

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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SUMMARIES OF BILLS FILED

Public Bills

HOUSE BILLS

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.*

Amends GS 20-79.7(a) (Fees) and GS 20-79.7(b) (Distribution of Fees) as the title indicates. Adds new subsection (b73) to GS 20-81.12 to provide that the Division of Motor Vehicles (Division) must receive a minimum of 300 applications before a Native American plate may be developed. Requires the Division to make a quarterly transfer of the money in the Collegiate and Cultural Attraction Plate Account collected from the sale of Native American plates to the Native American College Fund, for scholarships to be awarded to Native American students from North Carolina. Makes a conforming change to GS 20-79.4(95). Effective July 1, 2011.

Intro. by Graham.

GS 20

Transportation

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H 744. SAFE STUDENTS ACT. Filed 4/6/11. *TO ENACT THE SAFE STUDENTS ACT.*

Amends GS 115C-364(c) to provide that the principal of any public school shall (was, may) require the parent or guardian of a child presented for admission to school for the first time to provide (1) a certified copy of the child's birth certificate which was furnished by the register of deeds of the county having the record of the birth of the child on file or (2) other satisfactory evidence of the date of birth as provided in Article 4 (*Vital Statistics*) of GS Chapter 130A. Also directs the principal to require the parent or guardian to provide a certificate of immunization for the child as required by GS 130A-155.

Amends GS 130A-109 to provide that when it is not possible to obtain a certified copy of a child's birth certificate, school authorities may accept as secondary proof of age, (1) a certified copy of any medical record of the child's birth issued by the treating physician or the hospital in which the child was born or (2) a certified copy of a birth certificate issued by a religious institution that maintains birth records of its members.

Adds a new subsection (g1) to GS 115C-366 to direct the principal of the school to which a child is assigned upon first enrolling or transferring into a public school of a local school administrative unit (LEA) to require the parent to state whether the child is a citizen or a national of the US. Provides that if the child is not a citizen or national of the US, the parent must state the immigration status of the child. Prohibits the use of this information to deny school admission to a child who is domiciled in the LEA and provides that the information is used only for fiscal analysis.

Effective when the act becomes law and applies beginning with the 2011-12 school year.

Intro. by Folwell, R. Brown, GS 115C, 130A Education
Hastings, Torbett.

H 745. STUDY HUMAN RELATIONS COMM DUTIES. Filed 4/6/11. *AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DUTIES AND SERVICES OF THE NORTH CAROLINA HUMAN RELATIONS COMMISSION AND THE CIVIL RIGHTS DIVISION OF THE OFFICE OF ADMINISTRATIVE HEARINGS.*

As title indicates. Permits the Legislative Research Commission to make an interim report to the 2012 General Assembly, and requires a final report be made to the 2013 General Assembly.

Intro. by Floyd. JOINT RES General Assembly; State Government

H 746. CITIZEN PARTICIPATION ACT. Filed 4/6/11. *TO PROTECT THE CONSTITUTIONAL RIGHT OF CITIZENS TO PARTICIPATE IN GOVERNMENT PROCEEDINGS.*

Enacts new Chapter 1F to the General Statutes, cited as the Citizen Participation Act, to protect and encourage citizen participation in government, support the operations of representative government, and establish a comprehensive process to adjudicate lawsuits against public participation. Defines *government action* as any project, plan, determination, permit, approval, or any other step taken by government under state or federal law. Includes other definitions applicable to new GS Chapter 1F. Provides immunity from civil liability in NC for: (1) any written or oral statement made before a government proceeding; (2) any written or oral statement made to government in connection with an issue under government review or made with the genuine aim to influence a government action or proceeding; and (3) any written or oral statement made to the public or in a public forum relating to an issue of government interest and genuinely aimed to influence a government action or proceeding.

Creates a special motion to dismiss applicable to a judicial claim against a person that could reasonably be based on, relating to, or in response to an immune act under GS Chapter 1F. Allows the special motion to dismiss to be filed within 30 days of the service of the judicial claim, or at a later time at the court's discretion. Details additional provisions related to the special motion to dismiss and court procedures. Specifies that the moving party has a right of immediate appeal from a trial court's order denying the special motion, or from a trial court's failure to rule on the special motion in an expedited manner. Directs the court to award to a successful moving party: (1) costs of litigation, including reasonable attorney and expert witness fees, and (2) additional sanctions on the responding party and attorneys sufficient to deter repetitive conduct and comparable conduct by others similarly situated, if the court finds that the responding party brought the judicial claim to harass, inhibit, interfere, or otherwise injure the moving party. Includes legislative findings and sets forth other provisions detailing statutory construction.

Applies to judicial proceedings initiated on or after the act becomes law.

Intro. by Fisher, Hamilton. GS 1F Local Government; State Government

H 747. EXEMPT COMMERCIAL FISHING BOATS. Filed 4/6/11. *TO EXEMPT COMMERCIAL FISHING BOATS FROM PROPERTY TAX.*

Amends GS 105-275 to exclude fishing boats that are used primarily for a commercial fishing operation from property tax. Effective for taxes imposed for taxable years beginning on or after July 1, 2011.

Intro. by Iler. GS 105 Taxation

H 748. ORGAN DONATION MONTH. Filed 4/6/11. *ENCOURAGING THE CITIZENS OF THIS STATE TO RECOGNIZE EACH APRIL AS ORGAN DONATION MONTH.*

As title indicates.

Intro. by Folwell, Justice, Wainwright, Wray. HOUSE RES General Assembly

H 749. MODIFY STATE PORTS AUTHORITY. Filed 4/6/11. *TO ENSURE THAT THE NORTH CAROLINA STATE PORTS AUTHORITY DEVELOPS BUSINESSES RATHER THAN COMPETING WITH BUSINESSES; AND TO STUDY A PROJECT TO FACILITATE SHIPPING UP THE CAPE FEAR RIVER.*

Amends GS 143B-452(e), which details appointments made to the NC State Ports Authority (Authority), to clarify that all appointments made by the General Assembly have two year terms, except for terms expiring on or after June 30, 2011, after which appointments will have four year terms. Amends GS 143B-453, which sets out the Authority's purposes, to add that the Authority must foster and stimulate private industry rather than directly compete with private industry. Makes a clarifying change to GS 143B-454. Repeals GS 143B-457, which provides the Authority's power of eminent domain. Amends GS 143B-465 by deleting subsection (c), which exempts the Authority from specified statutes. Makes a clarifying change. Enacts new GS 143B-468, directing the Authority to publish, on the Authority's website within 48 hours of submission, all requests for contracts with the Authority and all contracts bid by the Authority, including specified information. Directs the Authority to publish an annual report of all contract activity. Specifies that the publication requirement does not apply to bids received by the Authority. Enacts new GS 143B-468.1, directing the Authority to publish the availability of any property and allow the public to acquire the lease, before leasing any property. Specifies that the lease is subject to a competitive bid process, unless the property is fungible. The provisions above become effective October 1, 2011.

Authorizes the Legislative Research Commission (Commission) to study the cost and feasibility of burying or raising the power lines currently extending across the Cape Fear River in order to allow ocean-going vessels to travel past the point where the lines cross the river. Requires the Commission to consider certain methods to move the lines, and to include a cost comparison. Directs the Authority to pay the costs of the Commission study, if applicable.

Intro. by McComas. GS 143B State Government

H 750. STORMWATER BEST MGMT. RESPONSIBILITY/ ASSCS. Filed 4/6/11. *TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER BEST MANAGEMENT PRACTICE FROM A DECLARANT OF A CONDOMINIUM OR PLANNED COMMUNITY TO AN OWNERS' ASSOCIATION UPON REQUEST OF THE DECLARANT AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL FOR THE COMMUNITY HAS TERMINATED.*

Adds a new subsection (c2) to GS 143-214.7 for the purpose as the title indicates. Requires a finding by the Department of Environment and Natural Resources that the stormwater best management practice is in substantial compliance with the stormwater permit issued to the Declarant as a condition of the transfer of the permit. Provides criteria to determine when declarant control is deemed to have terminated.

Intro. by McComas. GS 143 Agriculture, Environment, and Natural Resources

H 751. CLARIFY MILL MACHINERY PRIVILEGE TAX. Filed 4/6/11. *TO CLARIFY THAT A PORT FACILITY THAT UTILIZES SPECIALIZED MACHINERY TO PROCESS BULK CARGO INTO A FORM SUITABLE FOR DELIVERY AND USE BY A MANUFACTURING FACILITY QUALIFIES AS A MANUFACTURING FACILITY FOR PURPOSES OF THE PRIVILEGE TAX ON MILL MACHINERY.*

As title indicates.

