEN CONVICTED OF THREE PRIOR FELONY OFFENSES THAT WERE CLASS G FELONIES OR HIGHER AND THAT WERE COMMITTED WITHIN FIFTEEN YEARS OF THE COMMISSION OF THE PRINCIPAL FELONY WITH WHICH THE PERSON IS CHARGED BY CHANGING THE SENTENCE IMPOSED ON A PERSON CONVICTED AS AN HABITUAL FELON TO BE ONE FELONY CLASS HIGHER THAN THE PRINCIPAL FELONY FOR WHICH THE PERSON IS CONVICTED, TO PROVIDE THAT AN ENHANCED SENTENCE MAY BE IMPOSED ON A DEFENDANT CONVICTED OF A CLASS H OR I FELONY WHO HAS AT LEAST THREE PRIOR CONVICTIONS OF A CLASS H OR I FELONY WITHIN TEN YEARS OF THE DATE OR THE COMMISSION OF THE PRINCIPAL FELONY WITH WHICH THE PERSON IS CHARGED, AND TO DIRECT THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO DETERMINE WHETHER THE SENTENCE BEING SERVED BY CERTAIN INMATES IS LONGER THAN WOULD HAVE BEEN IMPOSED UNDER STRUCTURED SENTENCING FOR THE SAME CRIME AND IF SO, THEN TO REINITIATE THE PAROLE REVIEW PROCESS FOR THOSE PARTICULAR INMATES.*

Amends GS 14-7.1 to redefine a habitual felon as the title indicates. Makes a conforming change to GS 14-7.4. Clarifies that for the purposes of Article 2A (Habitual Felons) of GS Chapter 14, a felony offense is defined as an offense which is a Class G felony or higher and makes conforming changes to Article 2A as needed.

Enacts new GS 15A-1340.16E to provide for an enhanced sentence if (1) a defendant has three or more prior convictions for a Class H or Class I felony in North Carolina, for any substantially similar offense to a Class H or Class I felony committed in another jurisdiction or any combination of such convictions and (2) those offenses occurred within ten years from the date of the commission of the principal felony with which the defendant is charged. Provides additional guidelines regarding pleadings filed and the state's burden of proof. Applies to offenses that are committed on or after December 1, 2011, and that are the principal felony for the enhanced sentence that may be imposed under proposed GS 15A-1340.16E.

Directs the Post-Release Supervision and Parole Commission (Commission), acting with assistance from the North Carolina Sentencing and Policy Advisory Commission and the Department of Correction, to determine whether the sentence being served by inmates who are eligible for parole on or before July 1, 2012, is longer than the sentence that would have been imposed under Structured Sentencing for comparable crimes. Provides that if the sentence is longer than a sentence under Structured Sentencing, then the Commission is directed to reinitiate the parole review process for the affected inmates. Provides guidelines for calculating the maximum sentence for purposes of this section.

Effective December 1, 2011.

**Intro. by Haire.**

GS 14, 15A

Criminal Law, Procedure, and  
Sentencing

**H 675. AMEND EXPUNCTION LAW.** Filed 4/6/11. *TO PROVIDE THAT A PERSON CONVICTED OF A CERTAIN NONVIOLENT CRIMINAL OFFENSE WHOSE CITIZENSHIP RIGHTS HAVE BEEN RESTORED FOR AT LEAST SEVEN YEARS AND WHO CONTINUES TO ABIDE BY THE LAW MAY HAVE THE OFFENSE EXPUNGED FROM HIS OR HER RECORD.*

Enacts new GS 15A-149.1 to authorize a person who was convicted of a certain criminal offense to petition the court to expunge the criminal offense from the person's criminal record if all of the following are met: (1) the person has never been convicted of any other felony or misdemeanor other than a traffic violation (which does not include felony speeding to elude arrest or felony vehicular homicide), (2) the person has no pending felony or misdemeanor charges other than a traffic violation, (3) the person has no outstanding restitution orders or civil judgments representing amounts ordered for restitution against him or her, (4) the person has no previous expunction under this section, and (5) the person's citizenship rights have been restored pursuant to Chapter 13 of the General Statutes for a period of at least seven years. Defines criminal offense to include a misdemeanor, Class H felony, or Class I felony, but exempts certain offenses. Specifies that the time frame for filing the petition is no earlier than seven years after restoration of the individuals' citizenship rights. Details required contents of the petition. Requires that petition be served upon the district attorney of the court where the case was tried and allows the district attorney to file any objection to the petition within 30 days. Authorizes judge to whom petition is presented to call upon a probation officer for any additional investigation or verification of petitioner's conduct. Requires court to conduct a hearing to determine whether petition should be granted and specifies information that court may consider at hearing. Provides that once criminal offense is expunged, there is no legal requirement for the person who committed the offense to disclose the criminal offense, except if the person is pursuing certification under the provisions of Chapter 17C or Chapter 17E of the General Statutes. Provides that if a person whose record is expunged is convicted of a subsequent felony or misdemeanor after the expunction, other than a traffic violation, then the court must include the expunged offense in the calculation of prior record points when imposing the sentence for the subsequent felony or misdemeanor. Specifies certain fees that must be paid by person who files petition for expunction.

Makes conforming changes to GS 15A-151(a).

Effective December 1, 2011.

**Intro. by Haire.**

GS 15A

Criminal Law, Procedure, and  
Sentencing

**H 676. UI/ IMPLEMENT EB THREE-YEAR LOOK BACK.** Filed 4/6/11. *AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO IMPLEMENT THE THREE-YEAR LOOK BACK PERIOD FOR FEDERALLY FUNDED EXTENDED UNEMPLOYMENT BENEFITS AS AUTHORIZED BY SECTION 502 OF THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010, PUBLIC LAW 111-312, WITH THE AMENDMENTS EXPIRING JANUARY 1, 2012.*

Amends GS 96-12.01(a1)(4)c. (regarding benefits for weeks of unemployment in North Carolina) and GS 96-12.01(a1)(4)e. (regarding the total extended benefit amount) as the title indicates.

Adds a new sub-sub-subdivision to GS 96-12.01(a1)(4)c. to provide that the section applies as provided under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Job Creation Act) as the Act existed on December 17, 2010, and applies to compensation for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011, providing that statistical data regarding (1) the average rate of insured unemployment, not seasonally adjusted, or total unemployment, seasonally adjusted, as determined by the U.S. Secretary of Labor and (2) the average rate of total unemployment in North Carolina, seasonally adjusted, as determined by the U.S. Secretary of Labor, meets the specified criteria.

Also adds a new sub-sub-subdivision to GS 96-12.01(a1)(4)e. to provide that the subdivision applies as provided under the Job Creation Act as the Act existed on December 17, 2010, and applies to compensation for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011, providing that statistical data regarding (1) the average rate of total unemployment, seasonally adjusted, as determined by the U.S. Secretary of Labor and (2) the average rate of total unemployment in this state, seasonally adjusted, as determined by the U.S. Secretary of Labor, meets the specified criteria.

Effective when the act becomes law and expires January 1, 2012.

**Intro. by Wainwright.**

GS 96

Employment and Retirement

**H 677. DISCHARGE OF ADULT CARE HOME RESIDENTS.** Filed 4/6/11. *TO PROVIDE ADULT CARE HOMES WITH GREATER FLEXIBILITY IN THE TRANSFER AND DISCHARGE OF RESIDENTS, TO MAKE COUNTY DEPARTMENTS OF SOCIAL SERVICES RESPONSIBLE FOR PLACING CERTAIN DISCHARGED RESIDENTS, AND TO ENACT APPEAL RIGHTS FOR ADULT CARE HOME RESIDENTS AND ADULT CARE HOMES WITH RESPECT TO DISCHARGE DECISIONS.*

Amends GS 131D-2.1 (definitions applicable to adult care homes) by adding a definition for *hearing unit*. Amends GS 131D-4.5(5) to state that the rules adopted by the Medical Care Commission governing due process and appeal rights must offer protections to adult care home residents for safe and orderly transfer and discharge (rather than offer at least the same protections as state and federal rules and regulations). Makes a similar change to GS 131D-21(17) under the Adult Care Home Residents' Bill of Rights.

Enacts new GS 131D-4.8 to permit an adult care home to initiate discharge of a resident based on any of the six listed reasons. Prohibits the Department of Health and Human Services (DHHS) from citing the adult care home facility for any violation, as specified, when DHHS prohibits a facility from discharging a resident for whom the facility initiated discharge due to the endangerment of the health or safety of the resident or other individuals in the home, if the violation is attributed to behavior by the resident that resulted in harm to the resident or other individuals. Directs the adult care home to notify, in writing, a resident or the resident's legal representative of the home's intent to discharge the resident at least 30 days before the discharge. Requires the notice to include six listed items. Directs the home to also notify the county department of social services of the discharge, and to use best efforts to assist the resident to find appropriate placement before the date of discharge. Requires the hearing unit to decide all appeals involving the discharge of adult care home residents as a final agency decision. Sets forth details for judicial review of the hearing unit's decision. Makes a conforming change to GS 150B-1(e), exempting hearings to decide appeals involving adult care home resident discharges initiated by the homes from the contested case provisions of the Administrative Procedure Act.

Effective October 1, 2011.

**Intro. by Lewis.** GS 131D, 150B Health, Social Services, and Aging

**H 678. PILOT RELEASE OF INMATES TO ADULT CARE HOMES.** Filed 4/6/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF CORRECTION, TO ESTABLISH A PILOT PROGRAM TO ALLOW CERTAIN INMATES RELEASED FROM CONFINEMENT TO BE PLACED IN ADULT CARE HOMES TO RECEIVE PERSONAL CARE SERVICES AND MEDICATION MANAGEMENT.*

As title indicates. Requires Department of Health and Human Services to select one adult care home to participate in the pilot program. Requires Departments to report cost/benefit findings and recommendations to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee not later than eighteen months after the pilot home admits its first inmate resident.

**Intro. by Lewis.** UNCODIFIED Criminal Law, Procedure, and Sentencing; Health, Social Services, and Aging

**H 679. STRENGTHENING RESIDENTIAL PLACEMENT.** Filed 4/6/11. *STRENGTHENING MENTAL HEALTH RESIDENTIAL PLACEMENT UNDER THE MEDICAID PROGRAM.*

Amends Section 10.69A(a)(7) of SL 2009-451, as previously amended by Section 5A of SL 2009-575 and Section 10.35 of SL 2010-31, to: (1) provide that before a child can be admitted to Level III or Level IV placement in Medicaid child mental health, development disabilities, and substance abuse residential services an assessment must be completed to determine the appropriateness of placement; (2) increase the maximum length of stay to 180 days (was 120 days); (3) require any exceptions to the maximum length of stay for non-CABHAs (Critical Access Behavioral Health Agency) require an independent psychological or psychiatric assessment, and for CABHAs, a psychological or psychiatric assessment that may be completed by the CABHA; (4) eliminate requirement that the Department of Health and Human Services study the effectiveness of the length of stay limitation; and (5) specify that authorization approval is not conditional upon all signatures on a discharge plan. Authorizes the local management entity (LME) to designate appropriate individuals to sign the discharge plan within 24 hours of receipt.

**Intro. by Lewis.** UNCODIFIED Health, Social Services, and Aging

**H 680. STUDY/AMERICAN INDIAN CHILD WELFARE ACT.** Filed 4/6/11. *REESTABLISHING THE HOUSE STUDY COMMITTEE TO PRESERVE THE CULTURE AND CUSTOMS OF INDIAN CHILDREN TO FURTHER STUDY ISSUES OR MATTERS IMPACTING THE PRESERVATION OF CUSTOMS AND CULTURE OF INDIAN CHILDREN.*

Reestablishes the nine-member House Select Committee on the Preservation of Culture and Customs of Indian Children. Specifies composition of committee and details how vacancies are filled. Authorizes the Speaker of the House of Representatives to designate one representative as chair of the Committee and provides that a quorum of the committee consists of a majority of its members.

Directs Committee to examine any issues or matters that impact the preservation of the customs and culture of Indian children who are not covered under the ICWA and who are the subject of legal proceedings in state courts. Authorizes Committee to also study (1) current state laws applicable to family-related legal proceedings and their impact on retention of the cultural heritage of child members of Indian tribes; (2) guidelines for local departments of social service agencies that would implement the same or similar policies and practices that are applicable to Indian children under federal law; (3) the creation of a state council or commission, to include members of Indian tribes, state and local social services agencies, the judiciary, and other appropriate officials to recommend policies and procedures to the General Assembly; and (4) any other matter that is relevant to promoting the preservation of the customs and culture of Indian children who are the subject of legal proceedings in state courts.

Authorizes the Committee to exercise all powers authorized under GS 120-19 and GS 120-19.1 through GS 120-19.4. Authorizes Committee members to receive certain per diem, subsistence, and travel allowances. Directs the Legislative Services Officer to assign professional and clerical staff to the Committee, with prior approval of the Legislative Services Commission. Directs the House of Representatives to assign clerical staff to the Committee and authorizes the Committee to contract for certain professional, clerical, or consultant services.

Requires the Committee to submit a final report to the 2012 Regular Session of the 2011 General Assembly. Provides that the Committee terminates upon filing its final report or upon the convening of the 2012 Regular Session of the 2011 General Assembly, whichever comes first.

**Intro. by Graham.**

HOUSE RES

General Assembly; Children and Juvenile Law

**H 681. STUDY OF AMERICAN INDIAN MASCOTS AT SCHOOLS.** Filed 4/6/11. *TO STUDY THE USE OF AMERICAN INDIAN MASCOTS AT PUBLIC SCHOOLS.*

Creates the 12-member Legislative Study Committee on the Use of American Indian Mascots at Public Schools (Committee). Specifies Committee composition and how vacancies are filled. Directs Legislative Services Commission to assign professional staff, and the House of Representatives' and Senate's Director of Legislative Assistants to assign clerical support, to assist the Committee in its work. Clerical support must be paid for by Committee. Directs the Department of Public Instruction to cooperate in providing information and additional staff resources as needed. Authorizes the Committee to exercise all powers provided for under GS 120-19 and GS 120-19.1 through GS 120-19.4, and allows the Committee to contract for professional, clerical, or consultant services. Authorizes Committee members to receive certain subsistence and travel expenses.

Directs the Committee to study the impact of American Indian sports mascots and logos at the public schools and review current policies and procedures on their use.

Requires Committee to report to the 2011 General Assembly, Regular Session 2012, on or before May 1, 2012. Committee terminates upon submittal of the report or May 1, 2012, whichever comes first.

**Intro. by Graham.**

STUDY

General Assembly; Education

**H 682. REQUIRE DOM. VIO. TRAINING/CERTAIN PERSONS.** Filed 4/6/11. *TO REQUIRE DOMESTIC VIOLENCE TRAINING FOR CERTAIN INDIVIDUALS.*

Enacts GS 50B-10 to require domestic violence training for prosecutors, magistrates, mediators, custody evaluators, parenting coordinators, guardians ad litem, and public school system educators. Requires both initial and continuing education to be coordinated by the School of Government, Conference of District Attorneys, the Administrative Office of the Courts, the Mediation Network of North Carolina, and the Department of Public Instruction, as appropriate, and in collaboration with the North Carolina Coalition Against Domestic Violence. Effective October 1, 2011.

**Intro. by McLawhorn.**

GS 50B

Courts; Family Law

**H 683. BORN ALIVE INFANT PROTECTION ACT.** Filed 4/6/11. *TO CLARIFY THAT ANY INFANT BORN ALIVE IS INCLUDED IN THE DEFINITION OF PERSON.*

Amends GS 12-3 (Rules for construction of statutes) to provide separate rule entries for *person* and *property*. Expands the rule for construction of the term *person* to provide as the title indicates. Makes a structural change placing the rule for construction of the term *property* in new subdivision (7a).

**Intro. by Blust.**

GS 12

Courts

**H 684. UNIFORM CHILD ABDUCTION PREVENTION ACT.** Filed 4/6/11. *TO ENACT THE UNIFORM CHILD ABDUCTION PREVENTION ACT.*

Enacts new GS Chapter 50D, which provides for certain types of court actions seeking to prevent wrongful removal or retention of a child. Provides that (1) a court on its own motion in a child custody proceeding may order abduction prevention measures upon evidence establishing a credible risk of child abduction, (2) a party to a child custody proceeding or person with equivalent standing may petition for abduction prevention measures, and (3) a prosecutor or public authority designated under the Uniform Child-Custody Jurisdiction and Enforcement Act may seek a warrant to take physical custody of a child or other prevention measures. Establishes which courts have jurisdiction over these actions. Sets forth the required contents of a petition for abduction prevention measures, states thirteen factors a court shall consider in determining a credible risk of abduction, and requires the court to consider evidence of certain good faith of the respondent. Provides for certain detailed required elements of a court order on a petition for abduction prevention measures, allows a court to impose conditions on the exercise of custody or visitation, where relevant, and grants a court additional authority to issue warrants to take physical custody of a child and direct the appropriate use of law enforcement. Sets forth the requirements for an ex parte warrant to take physical custody of a child, including the contents of the warrant and provisions for notice and a prompt hearing for the respondent after issuance. Establishes the possible duration of an abduction prevention order, and states the Chapter's relation to the federal Electronic Signatures in Global and National Commerce Act. Effective January 1, 2012.

**Intro. by Blust.**

GS 50D

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

**H 685. GOVERNMENT TRANSPARENCY ACT OF 2011.** Filed 4/6/11. *TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING ACCESSIBILITY TO PUBLIC PERSONNEL HIRING, FIRING, AND PERFORMANCE RECORDS AND OTHER GOVERNMENTAL RECORDS AND MEETINGS, TO REQUIRE THE AUDIO OR VIDEO RECORDING OF CLOSED SESSIONS OF PUBLIC BODY MEETINGS, TO AMEND THE PUBLIC RECORDS LAWS TO PROVIDE THAT THE SUCCESSFUL PLAINTIFF IN A PUBLIC RECORDS DISPUTE IS ENTITLED TO REASONABLE ATTORNEYS' FEES, TO IMPOSE INDIVIDUAL LIABILITY FOR CIVIL PENALTIES FOR FAILURE TO PROVIDE ACCESS TO A PUBLIC RECORD WITHOUT GOOD CAUSE, AND TO CREATE THE OPEN GOVERNMENT UNIT OF THE DEPARTMENT OF JUSTICE.*

The following changes are effective December 1, 2011.

Amends the following statutes to provide that a general description of the reasons for each employee's promotion, demotion, transfer, suspension, separation, or other change in position classification with the applicable entity will be subject to inspection (expands information currently subject to inspection): GS 126-23(a) (state employee personnel records), GS 115C-320(a) (local boards of education), GS 115D-28(a) (community college employee personnel records), GS 122C-158(b) (employees under the Mental Health, Developmental Disabilities, and Substance Abuse Act), GS 153A-98(b) (county employees), GS 160A-168(b) (city employees), and GS 162A-6.1(b) (water and sewer authority employees). Adds that the performance of the employee, to the extent that the entity has the performance records in possession, will also be subject to inspection.

Deletes provisions of GS 143-318.16B (assessments and awards of attorneys' fees) and replaces them with the following new provisions. Allows a party who substantially prevails in seeking compliance with the open meetings law by public bodies to recover reasonable attorneys' fees if the fees are attributable to that noncompliance, in any action brought under Article 33C of GS Chapter 143, as specified. Prohibits the court from assessing attorneys' fees against the governmental body or unit if the court finds that the body or unit acted in reasonable reliance on: (1) a judgment or order of a court applicable to the body or unit; (2) the published opinion of an appellate court, an order of the NC Business Court, or a final order of the Trial Division of the General Court of Justice; or (3) a written opinion, decision, or letter of the Attorney General. Details additional guidelines for the payment of fees, and specifies that a court may not assess attorneys' fees against a public hospital, as defined, if the court finds that the action was brought by or on behalf of a competing health care provider for obtaining information used to gain a competitive advantage.