Intro. by McComas. GS 105 Taxation

H 752. REVOLVING DOOR. Filed 4/6/11. *TO EXTEND THE TIME PERIOD DURING WHICH LEGISLATORS AND CERTAIN PUBLIC SERVANTS ARE PROHIBITED FROM REGISTERING AS A LOBBYIST AFTER LEAVING OFFICE OR EMPLOYMENT; AND TO PROHIBIT PUBLIC SERVANTS FROM ACCEPTING ECONOMIC BENEFIT FROM CERTAIN PERSONS AFTER LEAVING OFFICE OR EMPLOYMENT.*

Enacts new subsection (c1) to GS 120C-304, prohibiting any constitutional officer, head of any principal state department appointed by the Governor, or the chief deputy/administrative assistant of either from, within one year of leaving office or separation from state employment, accepting employment or compensation from any person or business entity that contracts with, does business with, or is regulated by the state in matters in which the public servant was directly involved during the final 36 months of the public servant's term of office or state employment. Extends the time period required before legislators and certain public servants may register as a lobbyist from six months to one year. Effective January 1, 2012.

Intro. by Weiss, Justice.

GS 120C

Ethics and Lobbying

H 753. ESTABLISH RADIOLOGIC TECHNICIANS LICENSURE. Filed 4/6/11. *PROVIDING FOR THE REGULATION AND LICENSING OF PERSONS WHO PERFORM AND ADMINISTER MEDICAL IMAGING AND RADIATION THERAPY PROCEDURES.*

Enacts new Article 43, *Radiologic Technicians*, to GS Chapter 90 to establish standards of education, examination, and licensure for persons operating equipment used for medical imaging and radiation therapy procedures. Defines terms applicable to Article 43. Prohibits, on or after October 1, 2012, any person from administering, offering to administer, or otherwise indicating that the person is licensed to administer medical imaging or radiation therapy procedures unless the person is licensed under Article 43. Exempts five listed parties from Article 43. Creates an eleven member Medical Imaging and Radiation Therapy Board of Examiners (Board), with appointments and terms, as indicated. Directs the Board to establish licensure standards for a radiographer, radiation therapist, nuclear medicine technologist, cardiovascular invasive specialist, magnetic resonance technologist, sonographer, and limited X-ray machine operator. Permits a person licensed under Article 43 to perform specified actions using radioactive substances or equipment emitting radiation, and lists four limitations specifically related to the performance of computed tomography. Sets forth additional details related to Board meetings and administration. Enumerates 12 powers and duties of the Board.

Lists requirements for licensure for all applicants, and lists requirements specific to applicants for licensure in an area of medical imaging or radiation therapy and requirements specific to applicants for licensure as limited X-ray operators. Directs the Board to establish criteria, standards, and an approval mechanism for educational programs in medical imaging and radiation therapy. Requires that applicants pass a Board-approved examination, and directs the Board to accept persons currently registered by other boards, as specified. States that certain X-ray machine operators will take an exam administered by the American Registry of Radiologic Technologists. Details additional provisions for license issuance, temporary licenses, license renewal, and requires licensees to display licenses or a verified copy in each place of regular employment. Authorizes medical facilities and educational institutions to offer programs approved by the Board in applicable subject areas, provided certain guidelines are met.

Authorizes the Board to grant a license to a person licensed, certified, or registered to perform or administer medical imaging or radiation therapy procedures in another jurisdiction with substantially equivalent standards of competency. Directs the Board to set fees, as specified, and to pay all expenditures out of funds from the fees. Allows the Board to discipline applicants or licensees, after a hearing, under nine specified circumstances. Makes each violation of Article 43 a Class 1 misdemeanor. Authorizes the Board to apply to any appropriate court to enjoin violations of Article 43. Authorizes the Board to assess, after considering four factors, a civil penalty up to \$1,000 for a violation of Article 43 or adopted rules, with proceeds remitted to the Civil Penalty and Forfeiture Fund.

Specifies that, for a period not to exceed two years after this act becomes effective upon payment of the proper fee, an individual providing documentation of employment for two of the preceding three years as a radiographer, radiation therapist, nuclear medicine technologist, magnetic resonance technologist, cardiovascular invasive specialist, sonographer, or limited X-ray machine operator may be issued a license by the Board, without having to pass an examination. States that individuals applying for licensure must provide a statement of responsibility for the actions of the individual in the performance of medical imaging or radiation therapy procedures, a certificate of competence, and a list of medical imaging or radiation therapy procedures the individual is authorized to perform signed by the physician supervising the individual; individuals registered with the American Registry of Radiologic Technologists do not need a certificate of competence.

Intro. by Insko, Murry.

GS 90

Health, Social Services, and Aging

H 754. NO POWELL BILL MONEY FOR NO ROAD MILES. Filed 4/6/11. *TO EXCLUDE MUNICIPALITIES WITH NO ROADS TO MAINTAIN FROM RECEIVING A STATE STREET-AID ALLOCATION; AND TO REDISTRIBUTE FUNDS PREVIOUSLY ALLOCATED TO THOSE MUNICIPALITIES.*

Enacts new GS 136-41.2B to provide that municipalities are not eligible to receive funds under GS 136-41.1 (concerning appropriation of funds to municipalities from the Highway Fund) unless public streets within the

municipality's jurisdiction do not form a part of the state highway system. Requires unexpended and unencumbered funds previously allocated to municipalities that are made ineligible to receive funds by this act to be reallocated to eligible municipalities. Effective July 1, 2011.

Intro. by Rapp.

GS 136

Local Government; Transportation

H 755. AMEND FOX LAWS. Filed 4/6/11. *TO PROVIDE THE WILDLIFE RESOURCES COMMISSION AUTHORITY TO REGULATE THE TAKING OF FOXES AND COYOTES.*

Amends definitions in GS Chapter 113, Subchapter IV, "Conservation of Marine and Estuarine and Wildlife Resources" so that the terms "fur-bearing animals" and "game animals" include coyote, gray fox, and red fox. The following two provisions become effective October 1, 2011: adds red foxes, gray foxes, and bobcats to list of animals that may not be taken with artificial light, net, trap, snare, recorded or electronic animal bird call, or fire; and, adds bobcats, coyotes, gray foxes, and red foxes to the list of animals that may be hunted by certain handguns and ammunition prescribed by the Wildlife Resources Commission (WRC). Eliminates existing provisions concerning hunting of foxes in GS 113-291.4. Allows WRC to adopt rules for an open season for taking red and gray foxes and coyotes with firearms. Clarifies that WRC regulations concerning foxes trump previously existing local bills concerning hunting of foxes and eliminates certain local bills from list of local bills that are not trumped by WRC regulations contained in GS 113-133.1(e). Provisions concerning local bills become effective as of the effective date of rules adopted by WRC establishing open season on trapping of foxes.

**Intro. by Committee on
Agriculture.**

GS 113

Animal Law

H 756. SPECTRAL FLUORESCENCE SIGNATURE DRUG ANALYSIS. Filed 4/6/11. *TO PROVIDE THAT THE RESULTS OF A SPECTRAL FLUORESCENCE SIGNATURE ANALYSIS WITH REGARD AS TO WHETHER A SUBSTANCE IS A DRUG ARE ADMISSIBLE AS EVIDENCE IN COURT, TO REQUIRE A PERMIT TO CONDUCT A SPECTRAL FLUORESCENCE SIGNATURE ANALYSIS, AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND ADMINISTER A PERMIT PROGRAM FOR THE PRACTICE OF SPECTRAL FLUORESCENCE SIGNATURE ANALYSIS.*

Enacts new GS 90-95.8 and a new Article 42 to GS Chapter 90 for purposes as the title indicates.