Adds a new subsection (e) to GS 143-318.11 to require every public body conducting a meeting in a closed session to record the closed session in its entirety either as an audio or video recording. Directs that upon demand from a court of competent jurisdiction the recording be produced. Requires that the recording be preserved at minimum until such time as the need for the lawful confidentiality of the subject of the closed session has passed.

The following changes are effective October 1, 2011, and apply to actions brought on or after that date or to violations on or after that date.

Amends GS 132-9(c) to provide that in any action brought regarding a denial of access to public records in which a party successfully compels the disclosure of the public records, the prevailing party is allowed to recover its reasonable attorneys' fees if attributed to those public records. Deletes provisions that permit the court to deny attorneys' fees based on specified findings by the court.

Enacts a new GS 132-11 to allow a court to find a public officer or state or local official, who violates the public records access requirements of GS Chapter 132 without good cause, individually liable for a civil penalty of up to \$50 for each day that public officer or state or local official failed to provide access to the public record without good cause. Requires the clear proceeds of the civil penalty be remitted to the Civil Penalty and Forfeiture Fund.

Effective when the act becomes law, enacts new Article 8 of GS Chapter 114 to create the Open Government Unit within the Department of Justice. Delineates the actions, duties, and reporting responsibilities of the Open Government Unit. Provides for the charging of a reasonable fee for services of moderation or mediation in resolving public record and open meeting issues by the Open Government Unit. Declares that this section does not apply to the Judicial Department.

**Intro. by Blust.**

GS 114, 115C, 115D, 122C, 126,  
132, 143, 153A, 160A, 162A

State Government; Local  
Government

**H 686. PAYABLE ON DEATH ACCOUNTS.** Filed 4/6/11. *TO AUTHORIZE THE ESTABLISHMENT OF A PAYABLE ON DEATH ACCOUNT NAMING AN ENTITY OTHER THAN A NATURAL PERSON AS BENEFICIARY.*

Repeals GS 53-146.2 (provisions for Payable on Death accounts in banks) and instead enacts new GS 53-146.2A. Provides that if any natural person or natural persons establishing a deposit account executes a written agreement with the bank stating that the agreement is executed pursuant to the statute and providing for the account to be held in the name of the natural person or persons as owner or owners for one or more beneficiaries, then the account and any balance will be a Payable on Death account. Requires the account to include seven specified incidents if one or more of the beneficiaries is a natural person. Sets forth the statement format to be signed by the person/persons establishing the payable on death account. Provides that if the beneficiary of the account is an entity other than a natural person, the account will include incidents as detailed. Sets forth the statement format to be signed by the person/persons establishing the account. Clarifies that the statute is not deemed exclusive, and that deposit accounts not conforming to the statute will be governed by other applicable law. Specifies that no addition, withdrawal, payment, or change of beneficiary to the account will affect the nature of the account as a payable on death account, or affect the owner's right to terminate. Provides that the statute does not repeal or modify any law relating to estate taxes.

Makes similar changes in the following Chapters: repeals GS 54B-130 and enacts new GS 54B-130A, governing payable on death accounts (POD accounts) in savings and loan associations; repeals GS 54C-166 and enacts new GS 54C-166A, governing POD accounts in savings banks; and repeals GS 54-109.57 and enacts new GS 54-109.57A, governing POD accounts in credit unions.

Effective October 1, 2011.

**Intro. by Hastings.**

GS 53, 54B, 54C, 54

Banking and Finance

**H 687. LOCAL ABUSE OF AUTHORITY ATTORNEYS FEES.** Filed 4/6/11. *TO PROVIDE THAT WHEN CITIES AND COUNTIES ENACT ORDINANCES OR TAKE ADMINISTRATIVE ACTIONS FOR WHICH THERE IS NO STATUTORY AUTHORITY, AND THE ORDINANCE OR ACTION IS AN ABUSE OF AUTHORITY, THE PLAINTIFF MAY RECOVER ATTORNEY FEES.*

Enacts new GS 1-539.17 to allow a court, in an action against a city or a county, to award attorney fees against the defendant city or county if the court finds that there was not statutory authority for any ordinance, resolution, or administrative action of the city or county and that the action of the city or county was an abuse of authority.

Applies to causes of action arising on or after the date the act becomes law.

**Intro. by Brawley, Moffitt,  
LaRoque, Brubaker.**

GS 1

Civil Law and Procedure; Local  
Government

**H 688. GENERAL ASSEMBLY MEET IN CAPITOL (=H 645).** Filed 4/6/11. *PROVIDING THAT THE 2011 GENERAL ASSEMBLY SHALL MEET FOR A DAY AT THE STATE CAPITOL.*

Substantively identical to H 645, filed 4/5/11.

**Intro. by T. Moore.**

JOINT RES

General Assembly

**H 689. ONLINE VOTER REGISTRATION.** Filed 4/6/11. *TO MAKE SIMPLER THE PROCESS OF FILLING OUT A VOTER REGISTRATION FORM AND PRINTING IT OUT TO MAIL, AND ALSO TO ALLOW VOTERS TO REGISTER TO VOTE ONLINE.*

Amends GS 163-82.3(a) to provide that the online application form for voter registration may either be printed out in blank or filled in online and printed out for mailing. Requires that the online fillable form (1) allow a user with proper software to save the data and (2) prompt the user to download the mailing address of the appropriate county board of elections based on county of residence and/or download a list of all county board of election mailing addresses. Enacts GS 163-82.5A to require the State Board of Elections to create a website to allow online voter registration applications. Provides that online voter registration applies to individuals who are eligible to vote and possess a current and valid driver's license, learner's permit, or provisional license or special nonoperator identification card issued under GS 20-37.7. Requires that the site allow for registration and changing of voter information. Effective December 1, 2011.

**Intro. by K. Alexander.**

GS 163

Elections Law

**H 690. SUPERVISE RE CLOSINGS/SETTLEMENT FUNDS.** Filed 4/6/11. *TO REQUIRE THAT RESIDENTIAL REAL ESTATE CLOSINGS AND SETTLEMENTS UNDER THE GOOD FUNDS SETTLEMENT ACT BE SUPERVISED BY ATTORNEYS LICENSED IN THIS STATE, TO REQUIRE THAT INTEREST EARNED ON REAL ESTATE SETTLEMENT FUNDS HELD IN TRUST OR ESCROW ACCOUNTS BE PAID INTO THE NORTH CAROLINA STATE BAR'S INTEREST ON LAWYERS' TRUST ACCOUNT FUND, AND TO PROVIDE A PRIVATE CAUSE OF ACTION FOR PERSONS HARMED BY THE UNAUTHORIZED PRACTICE OF LAW.*

Enacts new GS 45A-9, requiring closings and settlements under the Good Funds Settlement Act to be supervised and conducted by a licensed attorney; however, allows a nonattorney employee of a corporation selling real property in a seller-financed real estate transaction to prepare purchase money loan documents to secure the indebtedness of the purchaser. Details insurance coverage for attorneys performing closings or settlements and directs the NC State Bar to make available to the public a list of attorneys in compliance. Enacts new GS 45A-10, directing a settlement agent who maintains a trust or escrow account to receive and disburse closing funds and loan funds to pay any interest earned to the NC State Bar to support purposes authorized under the Interest on Lawyers Trust Account Program. Also directs the State Bar to adopt rules as necessary. Makes a conforming change to GS 84-21. Effective January 1, 2012.

Amends GS 84-8, providing that a violation of GS 84-4 through GS 84-6 (relating to the unauthorized practice of law) is a Class I felony (currently, a Class 1 misdemeanor). Adds that any person in violation of GS 84-4 through 84-6 due solely to an inactive license after failure to timely pay state bar dues or failure to comply with continuing legal education requirements will be guilty of a Class 1 misdemeanor. Specifies that no person is entitled to collect any fee for services performed in violation of GS 84-4 through 84-6. Moves the provision exempting legal clinics of law schools, certain law students, and certain lawyers supervised by nonprofit corporations from the provisions of GS 84-4 through 84-6, to new GS 84-7-1. Makes other clarifying changes. Applies to offenses committed on or after December 1, 2011.

Enacts new GS 84-10.1, providing any person with a cause of action to recover treble damages and reasonable attorneys' fees, if the person is damaged by a person's violation of any of the provisions in GS 84-4 through 84-6 or by a person fraudulently holding himself or herself out as a NC certified paralegal. Effective October 1, 2011.

**Intro. by Stevens, Jordan.**

GS 45A, 84

Property, Land Use, and Housing

**H 691. CHIEF MAGISTRATE.** Filed 4/6/11. *TO ESTABLISH THE POSITION OF CHIEF MAGISTRATE IN CERTAIN COUNTIES.*

Enacts new subdivision (12) to GS 7A-146, adding that the chief district judge has the power to designate a full-time magistrate to serve as chief magistrate for that county for an indefinite term and at the judge's pleasure. Specifies that the power only applies to counties for which 20 or more magistrates are authorized and only if the chief district judge determines that a chief magistrate would be in the best interest of justice. Permits the chief magistrate, under derivative authority, to assign matters to magistrates and to prescribe times and places for the magistrates to perform their duties. Makes a conforming change. Amends GS 7A-171.1(a)(1) adding that the salary of a chief magistrate will include an additional amount equal to the difference in pay between a chief district court judge and other district court judges. Effective July 1, 2011.

**Intro. by Cotham.**

GS 7A

Courts

**H 692. INCREASE PAYMENT OF UNCLAIMED PROPERTY CLAIMS.** Filed 4/6/11. *TO MODIFY THE STATUTES GOVERNING UNCLAIMED PROPERTY IN ORDER TO INCREASE CLAIMS PAID TO RIGHTFUL OWNERS AND REDUCE REPORTING BURDENS ON BUSINESS HOLDERS OF UNCLAIMED PROPERTY.*

Amends GS 116B-6 by adding a new subsection (j) providing that, on or before February 1 of each year, the North Carolina Division of Motor Vehicles, the North Carolina Department of Revenue, and the North Carolina Employment Security Commission must provide information to the State Treasurer to facilitate locating an owner of unclaimed property. Requires that the Treasurer use the information only for the purpose of locating owners of unclaimed property. Amends the definition of "property" in GS 116B-52(11) to mean, in relevant part, tangible personal property physically located in a safe deposit box or other safekeeping depository held by a financial institution within North Carolina. Amends GS 116B-53 to decrease the amount of time in which wages or compensation for personal services is considered abandoned to one year (was, two years) after the compensation becomes payable. Amends GS 116B-60(a) to provide that the electronic format for an abandoned property report be as prescribed by the Treasurer. Amends GS 116B-60(b) to require verified reports only for amounts of \$50 or more, and amends the required contents of such reports. Allows aggregated reports for amounts less than \$50. Allows holders of intangible property with a cumulative value of \$250 or less to withhold reporting of that property until the year in which the aggregate value exceeds \$250. Amends GS 116B-65(a) to require the treasurer to give minimum notice of sale of abandoned property in the form of publication at least annually in two newspapers having general circulation in North Carolina. Effective October 1, 2011.

**Intro. by Hurley, Randleman.**

GS 116B

State Government

**H 693. TRANSPORTER PLATES/REPOSSESSIONS.** Filed 4/6/11. *TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO AN INDIVIDUAL OR BUSINESS THAT HAS A CONTRACT TO REPOSSESS VEHICLES FOR A FINANCIAL INSTITUTION THAT HOLDS A SECURITY INTEREST IN THE VEHICLES BEING REPOSSESSED.*

Amends GS 20-79.2 as title indicates. Further provides that a transporter plate shall only be used to transport vehicles from the place of repossession to a location designated by record lienholders.

**Intro. by McLawhorn.**

GS 20

Transportation

**H 694. ASU WIND DEMONSTRATION PROJECT.** Filed 4/6/11. *TO DIRECT APPALACHIAN STATE UNIVERSITY TO JOINTLY DEVELOP AND IMPLEMENT A WIND DEMONSTRATION PROJECT WITH THE HOLDER OF A PERMIT FOR A WIND ENERGY FACILITY THAT HAS BEEN ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.*

Provides as the title indicates. Incorporates into this act the definitions provided in GS 143-212. Provides a definition for *wind energy facility*, meaning the turbines, accessory buildings, transmission facilities, and any other equipment necessary for the operation of the facility that cumulatively with any other wind energy facility whose turbines are located within one-half mile of one another, have a rated capacity of three megawatts or more of energy. Provides criteria, all of which must be satisfied, regarding site selection for the Wind Energy Facility demonstration project. Clarifies that Appalachian State University (ASU) is to assist a third party in selecting an appropriate site for the construction of a wind energy facility demonstration project that does not go over a rated capacity of 60 megawatts and that satisfies all of the criteria specified for site selection. Requires the third party to obtain a permit from the Department of Environment and Natural Resources (DENR) and provides guidelines as to what information is to be on the permit application. Specifies the criteria under which DENR is to deny a permit application. Permits DENR to including conditions on a third party seeking a permit that the third party mitigate any adverse impacts and engage ASU to conduct research on the technological, environmental, and economic aspects of the wind energy facility associated with the demonstration project as proposed and constructed and at no cost to ASU. Sets the permit fee for a third party applicant for a wind energy facility demonstration project at \$2,000. Directs DENR to require the third party applicant to provide a plan for the decommissioning or removal of a wind energy facility demonstration project. Also requires DENR to hold a public hearing in the county or counties where the proposed energy facility project is to be located. Requires DENR to make a decision on the permit within 150 days following receiving the completed application. Provides additional criteria authorizing DENR to adopt rules implementing this section, regarding administrative penalties for constructing a wind energy facility without a permit, and the role of local authority in regulating the siting of a facility. Requires that the commercial operation of the demonstration project under this section is to begin no later than November 1, 2018. Requires that ASU report to DENR and the General Assembly on the effectiveness of the wind energy facility demonstration project one year after the permit is issued and annually thereafter. Specifies what the first report must contain.

**Intro. by Frye, Gillespie.**

UNCODIFIED

Education; Agriculture,  
Environment, and Natural  
Resources

**H 695. FAMILY/SCHOOL/COMMUNITY COMPACTS.** Filed 4/6/11. *TO PROVIDE FOR A FAMILY-SCHOOL COMPACT FOR EVERY STUDENT.*

Enacts new GS 115C-105.41A to require a written agreement between parents and teachers that clarifies what families and schools can do to help students reach high academic standards. Specifies content of family-school compact for each child. Requires parents to participate in the development and design of their child's family-school compact, and directs that each compact be evaluated regularly by the school for effectiveness.

Amends GS 115C-12 to require each local school administrative unit's report card, as prepared by the State Board of Education, to note the degree with which the local school administrative unit complied with the provisions of GS 115C-105.41A regarding family-school compacts.

Applies beginning with the 2011-12 school year.

**Intro. by Bell, Lucas.**

GS 115C

Education

**H 696. ASSAULT ON LEO INFLICTING BODILY INJURY.** Filed 4/6/11. *TO CREATE THE OFFENSE OF ASSAULT ON A LAW ENFORCEMENT OFFICER, PROBATION OFFICER, OR PAROLE OFFICER INFLICTING BODILY INJURY.*

Amends GS 14-34.7 to specify that a person is guilty of a Class H felony if the person assaults and inflicts bodily harm on a law enforcement officer, probation officer, or parole officer while the officer is discharging or attempting to discharge his or her official duties, unless covered under some other provision of law providing for greater punishment.

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

**Intro. by Ingle.**

GS 14

Criminal Law, Procedure, and Sentencing

**H 697. STUDY STROKE PREVENTION IN AFIB.** Filed 4/6/11. *DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSESS CHRONIC DISEASE MANAGEMENT OF STROKE PREVENTION IN ATRIAL FIBRILLATION.*

As title indicates. Allows a report to the 2012 Regular Session of the General Assembly.

**Intro. by L. Brown.**

JOINT RES

Health, Social Services, and Aging

**H 698. DENTISTRY MANAGEMENT ARRANGEMENT LIMITS.** Filed 4/6/11. *TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES DO NOT SHIFT CONTROL OF CLINICAL PATIENT SERVICES AWAY FROM LICENSED DENTISTS.*

Enacts new GS 90-40.2 to prohibit a dentist, professional entity, or management company from entering into a management arrangement unless the arrangement meets certain specified criteria. Requires all management arrangements to (1) be submitted to the Board of Dental Examiners (Board) for a review and a determination of compliance with the statute and other provisions under Article 2 and (2) be evidenced by a written agreement that satisfies each of the following: (a) is signed by all parties to the agreement; (b) sets forth all material terms of the arrangement between or among the parties to the agreement; (c) describes all of the types of services to be provided by the management company and the time periods during which those services will be provided; (d) sets forth the precise methodology for calculating the compensation to be paid to the management company by the dentist or professional entity and, whenever possible, the aggregate compensation to be paid under the management arrangement; and (e) is implemented, administered, or carried out between the parties to the agreement consistent with the terms of the writing. Prohibits any management arrangement that (1) has a potential negative impact on patient care, (2) affects the provision of dental services, the professional decision making of the dentist, or other personnel of the dentist or professional entity, (3) assigns control of the dental practice to a management company or unlicensed person, or (4) gives the entity or unlicensed person actual or effective ownership of the dental practice. Also prohibits certain specified provisions to be included in a management arrangement.

Authorizes the Board to identify other prohibited management arrangement provisions.

Allows a management arrangement to do either of the following: (1) include a schedule of additional compensation to be paid to the management company during the term of a management agreement based upon the lowering of costs to the professional entity or dentist so long as any additional compensation is based upon a specified schedule or method of computing the additional compensation and is set forth in the management agreement; and (2) include a schedule of decreased compensation to the management company during the term of the management agreement based upon increases in costs to the professional entity or dentist so long as any decreased compensation is based upon a specified schedule or method of computing the decreased compensation and is set forth in the management agreement.

Prohibits a dentist, professional entity, management company, or unlicensed person from entering into an oral or written arrangement or scheme that the dentist or professional entity knows or should know has a material purpose of creating an indirect arrangement that would violate the statutory provisions.

Directs the Board to issue a written advisory opinion, upon submission for review, of the compliance or noncompliance of a management agreement with the statutory requirements. Requires that any licensee or management company which is dissatisfied with the Board's advisory opinion to request a hearing before the Board to be conducted in accordance with specified procedures. Specifies that a licensed dentist is subject to possible disciplinary action pursuant to G.S. 90-41 and a management company or unlicensed person is subject to possible injunctive action pursuant to G.S. 90-40.1 for any noncompliant management arrangement that is executed or in operation before the Board makes a final determination about compliance or noncompliance under Article 2. Provides that all records, papers, investigative files, investigative reports, and other documents in possession of, gathered by, or reviewed by the Board in connection with its review of a management arrangement are not public records, and are privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Board, its employees, agents, or consultants, except as specified.

Requires the Board to provide a management company or licensee access to all information in its possession that the Board intends to offer into evidence in presenting a case in a contested case hearing requested by the management company or licensee, except for certain specified information. Specifies that the provisions of GS 90-29(b)(11) (deemed to be practicing dentistry in certain circumstances) apply. Specifies the venue for actions brought under GS 90-40.1. Authorizes the Board, before filing a complaint or trial, to initiate investigations or inquiries, conduct interviews, administer oaths, and issue subpoenas requiring the attendance of persons and the production of papers and records before the Board to determine whether any person or entity is or may be in violation of GS 90-40.1(a). Authorizes the Board to report any investigative information that indicates that a crime may have been committed to the appropriate law enforcement agency or district attorney and directs the Board to cooperate and assist the law enforcement agency or district attorney with any criminal investigation.

Authorizes the Board to conduct certain random audits, inspections, and investigations of the management arrangements and management companies, and if the board finds noncompliance, to conduct periodic audits, inspections and investigations to ensure ongoing compliance.

Authorizes the Board to assess against the other party its reasonable costs, including reasonable attorneys' fees related to certain, specified matters.

Effective October 1, 2011, and applies to any dentistry management arrangement entered into or renewed on or after that date.