Proposed GS 90-95.8 provides that the results of Spectral Fluorescence Signature Analysis (Spectral Analysis) are admissible in court for the prosecution of any violation under Article 5 (*North Carolina Controlled Substances Act*) of GS Chapter 90. Provides that the Spectral Analysis results are admissible only if the analysis meets both of the following requirements: (1) it is performed in accordance with the rules of the Department of Health and Human Services (DHHS); and (2) the person performing the analysis had a current permit at the time of analysis issued by DHHS authorizing the person to perform a Spectral Analysis using the type of instrument employed to perform the analysis. Provides that the results of a Spectral Analysis of a disputed substance alleged to be a controlled substance is not admissible as evidence if: (1) the defendant objects to admitting into evidence the results of the Spectral Analysis of the alleged controlled substance; and (2) the defendant demonstrates that the preventive maintenance procedures required under DHHS' regulations were not followed with respect to the instrument used to do the analysis of the controlled substance. Delineates a list of rules, records, and actions related to Spectral Analysis of which the court must take judicial notice.

Proposed Article 42 of GS Chapter 90 prohibits a person from conducting Spectral Analyses without first obtaining a permit to engage in the practice from DHHS. Directs DHHS to generate a permit program that establishes the qualifications required for an individual to conduct Spectral Analysis. Authorizes DHHS to charge an applicant for a permit a fee of no more than \$100 and allows DHHS to retain the fees and apply them to the administrative costs of the program. Authorizes DHHS to issue permits to persons it deems qualified subject to periodic renewal, termination, and revocation of the permit in DHHS' discretion. Provides that any state or local law enforcement agency or group of law enforcement agencies, subject to approval by DHHS, may contract with the vendor of any approved Spectral Analysis instruments for preventive maintenance on instruments used for Spectral Analysis. Requires the vendor who performs preventive maintenance to provide a record of the maintenance to DHHS, and requires DHHS to maintain that record. Additionally requires DHHS to publicly post on a web page a list of all the persons who have a permit authorizing them to perform Spectral Analyses and include additional data regarding those persons' licensing.

Effective October 1, 2011.

**Intro. by Hamilton, McComas,
Faircloth, Jordan.**

GS 90

Courts; Health, Social Services,
and Aging

H 757. CONSOLIDATE DV COMMISSION/COUNCIL FOR WOMEN. Filed 4/6/11. *TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED*

HOMEMAKERS BY CONSOLIDATING THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION.

Creates new Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers ("Commission") within the Department of Administration for the purposes of assessing needs related to domestic and sexual violence and displaced homemakers, assuring that necessary services are provided to those in need, and strengthening existing programs funded through new Domestic Violence, Sexual Assault, and Displaced Homemakers Fund ("Fund"). Creates powers, duties, membership criteria, terms, compensation, and procedures for 12-member Commission. Duties of Commission include developing standardized screening and intake process and online reporting system to provide for annual statewide assessment of trends, needs and best practices related to the provision of services to victims of domestic and sexual violence, developing training for law enforcement and judicial personnel regarding domestic violence victims, improving data collection relating to domestic violence incidents, developing rules for approval of abuser treatment programs, developing training for medical and legal personnel working with victims of sexual assault, and developing public education programs relating to domestic and sexual violence.

Mandates that Fund monies be distributed to counties to benefit victims of domestic and sexual violence and displaced homemakers. Sets criteria for programs eligible to receive Fund monies, including limits on number of such programs in each county based on population. Amends GS 7A-305(a2) to require \$75 of filing fee for divorce actions to be deposited in Fund. Amends GS 161-11.2 to require \$30 of fee for marriage license be deposited in Fund. Eliminates existing Domestic Violence Center Fund, Sexual Assault and Rape Crisis Center Fund, and NC Fund for Displaced Homemakers and transfers existing monies in those funds to Fund. Eliminates existing NC Council for Women and Domestic Violence Commission as of effective date of this act. Makes conforming changes.

Intro. by Cook.

GS 1,7A,7B,15A,42,50B,114,120, State Government
143B,161

H 758. TO ESTABLISH THE ARTS EDUCATION COMMISSION. Filed 4/6/11. *TO ESTABLISH THE ARTS EDUCATION COMMISSION.*

Establishes the 14 member Arts Education Commission (Commission) to do the following: (1) review, prioritize, and recommend implementation strategies for the recommendations of the Comprehensive Arts Education Plan for K-12; (2) recommend the content and process to establish an arts education report card; (3) recommend ways to assess and promote opportunities for students to learn the skills of creativity and innovation; (4) work with the Department of Instruction on the creation of arts education assessment models based on existing assessments and tests; (5) recommend the establishment of arts education accountability incentives for schools under the accountability component of the Accountability and Curriculum Reform Effort for specified areas; and (6) study and recommend a permanent financing strategy for K-12 arts education. Provides for Commission membership, filling of vacancies, member compensation, and Commission administration. Requires the Commission to report to the 2012 Regular Session of the General Assembly by May 1, 2012, at which time the Commission terminates.

Intro. by Carney, Glazier, Adams, Johnson.

UNCODIFIED Education

H 759. STUDY CHICKEN HOUSE FIRE CODES. Filed 4/6/11. *TO CREATE THE COMMERCIAL POULTRY HOUSE FIRE CODE LEGISLATIVE STUDY COMMISSION.*

Creates the 12 member Commercial Poultry House Fire Code Legislative Study Commission (Commission) to study the applicability, feasibility, and cost-effectiveness of current requirements for fire ratings, inspections, and fire flow under specified codes and guidelines. Allows an interim report to the 2012 General Assembly and requires a final report to the 2013 General Assembly, at which time the Commission will terminate. Provides for the operations and membership of the Commission. Appropriates \$25,000 for 2011-12 and \$25,000 for 2012-13 from the General Fund to the General Assembly to fund the Commission's work. Effective July 1, 2011.

Intro. by Committee on Rules, Calendar, and Operations of the House.

STUDY, APPROP

Agriculture, Environment, and Natural Resources; Budget and Appropriations; General Assembly

H 760. LRC STUDY/CRIMINAL RECORD EXPUNCTION. Filed 4/6/11. *TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OBSTACLES ENCOUNTERED IN SEEKING EMPLOYMENT BY PERSONS WHO HAVE COMMITTED RELATIVELY MINOR CRIMINAL OFFENSES, THE NEED FOR EMPLOYERS TO HAVE ACCURATE CRIMINAL INFORMATION ABOUT POTENTIAL EMPLOYEES, AND THE*

FEASIBILITY OF DEVELOPING AND IMPLEMENTING AN EXPUNCTION PROCEDURE THAT STRIKES THE APPROPRIATE BALANCE BETWEEN THOSE CONCERNS.

Allows the Legislative Research Commission (LRC) to study whether current law strikes an appropriate balance between an employer's need for access to accurate criminal history information about potential employees and the need for a person who has committed a minor offense in the past to obtain employment. If a better balance may be achieved, allows the LRC to consider the development of an appropriate expunction procedure. Specifies five topics that may be considered by the LRC. Allows the LRC to make an interim report to the 2011 General Assembly in 2012 and requires a final report to the 2013 General Assembly.

Intro. by Committee on Rules, Calendar, and Operations of the House.

JOINT RES
Employment and Retirement;
Criminal Law, Procedure, and
Sentencing; General Assembly

H 761. IGNITION INTERLOCK SYSTEMS/RECORD CHECKS. Filed 4/6/11. *TO MAKE TAMPERING WITH AN IGNITION INTERLOCK SYSTEM AN UNLAWFUL ACT AND TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CONDUCT BACKGROUND INVESTIGATIONS ON EVERY PERSON APPLYING FOR A DEALER'S LICENSE, MECHANIC'S LICENSE, OR ANY OTHER LICENSE ISSUED BY THE DIVISION EXCEPT FOR A DRIVERS LICENSE.*

Adds new section GS 20-17.8A to make tampering with, circumventing, or attempting to circumvent the operation of an ignition interlock device on a motor vehicle a Class 1 misdemeanor. Adds new section GS 114-19.31 to allow the Department of Justice (DOJ) to provide to the Division of Motor Vehicles (DMV) the criminal history record of any applicant for a dealer's license, mechanic's inspection license, or station inspection license, but not an applicant for a driver's license. Requires DMV to provide DOJ with the applicant's fingerprints, a signed form consenting to the criminal history record check and use of the fingerprints, and other information as required by DOJ. Provides that DOJ must keep confidential all information about applicants obtained pursuant to state and national criminal history checks. Allows DOJ to charge a fee to offset the costs of conducting such checks. Effective December 1, 2011, and applies to offenses committed and licenses issued on or after that date.