**Intro. by Dockham.**

GS 90

Health, Social Services, and Aging

**H 699. STUDY CHILDREN OF INCARCERATED PARENTS.** Filed 4/6/11. *PROVIDING THAT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION SHALL STUDY THE ISSUES SURROUNDING CHILDREN OF INCARCERATED PARENTS.*

As title states. Provides that the Commission must examine the effects on care, education, health, and life outcomes of children and current efforts to assist these children and parents, determine if additional measures are needed, review other matters it deems relevant, and report to the General Assembly no later than thirty days before session reconvenes in 2012.

**Intro. by Bordsen.**

STUDY

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

**H 700. AUTO-ENROLL IN SUPPLEMENTAL RETIREMENT PLAN.** Filed 4/6/11. *TO REQUIRE PARTICIPATING EMPLOYERS TO AUTO-ENROLL NEW MEMBERS OF THE STATE RETIREMENT SYSTEMS IN A SUPPLEMENTAL RETIREMENT PLAN WITH THE PROVISION THAT THESE EMPLOYEES MAY OPT OUT OF THE PLAN WITHIN 90 DAYS WITH A FULL RETURN OF ANY CONTRIBUTIONS MADE.*

Amends GS 135-93 to provide that employees who become members of the State Retirement System on or after January 1, 2012, shall be automatically enrolled in the Supplemental Retirement Income Plan if their employers are participants in that Plan. Requires the employer to elect whether all new members will be enrolled in either the 401(k) Plan or the 457 Plan, and requires that enrollees will automatically have \$20 of their compensation deposited into their accounts each month. Provides that a new member shall have the option, any time within the 90 days after his or her account is established, to have all funds returned to him or her or to roll the money over into another qualified retirement account. Provides for default investments for these accounts, and provides automatic enrollees the option of choosing their own investments. Makes conforming changes to GS 135-90(b) and 135-92(a), and 143B-426.24(h1). Effective July 1, 2011.

**Intro. by Bordsen.** GS 135, 143B Employment and Retirement; State Government

**H 701. HONOR MAXINE SWALIN.** Filed 4/6/11. *HONORING THE LIFE AND MEMORY OF MARTHA MAXINE MCMAHON SWALIN FOR HER CONTRIBUTIONS TO THE NORTH CAROLINA SYMPHONY.*

As title indicates.

**Intro. by Bordsen, Adams.** HOUSE RES General Assembly

**H 702. EDUC. ASSISTANCE FOR MINIMUM WAGE WORKERS.** Filed 4/6/11. *TO PROVIDE EDUCATIONAL ASSISTANCE FOR MINIMUM WAGE WORKERS.*

Enacts GS 115C-499.1A to provide eligibility requirements for scholarship for minimum wage workers, including the length of time employed in minimum wage work, qualification as legal resident for tuition purposes as established by the University of North Carolina Board of Governors, and admission to a community college basic skills program or postsecondary undergraduate program. Requires the student maintain certain minimum academic achievement levels to continue eligibility. Amends GS 115C-499.3 to set forth the potential scholarship amounts for minimum wage workers, providing for maximum awards between \$11,000 and \$12,500, depending on eligibility for and amount of Pell Grant funds and deletes previous \$4,000 award cap. Provides for priority payment of certain percentages of net income of the scholarship fund, and requires that, where the amount available is insufficient to fund all scholarships, priority is to be given to scholarships for minimum wage workers. Requires that the first scholarships be awarded under the act for the 2012-13 academic year.

**Intro. by Wilkins, Horn, Pierce, Johnson.** GS 115C Education

**H 703. ABOLISH CEMETERY COMM/AMEND FUNERAL LAWS.** Filed 4/6/11. *TO ABOLISH THE NORTH CAROLINA CEMETERY COMMISSION AND TRANSFER ITS POWERS AND DUTIES UNDER THE NORTH CAROLINA CEMETERY ACT TO THE NORTH CAROLINA BOARD OF FUNERAL SERVICE (BOARD); EXTEND THE JURISDICTION OF THE BOARD TO INCLUDE PUBLIC, PRIVATE, RELIGIOUS, AND FRATERNAL CEMETERIES; REQUIRE THAT PROVISIONS BE MADE IN ALL CEMETERIES FOR GREEN BURIALS; EXPAND THE MEMBERSHIP OF THE BOARD FROM NINE TO TWELVE MEMBERS; INCLUDE UNDER THE JURISDICTION OF THE BOARD ANY PERSON OR ENTITY SELLING FUNERAL MERCHANDISE TO THE GENERAL PUBLIC; DIRECT THE BOARD TO MAKE CERTAIN CONSIDERATIONS IN DETERMINING VIOLATIONS FOR LICENSEES; CLARIFY WHAT CONSTITUTES ABANDONED HUMAN REMAINS UNDER THE LAWS PERTAINING TO PUBLIC HEALTH AND THE DISPOSITION OF UNCLAIMED BODIES; DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PREPARE A REPORT ON THE EFFECTS OF GROUND WATER QUALITY OF HYDROLYSIS AS A MEANS OF DISPOSAL OF HUMAN REMAINS; AND MANDATE LIQUIDATION OF ALL MUTUAL BURIAL ASSOCIATIONS WITH ASSETS OF NO MORE THAN TEN THOUSAND DOLLARS.*

Except for GS 65-49 through GS 65-52, recodifies GS 65-46 through 65-73 in GS Chapter 90, Article 13G. Amends GS 90-210.141(b), as recodified, to abolish the North Carolina Cemetery Commission and transfer its power to the North Carolina Board of Funeral Service (Board). Amends GS 90-210.142, 90-210-143, and 90-210.80, as recodified, and GS 143B-431(a)(2) and 143B-433 to make conforming changes and eliminate references to the North Carolina Mutual Burial Association Commission. Recodifies GS 65-77 as GS Chapter 90, Article 13H. Recodifies GS Chapter 65, Article 12, Parts 1 to 5, as GS Chapter 90, Article 13I, Parts 1 to 5. Amends GS 90-210.18A, as recodified, to expand the membership of the Board by three, for a total of twelve, as follows: one consumer advocate not licensed under Article 13G and two representatives of the cemetery industry licensed under Article 13G. Amends GS 90-210.23 as recodified, to provide rulemaking authority for the Board over entities selling funeral merchandise to the public. Provides that rules being considered by the Board shall be presented to the General Assembly no later than February 15, 2012. Amends GS 90-210.25(e), as recodified, to provide three required factors for the Board to consider in sanctioning licensees. Enacts GS 90-210.215 to prohibit licensed cemeteries on or after January 2, 2013, from charging more for green burials than for other burials, and defines green burials. Amends GS 130A-415 to specify when a dead body shall be deemed unclaimed. Directs the Department of Environment and Natural Resources to prepare a report not later than February 1, 2012 on the effects of alkaline hydrolysis to dispose of human remains, and prohibits use of alkaline hydrolysis as a means of disposal until the study is complete and the Department has adopted relevant rules. Liquidates mutual burial associations operating in NC with assets of no more than \$10,000 by December 31, 2011 and specifies the process for liquidation of mutual burial associations whose assets fall below \$10,000 in the future. Sets forth the term length of newly-appointed members of the Board pursuant to GS 90-210.18A.

Intro. by K. Alexander.

GS 65, 90, 130A, 143B

Health, Social Services, and Aging;  
Agriculture, Environment, and  
Natural Resources

**H 704. STUDY STATE'S FUTURE ENERGY NEEDS.** Filed 4/6/11. *TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE LONG-TERM FUTURE ENERGY NEEDS OF THE STATE, INCLUDING ITS ENERGY NEEDS FOR VARIOUS MODES OF TRANSPORTATION, AND TO DEVELOP A LONG-TERM PLAN THAT ADDRESSES THE SOURCES OF ENERGY THAT ARE ABLE TO MEET THOSE NEEDS AND THE ENERGY INFRASTRUCTURE ASSOCIATED WITH THOSE SOURCES OF ENERGY.*

As title indicates. Specifies types of energy sources and transportation modes the Commission must consider. Requires a final report to the 2013 General Assembly.

Intro. by Hager.

JOINT RES

Energy and Utilities

**H 705. REPEAL PRIVATE DRINKING WATER WELL TESTING.** Filed 4/6/11. *TO REPEAL THE LAW THAT REQUIRES EACH COUNTY, THROUGH THE LOCAL HEALTH DEPARTMENT, TO IMPLEMENT A PRIVATE DRINKING WATER WELL PERMITTING, INSPECTION, AND TESTING PROGRAM AND TO MAKE STATUTORY CONFORMING CHANGES.*

Amends GS 87-88(a) and GS 130A-39(g) and repeals GS 87-97 and GS 87-87(f) as title indicates.

Intro. by Hager.

GS 87, 130A

Agriculture, Environment, and  
Natural Resources; Health, Social  
Services, and Aging

**H 706. ALIMONY/POSTSEPARATION SUPPORT CHANGES.** Filed 4/6/11. *TO MAKE CHANGES TO THE LAW RELATING TO ALIMONY AND POSTSEPARATION SUPPORT, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.*

Amends GS 50-11(c) to specify that a divorce obtained pursuant to GS 50-5.1 or GS 50-6 must not affect the rights of either spouse with respect to any action for alimony or postseparation support pending at the time the divorce is granted, except as provided by GS 50-16.1A(4). Adds a similar exception for an absolute divorce.

Amends GS 50-16.9 to create a rebuttable presumption that the voluntary retirement of the supporting spouse after that spouse attains the age of 67 years is not an action in bad faith, and, unless rebutted, constitutes a change in circumstances that a court must consider in determining whether to modify an alimony or postseparation support order.

Amends GS 52-10 to specify that any contract between a husband and wife to waive and release all rights and obligations to postseparation support or alimony is valid and not inconsistent with public policy, if it is in writing and acknowledged by both parties before a certifying officer. Applies to contracts entered into on or after October 1, 2011.

Effective October 1, 2011.

Intro. by Rhyne.

GS 50, 52

Family Law

**H 707. DEEDS OF TRUST/MODERNIZE PROCEDURES.** Filed 4/6/11. *TO MODERNIZE AND ENACT CERTAIN PROVISIONS REGARDING DEEDS OF TRUST, INCLUDING RELEASES, SHORT SALES, FUTURE ADVANCE PROVISION TERMINATIONS AND SATISFACTIONS, TERMINATIONS AND SATISFACTIONS FOR EQUITY LINE LIENS, RELEASE OF ANCILLARY DOCUMENTS, ELIMINATING TRUSTEE OF DEED OF TRUST AS NECESSARY PARTY FOR CERTAIN TRANSACTIONS AND LITIGATION, AND INDEXING OF SUBSEQUENT INSTRUMENTS RELATED THERETO.*

Enacts new subsection (c) to GS 45-10, stating that an instrument will be deemed a deed of trust and any substitute trustee will succeed to all rights, titles, authority, and duties of the trustee, if the trustee named in a deed of trust is also the beneficiary named in that deed of trust. Applies to documents recorded before, on, or after October 1, 2011. Makes a conforming change.

Amends GS 45-36.4 (definitions applicable to Article 4: Satisfaction) to add definitions for *borrower*, *credit suspension directive*, *qualified lien holder*, *short-pay amount*, *short-pay statement*, and *trustee*. Clarifies the definitions for *entitled person*, *landowner*, and *payoff statement*. Amends GS 45-36.6, clarifying that if a release is recorded in error or a security instrument is erroneously satisfied of record, then the secured creditor or the person who caused the error may execute and record a document of rescission. The document of rescission either (1) rescinds a release that was recorded in error and deprives the release of any effect, or (2) rescinds the erroneous satisfaction of record of the security instrument and reinstates the security instrument. States that a document of rescission must fulfill four listed requirements. Directs the register of deeds to accept a document of rescission for recording unless one of three specified conditions applies. Sets forth a sample document form for

documents of rescission, and specifies that no particular phrasing is required to rescind a release recorded in error or to rescind the erroneous satisfaction of a security instrument. Amends GS 45-36.7, clarifying that an entitled person or agent authorized to request a payoff *or short-pay* statement may give the secured creditor a notification requesting a payoff statement or a short-pay statement. Adds three items to be included in the notification. Enacts new subsection (e1) to GS 45-36.7, requiring a short-pay statement to include four listed components. Specifies additional details related to short-pay statements and makes conforming changes.

Enacts new GS 45-36.7A, permitting a credit suspension directive to be given to a secured creditor by any of the four listed parties. Requires the credit suspension directive to include described components. Amends GS 45-36.8, clarifying that a secured creditor may send a corrected payoff *or short-pay* statement if the creditor determines that the payoff amount was understated. Makes conforming changes. Enacts new subsection (a1) to GS 45-36.9 directing the secured creditor to release the property that is the subject of the short-pay statement from the lien of the security instrument if the conditions of the statement are fully satisfied as specified. Makes other clarifying changes.

Enacts new GS 45-36.22, stating that a document is a partial release if it fulfills four specified functions. Directs the register of deeds to accept a partial release for recording unless one of three conditions applies. Provides additional details related to partial releases and sets forth a sample form for partial releases. Applies to documents recorded before, on, or after October 1, 2011.

Enacts new GS 45-36.23, stating that a document is an obligation release if it fulfills four specified functions. Directs the register of deeds to accept an obligation release for recording unless one of three conditions applies. Provides additional details related to obligation releases and sets forth a sample form.

Enacts new GS 45-36.24, setting forth maturity dates if a secured obligation is for the payment of money or if the security obligation is for the performance of some other obligation. Details provisions relating to automatic lien expiration, methods to extend a lien, and lien maturity extension agreements. Permits the lien of a recorded security instrument to be extended by a notice of maturity date, provided the notice is recorded before the lien expires. Details additional considerations related to notices of maturity date. Directs the register of deeds to accept a lien maturity extension agreement or a notice of maturity date for recording and indexing, unless one of three conditions applies. Includes additional provisions for liens of a security instrument.

Amends GS 45-37(b), adding that the lien of any security instrument that secured the payment of money or the performance of any other obligation and that was conclusively presumed to have been fully paid and performed as specified, is conclusively deemed to have expired. GS 45-37(b) applies only to security instruments securing the payment of money or the performance of any other obligation, as described. Makes other clarifying changes. Amends GS 45-37.2 to direct the register of deeds to record and index the seven listed instruments according to GS 161-14.1. Makes conforming changes. Enacts new GS 45-42.3, stating that (1) the expiration of the lien of a security instrument or the satisfaction of a security instrument of record is deemed automatically to release the real property from all ancillary security instruments securing the same obligation, and (2) the recording or a partial release or the recording of a deed or release is deemed automatically to release the real property, as described. Provides exceptions for specified ancillary security instruments and includes applicable definitions.

Enacts new GS 45-45.3 to list the actions that may be taken without the knowledge, consent, or joinder of the trustee in a deed of trust, unless the deed of trust provides otherwise. Specifies that, except in matters relating to the foreclosure of the deed of trust or the exercise of a power of sale, the trustee is neither a necessary nor a proper party to any civil action or proceeding, as detailed. Explains circumstances applicable if a trustee is improperly joined as a party when the statute provides that the trustee is neither a necessary nor proper party. Applies to documents recorded before, on, or after October 1, 2011.

Makes clarifying changes to GS 45-68 (requirements for instruments to secure future advances and future obligations) and GS 45-69 (fluctuation of obligations within maximum amount). Amends GS 45-70 (priority of security instrument) providing for circumstances when the aggregate outstanding principal balance of the obligation or obligations secured by a security instrument exceeds the maximum principal amount that may be secured at any one time. Makes additional clarifying changes related to priority of security instruments. Makes a clarifying change to GS 45-74 (stating that Article 7 is not exclusive). Deletes all provisions of GS 45-81 and replaces with a reorganized list of definitions applicable to Article 9 (instruments to secure equity lines of credit).

Amends GS 45-82, clarifying that an equity line security instrument will, from the time and date of registration, have the same priority as if the advances were made at the time of registration of the equity line security instrument, as specified. States that interest that accrues on the equity line of credit and all payments made, sums advanced, and expenses incurred, as detailed, will be secured by the equity line security instrument and have the same priority, as specified. Makes other conforming and clarifying changes. Amends GS 45-82.1 (concerning the extension of period for advances) to delete the term *record owner* from the provisions and to provide a new sample form for the Certificate of Extension of Period for Advances under Equity Line of Credit. Makes other clarifying and conforming changes. Enacts new GS 45-82.2 setting forth applicable circumstances

when an authorized person requests to terminate an equity line of credit. Sets forth a sample form for requests to terminate an equity line of credit. Requires a title insurance company or an attorney, bank, savings and loan association, savings bank, or credit union providing a request to terminate an equity line of credit to also provide notice to the borrower, as detailed. Enacts new GS 45-82.3, permitting a notice regarding future advances to be submitted to a lender by an authorized person, the property owner, or a qualified lien holder. Provides additional details relating to notices regarding future advances. Sets forth a sample form for the notice regarding future advances. Also requires that notice to the borrower be provided in certain situations. Applies to documents recorded before, on, or after October 1, 2011.

Enacts new GS 45-82.4, stating that no prepayment penalty may be charged with respect to an equity line of credit; makes a conforming change. Makes clarifying changes to GS 45-84. Makes organizational changes to GS 161.14.1 (recording subsequent entries as separate instruments).

Unless otherwise indicated, the act applies to documents recorded on or after October 1, 2011.

**Intro. by Rhyne.**

GS 24, 45, 161

Property, Land Use, and Housing

**H 708. [STUDY WATER & SEWER SERVICE PROVIDERS.](#)** Filed 4/6/11. *TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REDUCTION AND CONSOLIDATION OF THE STATUTORY MODELS FOR ESTABLISHING, OPERATING, AND FINANCING CERTAIN ORGANIZATIONS THAT PROVIDE WATER AND SEWER SERVICES IN THE STATE.*

Directs the Environmental Review Commission to study the statutory models for establishing, operating, and financing certain organizations that provide water and sewer services in the state, and to determine whether, how, and to what extent the number of statutory models should be reduced and consolidated. Requires the Commission to consider and address any impacts such reduction and consolidation would have on ongoing operation and financing of existing organizations. Requires Commission to report its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly upon its convening.

**Intro. by Hamilton.**

STUDY

Agriculture, Environment, and  
Natural Resources

**H 709. [PROTECT AND PUT NC BACK TO WORK.](#)** Filed 4/6/11. *PROTECTING AND PUTTING NORTH CAROLINA BACK TO WORK BY REFORMING THE WORKERS' COMPENSATION ACT TO (1) DEFINE "SUITABLE EMPLOYMENT" PERTAINING TO AN EMPLOYEE'S RETURN TO WORK WITHIN RESTRICTIONS OR AFTER REACHING MAXIMUM IMPROVEMENT; (2) MAKE WILLFUL MISREPRESENTATIONS GROUNDS FOR DISQUALIFICATION FROM RECEIVING BENEFITS; (3) PROVIDE THAT PARTIES MAY REACH A SEPARATE CONTEMPORANEOUS AGREEMENT TO RESOLVE ISSUES NOT COVERED BY THE ACT; (4) CLARIFY THE RIGHTS AND RESPONSIBILITIES OF EMPLOYERS AND EMPLOYEES REGARDING MEDICAL EXAMINATIONS, TREATMENT, AND ACCESS TO MEDICAL INFORMATION; (5) CAP THE DURATION OF COMPENSATION FOR TEMPORARY TOTAL DISABILITY; (6) EXTEND FROM THREE HUNDRED TO FIVE HUNDRED THE NUMBER OF WEEKS AN INJURED EMPLOYEE IS ELIGIBLE TO RECEIVE COMPENSATION FOR PARTIAL INCAPACITY; (7) INCREASE THE DEATH BENEFIT AND BURIAL EXPENSE ALLOWANCE; (8) REDUCE THE INDUSTRIAL COMMISSION FROM SEVEN TO FIVE MEMBERS SUBJECT TO LEGISLATIVE CONFIRMATION; (9) PROVIDE THAT COMMISSIONERS AND DEPUTY COMMISSIONERS ARE SUBJECT TO THE CODE OF JUDICIAL STANDARDS; AND (10) REPEAL THE COMMISSION'S FULL EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT, THEREBY SUBJECTING THE COMMISSION TO RULE MAKING PURSUANT TO ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES AND REQUIRING THE COMMISSION TO READOPT RULES PURSUANT TO THAT ARTICLE.*

Effective July 1, 2011, amends GS 97-2 to define suitable employment as any employment available that (1) prior to reaching maximum medical improvement is within the employee's work restrictions including rehabilitative employment approved by the employee's treating health care provider or (2) after reaching maximum medical improvement is employment which the employee is capable of performing considering the employee's education, physical limitations due to the injury, vocational skills, and experience.

Effective July 1, 2011, adds new GS 97-12.1 to prohibit compensation for injury or accident or occupational disease if an employer proves that: (1) at the time of hire or in the course of entering into employment; (2) at the time of receiving notice of the removal of conditions from a conditional offer of employment; or (3) during the course of a post-offer medical examination: (a) the employee knowingly and willfully made a false representation as to the employee's physical condition; (b) the employer relied upon one or more false representations by the employee, and the reliance was a substantial factor in the employer's decision to hire the employee; and (c) there was a causal connection between false representation by the employee and the injury or occupational disease.

Amends GS 97-25 to repeal authority of the Industrial Commission (Commission) to order further treatments in its discretion in case of a controversy arising between an employer and employee relative to the continuance of medical, surgical, hospital, or other treatment. Specifies that the Commission may order a change of treatment or health care provider at the request of an employee only if the Commission finds that the change is based upon clear and convincing medical evidence. Specifies that the Commission must disregard any opinions of an unauthorized health care provider. Repeals authority for an injured employee to select a physician of his own choosing to attend, prescribe, and assume the care and charge of his case.

Amends GS 97-25.6 to authorize an employer to obtain medical records of the employee and communicate with an employee's health care providers, without the express authorization of the employee, if certain criteria are met. Authorizes the Commission, upon motion by an employee or the health care provider from whom medical records, reports, or information are sought or upon its own motion, to make any order to protect an employee, health care provider, or other person from unreasonable annoyance, embarrassment, oppression, or undue burden or expense. Exempts any communications concerning an independent medical evaluation for the purpose of expert testimony. Directs the Commission to establish annually a fee to compensate health care providers for time spent communicating with the employer or representatives of the employee. Directs employee to furnish to the employer, upon written request, any medical records or reports that reflect evaluation, diagnosis, or treatment of the particular injury or disease for which compensation is sought or is reasonably related to the injury or disease for which the employee seeks compensation. Specifies that provisions in statute supersede prohibition against ex parte communications and privacy of medical records in the custody of health care providers.

Amends GS 97-27 to require an employee who claims compensation for an injury, upon request of his or her employer or order of the Commission, to submit to an independent medical examination by a physician who is licensed and practicing in North Carolina, even if the employee's claim has been denied pursuant to GS 97-18(c). Authorizes the employee to have any physician provided and paid by the employee present at the exam. Authorizes an employee who is dissatisfied with the percentage of permanent disability to seek another opinion solely on the issue of the percentage of permanent disability provided by a duly qualified physician of the employee's choosing who is licensed and practicing in North Carolina. Authorizes an employer or the Industrial Commission to require an autopsy in the case of a death of an employee.

Effective July 1, 2011, amends GS 97-29 to specify that if the incapacity for work resulting from an occupational disease is total, the employer is required to pay specified disability compensation to the employee. Limits compensation payments for temporary disabilities. Requires payment of compensation during the lifetime of a permanently disabled employee. Specifies the conditions under which an employee is considered permanently disabled.

Effective July 1, 2011, makes conforming changes to GS 97-30.

Effective July 1, 2011, amends GS 97-32 to provide that an injured employee is not entitled to compensation if he or she refuses suitable employment, unless the Commission determines that the refusal is justified. Authorizes an employer to contact an employee directly about returning to suitable employment.

Effective July 1, 2011, amends GS 97-38 to increase the maximum amount of burial expenses that must be paid by an employer to \$10,000 (was \$3,500) if death results proximately from compensable injury or occupational disease within a certain time period. Also increases maximum number of weekly compensation payments due on account of death to 500 weeks (was, 400 weeks) from the date of the death of the employee.

Amends GS 97-77 to reduce number of members of Industrial Commission to five (was, seven) and to set members terms at six years. Prohibits a person from serving more than two terms on the Commission. Provides that appointments of commissioners are subject to confirmation by the General Assembly by joint resolution, and specifies nomination procedures and procedures to fill vacancies. Makes other conforming changes.

Adds new GS 97-78.1 to specify that the standards of judicial conduct for judges in Article 30 of Chapter 7A of the General Statutes apply to commissioners and deputy commissioners.

Amends GS 97-80 to require the Commission to adopt rules to carry out the provisions of this Article.

Effective July 1, 2011, amends GS 97-84 to require the Commission, in the case of a dispute, to decide the case and issue findings of fact based upon the preponderance of the evidence in view of the entire record.

Effective May 1, 2011, amends GS 150B-1(c) to remove the Industrial Commission from the list of agencies that are completely exempt from Chapter 150B of the General Statutes.

Effective May 1, 2011, amends GS 150B-1(e) to add the Industrial Commission to the list of agencies that are exempt from the contested case provisions of Chapter 150B of the General Statutes.

Effective May 1, 2011, directs the Industrial Commission to adopt all rules contained in Title 4 of Chapter 10 of the North Carolina Administrative Code in accordance with Article 2A of Chapter 150B of the General Statutes. Specifies that any existing rule that is not readopted by December 31, 2012, expires.

Specifies the terms of the seven members of the Industrial Commission as of February 1, 2011. Makes the reduction to five commissioners effective by not filling the two offices that expire June 30, 2012. Makes reduction

from three commissioners to two in the employee and employer categories and the qualification of the fifth commissioner effective July 1, 2012.

**Intro. by Folwell, Dollar, Hager, Crawford.** GS 97, 150B

Employment and Retirement

**H 710. BD. OF ETHICS, LOBBYING, AND CAMPAIGN FINANCE.** Filed 4/6/11. *TO COMBINE THE FUNCTIONS OF THE STATE ETHICS COMMISSION, THE LOBBYING SECTION OF THE SECRETARY OF STATE, AND THE CAMPAIGN FINANCE DIVISION OF THE STATE BOARD OF ELECTIONS INTO AN AGENCY TO BE KNOWN AS THE STATE BOARD OF ETHICS, LOBBYING, AND CAMPAIGN FINANCE.*

Adds new GS Chapter 163A entitled State Board of Ethics, Lobbying, and Campaign Finance.

Adds new GS 163A-1 to establish the State Board of Ethics, Lobbying, and Campaign Finance (Board), to consist of six registered voters. Specifies qualifications for appointment, oath of office, terms of office, conditions under which members may be removed from office, and how vacancies are filled. Prohibits certain persons from serving on the Board and prohibits certain activities by Board members.

Adds new GS 163A-2 to specify how Board meetings are called, the place where meetings are conducted, and meeting quorum and minutes requirements.

Adds new GS 163A-3 to authorize Board members to receive compensation for travel and other expenses.

Adds new GS 163A-4 to provide the Board with general supervision over the State Government Ethics Act, lobbying laws, and campaign finance regulations. Imposes on the Board the following duties: (1) publish and furnish to county and municipal boards of elections and other election officials a sufficient number of indexed copies of all lobbying, ethics, campaign finance, and election laws and rules and regulations; (2) investigate the administration of the laws subject to the Board's enforcement according to specified procedures; (3) make recommendations to the Governor and the General Assembly relative to the conduct and administration of the laws it enforces as it may deem advisable; and (4) employ an executive director. Specifies that all complaints or inquiries regarding laws enforced by the Board be referred to the Board. Provides that any person seeking judicial review of any Board decision must file in the Superior Court of Wake County.

Adds new GS 163A-5 to provide that if any law subject to the Board's enforcement is held unconstitutional or invalid and such ruling adversely affects the conduct and holding of any pending primary or election, the Board is authorized to make reasonable interim rules and regulation, subject to certain restrictions.

Adds new GS 163A-6 to specify certain powers of the Board chair.

Adds new GS 163A-7 to authorize the Board to exercise the full power and authority to maintain order and to enforce obedience to its lawful commands during its sessions and specifies consequences for failing to obey the lawful commands of the Board.

Adds new GS 163A-8 to direct the Attorney General to provide the Board with legal assistance in executing its authority. Also authorizes the Board to employ private counsel, upon the recommendation of the Attorney General and approval of the Governor.

Adds new GS 163A-9 to create certain director positions.

Adds new GS 163A-10 to specify that the Board is an independent regulatory and quasi-judicial agency.

Makes conforming changes to GS 115D-2.1, GS 116-7, GS 120-102, GS 120-103.1, GS 120-104, GS 120C-100(a), Chapter 138A of the General Statutes, GS 143-47.7, GS 143B-350, GS 143B-417, GS 147-64.6, GS 147-64.6B, GS 150B-1, GS 163-278.30, Chapter 120C of the General Statutes, and GS 163-278.

Directs the Board to adopt rules regarding the conduct of its hearings. Directs county and municipal boards of elections to refer all complaints concerning campaign finance to the Board.

Transfers (1) the State Ethics Commission; (2) the campaign finance functions of the State Board of Elections; and (3) the lobbying registration and enforcement functions of the Secretary of State to the Board.

**Intro. by Lewis.**

GS 115, 116, 120, 120C, 143,  
143B, 147, 150B, 163A, 163

State Government; Ethics and  
Lobbying

**H 711. CLARIFY WATER & WELL RIGHTS/PRIVATE PROPERTY.** Filed 4/6/11. *TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY AND THE CONSTRUCTION OF WELLS ON THEIR PROPERTY.*

Current law mandates that each county, through its local health department, implement a program for the inspection, testing, and issuing of permits for private drinking water wells. Amends GS 87-97(a) to prohibit causing undue delay or refusing to issue a permit to allow a well to be constructed or repaired and operated in compliance with the requirements and rules of Article 7 (North Carolina Well Construction Act), of GS Chapter 87. Amends GS 87-97(e) to prohibit denying a permit for a well that is in compliance with Article 7 on the basis of a local government policy that discourages or prohibits the drilling of new wells.

Repeals GS 143-355.2(a)(4), which required that a local government's water shortage response plan not contain any provision that meters or regulates private drinking water wells, as defined in GS 87-85.

Amends subsection (h) of GS 143-355.2 to provide that this subsection, which authorizes a local government unit to impose more stringent water conservation measures than the minimum water conservation measures required under this section, is not to be construed to authorize a local government unit, public water supply system, or private supply system to regulate a well located outside of its jurisdiction, a well that is not connected to its water system, or any other private well. Provides that nothing in this subsection is construed to void or alter cross-jurisdictional agreements.

Amends GS 143-355.3(b) which provides for water shortage emergency powers and duties to clarify that in adopting rules governing the conservation and use of water within the water shortage emergency area or within the service area from which water is being diverted to address a water shortage, these conservation and diversion provisions are not to be construed as authorizing a local government unit, public water supply system, or private supply system to regulate a well located outside of its jurisdiction, a well that is not connected to its water system, or any other private well.

**Intro. by Lewis.**

GS 87, 143

Property, Land Use, and Housing

**H 712. QUALIFIED RETIRED LEO/CONCEALED CARRY.** Filed 4/6/11. *TO PROVIDE THAT A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON.*

Amends GS 14-269(b) to provide that a qualified retired law enforcement officer as defined in GS 14-415.10 and certified under GS 14-415.26 is exempt from the prohibition against carrying concealed weapons, except while consuming or having in his or her body alcohol or unlawful controlled substances. Effective December 1, 2011.

**Intro. by Current, Hilton.**

GS 14

Criminal Law, Procedure, and Sentencing; Emergency Services

**H 713. PUBLIC CONTRACTS/MULTIPLE AWARD.** Filed 4/6/11. *AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO USE MULTIPLE AWARD SCHEDULE CONTRACTS FOR THE PURCHASE OF ALL GROUND MAINTENANCE, CONSTRUCTION, AND FORESTRY EQUIPMENT.*

Enacts new GS 143-64.1 to require that the acquisition of ground maintenance, construction, and forestry equipment (as each is defined by the statutes) be conducted using multiple award schedule contracts. Defines multiple award schedule contract as a contract that allows multiple vendors to be awarded a state contract for goods or services by providing their total catalogue for lines of equipment and attachments to eligible purchasers, including state agencies, departments, institutions, public school districts, political subdivisions, community colleges, and constituent institutions of the University of North Carolina. Directs the Department of Administration to issue requests for proposals for multiple award schedule contracts no later than June 30, 2011. Provides that contracts must span a term of not less than three years, with annual product and pricing update periods. Specifies that the Department of Administration may issue additional term contracts for the specific purchase of equipment otherwise available through a multiple award schedule contract.

**Intro. by Stam, Lewis, Murry.**

GS 143

State Government

**H 714. LEGAL SERVICES.** Filed 4/6/11. *TO ALLOW NONPROFIT CORPORATIONS OPERATING AS A PROFESSIONAL AND TRADE ASSOCIATION OR A BUSINESS LEAGUE TO PROVIDE LEGAL SERVICES TO ITS MEMBERS USING ATTORNEYS DULY LICENSED TO PRACTICE LAW IN THIS STATE.*

Amends GS 84-5 by adding a new subsection (c), providing that a tax-exempt nonprofit corporation operating as a professional and trade association or business league is not prohibited by GS 84-5 from providing legal services to its members by attorneys duly licensed in NC, where the corporation is not allowing unlicensed individuals to control the manner or course of the legal services. Requires the corporation to continually satisfy the requirements of its nonprofit status. Provides that the corporation may charge for and collect charges for the legal services of its officers, employees, and agents rendered to its members, and may compensate those who render the services.

**Intro. by Torbett.**

GS 84

Business and Commerce

**H 715. SUPPORT FIREFIGHTERS WEEK.** Filed 4/6/11. *ENCOURAGING THE CITIZENS OF NORTH CAROLINA TO OBSERVE FIREFIGHTERS WEEK IN NORTH CAROLINA.*

As title indicates. Specifies that Firefighters Week is the week in September of each year containing September 11.

**Intro. by Graham.**

HOUSE RES

General Assembly

**H 716. NATIVE AMERICAN LICENSE PLATE FEE INCREASE.** Filed 4/6/11. *TO INCREASE THE ADDITIONAL FEE FOR THE NATIVE AMERICAN SPECIAL REGISTRATION PLATE FROM TEN DOLLARS TO TWENTY DOLLARS AND TO USE THE FUNDS TO SUPPORT THE AMERICAN INDIAN SCHOLARSHIP FUND.*

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

**Intro. by Graham.**

GS 20

Transportation

**H 717. PRIVATE MORTGAGE INSURANCE PREMIUMS.** Filed 4/6/11. *TO EXCLUDE ANY PRIVATE MORTGAGE INSURANCE PREMIUMS IN EXCESS OF ONE AND ONE-QUARTER PERCENT OF THE LOAN AMOUNT FROM THE DEFINITION OF "POINTS AND FEES" IN HIGH-COST HOME LOANS.*

Amends GS 24-1.1E(a)(5) as title indicates. Effective October 1, 2011.

**Intro. by Wray.**

GS 24

Property, Land Use, and Housing

**H 718. ALLOW ATTY/CHILD SUPPORT HEAR'G OFFICER/ALAMANCE.** Filed 4/6/11. *ALLOWING ALAMANCE COUNTY TO USE ATTORNEYS AS A CHILD SUPPORT HEARING OFFICER UPON DESIGNATION BY A CHIEF DISTRICT COURT JUDGE IN EXPEDITED PROCESS CHILD SUPPORT ACTIONS.*

Requires the Administrative Office of the Courts (AOC) to implement a pilot program to determine the feasibility of allowing an attorney licensed in NC to act as a child support hearing officer upon designation by a chief district court judge in an expedited process child support action under GS Chapter 50. Requires the AOC to designate two pilot counties, one of which will be Alamance County. Requires AOC to assess the effectiveness, costs, cost savings, and frequency of use of the program, and any other relevant information. Directs the AOC to perform five functions in the pilot program. Requires the AOC to begin the pilot program by November 1, 2011, end it September 1, 2013, and to report findings to the General Assembly by December 1, 2013.

**Intro. by Ingle.**

UNCODIFIED

Courts

**H 719. SUSPENSION REMOVED WHEN ELIGIBILITY MET.** Filed 4/6/11. *TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EXPUNGE SUSPENSIONS AND REVOCATIONS ENTERED ON A LIMITED PERMITTEE OR PROVISIONAL LICENSEE'S DRIVING RECORD IF THE STUDENT PROVIDES THE REQUIRED DOCUMENTATION TO THE DIVISION THAT THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS AND IF THE LIMITED PERMITTEE OR PROVISIONAL LICENSEE HAS NEVER HAD A PRIOR EXPUNCTION FROM THE PERMITTEE'S DRIVING RECORD.*

Amends GS 20-13.2(c1) as title indicates. Effective December 1, 2011, and applies to reinstatements occurring on or after that date.

**Intro. by Brawley.**

GS 20

Transportation

**H 720. SCHOOL & TEACHER PAPERWORK REDUCTION ACT.** Filed 4/6/11. *TO ENACT THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT.*

Amends GS 115C-12 to (1) require the State Board of Education (BOE) to permit schools and local board of education to submit all reports due to the Department of Public Instruction (DPI) electronically; (2) direct the BOE and DPI to consolidate all plans that affect the school community, including school improvement plans, school safety/discipline plans, and others, and post the consolidated plan on each school's Web site; (3) require the BOE to report to the Joint Legislative Education Oversight Committee by November 15 of each year on the reports it has consolidated or eliminated for the upcoming school year; and (4) require the BOE to adopt policies to streamline the process for local school administrative units to apply for state funding.

Amends GS 115C-47(18) to (1) direct each local board of education to identify software protocols that could be used to minimize repetitious data entry by teachers prior to the beginning of each school year; (2) appoint a person or establish a local paperwork control committee to monitor all reports and other paperwork required of teachers by the central office and to monitor teachers' access to software protocols that minimize repetitious data entry; and (3) make other conforming changes.

Amends GS 115C-105.27 to specify that a local school administrative unit is not required to prepare an additional plan if a school improvement plan adequately covers the other plan that the local administrative unit is otherwise required to prepare.

Directs the Department of Health and Human Services (DHHS), in consultation with the More at Four Program and the Smart Start Program, to review all reporting requirements imposed on the public schools relating to the operations of the programs and child care regulation requirements and to reduce the frequency of reporting as appropriate. Requires DHHS to report to the General Assembly on its implementation by October 1, 2011.

Repeals GS 115C-102.6C and GS 115C-102.6D(d).

Amends GS 115C-102.7 to eliminate requirement that DPI randomly check local school system technology plans to ensure that local school administrative units are implementing their plans as approved.

Amends GS 115C-302.1(b) to specify that teachers may only be paid for the days employed as of a set pay date. Prohibits payment for a full month when days employed are less than a full month.

Repeals GS 115C-105.41.

Applies beginning with the 2011-12 school year.

**Intro. by Murry, Blust, Brandon.** GS 115C

Education

**H 721. LANDLORD/TENANT/BEDBUG LIABILITY.** Filed 4/6/11. *REQUIRING LANDLORDS AND TENANTS TO TAKE CERTAIN ACTIONS TO EXTERMINATE BEDBUGS IN DWELLING UNITS.*

Amends GS 42-42 to prohibit a landlord from offering for lease any premises that the landlord knows to be infested by bedbugs. Authorizes the landlord to obtain a certificate from a licensed pest control company certifying that the premises are free of bedbugs as conclusive evidence that the landlord is in compliance with this provision.

Adds new GS 42-43.1 to require a tenant to notify his or her landlord, in writing, within five days of suspecting the presence of any infestation of bedbugs. Specifies the conditions under which the landlord or the tenant is responsible for having the bedbugs exterminated. Specifies procedures the tenant must follow if tenant is responsible for the extermination of the bedbugs and provides that failure of the tenant to comply with the provisions is a breach of the tenant's obligations under GS 42-43(a)(8), authorizing the landlord to take certain actions. Requires the tenant to pay all fees and damages associated with the extermination and to provide proof of extermination to the landlord if the tenant is responsible for the extermination. Provides that after a licensed pest control company has treated the premises and deemed the premises free of an infestation of bedbugs, the tenant is responsible for all subsequent infestations. If it is determined by a licensed pest control company that the source of the bedbugs is an adjacent unit, however, then the tenant in the source unit is responsible for the extermination of the bedbugs.