Intro. by McComas, Carney. GS 20, 114

Transportation; Criminal Law,
Procedure, and Sentencing

H 762. LANDOWNER PROTECTION ACT (=S 374). Filed 4/6/11. *TO PROTECT LANDOWNER RIGHTS AND INCREASE PUBLIC SAFETY BY REQUIRING WRITTEN PERMISSION TO HUNT ON THE LAND OF ANOTHER STATEWIDE AND BY PROHIBITING HUNTING FROM THE RIGHT-OF-WAY STATEWIDE.*

Identical to S 374, filed 3/17/11.

Intro. by McComas, LaRoque, Collins. GS 113

Animal Law; Property, Land Use,
and Housing

H 763. LICENSE PLATE AGENCY CONTRACTS. Filed 4/6/11. *AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.*

As title indicates, requiring findings to be submitted at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee (Committee). Mandates that the Commissioner of Motor Vehicles not cancel any contracts until the study required by this act is complete and its final recommendations have been acted upon by the Committee.

Intro. by Lewis. STUDY

General Assembly; Transportation

H 764. BEER FRANCHISE LAW CLARIFICATIONS. Filed 4/6/11. *TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR MALT BEVERAGES IN NORTH CAROLINA BY CLARIFYING PROVISIONS OF THE BEER FRANCHISE LAW TO PROVIDE: A FRANCHISE AGREEMENT APPLIES TO ALL SUPPLIER PRODUCTS UNDER THE SAME BRAND NAME; A WHOLESALER MUST SELL MALT BEVERAGES TO ALL RETAILERS IN ITS TERRITORY AT THE SAME PRICE AT THE TIME OF DELIVERY; PROHIBITED ACTS OF SUPPLIERS WITH RESPECT TO THEIR DEALINGS WITH WHOLESALERS; GOOD CAUSE FOR TERMINATION MAY NOT BE MODIFIED BY AN AGREEMENT THAT DEFINES GOOD CAUSE IN A MANNER DIFFERENT THAN PROVIDED BY STATE LAW; CERTAIN ACTS THAT DO NOT AMOUNT TO GOOD CAUSE FOR TERMINATION OF A FRANCHISE; REMEDIES FOR A SUPPLIER'S WRONGFUL TERMINATION OF A FRANCHISE; INCLUSION OF A WHOLESALER MERGER, THE FACTORS THAT MAY BE CONSIDERED BY THE SUPPLIER IN APPROVING A MERGER OR TRANSFER, AND REMEDIES FOR UNLAWFUL REFUSAL*

TO APPROVE A MERGER OR TRANSFER; THE BEER FRANCHISE LAW MAY NOT BE WAIVED BY AN AGREEMENT CONTRARY TO STATE LAW; AND MEDIATION OF DISPUTES ARISING UNDER THE BEER FRANCHISE LAW.

Amends GS 18B-1303 through 18B-1308 and enacts new GS 18B-1309 to provide as the title indicates. Clarifies that a franchise agreement applies to all supplier products under the same brand name and that different categories of products manufactured under a common identifying trade name are considered to be the same brand. Expands the list of acts for which it is unlawful for a supplier or the supplier's representative to engage in with respect to the supplier's dealings with a wholesaler. Adds that *good cause* for the termination, alteration, or failure to renew a franchise agreement does not include (1) the sale or transfer of the rights to manufacture, distribute, or use the trade name of the brand to a successor supplier, whether the sale or transfer is made directly from the original supplier to the successor or goes through a third party; (2) failure of the wholesaler to meet operation or performance standards unilaterally imposed or revised by the supplier without a fair opportunity for the wholesaler to bargain as to the terms; (3) the wholesaler's establishment of a franchise agreement with another supplier, or the acquisition by the wholesaler of the right to distribute the brand of another supplier; and (4) the desire of a supplier to consolidate its franchises.

Provides that a wholesaler whose franchise agreement is terminated, altered, or not renewed in violation of Article 13 (*Beer Franchise Law*) of GS Chapter 18B is entitled to recover monetary damages from the supplier in addition to (was, in lieu of) injunctive relief. Provides criteria governing the amount of the monetary damages due the wholesaler. Provides criteria for the transfer *or merger* of a wholesaler's business; includes permitting a wholesaler to merge with another wholesaler in the state and transfer the merging wholesaler's existing franchise rights to the new wholesaler entity. Makes conforming changes regarding the merger of a wholesaler's business. Provides factors that the supplier may consider in determining whether the proposed transferee or merged wholesaler is a qualified person. Provides that the burden is on the supplier to prove that the proposed transferee or merged wholesaler is not qualified. Provides that a wholesaler may seek injunctive relief to enforce the provisions of this section. Also provides that supplier is liable for any monetary damages suffered by the wholesaler because the supplier unlawfully refused to approve a sale, transfer, or merger resulting in blocking the wholesaler's ability to complete a sale, transfer, or merger.

Provides criteria for mediation of a dispute between a wholesaler and a supplier under the direction the Alcoholic Beverage Control Commission.

States that the provisions of this act are severable, providing that if any of the proposed provisions or their applications is held to be invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provisions or applications.

Effective when the act becomes law and its provisions apply to all existing franchise agreements. Provides that a supplier's shipment of malt beverages to a wholesaler in North Carolina following the effective date of this act constitutes acceptance by the supplier of the terms of this act, and the acceptance is to be considered as incorporated into the agreement between the supplier and the wholesaler.

Intro. by Rhyne.

GS 18B

Alcoholic Beverage Control

H 765. STUDY LENGTH OF SCHOOL YEAR. Filed 4/6/11. *TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY THE CURRENT LENGTH OF THE SCHOOL YEAR IN NORTH CAROLINA AND TO DETERMINE HOW LONG THE SCHOOL YEAR SHOULD BE.*

As title indicates establishes the 19 member Commission. Sets the membership, procedures and duties for Commission to study matters relating to NC's educational needs, including the cost and a plan for implementing a longer school year, the impact of summer educational loss, the cost of remediation in public schools and public colleges, and the impact of current calendar on low-income and at-risk students and on math and science scores. Requires interim report be submitted to the 2012 session of the 2011 General Assembly and final report be submitted to the 2013 General Assembly. Requires Legislative Services Commission to fund the study and commission. Effective July 1, 2011.

Intro. by Lewis.

STUDY

Education

H 766. TESTING IN THE PUBLIC SCHOOLS. Filed 4/6/11. *TO PROVIDE FOR THE ASSESSMENT OF CAREER AND COLLEGE READINESS WITH NATIONALLY AND INTERNATIONALLY BENCHMARKED TESTS; THE CONTINUATION OF NORTH CAROLINA'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF TESTS RELATED TO COMMON CORE STATE STANDARDS ADOPTED BY A MAJORITY OF STATES; AND DIAGNOSTIC TOOLS TO ASSIST IN TEACHING AND STUDENT LEARNING.*

Amends GS 115C-174.11 to require the State Board of Education to (1) continue participation in development of the Common Core State Standards; (2) review all national assessments developed by both multistate consortia; (3) implement assessments the Board deems most appropriate to assess student

achievement on the Common Core State Standards; and (4) to the extent funds are made available, plan for and require administration of the ACT test for all students in the 11th grade unless the student has taken a comparable test and scored at or above a level set by the board. Adds new GS 115C-174.20 and GS 115C-174.25 requiring the Board, to the extent funds are made available, to plan for and require (1) administration in the 8th and 10th grades of diagnostic tests that align to the ACT test and (2) local school administrative units to make available the appropriate WorkKeys tests for students who complete the second level of vocational/career courses.

Effective July 1, 2011, and applies beginning with the 2011-12 school year.

Intro. by Cotham, Holloway, GS 115C Education
Wray.

H 767. [HONOR SUSAN MECUM BURGESS.](#) Filed 4/6/11. *HONORING THE LIFE AND MEMORY OF SUSAN MECUM BURGESS.*

As title indicates.

Intro. by Cotham, Carney, Earle, HOUSE RES General Assembly
M. Alexander.

H 768. [APA RULES: FEDERAL RULE RESTRICTION CEILING.](#) Filed 4/6/11. *TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS.*

Enacts new subdivision (7) to GS 150B-19 to prohibit an agency from adopting a rule that imposes a more restrictive standard or limitation than standards or limitations imposed by federal law or rule as applicable, unless adoption of the rule is required to respond to at least one of the following five listed circumstances: (1) serious, unforeseen threat to public health, safety, or welfare; (2) state or federal act expressly requiring adoption of rules; (3) change in budgeting policy; (4) federal regulation; or (5) a court order. Applies to rules adopted by an agency on or after the date the act becomes law.