Makes conforming changes to GS 42-43.

Amends GS 42-51 to permit a landlord to also use a security deposit for possible damages due to a violation of the tenant's obligation under GS 42-43(a)(8).

**Intro. by McCormick.**

GS 42

Property, Land Use, and Housing

**H 722. OMNIBUS ACT REGARDING COAL-BASED ENERGY.** Filed 4/6/11. *TO (1) PRESERVE THE APPALACHIAN MOUNTAINS BY PROHIBITING ELECTRIC PUBLIC UTILITIES THAT OPERATE COAL-FIRED GENERATING UNITS LOCATED IN NORTH CAROLINA FROM PURCHASING OR USING COAL THAT IS EXTRACTED USING MOUNTAINTOP REMOVAL COAL MINING; (2) REQUIRE PERMITS FOR CERTAIN SOLID WASTE DISPOSAL SITES FOR THE REUSE OF COMBUSTION PRODUCTS AND FOR CERTAIN SOLID WASTE DISPOSAL SITES FOR STRUCTURAL FILL AND TO ESTABLISH PERMIT FEES FOR THESE DISPOSAL SITES, IN ORDER TO ADEQUATELY PROTECT THE PUBLIC HEALTH AND THE ENVIRONMENT; AND (3) PROVIDE ECONOMIC RELIEF TO ELECTRIC UTILITY RATEPAYERS DURING THIS PERIOD OF ECONOMIC RECESSION AND THE COMING RECOVERY PERIOD BY PLACING A MORATORIUM ON THE CONSTRUCTION OF ANY NEW COAL-FIRED POWER PLANT UNLESS IT IS CARBON NEUTRAL.*

Enacts a new Article 5B in GS Chapter 62 to be known as the *Appalachian Mountains Preservation Act*. Includes findings and purpose regarding the negative impact of mountaintop removal coal mining on the Appalachian Mountains.

Prohibits electric public utilities that operate coal-fired generating units in North Carolina from purchasing or using coal that is extracted by mountaintop removal coal mining. Authorizes the NC Utilities Commission (Commission) to adopt rules to implement proposed new Article 5B. Defines *coal-fired generating unit* as defined in GS 62-133.6 and *mountaintop removal coal mining* to mean any method of surface coal mining that removes a mountaintop or ridgeline, whether or not the mined area will be returned to its approximate original contour.

Requires each electric public utility that operates a coal-fired generating unit located in the state to secure the sworn statement of an authorized officer from the coal provider attesting that the coal the utility agrees to purchase or use was not, nor will be, extracted using mountaintop removal coal mining. Specifies information that must be included in the sworn statement.

Directs each public utility to provide the Commission, on the fifteenth of each month, a report itemizing its costs for purchasing or using coal extracted by a method other than mountaintop removal coal mining. Requires that as a part of its annual report, each electric public utility operating a coal-fired generator in NC submit to the Commission copies of each required sworn statement and each purchase contract. Provides additional guidelines regarding information regarding rate determinations, determining compliance, and confidentiality of information. Provides for penalties for any electric public utility company that is in violation of the prohibition against

contracting to purchase or use coal extracted by mountaintop removal coal mining or in violation of the monthly or annual reporting requirements.

Enacts new GS 62-133.10 in Article 7 of GS Chapter 62 to provide for cost recovery through an annual rider for the incremental cost of purchasing or using coal extracted by a method other than mountaintop removal coal mining.

The above indicated provisions are effective January 1, 2012, and apply to contracts to purchase coal entered into on or after that date.

Amends the GS 130A-290(a) to modify the definition for *combustion products landfill* and to add definitions for the terms *fully encapsulated* and *structural fill*. Makes organizational changes. Amends GS 130A-294(a) to provide that the permit requirements of this section apply to a solid waste disposal site for the use of combustion products and a solid waste disposal site for structural fill unless the end product or structural fill is fully encapsulated in such a way as to prevent the leaching of coal combustion residual constituents. Prohibits a solid waste disposal site for the reuse of combustion products or for structural fill when the end product or structural fill is not fully encapsulated. Amends GS 130A-295.8(c) and (d) to expand the fee schedule for permits to include permit application fees for disposal sites for the reuse of combustion products or for structural fill consistent with the provisions of GS 130A-294(a). Fee amount varies depending on the type of permit sought, whether new, amendment, or modification, and based on the annual tonnage of the combustion products. The above indicated provisions are effective January 1, 2012 and applies to combustion products that are reused or disposed of on or after that date.

Creates *The Electric Utility Ratepayers Relief Act* (Relief Act). Enumerates findings by the General Assembly to support its finding that for a certificate issued before the current recession, construction of a new coal-fired generating unit is no longer in the public interest. Provides that the purpose of the Relief Act is to promote economic relief to public utility ratepayers by temporarily prohibiting the issuance of any new certificate authorizing the construction of a coal-fired generating unit by the North Carolina Utilities Commission and requiring the suspension of any certificate issued before July 1, 2011 for any generating unit not in operation by July 1, 2011, unless the new or pre-July 1, 2011 certificate is for a coal-fired generating unit that is carbon neutral.

Provides definitions as follows: (1) *carbon neutral* means emitting no carbon dioxide into the atmosphere and includes employing a technique to absorb carbon dioxide so that it is not emitted into the atmosphere; (2) *certificate* as defined in GS 62-3; (3) *coal-fired generating unit* as defined in GS 62-133.6; and (4) *public utility* as defined in GS 62-3. Declares a moratorium on the issuance of a certificate to operate a coal-fired generating unit pursuant to any application filed with the NC Utilities Commission (Commission) on or after July 1, 2011 unless the unit is carbon neutral. Temporarily suspends any certificate issued prior to July 1, 2011 for construction of any coal-fired generating unit that has not begun operations as of July 1, 2011, unless the coal-fired unit is carbon neutral. Does not prohibit costs recovery for an electric public utility. Provides for penalties for construction of a coal-fired generating unit in violation of this act.

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

**Intro. by Harrison, Keever,** GS 62, 130A Energy and Utilities  
**Luebke, Fisher.**

**H 723. CLARIFY SEPA / ECONOMIC INCENTIVES EXCLUSION.** Filed 4/6/11. *TO CLARIFY THE EXCLUSION FROM ENVIRONMENTAL REVIEW FOR PROJECTS RECEIVING ECONOMIC INCENTIVES.*

Amends GS 113A-9 to define major environmental impact as any of the following: (1) a project that requires a permit under GS 143-215.1; (2) a project that requires a permit under GS 143-215.108; (3) a project that requires a major development permit under Article 7 of GS Chapter 113A; or (4) a project that requires approval of an erosion and sedimentation control plan under Article 4 of GS Chapter 113A.

Amends GS 113A-12 to specify that the subdivision that specifies that no environmental document is required with respect to certain projects for which public monies are expended only for the payment of incentives pursuant to an agreement that makes the incentive payments contingent on prior completion of the project or activity, or completion on a specified timetable, and a specified level of job creation or new capital investment, does not apply to projects that have a major environmental impact.

Applies to projects receiving economic incentive payments on or after the date the act becomes law.

**Intro. by Harrison, Hamilton.** GS 113A Agriculture, Environment, and  
Natural Resources

**H 724. OMNIBUS ENERGY BILL.** Filed 4/6/11. *TO (1) AMEND THE DEFINITION OF "RENEWABLE ENERGY RESOURCE" THAT PERTAINS TO THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS) TO CLARIFY THAT PLANTATION-GROWN WOOD IS A RENEWABLE ENERGY RESOURCE; (2) REPEAL REPS REQUIREMENT FOR POULTRY WASTE RESOURCES; AND (3) CLARIFY*

*CURRENT LIMITATIONS ON CITY ORDINANCES AND COUNTY ORDINANCES THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR RESIDENTIAL PROPERTY AND THE CURRENT LIMITATIONS ON DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR RESIDENTIAL PROPERTY.*

Amends GS 62-133.8(a) to define "plantation-grown wood," to add plantation-grown wood to the definition of "renewable energy resource," and to specify that whole trees from natural forests or other nonplanted forests are not included in the definition of "renewable energy resource." Repeals GS 62-133.8(f).

Amends GS 160A-201 and GS 153A-144 to specify what restrictions on the use of a solar collector will be deemed unreasonable, and eliminates subsection (c) of each statute, which currently allow ordinances prohibiting certain placement of solar collectors visible to a person on the ground. Amends GS 22B-20 to specify what provisions of a deed restriction, covenant, or similar agreement restricting the use of solar collectors will be considered unreasonable, and eliminates subsection (d), which currently allows deed restrictions, covenants, and similar agreements prohibiting certain placement of solar collectors visible to a person on the ground. Effective October 1, 2011.

**Intro. by Harrison.**

GS 22B, 62, 160A, 153A

Energy and Utilities

**H 725. IGNITION INTERLOCK REQUIRED/ ALL DWIS.** Filed 4/6/11. *TO REQUIRE ANYONE WHO IS CONVICTED OF DRIVING WHILE IMPAIRED, DRIVING AFTER CONSUMING ALCOHOL BEING LESS THAN TWENTY-ONE YEARS OF AGE, OR ANY OTHER IMPAIRED DRIVING OFFENSE, OR ANY PERSON WHO REFUSES A CHEMICAL ANALYSIS, TO HAVE AN IGNITION INTERLOCK SYSTEM INSTALLED ON EVERY VEHICLE THAT PERSON MAY DRIVE BEFORE THAT PERSON CAN GET A LIMITED DRIVING PRIVILEGE; AND TO PROVIDE FOR THE PAYMENT OF AN ADMINISTRATIVE FEE AND COSTS ASSOCIATED WITH AN IGNITION INTERLOCK SYSTEM AND CREATE AN IGNITION INTERLOCK DEVICE FUND TO ASSIST INDIGENT PERSONS.*

Amends GS 20-16.2(c1) to require the submission of an affidavit when a person has an alcohol concentration of 0.08 or more (was, 0.15 or more) or falls under another provision in existing law. Amends GS 20-16.2(e1) to require all vehicles a person is authorized to drive to be equipped with an approved ignition interlock system prior to issuance of limited driving privilege. Amends GS 20-17.8 to require ignition interlock systems for all persons convicted of driving with an alcohol concentration of .08 or more (currently, 0.15 or more) or who refused to submit to a chemical analysis and to a person whose license was revoked as the result of a conviction of driving by a person under the age of 21 after consuming alcohol or drugs. Requires proof of installation and provides for revocation of license if system is disabled or removed. Makes conforming changes.

Enacts new GS 20-179.5 to require that all of the costs incurred in order to comply with the ignition interlock requirements imposed by the court under Article 3 be paid by the person ordered to have the system installed. Authorizes the Division of Motor Vehicles (DMV) to assess an ignition interlock administrative fee of not less than \$30 and no more than \$60 on any ignition interlock installed by a vendor pursuant to Article 3. Fee is to be collected by the vendor installing the ignition interlock system at the time of installation. Directs the vendor to remit the collected fees to the DMV on a quarterly basis. Provides that 50% of the money collected be used to pay for administrative costs incurred by the DMV and the remaining 50% be deposited in the Ignition Interlock Device Fund.

Creates the Ignition Interlock Device Fund in the Department of Transportation to be used to pay the costs of installing and removing ignition interlock devices on vehicles of persons deemed indigent by the court. Requires the person deemed indigent to agree to pay the required costs for monitoring of the system as a condition of assistance from the DMV for installation cost.

Effective December 1, 2011.

**Intro. by Rapp.**

GS 20

Criminal Law, Procedure, and Sentencing; Transportation

**H 726. MANDATE USE OF CONTR. SUB. REPORTING SYSTEM.** Filed 4/6/11. *TO REQUIRE PRESCRIBERS AND DISPENSERS TO REVIEW INFORMATION IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM PRIOR TO PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT.*

Enacts new GS 90-113.74A to require each person authorized to prescribe or dispense a controlled substance to a patient to first review all information pertaining to the patient in the controlled substances reporting system for the preceding 12-month period to determine if the prescription is medically necessary and appropriate. Provides that this requirement does not apply in an emergency situation in which immediate action is necessary to preserve the life or health of a patient. Authorizes the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services to adopt rules to implement the section.

Effective October 1, 2011.

Intro. by Rapp.

GS 90

Health, Social Services, and Aging

**H 727. AMEND DROPOUT PREVENTION GRANTS.** Filed 4/6/11. *TO AMEND THE CRITERIA USED BY THE COMMITTEE ON DROPOUT PREVENTION TO AWARD THE DROPOUT PREVENTION GRANTS, TO DIRECT THE COMMITTEE ON DROPOUT PREVENTION TO USE EVALUATIONS PRIOR GRANT CYCLES TO IDENTIFY EVIDENCE-BASED PROGRAMMATIC ELEMENTS THAT ARE EFFECTIVE AND REPLICABLE, AND TO ALLOCATE FUNDS TO STUDY HIGH SCHOOLS THAT HAVE SIGNIFICANTLY REDUCED THEIR DROPOUT RATE TO IDENTIFY PROGRAMS THAT MERIT REPLICATION AND ASSESS THE PROGRESS OF PROGRAMS THAT ARE NO LONGER RECEIVING DROPOUT PREVENTION GRANTS.*

Amends various provisions of SL 2009-451 as the title indicates. Amends the criteria used to award the dropout prevention grants to provide that: (1) when grant applications are of equal quality and merit, grants are to be awarded to applications from counties with no current grant recipients; and (2) grant priority is given to schools that have either a four-year cohort graduation rate of less than 60% in the most recent school year and in one of two prior school years, or a performance composite under 50% (was, a four-year cohort graduation rate of less than 65%). Also provides that priority is to be given to grant proposals containing multiple evidence-based programmatic elements that have been demonstrated to be effective and replicable. Allocates up to \$100,000 for the 2011-12 fiscal year to be used by the Committee on Dropout Prevention (Committee) to study high schools that have significantly reduced their dropout rate over the past three years in order to identify programs that merit replication. Effective July 1, 2011.

Intro. by Parmon.

UNCODIFIED

Education

**H 728. LRC/STUDY INMATE LABOR.** Filed 4/6/11. *AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY OF USING INMATE LABOR TO REHABILITATE UNUSED STATE-OWNED BUILDINGS AND TO SALVAGE HISTORICAL PROPERTIES THAT HAVE FALLEN INTO DISREPAIR.*

Authorizes the Legislative Research Commission (Commission) to study the feasibility of using inmate labor to rehabilitate unused State-owned buildings and to salvage historical properties that have fallen into disrepair. Specifies certain issues that the Commission must look at and requires the Commission to develop an inventory of eligible facilities for rehabilitation and plot those buildings on a state map.

Requires the Commission to make an interim report to the 2011 General Assembly, including any proposed legislation, when it reconvenes in 2012, and to make a final report, including any proposed legislation, to the 2013 General Assembly.

Directs the Legislative Services Officer to allocate funds appropriated to the General Assembly for the Commission's expenditures.

Intro. by Bordsen.

JOINT RES

General Assembly; State Government; Criminal Law, Procedure, and Sentencing

**H 729. RECKLESS ASSAULT OF A CHILD.** Filed 4/6/11. *TO CREATE THE CRIMINAL OFFENSE OF RECKLESS ASSAULT OF A CHILD.*

Enacts new GS 14-32.5 to provide that a person is guilty of reckless assault of a child if the person is 18 years of age or more and recklessly causes serious bodily injury (as defined by the statute) to the brain of a child less than five years old by shaking the child, or by slamming or throwing the child so as to impact the child's head on a hard surface or object. Specifies that a person who commits reckless assault of a child is guilty of a Class D felony, unless the conduct is covered under some other provision of law providing greater punishment.

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

Intro. by Wray, Glazier, Insko,  
M. Alexander.

GS 14

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

**H 730. LOCAL BDS OF EDUCATION/403(B) OPTION.** Filed 4/6/11. *TO AUTHORIZE THE DEPARTMENT OF STATE TREASURER TO CREATE A CENTRALIZED 403(B) RETIREMENT ANNUITY PLAN AS AN OPTION FOR EMPLOYEES OF LOCAL BOARDS OF EDUCATION.*

Amends GS 115C-341 to authorize local boards of education to purchase interests in custodial accounts pursuant to Section 401(f), Section 403(b)(7), and related sections of the Internal Revenue Code for the benefit of qualified employees with funds derived from the reduction in the salaries of such employees.

Enacts new GS 115C-341A to authorize the Department of State Treasurer to establish a centralized list of approved third-party vendors of annuity contracts and custodial accounts, pursuant to which employees of local school boards may enter into nonforfeitable annuity contracts by way of salary reduction through the Department

of State Treasurer. Specifies six criteria that must apply to the Department of State Treasurer's Section 403(b) offerings to employees of local school boards.

Effective July 1, 2011.

**Intro. by Fisher.**

GS 115C

Education; State Government;  
Employment and Retirement

**H 731. [HONOR IKE ANDREWS](#).** Filed 4/6/11. *HONORING THE LIFE AND MEMORY OF IKE FRANKLIN ANDREWS, FORMER MEMBER OF CONGRESS AND THE GENERAL ASSEMBLY.*

As title indicates.

**Intro. by Hackney.**

HOUSE RES

General Assembly

**H 732. [TORT REFORM ACT OF 2011](#).** Filed 4/6/11. *TO ENACT THE TORT REFORM ACT OF 2011.*

Enacts a new GS Chapter 1F to establish the *North Carolina Apportionment of Tort Responsibility Act*. Defines *contributory fault* as contributory negligence, misuse of a product, unreasonable failure to avoid or mitigate harm, and assumption of risk unless the risk is expressly assumed in a legally enforceable release or similar agreement. Defines *released person* as a person that would be liable for damages if the person had not been discharged from liability under proposed GS 1F-35 (Effect of release), GS 1F-40 (Reduction of worker's compensation lien and subrogation right), or GS 1F-45 (Reduction of state's lien and subrogation right). Also includes definitions for the following: (1) intentional wrongful conduct, (2) nonpunitive damages, (3) party, (4) person, (5) property, (6) responsibility, and (7) willful or wanton conduct.

Provides that in an action seeking damages for personal injury, wrongful death or harm to property based on negligence or on any other tort claim for which the claimant may be subject to a defense in whole or part based on contributory fault, the claimant's recovery is diminished by the percentage of responsibility assigned to the claimant, or in a wrongful death case, the decedent, pursuant to proposed GS 1F-15. Prohibits the claimant from recovering any damages if the contributory fault is greater than the combined responsibility of all parties and released persons that caused the injury or harm to the claimant; however, provides an exception that any contributory fault attributable to the claimant, or in a wrongful death claim, to the decedent, does not diminish the amount the claimant would otherwise recover as damages against any party whose *intentional wrongful conduct* resulted in injury, wrongful death, or harm to property giving rise to the claim. Provides additional guidelines regarding the effect of contributory fault on the claimant's right to recover damages. Requires the court to instruct the jury in a jury trial as to the legal effect of its findings made under proposed GS 1F-15 (finding damages; attribution of responsibility) on a claimant's right to recover damages.

Requires that in an action to recover damages for personal injury, wrongful death, or harm to property involving the responsibility of more than one party, released person, or in a wrongful death claim the decedent, the trier of fact must make the following findings: (1) state the amount of damages that a claimant, or in a wrongful death claim, the decedent, would be entitled to recover if any contributory fault was disregarded; (2) state, as to each claim, the percentage of total responsibility attributed to each party, released person, and in a wrongful death claim, the decedent, which caused the injury or harm, with the total of all percentages being equal to 100%; and (3) any other issue of fact fairly raised by the evidence which is necessary to make a determination of the damage award or to enter or modify a judgment. Provides that the trier of fact consider the nature of the conduct and the extent of the causal relation between the conduct and the damages claimed when determining the percentages of responsibility. Requires the court to determine the extent to which the responsibility of one party, which is based on the conduct of another party, warrants that the parties be treated as a single party. Provides that nothing in this section alters the right of any party to move for a separate trial of any issue or claim pursuant to GS 1A-1, Rule 42(b).