Intro. by West, McElraft. GS 150B APA/Rule Making

H 769. [HIGH SCHOOL TO WORK PARTNERSHIP.](#) Filed 4/6/11. *DIRECTING LOCAL BOARDS OF EDUCATION TO ADOPT AND IMPLEMENT POLICIES THAT ENCOURAGE HIGH SCHOOL TO WORK PARTNERSHIPS.*

Enacts new Article 9C to GS Chapter 115C to direct each local board of education to adopt and implement a policy to encourage high schools and local businesses to partner and specifically target students who may not seek higher education, and to facilitate high school to work partnerships. Requires the policy to include strategies to help students successfully transition to work, and requires the policy to provide for three specified functions.

Applies beginning with the 2011-12 school year.

Intro. by Cotham, Lewis. GS 115C Education

H 770. [REDUCE & PREVENT SCHOOL DISCIPLINE PROBLEMS.](#) Filed 4/6/11. *TO AMEND THE SCHOOL DISCIPLINE LAW TO REDUCE AND PREVENT DISRUPTIVE BEHAVIORS, SUSPENSIONS, AND EXPULSIONS.*

Amends GS 115C-47 to add to the duties of local boards of education the duty of preventing disruptive behaviors that lead to suspension and expulsion. Amends GS 115C-105.47 to require that local safe school plans include policies designed to prevent disruptive behaviors, suspensions, and expulsions as well as services meeting needs of students at risk of academic failure or engaging in disruptive behavior. These services should include among others components family engagement, mentoring, community service and learning programs, job training, nutritional services, mental health services, financial literacy courses, and adult education. Amends GS 115C-391(b) to permit principals to take into account when suspending students for 10 days or fewer the specific conditions surrounding discipline cases including the individual needs of the student, the context of the offense, and family circumstances. This act is effective when it becomes law and applies beginning with the 2011-12 school year.

Intro. by Cotham, Brandon. GS 115C Education

H 771. [LANDLORD/TENANT ELECTRIC & GAS SERVICE.](#) Filed 4/6/11. *AUTHORIZING LANDLORDS AND TENANTS TO ENTER INTO RENTAL AGREEMENTS WHEREBY ELECTRIC AND NATURAL GAS SERVICE ARE IN THE LANDLORD'S NAME AND THE TENANTS SHALL REIMBURSE THE LANDLORD IN THE MONTHLY RENT, AND PROVIDING THAT LANDLORDS IN SUCH CIRCUMSTANCES SHALL NOT BE DEEMED A PUBLIC UTILITY OR A RESELLER OF UTILITIES SUBJECT TO REGULATION BY THE UTILITIES COMMISSION.*

Current law prohibits master meters for electric and natural gas service in new residential buildings, as defined. Enacts subsection (b) to GS 143-151.42 to exempt the following from the prohibition. Permits a landlord and tenant to agree in a rental agreement that: (1) the separate electric meter and the separate natural gas meter, if applicable, will be in the landlord's name; (2) a specific monetary amount for electric service and for natural gas service, if applicable, will be included in the monthly rent; (3) the tenant will reimburse the landlord for any monthly costs of electric service and natural gas service, if applicable, when the costs exceed the amount specified in the rental agreement; or (4) if the landlord has separate rental agreements with two or more tenants residing in the same unit, the costs of electric service and natural gas service, if applicable, will be divided equally between the total number of tenants. Authorizes the landlord to disconnect electric and natural gas service without notifying the tenant, if the landlord and tenant did not enter into a rental agreement and the tenant failed to obtain service in his or her own name; excuses the landlord from any liability to the tenant for the disconnection. Permits the landlord, under a written rental agreement, to charge the tenant a monthly fee for the tenant's unauthorized disconnection or failure to obtain electric or natural gas service, and continue to charge the monthly fee until the tenant obtains service in his or her own name or surrenders possession of the premises. Specifies that the landlord is not a reseller of utilities or a public utility, and subsection (b) applies to any dwelling unit normally rented or leased for a minimum of one month or longer. Defines applicable terms, and makes a conforming change.

Amends GS 62-3(23)d. to clarify that *public utility* does not include a landlord acting pursuant to GS 143-151.42(b), and monies received by the landlord do not make the landlord a reseller of utilities.

Intro. by Steen, Brawley, Hager, Avila.

GS 62, 143
Property, Land Use, and Housing;
Energy and Utilities

H 772. SORNA COMPLIANCE. Filed 4/6/2011. *TO COMPLY WITH THE FEDERAL SEX OFFENDER REGISTRATION AND NOTIFICATION ACT.*

Amends GS 14-208.6, the definitions section of the sex offender registration law, to eliminate the terms *aggravated offense* and *sexually violent offense* and instead categorize reportable sex crimes into three tiers, tier I, II, and III, with tier I including relatively less serious offenses (such as sexual battery under GS 14-27.5A) and tier III including more serious offenses (such as first-degree rape under GS 14-27.2). Makes conforming changes throughout Article 27A of Chapter 14 of the General Statutes. Defines a "final conviction" to include determinations by federal, state, territorial, tribal, and certain foreign courts, as well as adjudications involving juveniles of at least 14 years age for violations of certain serious sex crimes. Also sets out new definitions for the terms "residence address" and "temporary lodging."

Requires a 30-year registration period for offenders convicted of a tier I offense, reducible to 10 years in certain circumstances. Sets out an irreducible 30-year registration period for offenders convicted of a tier II offense and requires tier III offenders to register for life.

Amends GS 14-208.7 to require covered offenders to register prior to release from a penal institution (was, within three business days of release). Requires offenders convicted of reportable convictions before July 1, 2011, to register if, as of that date, the offender is required to register for another offense; is serving an active term of imprisonment or is on probation, parole, or post-release supervision for any criminal offense; or is convicted of any felony offense on or after that date. Exempts from the requirement to register any tier I or II offender whose conviction occurred 30 years or more prior to the date the person would otherwise be required to register under the new law.

Adds tattoos, birthmarks, scars, driver's license and social security numbers, telephone and mobile phone numbers, passport or immigration documents, professional licenses, and information about any motor vehicles or other conveyances the registrant may use to the list of information registrants must provide to the sheriff upon registration. Also requires the sheriff to take palm prints in addition to fingerprints at the time of registration. Requires the sheriff to collect a DNA sample. Adds new section GS 14-208.8B to require registrants to notify the sheriff of any planned temporary or transient lodging or travel outside the United States.

Adds new GS 14-208.23A to create a procedure for juveniles required to register under the new law to petition for removal from the registry 30 years from the date of initial county registration.

Removes references to "aggravated offense" from the statutory sections pertaining to satellite-based monitoring of sex offenders, replacing them with "tier III offense other than an offense against a minor."

Makes other conforming changes.

Effective July 1, 2011.

Intro. by Committee on Judiciary.

GS 14, 50

Criminal Law, Procedure, and Sentencing

H 773. STUDIES ACT OF 2011. Filed 4/6/11. *TO PROVIDE FOR STUDIES BY THE HOUSE OF REPRESENTATIVES AND THE SENATE, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.*

Blank bill.

Intro. by Committee on Rules, STUDY General Assembly
Calendar, and Operations of the House.

H 774. STUDY INSURANCE FOR CONTRACT GROWERS. Filed 4/6/11. *TO DIRECT THE DEPARTMENTS OF AGRICULTURE AND INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER, NATURAL DISASTERS, OR OTHER ACTS OF GOD.*

As title indicates. Directs the Commissioners of Insurance and Agriculture (Commissioners) to address two specified issues in the study. Permits the Commissioners to submit an interim report to the 2012 General Assembly, and requires a final report, including findings, recommendations, and legislative proposals, be submitted to the 2013 General Assembly.

Intro. by Committee on Rules, STUDY Business and Commerce;
Calendar, and Operations of the House. Agriculture, Environment, and Natural Resources

H 775. ALLOW WINERIES TO SELL MALT BEVERAGES. Filed 4/6/11. *TO ALLOW WINERIES TO SELL MALT BEVERAGES AT RETAIL ON THE PREMISES OF THE WINERY.*

Amends GS 18B-1001(1), 18B-1101, and 18B-1102 as title indicates.

Intro. by Committee on Rules, GS 18B Alcoholic Beverage Control
Calendar, and Operations of the House.