Requires that after the trier of fact has made findings under GS 1F-15, the court is to determine the monetary amount of any award of damages to the claimant, the amount of the several share for which each party found responsible is liable, and any amount attributable to a released person. Also provides criteria under which the court may reassign any percentage of contributory fault attributed to a claimant, or in a wrongful death claim, the decedent to any party or released person whose intentional wrongful conduct resulted in the injury, wrongful death, or harm to property giving rise to the claim. Requires the court to enter the judgment severally against each party adjudged liable, except in specified circumstances where the court may enter a judgment jointly and severally against the parties, and allows for modification of the judgment if the damages are reallocated.

Provides for a third-party action, allowing a party subject to liability for personal injury, wrongful death, or harm to property under GS Chapter 1F (1) to join a person that is also subject to liability and (2) to prevent, by objecting, the voluntary dismissal of any party who is not a released person. Provides that the provisions of Article 1 of GS Chapter 1B do not apply against parties against whom judgment is entered severally and not jointly under GS Chapter 1F.

Provides that a release, covenant not to sue, covenant not to execute a judgment, or similar agreement discharges the person, as well as any other person expressly provided for in the agreement, from liability and liability for contribution. Provides that if an employer or workers' compensation insurer asserts a lien or right of subrogation under GS 90-10.2, the employer is deemed to have had its obligation to the employee for the compensation benefits paid or payable discharged as if the employer or insurer received a release, covenant not to sue, covenant not to execute a judgment, or similar agreement with the employee. An employee that asserts that the lien or right of subrogation should be reduced because of the employer's fault must give notice to the employer or insurer so that they may intervene in the employee's action for personal injury. Provides that nothing in this section is intended to diminish or increase the rights and obligations under GS 97-10.2(j) (rights and remedies against third parties). Provides that if the State asserts a lien or right of subrogation under GS 127A-110, the State is deemed to have had its obligation to the guardsman for the compensation benefits paid or payable discharged as if the State received a release, covenant not to sue, covenant not to execute a judgment, or similar agreement with the guardsman. A party that asserts that the lien or right of subrogation should be reduced because of the State's fault must give notice to the State so that they may intervene in the employee's action for personal injury. Provides that nothing in GS Chapter 1F modifies existing law governing apportionment of damages resulting from divisible injuries.

Amends GS 8-58.1 to provide that the amount paid for medical treatment plus the amount of unpaid medical expenses necessary to discharge the liability to the service provider establishes a rebuttable presumption that the amount is reasonable in any action to recover damages for personal injury or wrongful death in which parties may introduce evidence of past medical expenses. Adds new Rule 414 to Article 4 of GS Chapter 8C to provide that in any action to recover damages for personal injury or wrongful death, evidence offered to prove past damages for medical expenses is limited to the amounts necessary to discharge the liability incurred by or on behalf of the injured party. Does not limit the admissible evidence to prove the reasonable value of volunteer services provided to an injured party.

Enacts new GS 143-300.1B to provide that in tort claims against state departments and agencies where liability is based upon acts or omissions that constitute contributory fault, the provisions of GS Chapter 1F apply.

Makes conforming changes to the following: GS 1-139, 1A-1, Rule 8(c), 1B-1, 20-135.2A, 20-137.4(f), 28A-18-2, 99B-1.1, 99C-4, 143-291(a), and 143-299.1.

Repeals GS 20-137.1(d)(4), GS 20-171.9(c) (regarding negligence and liability pertaining to bicycle helmet and restraining seat use) and GS 99B-4 (liability in product liability action).

Effective January 1, 2012, and applies to actions accruing on or after that date.

**Intro. by Blust, Daughtry.** GS 1, 1A, 1B, 1F, 8, 20, 28A, 99B, Civil Law and Procedure; Courts  
99C, 143

**H 733. MODIFY ABANDONED PROPERTY PROVISIONS.** Filed 4/6/11. *TO PROVIDE THAT MULTIPLE PAYEE CHECKS MAY BE PRESUMED ABANDONED WITH RESPECT TO AN OWNER NOT CLAIMING THE CHECK WITHIN THREE YEARS AND TO LIMIT THE SCOPE OF THE REGULATION OF PROPERTY FINDER AGREEMENTS TO ONLY THOSE AGREEMENTS THAT INVOLVE PROPERTY THAT IS PRESUMED ABANDONED.*

Amends GS 116B-53(c) to provide that money orders, cashier's checks, teller's checks, and certified checks issued to multiple payees are presumed abandoned three years after issuance with respect to a payee who has not claimed the property. Amends GS 116B-78 to specify that property finder agreements covered by the statute are those whose primary purpose is to locate or recover property presumed abandoned. Clarifies that agreements are void and unenforceable if entered into during the period starting on the date the property was presumed abandoned and extending as specified. Effective October 1, 2011.

**Intro. by Jordan, Starnes,** GS 116B State Government  
**Stevens.**

**H 734. REQUIRE PHOTO ID/FOOD STAMPS PROGRAM.** Filed 4/6/11. *REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ISSUE TO PARTICIPANTS IN THE SUPPLEMENTAL FOOD AND NUTRITION PROGRAM (SNAP) DEBIT CARDS THAT CONTAIN PHOTO IDENTIFICATION ON THE CARD.*

Enacts new 108A-52.1 requiring the Department of Health and Human Services to issue benefits recipients an electronic benefits transaction card that contains a color photograph of the recipient and the recipient's full name, mailing address and residence address, physical description, including sex, height, eye color, and hair color, date of birth, and signature. Requires provision for one additional individual to use the card on recipient's behalf and to be named on the card. Provides for replacement cards and specifies the charges to the recipient for such replacements. Effective July 1, 2011.

Intro. by H. Warren, L. Brown,  
Lewis, T. Moore.

GS 108A

Health, Social Services, and Aging

**H 735. READY FOR WORK/UI DRUG TESTING.** Filed 4/6/11. *TO INCLUDE PERIODIC DRUG TESTING AMONG THE CONDITIONS REQUIRED FOR ELIGIBILITY TO RECEIVE UNEMPLOYMENT INSURANCE BENEFITS IN ORDER TO ENSURE THAT RECIPIENTS ARE ABLE AND AVAILABLE TO WORK.*

Amends GS 96-13 to add to the requirements for unemployment benefits eligibility that the claimant submit to and pass a drug test. Provides that the drug test shall not be required if the former employer does not agree to pay for it. Permits an employer to request and pay for a drug test at the appeal stage. Provides for random drug testing of existing claimants. Permits claimants to refute a drug test result and submit results of a second drug test at claimant's expense. Provides for benefit suspension for claimants failing or refusing a pre- or post-hire drug test. Allows for a claimant denied benefits for reasons relating to drug testing to reapply for benefits, and provides exceptions for benefits denial under certain circumstances, including participation in drug treatment, failure of the test due to lawful drug use, and a negative drug test result in a follow-up test. Requires certain rulemaking by the Employment Security Commission to carry out the Act's purposes. Defines "drug test."

Intro. by H. Warren, Cleveland,  
Hager, Lewis.

GS 96

Employment and Retirement

**H 736. AMEND LAW RE: SCHOOL DISCIPLINE.** Filed 4/6/11. *TO REORGANIZE THE GENERAL STATUTES RELATING TO SCHOOL DISCIPLINE; PREVENT LITIGATION BY ADDING DEFINITIONS TO AND CLARIFYING AMBIGUITIES IN THE CURRENT LAW; CODIFY EXISTING CASE LAW; AND INCREASE LOCAL CONTROL AND FLEXIBILITY REGARDING DISCIPLINE.*

Repeals GS 115C-390 and GS 115C-391.

Adds new GS 115C-390.1 to define terms and require that the policies and procedures for the discipline of students be consistent with certain federal laws and regulations.

Adds new GS 115C-390.2 to require local boards to adopt policies to govern the conduct of students and establish procedures for disciplining students. Board policies: (1) must include or provide for the development of a Code of Student Conduct; (2) may authorize suspension for conduct not occurring on educational property if the student's conduct violates the Code of Student Conduct and the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environments; (3) may not allow students to be long-term suspended or expelled from school solely for truancy or tardiness offenses and may not allow short-term suspension of more than two days for such offenses; (4) may not impose mandatory long-term suspensions or expulsions for specific violations unless otherwise provided in state or federal law; (5) must minimize the use of long-term suspension and expulsion by restricting the availability of long-term suspension or expulsion to offenses deemed to be serious violations of the board's Code of Conduct that either threaten the safety of students, staff, or school visitors or threaten to substantially disrupt the educational environment; (6) may not prohibit the superintendent and principals from considering the student's intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors when deciding whether to recommend or impose long-term suspension; and (7) must include the procedures to be followed by school officials in suspending, expelling, or administering corporal punishment to any student. Requires the local board to publish all policies, administrative procedures, or school rules and make them available to each student and parent at the beginning of each school year and upon request.

Adds new GS 115C-390.3 to provide that: (1) school personnel may use physical restraint only in accordance with GS 115C-391.1; (2) school personnel may use reasonable force to control behavior or to remove a person from the scene in certain, specified circumstances; and (3) no officer or employee of the State Board of Education or of a local board of education may be held civilly liable for using reasonable force in conformity with State law, State or local rules, or State or local policies.

Adds new GS 115C-390.4 to require each local board of education to determine if corporal punishment is permitted in its school administrative unit. Specifies minimum requirements that must be included in any policy for administering corporal punishment. Requires each local board of education to report annually to the State Board of Education on the number of times that corporal punishment was administered and specifies certain information that must be included in the report.

Adds new GS 115C-390.5 to authorize a principal to impose short-term suspension on a student who willfully engages in conduct that violates a provision of the Code of Student Conduct authorizing short-term suspension. Requires that a student on short-term suspension be provided with the opportunity to take textbooks home for the duration of the suspension, to receive, upon request, all missed assignments and materials distributed to students, and the opportunity to make up certain missed examinations.

Adds new GS 115C-390.6 to prescribe procedures for imposing a short-term suspension.

Adds new GS 115C-390.7 to authorize a principal to recommend to the superintendent the long-term suspension of any student who willfully engages in conduct that violates a provision of the Code of Student Conduct that authorizes long-term suspension. Specifies that only the superintendent has the authority to long-term suspend a student. Requires student to be afforded opportunity for a hearing consistent with GS 115C-390.8 before a long-term suspension may be imposed. Provides that if a teacher is assaulted or injured by a student and as a result the student is long-term suspended or reassigned to alternative education services, the student shall not be returned to that teacher's classroom unless the teacher consents. Specifies that disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the Standard Course of Study and provides the student with the opportunity to make timely progress towards graduation and grade promotion is not a long-term suspension requiring due process procedures.

Adds new GS 115C-390.8 to prescribe procedures for imposing a long-term suspension.

Adds new GS 115C-390.9 to require that students who are long-term suspended be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Affords a student the right to seek review of a superintendent's decision to decline to offer alternative education services by the local board of education.

Adds new GS 115C-390-10 to require local boards of education to implement the federal Gun Free Schools Act, requiring suspension for 365 calendar days of any student who is determined to have brought or been in possession of a firearm or powerful explosive on educational property, or to a school-sponsored event off of educational property. Permits the superintendent to modify the 365 day suspension on a case-by-case basis. Requires the principal to report all incidents of firearms or powerful explosives on educational property or at a school-sponsored event. Specifies that statutory provisions do not apply to a firearm that was brought onto school property for activities approved and authorized by the local board of education. Requires superintendent to inform student and parent of student who is suspended for 365 days of right to petition the local board of education for readmission pursuant to GS 115C-390.12. Provides that the provisions of GS 115C-390.8 and GS 115C-390.9 apply to a student who is suspended for 365 days.

Adds new GS 390.11 to authorize a local board of education, upon recommendation of the superintendent, to expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff. Requires local board to conduct a hearing to determine whether the student's continued presence in school constitutes a clear threat to the safety of other students or school staff. Requires that student be given reasonable notice of the recommendation in accordance with G.S. 115C-390.8(a) and (b), as well as reasonable notice of the time and place of the scheduled hearing. Specifies that the procedures described in G.S. 115C-390.8(e)(1)-(8) apply to students facing expulsion, except that the decision to expel a student by the local board of education must be based on clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students and school staff. Authorizes a local board of education to expel any student subject to G.S. 14-208.18 in accordance with the procedures of the statute. Specifies that the local board of education must consider whether there are alternative education services that may be offered to the student. Requires that a student be provided notice of the right to petition for readmission pursuant to GS 115C-390.12 at the time the student is expelled. Prohibits a student who is expelled to be present on any property of the local administrative unit.

Adds new GS 115C-390.12 to prescribe procedures for students who are suspended for 365 days or expelled to petition for readmission.

Makes conforming and clarifying changes to GS 115C-391.1(i), GS 115C-12(27), GS 115C-45(c)(1), GS 115C-105.47(b)(6), GS 115C-105.47(b)(13), GS 115C-238.29B(b)(11), GS 115C-238.29F(g)(7), GS 115C-276(r), GS 115C-288(e), GS 115C-366, GS 115C-402(b), GS 14-208.18(f), and GS 20-11(n1)d.2.

Applies beginning with the 2011-12 school year.

**Intro. by Langdon, Luebke, GS 14, 20, 115C Education**  
**Daughtry, Lucas.**

**H 737. STRENGTHEN CHILD SAFETY LAWS/CARE FACILITIES.** Filed 4/6/2011. *TO STRENGTHEN THE LAWS REGARDING THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES.*

Amends GS 110-90.2 by expanding the definition of "child care provider" to include both permanent and temporary employees and substitute providers as well as family members and nonfamily members in family child care homes who use the home as a permanent or temporary place of residence. Eliminates from the definition the requirement that the employee have contact with the children. Expands the definition of "criminal history" to include criminal charges. Adds additional crimes to the list of crimes bearing on the safety of children. Adds definitions for "substitute provider" and "uncompensated provider." Prohibits certain convicted and adjudicated persons from being child care providers or uncompensated child care providers. Provides for the Department of

Health and Human Services (DHHS) to ensure certain criminal history checks of providers prior to employment and every three years, effective March 1, 2012 (was, January 1, 1996). Permits the Department to prevent habitually excessive alcohol and drug users or mentally or emotionally impaired individuals from being child care providers. Amends the mandatory criminal history check notice for child care providers to add additional crimes bearing on the safety of children. Adds intentional falsification on a criminal history check as a ground for DHHS to disallow an individual to provide child care. Specifies that district court review of DHHS decision is de novo and that no jury trial is available for such appeals. Amends certain provisions regarding payment for required criminal history checks. Makes a conforming change to GS 110-91.

**Intro. by Samuelson.**

GS 110

Children and Juvenile Law

**H 738. EARLY ED. CERTIFICAT'N REQ'D/ONLY CERTAIN IND.** Filed 4/6/11. *REQUIRING ONLY CERTAIN EARLY CARE AND EDUCATION PROVIDERS WORKING IN LICENSED CHILD CARE CENTERS OR LICENSED FAMILY CHILD CARE HOMES TO OBTAIN AND MAINTAIN EARLY EDUCATOR CERTIFICATION.*

Amends GS 119-91 to specify that the education certification requirement does not apply to licensed family child care home providers, substitute teaching staff, part-time staff, summer program staff, or volunteers. Makes conforming changes.

**Intro. by Jordan.**

GS 110

Education

**H 739. IGNITION INTERLOCK—ALL DWI OFFENDERS (=H 725).** Filed 4/6/11. *TO REQUIRE ANYONE WHO IS CONVICTED OF DRIVING WHILE IMPAIRED, DRIVING AFTER CONSUMING ALCOHOL BEING LESS THAN TWENTY-ONE YEARS OF AGE, OR ANY OTHER IMPAIRED DRIVING OFFENSE, OR ANY PERSON WHO REFUSES A CHEMICAL ANALYSIS, TO HAVE AN IGNITION INTERLOCK SYSTEM INSTALLED ON EVERY VEHICLE THAT PERSON MAY DRIVE BEFORE THAT PERSON CAN GET A LIMITED DRIVING PRIVILEGE; AND TO PROVIDE FOR THE PAYMENT OF AN ADMINISTRATIVE FEE AND COSTS ASSOCIATED WITH AN IGNITION INTERLOCK SYSTEM AND CREATE AN IGNITION INTERLOCK DEVICE FUND TO ASSIST INDIGENT PERSONS.*

Substantively identical to H 725, filed 4/6/11.

**Intro. by Faison, Ingle.**

GS 20

Transportation; Criminal Law,  
Procedure, and Sentencing

**H 740. LRC STUDY ON SEX OFFENDER REGISTRATION.** Filed 4/6/11. *TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE STATE'S CRIMINAL AND SENTENCING LAWS REGARDING SEX OFFENSES.*

Authorizes the Legislative Research Commission to study the State's criminal and sentencing laws regarding sex offenses and the State's sex offender registration laws. Specifies that the Commission may consider the offenses that currently require registration; whether there are offenses that should be added to or deleted from the registration requirement; whether the registration requirements should be modified; whether the amount of time an individual is required to remain on the registry for a sex offense should be increased, decreased, or remain as it is; the federal requirements regarding sex offender registration and may also compare the sex offender registration laws in North Carolina with those of other states; and any other issues relevant to this study.

**Intro. by Kever.**

JOINT RES

General Assembly; Criminal Law,  
Procedure, and Sentencing

**H 741. STATEWIDE ENTERPRISE FRAUD/WASTE DETECTION.** Filed 4/6/11. *PROVIDING FOR AN ENTERPRISE APPROACH FOR DETECTION OF FRAUD, WASTE, ABUSE, AND IMPROPER PAYMENTS IN STATE GOVERNMENT PROGRAMS AND APPROPRIATING FUNDS FOR THAT PURPOSE.*

Creates an Expenditure Control Compliance Committee (Committee) to provide for the deployment of an enterprise-wide system to detect fraud, waste, and improper payments across State agencies, departments, institutions, and programs to leverage a common infrastructure and a common set of data integration points across multiple program areas. Specifies that the Committee must initially focus on Medicaid claims and other health related claims; unemployment insurance; workers' compensation; revenue and tax collection; discretionary grants and other community-based programs. Specifies the composition of the five voting-member Committee. Prohibits Committee member from substituting a designee to attend or participate on the member's behalf. Provides for termination of the Committee on December 31, 2016.

Directs the Committee to: (1) solicit and review proposals from State agencies for allocation of funds from the Enterprise Fund (a) to establish programs and opportunities to identify improper claims prior to disbursement of

State funds and (b) to eliminate fraud, waste, abuse, and improper payments, subsequent to disbursement of State funds; (2) ensure that staff supporting the Committee works directly with State agencies where programs have been identified to assist them with the specific tasks involved to achieve the outcomes desired under the enterprise fraud and waste program; (3) approve projects identified by State agencies to meet goals of the program and to assure that procurement activity is consistent with State law; (4) utilize advanced analytical technology and modeling techniques, such as link analyses and social network analyses, to allow staff to be more efficient and effective at cost containment; and (5) establish metrics, measures, and outcomes focused on return on investment as an evaluation component for projects to be approved from the Enterprise Fund.

Directs the Office of State Budget and Management (OSBM) to provide dedicated staff to the Committee.

Requires the Committee to meet certain specified reporting requirements.

Requires that General Fund savings realized from the projects be placed in a nonreverting reserve in the OSBM and not be utilized except by appropriation of the General Assembly.

Appropriates from the General Fund to the OSBM \$4 million for the 2011-12 fiscal year, and \$4 million for the 2012-13 fiscal year to be used to fund the Committee and to fund the development and deployment of an enterprise-wide information technology system to detect fraud, waste, abuse, and improper payments in state government programs.

Effective July 1, 2011.

**Intro. by Barnhart, Stam.**

APPROP

Budget and Appropriations; State Government

**H 742. [WEIGH MARIJUANA/CONFORM TO FED LAW](#).** Filed 4/6/11. *TO CONFORM THE DEFINITION OF MARIJUANA USED IN THE GENERAL STATUTES SO THAT IT IS THE SAME IN CIVIL AND CRIMINAL STATUTES AND TO FURTHER CONFORM THE DEFINITION OF MARIJUANA WITH FEDERAL GUIDELINES ON THE WEIGHING OF MARIJUANA PLANTS.*

Amends GS 90-87(16) to clarify what parts of the plant are not included in the definition of "marijuana" and to specify that the weight to be used for marijuana above a certain moisture content is the approximate weight of the marijuana without such moisture. Amends GS 105-113.106(6) to include every manufacture of the plant.

Amends GS 105-113.107(a1) to specify that the weight to be used for marijuana above a certain moisture content is the approximate weight of the marijuana without such moisture. Effective October 1, 2011 and applies to any criminal offense committed in violation of Article 5 or 5B of Chapter 90 and to any tax imposed under Article 2D of Chapter 105.

**Intro. by Avila, Stevens, Glazier.**

GS 90, 105

Civil Law and Procedure; Criminal Law, Procedure, and Sentencing

**H 743. [EQUAL TREATMENT UNDER SMFP \(=S 505\)](#).** Filed 4/6/11. *TO ENSURE EQUAL TREATMENT OF HEALTH SERVICE APPLICANTS UNDER THE STATE MEDICAL FACILITIES PLAN.*

Identical to S 505, filed 4/4/11.

**Intro. by Steen, Current, Glazier, Torbett.**

GS 131E

Health, Social Services, and Aging

House Bill 744 through House Bill 859 will be summarized in tomorrow's *Daily Bulletin*.

## SENATE BILLS

**S 523. [NORTH CAROLINA CASINO GAMING ACT](#).** Filed 4/6/11. *TO ESTABLISH THE NORTH CAROLINA CASINO GAMING ACT BY ALLOWING CERTAIN SLOT MACHINES TO BE OPERATED BY PERMITTED AND LICENSED ENTITIES WITHIN TIER 1 COUNTIES THAT BORDER ANOTHER STATE AND WHICH HAVE A HIGHWAY DESIGNATED AS AN INTERSTATE HIGHWAY IN THE COUNTY; TO CREATE A PERMITTING SCHEME; TO CREATE AN ADMINISTRATION AND ENFORCEMENT SCHEME; TO CREATE FUNDS TO DIRECT THE PAYMENT OF MONIES AND RECEIVE REVENUES; AND TO ENHANCE ECONOMIC GROWTH IN ECONOMICALLY DISADVANTAGED COUNTIES.*

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

**Intro. by Jenkins.**

GS 14, 18C, 18D

Lottery and Gaming; Criminal Law, Procedure, and Sentencing

**S 524. STRENGTHENING RESIDENTIAL PLACEMENT (=H 679).** Filed 4/6/11. *STRENGTHENING MENTAL HEALTH RESIDENTIAL PLACEMENT UNDER THE MEDICAID PROGRAM.*

Identical to H 679, filed 4/6/11.

**Intro. by Tucker, Hartsell.** UNCODIFIED Health, Social Services, and Aging

**S 525. STREAMLINE OVERSIGHT/DHHS SERVICE PROVIDERS (=H 618).** Filed 4/6/11. *TO STREAMLINE DUPLICATE OVERSIGHT OF DHHS SERVICE PROVIDERS.*

Identical to H 618, filed 4/5/11.

**Intro. by Tucker, Hartsell.** GS 143B Health, Social Services, and Aging

**S 526. DESIGNATE SENATOR AS STATE SYMBOL.** Filed 4/6/11. *TO DECLARE RICHARD STEVENS THE OFFICIAL NORTH CAROLINA STATE SENATOR FOR SENATE DISTRICT 17 FOR THE 2011-2013 BIENNIUM.*

Amends GS 145-33 as title indicates. Contains whereas clauses noting the diligent and faithful service of Senator Stevens to Senate District 17 and his "principled and consistent opposition to the proliferation of official state symbols, festivals, and commemorative events." Effective 15 days after the official Irish potato festival of the State of North Carolina is held and expires at the end of the 2011-2013 biennium.

**Intro. by Clodfelter.** GS 145 State Government; General Assembly

**S 527. LIFE SCIENCE DEVELOPMENT ACT.** Filed 4/6/11. *TO EXPAND EMPLOYMENT AND ENCOURAGE PRIVATE INVESTMENTS IN LIFE SCIENCE FACILITIES AND EQUIPMENT IN THIS STATE.*

Enacts new Article 3M to GS Chapter 105 entitled Life Sciences Investments.

New GS 105-129.106 defines certain terms, including *life sciences company*, which is a company engaged in any of the following: biotechnology, including agricultural and industrial uses, pharmaceuticals, biologic products, medical devices, diagnostic devices, and service laboratories or facilities providing support services to the foregoing companies.

New GS 129-106A directs the Secretary of Commerce and the President of the North Carolina Biotechnology Center to establish a nonprofit corporation whose primary purpose is to foster the development of the life science industry in NC. Specifies certain provisions that must be included in the articles of incorporation, including that North Carolina must be the sole voting member of the nonprofit corporation. Directs the Governor and the State Treasurer to jointly vote the state's interest in the nonprofit corporation. Specifies the members of the initial board of directors of the nonprofit corporation and authorizes them to organize its affairs, including adopting bylaws providing for the subsequent election of additional directors.

New GS 105-129.107 sets forth detailed criteria that a business entity must satisfy to be a qualified entity, including (1) that the entity be established as a for-profit limited liability company whose sole purpose is to foster economic development in the state by making certain loans to life science companies, (2) that the entity has as its sole managing member the nonprofit corporation; and (3) that the entity raises funds for making loans to life science companies by issuing equity certificates for investments made by designated investors with a specified rate of return. Requires the Secretary of Revenue to issue a statement of qualification within 30 days of receiving a certification from an entity under oath that each of the statutory criteria have been met if the Secretary finds the certification to be satisfactory. Specifies that neither a qualifying entity nor the nonprofit corporation that is the sole managing member of a qualifying entity has any power to pledge the credit or taxing power of the state or any of its local governments, or to make debts payable out of any monies or resources except those of the qualifying entity or the nonprofit corporation.

New GS 105-129.108 provides as follows: (1) requires a qualifying entity that determines it will be unable to make a payment required under an equity certificate to comply with specified notice requirements to the investor and the Secretary of Revenue; (2) directs the Secretary of Revenue to deliver to the qualifying entity a tax credit certificate for each designated investor in the amount certified by the qualifying entity to be due within 30 days after receiving notification that a qualifying entity will be unable to make a payment required under an equity certificate; (3) specify that a taxpayer that presents a tax credit certificate is allowed a tax credit equal to 100% of the amount specified in the certificate against the franchise tax levied in Article 3, the income taxes levied in Article 4, or the gross premiums tax levied in Article 8B of GS Chapter 105; (4) specify that the tax credit is refundable; and (5) provides that a pass-through entity is considered the taxpayer for purposes of claiming the credit.

New GS 105-129.109 requires a taxpayer to provide any information required by the Secretary of Revenue to determine the validity of a claim for the credit. Places burden of proving eligibility for credit and the amount of the credit on the taxpayer.

New GS 105-129.110 adds additional information that the Department of Revenue must include in the economic incentives report required by GS 105-256.

Effective for taxable years beginning on or after January 1, 2011.

**Intro. by Hartsell, Brunstetter, Clodfelter.** GS 105 Taxation

**S 528. ACCESSIBLE ELECTRONIC INFO ACT/BLIND/DISABLED.** Filed 4/6/11. *TO ESTABLISH AND MAINTAIN AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE.*

Enacts new Article 4 to GS Chapter 168 entitled Accessible Electronic Information Act.

New GS 168-31 defines certain terms, including accessible electronic information service, blind or disabled persons, and qualified entity. Includes legislative findings.

New GS 168-32 requires the Division of Services for the Blind in the Department of Health and Human Services (Division) to establish, operate, promote, and administer a statewide accessible electronic information service. Requires the Director of the Division of Services for the Blind to enter into an agreement with a qualified entity to provide the accessible electronic information service for blind and disabled persons. Specifies that the Division must plan for continuation of the service from year to year and maximize use of federal and other funds available for this purpose.

Appropriates \$75,000 from the General Fund to the Department of Health and Human Services for the 2011-12 fiscal year to be used by the Division to maintain the accessible electronic information service.

Effective July 1, 2011.

**Intro. by Purcell.** GS 168 Health, Social Services, and Aging

**S 529. SEPTAGE APPLICATION SITES - WETLANDS BUFFER.** Filed 4/6/11. *TO REQUIRE A MINIMUM DISTANCE OF ONE HUNDRED FEET FROM THE OUTERMOST BOUNDARY OF ANY SEPTAGE LAND APPLICATION SITE TO WETLANDS IN ORDER TO PROTECT SENSITIVE AREAS.*

Amends GS 130A-291.1 to require the Department of Environment and Natural Resources to require a buffer between any wetland and the outermost boundary of any septage land application site of at least 100 feet.

Applies to any permit to operate a new septage land application site issued on or after the date the act becomes law.

**Intro. by Rabon.** GS 130A Agriculture, Environment, and Natural Resources

**S 530. PROHIBIT INVOLUNTARY ANNEXATION OF FARMS.** Filed 4/6/11. *TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS.*

Enacts new GS 160A-58.29 to prohibit a municipality from annexing any land being used for bona fide farm purposes, as defined in GS 153A-340, without the written consent of the owner or owners of the property.

**Intro. by Jackson.** GS 160A Local Government

**S 531. GRANDPARENTS' VISITATION RIGHTS (=H 239).** Filed 4/6/11. *TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW REGARDING GRANDPARENT VISITATION.*

Identical to H239, filed 3/8/11.

**Intro. by Jackson.** GS 50 Family Law

### *Local Bills*

None

**ACTION ON BILLS****April 6, 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](http://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 Pres. To Gov. 4/6/2011
H0008 Eminent Domain. 04-06-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)
H0021 County Administration of Municipal Elections. 03-10-11	H Pres. To Gov. 4/6/2011
H0024 Expand Duties of Economic Dev. Oversight Comm.	H Withdrawn From Com H Re-ref Com On Commerce and Job Development
H0045 Accelerate Cleanup of Industrial Properties. 03-03-11, 03-10-11, 04-06-11	S Reptd Fav Com Substitute SA Com Substitute Adopted S Re-ref Com On Finance
H0059 Sex Offenders Can not Be EMS Personnel. 02-17-11, 04-04-11	H Rec To Concur S Com Sub H Cal Pursuant Rule 36(b) H Placed On Cal For 4/7/2011
H0061 Speaker/Pro Tem Term Limits. 04-06-11	HA Amend Adopted 1 H Amend Failed 2 H Amend Failed 3 H Passed 2nd Reading
H0103 Rqmts. for Min'l Oil Spills - 2. 02-28-11	S Passed 2nd & 3rd Reading
H0113 Motorcycle Safety Act.	S Reptd Fav S Re-ref Com On Finance
H0153 No Public Retirement for Convicted Felons. 03-31-11, 04-05-11, 04-06-11	HA Amend Adopted 2 HA Amend Adopted 3 H Passed 3rd Reading H Ordered Engrossed
H0159 Military Service Notation on Licenses. 03-08-11, 03-09-11	H Pres. To Gov. 4/6/2011
H0186 Select Committee Investigate CTS.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/7/2011
H0199 Req. DV Victim/List Prior	H Passed 2nd & 3rd Reading

Action Against Def.	
03-31-11	
H0268	Implenmentation of Reclaimed Water Rules.
	HA Amend Adopted 1
	H Passed 2nd & 3rd Reading
	H Ordered Engrossed
03-31-11, 04-06-11	
H0280	County Law Enforcement Service District.
	S Rec From House
	S Passed 1st Reading
	S Ref To Com On State and Local Government
03-31-11	
H0297	Hold on to Your Drivers License.
	HA Reptd Fav Com Substitute
	H Re-ref Com On Judiciary Subcommittee A
04-06-11	
H0321	Grifton Shad Festival.
	H Passed 2nd & 3rd Reading
	S Rec From House
	S Placed On Cal For 4/6/2011
	S Passed 2nd & 3rd Reading
H0329	Bldg. Codes/Expand Equine Exemption.
	HA Amend Adopted 1
	H Passed 2nd & 3rd Reading
	H Ordered Engrossed
03-24-11, 04-06-11	
H0348	Offenders/No Access to Personnel Records.-AB
	H Withdrawn From Com
	H Re-ref Com On Judiciary Subcommittee A
H0382	Juvenile Code Revisions.-AB
	H Passed 2nd & 3rd Reading
03-31-11	
H0383	Communications Regulatory Reform.
	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Finance
03-30-11	
H0432	Swine in Transport/Regulate Feral Swine.
	HA Reptd Fav Com Substitute
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 4/7/2011
04-06-11	
H0476	Protect Galax & Venus Flytrap/WRC Rule Fines.
	HA Reptd Fav Com Substitute
	H Re-ref Com On Finance
04-06-11	
H0617	Portable Electronics Insurance Coverage.
	H Passed 1st Reading
	H Ref To Com On Insurance
H0618	Streamline Oversight/DHHS Service Providers.
	H Passed 1st Reading
	H Ref To Com On Health and Human Services
H0619	Update/Modernize Physical Therapy Act.
	H Passed 1st Reading
	H Ref To Com On Health and Human Services
H0620	Preserving Value of Property/Paving of Roads.
	H Passed 1st Reading
	H Ref To Com On Transportation
H0621	Protect Landowner Water Rights.
	H Passed 1st Reading
	H Ref To Com On Environment
H0622	Study Art. 3A Administrative Hearings Proced.
	H Passed 1st Reading
	H Ref To Com On Rules, Calendar, and Operations of the House
H0623	Eliminate Agency Final
	H Passed 1st Reading

	Decision Authority.	H	Ref To Com On Judiciary Subcommittee A
H0624	Citizens United Disclosures.	H	Passed 1st Reading
		H	Ref To Com On Elections
H0625	Bill of Rights/Deaf/Hearing Impaired.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee A
H0626	Surcharge for Credit Card Use Prohibited.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0627	Study Efficiency and Cost Savings/State Govt.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0628	Development Ready Jobs Study.	H	Passed 1st Reading
		H	Ref To Com On Finance
H0629	Substance Abuse Treatment.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0630	Clarify Law/Older Adults & LT Services.	H	Passed 1st Reading
		H	Ref To Com On Health and Human Services
H0631	Postconviction Release Bonds.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C
H0632	Juvenile Age to 18.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0633	Limit Contributions From Political Parties.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0634	Arthritis Foundation Special Plate.	H	Passed 1st Reading
		H	Ref to the Com on Transportation, if favorable, Finance
H0635	Adjust Highway Equity Formula.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0636	Amend Financial Transaction Card Theft.	H	Passed 1st Reading
		H	Ref To Com On Judiciary
H0637	Adoption Law Changes.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C
H0638	Uniform Faithful Presidential Electors Act.	H	Passed 1st Reading
		H	Ref To Com On Elections
H0639	Clinical Exercise Physiologist Licensure.	H	Passed 1st Reading
		H	Ref to the Com on Health and Human Services, if favorable, Finance
H0640	Foreign Laws/Protect Constitutional Rights.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C

H0641 Certification of Restoration of Rights Act.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0642 Justice Reinvestment Act.	H Passed 1st Reading H Ref to the Com on Judiciary, if favorable, Finance, if favorable, Appropriations H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee B H Serial Referral to Finance Stricken, if fav to Appropriations
H0643 Exempt CCPCUA from IBT Requirements.	H Passed 1st Reading H Ref To Com On Environment
H0644 Establish Pharmacy Audit Rights.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0645 General Assembly Meet in Capitol.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0646 Prison Hospital Completion.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0647 Diabetes Task Force.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0648 Improve Enforcement/General Contractor Laws.	H Passed 1st Reading H Ref to the Com on Commerce and Job Development, if favorable, Judiciary Subcommittee B
H0649 Amend Grounds/License Revocat'n/Bail Bondsman.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0650 Amend Various Gun Laws.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee C
H0651 Pardon Governor Holden.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0688 General Assembly Meet in Capitol.	H Filed H Passed 1st Reading H Rules Suspended H Passed 2nd & 3rd Reading S Rec From House S Placed On Cal For 4/6/2011 S Passed 2nd & 3rd Reading
H0689 Online Voter Registration.	H Filed
H0690 Supervise RE Closings/Settlement Funds.	H Filed

H0691	Chief Magistrate.	H	Filed
H0692	Increase Payment of Unclaimed Property Claims.	H	Filed
H0693	Transporter Plates/ Repossessions.	H	Filed
H0694	ASU Wind Demonstration Project.	H	Filed
H0695	Family/School/Community Compacts.	H	Filed
H0696	Assault on LEO Inflicting Bodily Injury.	H	Filed
H0697	Study Stroke Prevention in AFib.	H	Filed
H0698	Dentistry Management Arrangement Limits.	H	Filed
H0699	Study Children of Incarcerated Parents.	H	Filed
H0700	Auto-Enroll in Supplemental Retirement Plan.	H	Filed
H0701	Honor Maxine Swalin.	H	Filed
H0702	Educ. Assistance for Minimum Wage Workers.	H	Filed
H0703	Abolish Cemetery Comm/Amend Funeral Laws.	H	Filed
H0704	Study State's Future Energy Needs.	H	Filed
H0705	Repeal Private Drinking Water Well Testing.	H	Filed
H0706	Alimony/Postseparation Support Changes.	H	Filed
H0707	Deeds of Trust/Modernize Procedures.	H	Filed
H0708	Study Water & Sewer Service Providers.	H	Filed
H0709	Protect and Put NC Back to Work.	H	Filed
H0710	Bd. of Ethics, Lobbying, and Campaign Finance.	H	Filed
H0711	Clarify Water & Well Rights/ Private Property.	H	Filed
H0712	Qualified Retired LEO/ Concealed Carry.	H	Filed
H0713	Public Contracts/Multiple Award.	H	Filed
H0714	Legal Services.	H	Filed
H0715	Support Firefighters Week.	H	Filed
H0716	Native American License Plate Fee Increase.	H	Filed
H0717	Private Mortgage Insurance Premiums.	H	Filed
H0718	Allow Atty/Child Supp Hear'g Officer/Alamance.	H	Filed
H0719	Suspension Removed When Eligibility Met.	H	Filed
H0720	School & Teacher Paperwork Reduction Act.	H	Filed

H0721	Landlord/Tenant/Bed Bug Liability.	H	Filed
H0722	Omnibus Act Regarding Coal-Based Energy.	H	Filed
H0723	Clarify SEPA /Economic Incentives Exclusion.	H	Filed
H0724	Omnibus Energy Bill.	H	Filed
H0725	Ignition Interlock Required/ All DWIs.	H	Filed
H0726	Mandate Use of Contr. Sub. Reporting System.	H	Filed
H0727	Amend Dropout Prevention Grants.	H	Filed
H0728	LRC/Study Inmate Labor.	H	Filed
H0729	Reckless Assault of a Child.	H	Filed
H0730	Local Bds of Education/403(b) Option.	H	Filed
H0731	Honor Ike Andrews.	H	Filed
H0732	Tort Reform Act of 2011.	H	Filed
H0733	Modify Abandoned Property Provisions.	H	Filed
H0734	Require Photo ID/Food Stamps Program.	H	Filed
H0735	Ready for Work/UI Drug Testing.	H	Filed
H0736	Amend Law Re: School Discipline.	H	Filed
H0737	Strengthen Child Safety Laws/ Care Facilities.	H	Filed
H0738	Early Ed. Certificat'n Req'd/ Only Certain Ind.	H	Filed
H0739	Ignition Interlock-All DWI Offenders.	H	Filed
H0740	LRC Study on Sex Offender Registration.	H	Filed
H0741	Statewide Enterprise Fraud/ Waste Detection.	H	Filed
H0742	Weigh Marijuana/Conform to Fed Law.	H	Filed
H0743	Equal Treatment Under SMFP.	H	Filed
H0744	Safe Students Act.	H	Filed
H0745	Study Human Relations Comm Duties.	H	Filed
H0746	Citizen Participation Act.	H	Filed
H0747	Exempt Commercial Fishing Boats.	H	Filed
H0748	Organ Donation Month.	H	Filed
H0749	Modify State Ports Authority.	H	Filed
H0750	Stormwater Best Mgmt. Responsibility/Asscs.	H	Filed
H0751	Clarify Mill Machinery Privilege Tax.	H	Filed
H0752	Revolving Door.	H	Filed
H0753	Establish Radiologic Technicians Licensure.	H	Filed
H0754	No Powell Bill Money for No	H	Filed

Road Miles.		
H0755 Amend Fox Laws.	H	Filed
	H	Fav. For Introduction
H0756 Spectral Fluorescence Signature Drug Analysis.	H	Filed
H0757 Consolidate DV Commission/ Council for Women.	H	Filed
H0758 Establish Arts Education Commission.	H	Filed
H0759 Study Chicken House Fire Codes.	H	Filed
	H	Fav. For Introduction
H0760 LRC Study/Criminal Record Expunctions.	H	Filed
	H	Fav. For Introduction
H0761 Ignition Interlock Systems/ Record Checks.	H	Filed
H0762 Landowner Protection Act.	H	Filed
H0763 License Plate Agency Contracts.	H	Filed
H0764 Beer Franchise Law Clarifications.	H	Filed
H0765 Study Length of School Year.	H	Filed
H0766 Testing in the Public Schools.	H	Filed
H0767 Honor Susan Mecum Burgess.	H	Filed
H0768 APA Rules: Federal Rule Restriction Ceiling.	H	Filed
H0769 High School to Work Partnership.	H	Filed
H0770 Reduce & Prevent School Discipline Problems.	H	Filed
H0771 Landlord/Tenant/Electric & Gas Service.	H	Filed
H0772 SORNA Compliance.	H	Filed
	H	Fav. For Introduction
H0773 Studies Act of 2011.	H	Filed
	H	Fav. For Introduction
H0774 Study Insurance for Contract Growers.	H	Filed
	H	Fav. For Introduction
H0775 Allow Wineries to Sell Malt Beverages.	H	Filed
	H	Fav. For Introduction
H0776 Selling Motor Vehicle Registrations Unlawful.	H	Filed
H0777 Defense of Marriage.	H	Filed
H0778 Amend Innocence Commission Laws.	H	Filed
H0779 Electronic Recording/ Custodial Interrogations.	H	Filed
H0780 Innocence Commn/Case Files & Evidence.	H	Filed
H0781 Summary Ejectment/Appeals.	H	Filed
H0782 Receivership/Priority, Sale of Collateral.	H	Filed
H0783 Independent Redistricting Commission.	H	Filed
H0784 Three-Fifths Vote to Levy Taxes.	H	Filed
H0785 Salary Funds/Spend only for	H	Filed

Salaries.