H 776. SELLING MOTOR VEHICLE REGISTRATIONS UNLAWFUL. Filed 4/6/11. *TO MAKE THE SALE OF A TEMPORARY REGISTRATION PLATE TO A PERSON WHO IS NOT A BONA FIDE PURCHASER OF A MOTOR VEHICLE UNLAWFUL.*

Amends GS 20-79.1 as title indicates, making the offense a Class 1 misdemeanor. Effective December 1, 2011.

Intro. by Cotham. GS 20 Transportation; Criminal Law,
Procedure, and Sentencing

H 777. DEFENSE OF MARRIAGE. Filed 4/6/11. *TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS THE UNION OF ONE MAN AND ONE WOMAN AT ONE TIME, AND THAT NO OTHER RELATIONSHIP SHALL BE RECOGNIZED AS A VALID MARRIAGE BY THE STATE.*

Subject to approval by a majority of voters at the statewide election on November 6, 2012, enacts a new Section 6 to Article 14 of the North Carolina Constitution as the title indicates. If approved, the amendment becomes effective on January 1, 2013

Intro. by Lewis. CONST Constitutional Amendment; Family Law

H 778. AMEND INNOCENCE COMMISSION LAWS. Filed 4/6/11. *TO MAKE VARIOUS AMENDMENTS TO THE LAWS REGARDING THE INNOCENCE INQUIRY COMMISSION.*

Amends GS 15A-1460 to limit claims of factual innocence to those who originally pled not guilty or nolo contendere to the crime for which they were convicted and makes conforming changes throughout Article 92 of GS Chapter. Amends GS 15A-1467(a) to provide that only the defendant or the trial court (was, any court, person, or agency) may refer a claim of factual innocence to the Innocence Inquiry Commission (Commission). Amends GS 15A-1468 to allow a prosecutor or other representative of the state to cross-examine witnesses or present rebuttal evidence during Commission proceedings. Removes the provision prohibiting the Commission chair from ordering witnesses to testify or provide other information that might incriminate them in the prosecution of offenses other than those for which they have been granted immunity. Likewise removes the provision allowing the Commission to close its proceedings to the victim. Amends GS 15A-1469(a1) to require significant evidence of prosecutorial misconduct (was, allegation of or evidence of prosecutorial misconduct) before allowing the Director of the Conference of District Attorneys (was, Director of the Administrative Office of the Courts) to appoint a special prosecutor to represent the state before the three-judge panel, and removes the prohibition on appointing as special prosecutor any attorney who prosecuted or assisted with the prosecution of the convicted

person. Limits the evidence that may be considered by the three-judge panel to credible, verifiable evidence of innocence that has not previously been presented at trial or any postconviction proceeding (was, all relevant evidence, even if considered by a jury or judge in a prior proceeding). Requires the convicted person to prove beyond a reasonable doubt that he or she is innocent (was, by clear and convincing evidence). Repeals GS 15A-1470(b). Enacts new GS 7A-413(a)(5), authorizing the Conference of District Attorneys to assign a qualified attorney to serve as prosecutor in a hearing for a claim of factual innocence, upon Commission request. Effective October 1, 2011, and applies to claims of factual innocence filed on or after that date.

Intro. By Stevens.

GS 7A, 15A

Criminal Law, Procedure, and Sentencing

H 779. ELECTRONIC RECORDING/CUSTODIAL INTERROGATIONS. Filed 4/6/11. *TO AMEND THE LAW REGARDING ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS.*

Amends GS 15A-211 to broaden the requirement to create an electronic recording of a custodial interrogation to include all custodial interrogations of juveniles conducted in any place of detention and custodial interrogations conducted in any place of detention related to a Class A, B1, or B2 felony, or any Class C felony of rape, sexual offense, or assault with a deadly weapon with intent to kill inflicting serious injury (was, custodial interrogations in homicide investigations only). Requires that the recording be a visual and audio recording (was, an audio or visual recording). Effective December 1, 2011, and applies to interrogations occurring on or after that date.

Intro. by Glazier, Stam, Faircloth. GS 15A

Criminal Law, Procedure, and Sentencing

H 780. INNOCENCE COMM/CASE FILES & EVIDENCE. Filed 4/6/11. *TO REQUIRE THE STATE TO PRESERVE AND MAKE AVAILABLE TO THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION CERTAIN CASE FILES AND EVIDENCE, TO REQUIRE THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION TO PRESERVE THOSE FILES AND EVIDENCE, AND TO ALLOW THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION TO TEST EVIDENCE AND UPLOAD TEST RESULTS THAT COMPLY WITH FEDERAL CRITERIA TO CODIS.*

Amends GS 15A-268(b) to require custodial agencies to determine prior to disposing evidence, as specified, that they have no duty to preserve the evidence under GS 15A-1471. Adds to the list of reasons for requesting that evidence be preserved that the case has been referred to the Innocence Inquiry Commission. Enacts new GS 15A-1471, requiring the state to preserve all files and evidence subject to disclosure under GS 15A-903 when the Innocence Inquiry Commission (Commission) provides written notice of a Commission inquiry. Provides that the Commission is entitled to a copy of all records preserved, including access to inspect, examine, and forensically test physical evidence as necessary for the Commission's inquiry. Requires profiles obtained by the Commission through qualified testing to be searched and uploaded to the Federal Bureau of Investigation's Combined DNA Index System (CODIS).

Intro. by Glazier.

GS 15A

Criminal Law, Procedure, and Sentencing

H 781. SUMMARY EJECTMENT/APPEALS. Filed 4/6/11. *REQUIRING THAT NOTICE OF APPEAL FROM A MAGISTRATE'S JUDGMENT IN A SUMMARY EJECTMENT PROCEEDING BE GIVEN WITHIN FIVE DAYS AFTER ENTRY OF JUDGMENT.*

Amends GS 7A-228, providing that written notice of appeal must be filed in the office of the clerk of superior court within 10 days after entry of judgment, but *within five days after entry of judgment in a summary ejectment proceeding*. Makes conforming changes. States that failure to pay court costs within *10 days after entry of judgment in a summary ejectment proceeding* and within 20 days after entry of judgment in all other proceedings will result in automatic dismissal. Specifies that within 10 days after entry of judgment in a summary ejectment proceeding and within 20 days after entry of judgment in all other proceedings, certain judges or the clerk may authorize a person to appeal as an indigent if the person is unable to pay costs of appeal. Applies to appeals filed on or after October 1, 2011.

Intro. by LaRoque.

GS 7A

Courts

H 782. RECEIVERSHIP/ PRIORITY, SALE OF COLLATERAL. Filed 4/6/11. *TO AMEND RECEIVERSHIP AND ASSIGNMENT FOR THE BENEFIT OF CREDITORS' LAW.*

Enacts new GS 1-506.1 to place in priority order payments to be made by the receiver after paying the necessary costs of the administration of the receivership as follows: (1) all debts that are a lien on any of the trust property in the hands of the receiver, to the extent of the net proceeds of the property upon which the debt is a

lien; (2) wages due to workmen, clerks traveling or city salesmen, or servants which have been earned within three months before the registration of the deed of trust or the deed of assignment; and (3) all other debts equally capable of being appraised or assessed.

Amends GS 23-8 regarding the authorization of a trustee to sell any part of the property described in a deed or trust within ten days from the registration of the property. Provides that the property may be sold within ten days of registration providing that the property is perishable or if the property is sold for a price that satisfies all liens on the property, as provided in GS 23-8.1.

Enacts new GS 23-8.1 to permit a trustee, named in a deed of trust or appointed by the court, to sell a part or whole of property that is subject to one or more liens provided that the sale price is sufficient to satisfy the lien or liens in full. Provides that upon the sale of the property, the liens on the property are extinguished and the liens attach to the proceeds of the sale and enjoy the same dates of attachment and perfection as the original property.

Effective October 1, 2011.

Intro. by Blust.

GS 1, 23

Banking and Finance

H 783. INDEPENDENT REDISTRICTING COMMISSION. Filed 4/6/11. *TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO HANDLE REDISTRICTING AFTER THE 2020 CENSUS AND THEREAFTER.*

Amends Article II of the NC Constitution to create a new Independent Redistricting Commission (IRC) that beginning with the return of the 2020 national census will have the authority to adopt redistricting plans for state Senate districts, state House of Representative districts, and US House of Representatives districts that would have the same force and effect as acts of the General Assembly. The General Assembly will no longer adopt redistricting plans. The IRC will consist of nine members, two from different political parties appointed by the Chief Justice of the NC Supreme Court, three (of which no more than two may be from the same political party) appointed by the Governor, and one each appointed by the Speaker of the NC House of Representatives, the leader in the House of Representatives from the political party with the next highest or equal number of members as the party of the Speaker, the President Pro Tempore of the NC Senate, and the leader in the Senate of the political party with the next highest or equal number of members as the part of the President Pro Tempore. Appointees to the IRC may not have held elective office or been a candidate for elective office for a period of four years prior to and after their service on the IRC. The IRC must adopt its plans no later than October 1 of the year following a national decennial census. Requires districts be created to satisfy as much as possible three goals: compactness, to avoid irregularly shaped districts; one person, one vote; and, minimizing the number of split counties, municipalities, and other communities of interest. Prohibits the IRC from considering as part of the plans the political affiliation of voters, voting data from past elections, location of incumbents' residences, or demographic data from sources other than the census. Racial and ethnic data may be used only to comply with the US Constitution and federal election laws. Proposed changes are subject to voter approval at the November 2012 general election.

Intro. by Blust.

CONSTITUTION

Constitutional Amendment;
Elections Law

H 784. THREE-FIFTHS VOTE TO LEVY TAXES. Filed 4/6/11. *TO AMEND THE NORTH CAROLINA CONSTITUTION TO REQUIRE A THREE-FIFTHS VOTE FOR THE GENERAL ASSEMBLY TO LEVY STATE TAXES.*

Amends Section 23 of Article II of the NC Constitution as title indicates for all laws creating new taxes or increasing existing taxes. Excludes from the supermajority requirement laws repealing or restricting specific tax preferences and laws permitting local taxing units to levy specific taxes. Requires the proposed amendment to be submitted to the voters in the November 2012 election.

Intro. by Blust.

CONSTITUTION

Constitutional Amendment;
Taxation

H 785. SALARY FUNDS/SPEND ONLY FOR SALARIES. Filed 4/6/11. *TO PROVIDE THAT FUNDS BUDGETED FOR SALARIES AND WAGES SHALL ONLY BE EXPENDED FOR THOSE ITEMS.*

Amends GS 143C-6-9 to require that funds appropriated for salaries be used only for salaries, wages, Social Security, retirement and medical benefits. Mandates that lapsed salaries revert to the unappropriated fund balance monthly. Effective July 1, 2011.

Intro. by Blust.

GS 143C

Employment and Retirement; State
Government

H 786. NORTH CAROLINA HIGHWAY TRUST FUND CHANGES. Filed 4/6/11. *TO MODIFY THE AUTHORIZATION FOR THE SECRETARY OF TRANSPORTATION TO TRANSFER FUNDS FROM THE HIGHWAY TRUST FUND AND TO PROVIDE A FORMULA FOR TRANSFER OF FUNDS TO MEET NEEDS BASED ON POPULATION OR CONGESTION AND TO REVISE THE HIGHWAY TRUST FUND ALLOCATION FORMULA.*

Amends GS 136-176(b1) to allow the Secretary of Transportation to authorize the transfer of certain funds to projects for congestion mitigation, provided that the transfer is based either on the ratio that the population the county or counties in which the project is located bears to the total state population or the need for reducing congestion on a roadway based on statewide ranking of projects determined through a formula based on vehicle volume, design capacity, and accident rates. Modifies the formula set out in GS 136-17.2A(b) for determining the allocation of highway trust fund money among distribution regions to require that it be based 50% on the vehicle miles driven in that distribution region compared to the total vehicle miles driven in the state and 50% on the need for reducing congestion on a roadway based on statewide ranking of projects. Repeals GS 136-17.2A(c) (setting out a formula for the Secretary of Transportation to determine the tentative percentage share for each distribution region over the next seven years), GS 136-17.2A(d) (directing the Department of Transportation, as nearly as practicable, to expend in a distribution region an amount equal to that region's tentative percentage share of the funds in a fiscal year, and requiring that actual expenditures in a consecutive seven-year period be between 90% and 110% of target amounts to be expended in the region over that time), GS 136-17.2A(f) (requiring the Board of Transportation to consider the highway needs of every county in a distribution region when scheduling highway improvements), and GS 136-17.2A(h) (requiring the Secretary of Transportation to calculate the amount of funds allocated to each division each year, the amount of funds obligated, and the amount the obligations exceeded or were below the allocation).

Intro. by Blust, Hilton.

GS 136

Transportation; Budget and
Appropriations

H 787. NC WATER EFFICIENCY ACT. Filed 4/6/11. *TO IMPROVE THE EFFICIENCY OF USE OF NORTH CAROLINA'S WATER RESOURCES.*

Amends GS 143-355(l), which concerns local water supply plans, to add that a local government unit or large community water system must also include a local water efficiency plan in the revised plan. Enacts GS 143-355(l1) to detail the items contained in a local water efficiency plan. Enacts subdivision (8) to GS 143-355.4(b), requiring a local government unit or a large community system to implement a water fixture and appliance retrofit and incentive program to be eligible for state water infrastructure funds. Enacts subdivision (13) to GS 159-52(a), allowing the Local Government Commission to consider whether a local government unit has prepared and complied with a local water efficiency plan when determining whether a proposed bond issue is approved. Enacts new subsection (d) to GS 159G-36, which describes limits on water infrastructure loans and grants, to specify that not less than 20% of the Drinking Water Reserve will be used for loans or grants for projects to assist recipients to achieve the residential water use reduction goals for local government units included in local water efficiency plans.

Directs the Department of Environment and Natural Resources to provide statewide outreach and technical assistance related to water efficiency, including best management practices addressing at least eight enumerated practices. Directs the State Water Infrastructure Commission (Commission), in consultation with specified entities, to examine the impacts and benefits of water conservation and efficiency on utilities and users and develop recommendations for mitigating financial impacts and for assuring sustainable revenues. Directs the Commission and the NC Utilities Commission to develop recommendations for electric utility and water utility coordination, and to report to the Environmental Review Commission annually, with the first report due before November 1, 2012.

Effective October 1, 2011.

Intro. by McGrady, Samuelson.

GS 143, 159, 159G

Agriculture, Environment, and
Natural Resources; Local
Government

H 788. STRAIGHT-TICKET PROVISIONAL VOTING. Filed 4/6/11. *TO REQUIRE THAT STRAIGHT-TICKET VOTES CAST BY AN INDIVIDUAL VOTING BY PROVISIONAL BALLOT SHALL BE COUNTED FOR ANY PARTISAN BALLOT ITEM IN THE ELECTION DISTRICT IN WHICH THAT VOTER WOULD HAVE BEEN QUALIFIED BY RESIDENCY TO VOTE.*

Amends GS 163-165.6(e) and GS 163-182.8 (but appears to amend GS 163-182.2(a)) to provide a voter using a provisional ballot and voting a straight-party ticket the opportunity to indicate that, if the ballot is submitted in a district in which the voter is not qualified to vote, the voter intends that the straight-party vote apply to all

candidates of that party in the district in which the voter is qualified to vote. Effective January 1, 2012, and applies to all elections occurring on or after that date.

Intro. by Bryant.

GS 163

Elections Law

H 789. [ENERGY EFFICIENCY REQUIRED FOR REPS.](#) Filed 4/6/11. *TO CHANGE TO A MANDATE THE CURRENT OPTION THAT AN ELECTRIC PUBLIC UTILITY MEET UP TO TWENTY-FIVE PERCENT OF ITS RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS) REQUIREMENTS THROUGH SAVINGS DUE TO IMPLEMENTATION OF ENERGY EFFICIENCY MEASURES THROUGH CALENDAR YEAR 2020 AND, BEGINNING IN CALENDAR YEAR 2021, MEET UP TO FORTY PERCENT OF ITS REPS REQUIREMENTS THROUGH SAVINGS DUE TO IMPLEMENTATION OF ENERGY EFFICIENCY MEASURES.*

As title indicates.

Intro. by Glazier, Harrison.