H0786	North Carolina Highway Trust Fund Changes.	H	Filed
H0787	NC Water Efficiency Act.	H	Filed
H0788	Straight-ticket Provisional Voting.	H	Filed
H0789	Energy Efficiency Required for REPS.	H	Filed
H0790	Enact Employee Fair Classification Act.	H	Filed
H0791	Amend Cos. Art Law/Grandfr. Natural Hair Care.	H	Filed
H0792	Gfeller-Waller Concussion Awareness Act.	H	Filed
H0793	Full-Service Community Schools Pilot Program.	H	Filed
H0794	Modify Teacher Career Status Law.	H	Filed
H0795	Patient Access to Pathological Materials.	H	Filed
H0796	Study Property Tax Valuation Process.	H	Filed
H0797	Limit ETJ.	H	Filed
H0798	Fraudulent Firearm Purchase Prevention Act.	H	Filed
H0799	Licensure by Endorsement/Military/Spouses.	H	Filed
H0800	Streamlining NC Economic Dev for Job Creation.	H	Filed
H0801	Building Code Revisions/Modify Leg. Review.	H	Filed
H0802	Child Support Order Stayed By Appeal.	H	Filed
H0803	Allow Court to Assess Atty Fees/50C Orders.	H	Filed
H0804	Johnston Memorial Hospital Not in LGERS.	H	Filed
H0805	Additional Name Change Requirements.	H	Filed
H0806	Zoning St. of Limit./Ag. Dist. Change.	H	Filed
H0807	Transfer Stanly County to District 20B.	H	Filed
H0808	Revise Laws on Adult Care Homes.	H	Filed
H0809	Model Healthcare-Associated Infections Law.	H	Filed
H0810	Consumer Finance Act Amendments.	H	Filed
H0811	Study Transportation Process and Funding.	H	Filed
H0812	Hospital Authority Territorial Jurisdiction.	H	Filed
H0813	ESC/Jobs Reform.	H	Filed
H0814	Fair Compensation for Mortgage Broker/Lender.	H	Filed

H0815	Teachers/Isolated K-12 Schools.	H	Filed
H0816	Animal Welfare Advisory Board/ Fund.	H	Filed
H0817	Lottery Admin. Expenses/ Unclaimed Prizes.	H	Filed
H0818	Modify Disabled Vet Property Tax Exemption.	H	Filed
H0819	CAMA setback req'ts./ grandfather clause.	H	Filed
H0820	Study Beach Plan.	H	Filed
H0821	Allow DOT to Use Recycled Asphalt.	H	Filed
H0822	Dropout Recovery Pilot Program.	H	Filed
H0823	Governance of the Dep't of Public Instruction.	H	Filed
H0824	Nonpartisan Redistricting Process.	H	Filed
H0825	Jt. Legis. Study on Meth Lab Prevention.	H	Filed
H0826	Coverage for Treatment of Autism Disorders.	H	Filed
H0827	Require Surety Options for Developers.	H	Filed
H0828	Wage Theft Amendments.	H	Filed
H0829	Streamline Education Planning Responsibility.	H	Filed
H0830	Tax Amnesty Program.	H	Filed
H0831	Multiple Birth Sibling Classroom Placement.	H	Filed
H0832	Allow Nonattorney Ownership of PC Law Firms.	H	Filed
H0833	Honor State Capitol.	H	Filed
H0834	Reduce Overpopulation of Reinsurance Facility.	H	Filed
H0835	LRC Study Meth Labs.	H	Filed
H0836	Compensation Study/State Bds. and Comms.	H	Filed
H0837	Completion of CPR by Students Required.	H	Filed
H0838	Protect Youth/Farm Family Employment.	H	Filed
H0839	Extend Sanitary Landfill Buffer Requirements.	H	Filed
H0840	Healthier and Greener Schools Act.	H	Filed
H0841	Global TransPark PED Study.	H	Filed
H0842	Immunity for Property Owners in Emergencies.	H	Filed
H0843	Modernize NC Emergency Management Act.	H	Filed
H0844	Mountains-to-Sea Trail Special Plate.	H	Filed
H0845	Reform Annexation Laws.	H	Filed
H0846	Expand Access/Death	H	Filed

	Certificate/Adult Adoptee.		
H0847	Naturopathic Doctors Licensing Act.	H	Filed
H0848	Establish HHS Oversight Committee.	H	Filed
H0849	Third Degree Rape.	H	Filed
H0850	The Baucum - Reynolds Safe Roads Act.	H	Filed
H0851	Rail Funds/Burgaw to Wilmington Route.	H	Filed
H0852	Lmt PJC's/B,C, D, or E Felonies.	H	Filed
H0853	End Ct. Orders/Est. Local Intake Procedures.	H	Filed
H0854	Abortion-Woman's Right to Know Act.	H	Filed
H0855	Personal Learning Plan for Each Child.	H	Filed
H0856	Funding Formula for NC Virtual Public Schools.	H	Filed
H0857	Sex Offenders/Electronic Monitoring.	H	Filed
H0858	Honor R. Philip Hanes, Jr.	H	Filed
H0859	AOC/Custody & Availability of Ct Records.	H	Filed
S0049	Increase Fine for Speeding/School Zones.	S	Withdrawn From Cal
	02-28-11, 03-01-11, 03-23-11	S	Placed On Cal For 4/7/2011
S0107	Tax of Improved Prop. in Roadway Corridors.	S	Pres. To Gov. 4/6/2011
	03-22-11		
S0137	Establish Forgivable Loan Fund.	HA	Reptd Fav Com Substitute
	03-22-11, 04-06-11	H	Re-ref Com On Finance
S0187	Outlaw Red Light Camera Systems.	S	Reptd Fav Com Substitute
	04-06-11	SA	Com Substitute Adopted
S0244	Fire and Rescue/Survivor's Benefit.	H	Passed 1st Reading
	03-31-11	H	Ref To Com On Government
S0265	State Health Plan/Appropriations and Transfer.	S	Pres. To Gov. 4/6/2011
	03-22-11, 03-23-11, 03-30-11, 03-31-11		
S0316	Add'l Section 1915 Medicaid Waiver Sites.	S	Passed 2nd Reading
	03-24-11		
S0343	Communications Regulatory Reform.	S	Passed 2nd & 3rd Reading
	04-05-11		
S0368	Modify Public Swimming Pool Requirements.	S	Ratified
	03-22-11, 03-31-11		
S0375	Facilitate Statewide Health Info. Exchange.	H	Passed 1st Reading
	03-31-11	H	Ref To Com On Health and Human Services

S0378 Energy Crops for Biofuels Feedstocks.	S	Passed 2nd & 3rd Reading
	H	Passed 1st Reading
	H	Ref to the Com on Agriculture, if favorable, Finance
04-05-11		
S0413 Ordinance first reading vote.	S	Passed 2nd & 3rd Reading
S0423 Educ. Oversight Comm. Study of Teacher Tenure.	S	Reptd Fav
S0433 Local Human Services Administration.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
04-06-11		
S0512 Adult Day Care/Overnight Respite Program.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0513 Allow Savings Promotion Raffles.	S	Passed 1st Reading
	S	Ref To Com On Commerce
S0514 Nutrient Management Plan Only For NSW.	S	Passed 1st Reading
	S	Ref To Com On Agriculture/Environment/Natural Resources
S0515 Municipal Incorporations/ Study.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0516 Certification of Restoration of Rights Act.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0517 Freedom to Negotiate Health Care Rates.	S	Passed 1st Reading
	S	Ref To Com On Insurance
S0518 Buyer Choice/Title Insurer & Settlement Agent.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0519 Memo of Contract/Deeds & Deeds of Trust.	S	Passed 1st Reading
	S	Ref To Com On Judiciary II
S0520 The Founding Principles Act.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0521 Repeal Rule in Dumpor's Case.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0522 Require "Clean Scan" Prevention Software.	S	Passed 1st Reading
	S	Ref To Com On Transportation
S0523 North Carolina Casino Gaming Act.	S	Filed
S0524 Strengthening Residential Placement.	S	Filed
S0525 Streamline Oversight/DHHS Service Providers.	S	Filed
S0526 Designate Senator as State Symbol.	S	Filed
S0527 Life Sciences Development Act.	S	Filed
S0528 Accessible Electronic Info Act/Blind/Disabled.	S	Filed
S0529 Septage Application Sites - Wetlands Buffer.	S	Filed
S0530 Prohibit Involuntary Annexation of Farms.	S	Filed
S0531 Grandparents' Visitation Rights.	S	Filed

## LOCAL BILLS

H0278 School Calendar/Onslow County.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
04-04-11		
H0358 Apex/Cary Annexation Into Chatham Restricted.	S	Rec From House
	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
03-24-11		
H0362 Pasquotank Hunting.	H	Passed 2nd & 3rd Reading
03-31-11		
H0463 Rockingham/Taking of Foxes.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/7/2011
S0046 Surry Fox and Coyote Taking Season.	S	Withdrawn From Com
	S	Placed On Cal For 4/6/2011
	S	Concurred In H Amend
02-16-11, 03-30-11		

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 8. [EMINENT DOMAIN](#).** Filed 1/26/11. House committee substitute makes the following changes to 1st edition.

Amends Section 19.1, the proposed amendment to Article I of the NC Constitution, by deleting language stating that public use does not include the taking of property to convey an interest in the property for economic development. Adds a section to make conforming statutory changes to GS 40A-3(a), 40A-3(b), 40A-3(b1), and 40A-3(c). Makes a conforming change to the bill title.

Constitutional Amendment; Local  
Government; State Government;  
Property, Land Use, and Housing;  
Community and Economic  
Development

**H 45. [ACCELERATE CLEANUP OF INDUSTRIAL PROPERTIES](#).** Filed 2/7/11. Senate committee substitute makes the following changes to 3rd edition.

Amends proposed GS 130A-310.65, clarifying that a *contaminated industrial site* means any real property that meets all of the following criteria: (1) the property is contaminated and may be subject to remediation as specified; (2) the property is or has been used primarily for manufacturing or other industrial activities to produce a commercial product, including a property primarily used to generate electricity (deletes language prohibiting inclusion of property used primarily for service industry activities); (3) no contaminant associated with activities at the property is located off the property at the time the remedial action plan is submitted; and (4) no contaminant associated with the property will migrate to any adjacent properties above unrestricted use standards for the contaminant.

Amends proposed GS 130A-310.71(b), clarifying that a person proposing a remedial action plan has the burden of demonstrating *with reasonable assurance* that contamination from the site will not migrate to adjacent property above unrestricted use levels and that the plan protects public health, safety, and welfare and the environment. Adds that the demonstration must (1) take into account actions proposed in the plan that will prevent contamination from migrating off the site and (2) use scientifically valid site-specific data.

Amends proposed GS 130A-310.72, requiring that proof of financial assurance must be provided in the remedial action plan and annually each year on the anniversary date of the plan's approval.

Deletes the requirement in proposed GS 130A-310.73 that any person who changes property and causes the level of risk to increase beyond acceptable risk range take additional remediation measures after the Department of Environment and Natural Resources (DENR) determines that no further remediation is required for the site.

Adds a new section, amending GS 143-215.104M, stating that a property owner's failure to submit an annual certification that land-use restrictions are properly recorded and followed will result in a notice from the Environmental Management Commission (Commission) informing the person of the actions required for compliance and specifying a date, not less than 30 days after the notice is mailed, by which the person must comply. Makes a person subject to enforcement procedures under the Dry-Cleaning Solvent Cleanup Act for failure to comply.

Adds a new section, directing the Commission and DENR to study the cost of assessing and remediating inactive hazardous substance or waste disposal sites without a financially viable responsible party, and to identify potential funding sources. Instructs the Commission to report findings and recommendations to the 2012 General Assembly.

Agriculture, Environment, and  
Natural Resources

**H 61. SPEAKER/PRO TEM TERM LIMITS.** Filed 2/9/11. House amendment makes the following changes to 1st edition. Amends proposed amendment to Section 15 of Article II of the North Carolina Constitution to specify that no person may serve as Speaker in more than two regular sessions of the General Assembly.

Amends proposed amendment to Section 14(1) of Article II of the North Carolina Constitution to specify that no person may serve as President Pro Tempore in more than two regular sessions of the General Assembly.

Constitutional Amendment;  
General Assembly

**H 153. NO PUBLIC RETIREMENT FOR CONVICTED FELONS.** Filed 2/21/11. House amendments make the following changes to 2nd edition.

Amendment # 2 does the following. Amends proposed GS 135-75.2 to provide that the Board of Trustees may not pay any retirement benefits or allowances, except for a return of member contributions plus interest, to any member who is convicted of any felony if, among other things, the offense is committed while the member is a judge, a district attorney, a clerk of superior court, a public defender, or the Director of Indigent Defense Services (was, while the member is an employee, a teacher, or an officer of a participating employer). Amends proposed GS 120-4.34 to provide that the Board of Trustees may not pay any retirement benefits or allowances, except for a return of member contributions plus interest, to any member who is convicted of any felony if, among other things, the offense is committed while the member is serving as a member of the General Assembly (was, while the member is an employee, a teacher, or an officer of a participating employer).

Amendment # 3 does the following. Amends proposed GS 135-18.11, proposed GS 128-38.5, proposed GS 135-75.2, and proposed GS 120-4.34, respectively, to allow a member or former member whose benefits are forfeited and who subsequently receives an unconditional pardon of innocence or has the conviction vacated or set aside for any reason to seek a reversal of the benefit forfeiture. Specifies how the State Treasurer must calculate repayment of accumulated contributions if the Treasurer determines that the reversal of the benefit forfeiture is appropriate.

Criminal Law, Procedure, and  
Sentencing; Employment and  
Retirement

**H 268. IMPLEMENTATION OF RECLAIMED WATER RULES.** Filed 3/9/11. House amendment makes the following changes to 2nd edition. Makes technical change.

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

**H 297. HOLD ON TO YOUR DRIVERS LICENSE.** Filed 3/9/11. House committee substitute makes the following changes to 1st edition.

Makes a clarifying change, and states that the act is effective when it becomes law (was, effective when it becomes law and applies to licensed drivers on or after that date).

Business and Commerce;  
Transportation

**H 329. BLDG. CODES/ EXPAND EQUINE EXEMPTION.** Filed 3/10/11. House amendment makes the following changes to 2nd edition.

Amends GS 143-138(b4)(1) to provide that a farm building will not be exempt from building rules if it is used for a spectator event at which 50 or more members of the public are present (was, more than 10 members of the public are present), *unless* the fire marshal of the county in which the building is located issues a permit in accordance with GS 153A-357 to the owner or lessee of the property (was, unless the person or organization responsible for the event established a fire watch for the duration of the event). Provides that approval will be granted after the fire marshal has verified that it is a temporary event, any outstanding unsafe conditions have been mitigated, and a fire watch has been established. Defines temporary as an event that is held in the building not more than four times per calendar year and the period of continuous use does not exceed 24 hours (was, temporary means that the spectator event and all other spectator events in the building have a total duration of no more than 120 hours in any calendar year).

Agriculture, Environment, and  
Natural Resources

**H 432. SWINE IN TRANSPORT/REGULATE FERAL SWINE.** Filed 3/22/11. House committee substitute makes the following changes to 1st edition.

Makes a clarifying change, specifying that the act applies to the transportation of *live* swine.

Agriculture, Environment, and  
Natural Resources; Animal Law

**H 476. PROTECT GALAX & VENUS FLYTRAP/WRC RULE FINES.** Filed 3/24/11. House committee substitute makes the following changes to 1st edition.

Amends GS 106-202.19(a)(6e), clarifying that it is unlawful to buy more than fifty venus flytrap plants (rather than more than five pounds of venus flytrap) without a valid permit. Makes a conforming change.

Agriculture, Environment, and  
Natural Resources

## **SENATE BILLS**

**S 137. ESTABLISH FORGIVABLE LOAN FUND.** Filed 2/24/11. House committee substitute makes the following changes to 2nd edition. Specifies that all assets and liabilities in the Physical Education—Coaching Scholarship Loan Fund must be transferred to the Forgivable Education Loans for Service Fund established under GS 116-209.45.

Education; Health, Social Services,  
and Aging

**S 187. OUTLAW RED LIGHT CAMERA SYSTEMS.** Filed 3/2/11. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 160A-300.1A to specify that it is unlawful for any person to operate a traffic control photographic system in this state for the purpose of enforcing the provisions of GS 20-158.

Transportation

**S 433. LOCAL HUMAN SERVICES ADMINISTRATION.** Filed 3/28/11. Senate committee substitute makes the following changes to 1st edition. Amends GS 153A-76 to remove the board of health and the board of social services from the list of boards that the board of county commissioners is prohibited from changing the composition of or the manner in which board members are selected.

Amends GS 126-5(a) to remove provision that specified that an employee of a consolidated county human services agency created pursuant to GS 153A-77(b) is not considered an employee of an entity listed in GS 126-5(a)(2).

Local Government; Health, Social  
Services, and Aging

# Legislation Enacted

None

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## Notes

None

## NEXT SESSIONS

April 7, 2011

**HOUSE convenes at 1:15 p.m.**

**SENATE convenes at 11:00 a.m.**