GS 62

Energy and Utilities

H 790. [ENACT EMPLOYEE FAIR CLASSIFICATION ACT.](#) Filed 4/6/11. *AMENDING THE LABOR LAWS OF NORTH CAROLINA TO ENACT THE EMPLOYEE FAIR CLASSIFICATION ACT.*

Enacts new Article 4 in GS Chapter 95 clarifying the distinction between employees and independent contractors. Creates presumption of employee status that must be rebutted by party asserting that a hired individual is an independent contractor by a preponderance of the evidence. Specifies considerations to be used in the determination of an independent contractor. Prohibits an employer from improperly classifying an individual who performs work for remuneration as an independent contractor. Prohibits retaliation against individuals who allege that their employment status was wrongly classified by their employers, as described. Creates civil cause of action for violation of employment status classification requirements. Requires employers engaging the services of independent contractors to post notices of the right to be properly classified as an employee and the right to challenge the employer's employment status classification in court. Details additional provisions related to the employee/independent contractor determination. Applies to employment existing on or after the date the act becomes law.

Intro. by Glazier.

GS 95

Employment and Retirement

H 791. [AMEND COS. ART LAW/GRANDFR. NATURAL HAIR CARE.](#) Filed 4/6/11. *MAKING CLARIFYING CHANGES UNDER THE LAWS REGULATING THE PRACTICE OF COSMETIC ART AND EXTENDING THE PERIOD WITHIN WHICH PERSONS PRACTICING AS NATURAL HAIR CARE SPECIALISTS ARE REQUIRED TO BE LICENSED UNDER THE NORTH CAROLINA COSMETIC ART ACT.*

Amends GS 88B-11(e) to provide that in addition to meeting the other specified qualifications to obtain a license as a natural hair care teacher issued by the North Carolina Board of Cosmetic Art Examiners (Board), an individual must also pass an examination for natural hair care teachers conducted by the Board.

Amends GS 88B-21(e) to provide that an esthetician, natural hair care specialist, cosmetologist, or manicurist with at least 20 consecutive years of experience in their respective professions do not have to meet the continuing education requirements of this subsection (was, exemption applied only to cosmetologist). Deletes the requirement to report any continuing education classes completed to the Board, whether the classes were approved or not by the Board.

Under current law, GS 88B-10.1 requires that individuals seeking a license to practice as a natural hair care specialist must successfully complete at least 300 hours of a natural hair care curriculum in an approved cosmetic art school, pass an exam conducted by the Board, and pay the fees required by G.S. 88B-20. Amends Section 13 of SL 2009-521 to provide that an individual who meets the following requirements is licensed without having to satisfy the requirements of GS 88B-10.1: (1) passes a practical exam as approved by the Board; and (2) submits proof to the Board that the individual is actively engaged in the practice of a natural hair care specialist for two years on or before July 1, 2011. Provides that the proof may include any two of the following: (a) copies of tax records of employment, (b) an affidavit from the applicant or the applicant's immediate supervisor verifying the applicant's practice of natural hair care for two years immediately preceding the date of the application for a license, or (c) copies of an applicable business license issued by a local government agency. Also provides that the applicant for a license may submit any other means of proof acceptable to the Board. Includes requirement from GS 88B-10.1 that an applicant for licensure following this alternative route to licensing pay the fee required under GS 88B-20.

Provides that a cosmetic art shop that practices natural hair care only and submits proof to the Board that the shop is actively engaged in that practice on the effective date of this act, has one year from the date of this act to comply with the requirements of GS 88B-14 (*Licensing of Cosmetic Art Shops*). Requires persons who do not

apply for licensing to the Board within one year of the effective date of this act to complete all training and requirements set by the Board and to otherwise comply with the provisions of GS Chapter 88B.

Amends Section 14 of SL 2009-521 to make the amendments to the Cosmetic Art Act in SL 2009-521 effective July 1, 2013 (was, July 1, 2010) and applicable to acts occurring on or after that date.

Intro. by Parmon, Floyd. GS 88B Business and Commerce

H 792. GFELLER-WALLER CONCUSSION AWARENESS ACT. Filed 4/6/11. *TO ENACT THE GFELLER-WALLER CONCUSSION AWARENESS ACT.*

Directs the Matthew A. Gfeller Sport-Related Traumatic Brain Injury Research Center at UNC-Chapel Hill to develop an athletic concussion safety training program in consultation with the NC Medical Society, the NC Athletic Trainers Association, the Brain Injury Association of North Carolina, the NC Neuropsychological Society, the NC High School Athletic Association, Inc., and the Department of Public Instruction. Provides that the program is to be developed for use by coaches, school nurses and athletic directors, volunteers, students who participate in interscholastic athletic activities in the public schools and the parents of these students. Specifies some of the core content that the program should include.

Amends GS 115C-12(23) to require that the eligibility rules at the middle and high school levels for interscholastic athletic competitions include concussion safety requirements which include providing information on concussion awareness to adults and students involved in interscholastic athletic competitions, practices and policies to be followed when students show signs or symptoms consistent with a concussion, and development of a school specific emergency action plan to deal with serious injuries and acute medical conditions.

Effective when the act becomes law and applies beginning with the 2011-12 school year.

Intro. by Folwell, Cook, GS 115C Education; Health, Social Services, and Aging
McGrady, Glazier.

H 793. FULL-SERVICE COMMUNITY SCHOOLS PILOT PROGRAM. Filed 4/6/11. *TO ESTABLISH THE FULL-SERVICE COMMUNITY SCHOOLS PILOT PROGRAM.*

Requires the Department of Public Instruction to establish a full service community schools pilot program in at least five middle or high schools. Establishes the purpose of full service community schools. Specifies eight services that may be included in pilot schools. Requires a report to the Joint Legislative Education Oversight Committee by July 15, 2012, on the costs and benefits of pilot schools.

Intro. by Cotham, Brandon. STUDY Education

H 794. MODIFY TEACHER CAREER STATUS LAW (=S 466). Filed 4/6/11. *TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC SCHOOL TEACHERS.*

Identical to S 466, filed 3/30/11.

Intro. by Cotham. GS 115C Education

H 795. PATIENT ACCESS TO PATHOLOGICAL MATERIALS. Filed 4/6/11. *TO REQUIRE HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES TO RELEASE PATHOLOGICAL MATERIALS AND RECORDS TO PATIENTS OR THEIR DESIGNATED REPRESENTATIVES, UPON WRITTEN REQUEST.*

Adds new section GS 90-411.1 to require health care providers and facilities licensed in North Carolina to, upon request, furnish to a patient or his or her designated representative pathological materials collected from the patient. Defines pathological materials to include cytological materials, bodily fluids, tissues, organs, medical waste, paraffin blocks, and pathology slides. Requires that the requested materials and complete copies of any related medical records be provided within 30 days of the request and allows the provider or facility to charge a reasonable fee to cover the cost of providing them. Effective October 1, 2011, and applies to requests made on or after that date.

Intro. by Steen, Murry, GS 90 Health, Social Services, and Aging
McComas.

H 796. STUDY PROPERTY TAX VALUATION PROCESS. Filed 4/6/11. *TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE METHODOLOGY OF VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES TO ENSURE THE PROCESS IS BOTH UNIFORM AND FAIR.*

As title indicates, with report due to the 2012 Regular Session of the 2011 General Assembly. Requires study to consider existing exemption, exclusion and deferral programs, the use of true value as a standard for tax valuation, the current bases for altering a determined tax value, and differences between county procedures that affect property taxation. Authorizes the Revenue Laws Study Committee (Committee) cochairs to ask the Local Government Commission to designate an individual to serve as an ex officio member of an advisory

subcommittee for the study. The subcommittee may include no more than four individuals who are not members of the Committee or of the General Assembly.

Intro. by Moffitt.

STUDY

Taxation; General Assembly

H 797. LIMIT ETJ. Filed 4/6/11. *TO LIMIT THE EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES TO URBAN PURPOSES AND TO PROHIBIT THE INCLUSION OF PROPERTY IN AN EXTRATERRITORIAL JURISDICTION AREA FOR ENVIRONMENTAL IMPACT LAWS OR REGULATIONS.*

Amends GS 160A-360 as title indicates, using the definition of "urban purposes" from GS 160A-36..

Intro. by Sager, Dixon, Hill,

GS 160A

Local Government

Langdon.

H 798. FRAUDULENT FIREARM PURCHASE PREVENTION ACT. Filed 4/6/11. *TO ENACT THE FRAUDULENT FIREARM PURCHASE PREVENTION ACT.*

Creates GS 14-408.1 to criminalize as Class F felony both (i) knowingly soliciting, persuading, encouraging or enticing a licensed dealer or private seller of firearms to transfer a firearm or ammunition under circumstances that the person knows would violate state or federal law and (ii) knowingly providing materially false information to a dealer or private seller of firearms with the intent of deceiving the dealer or seller about the legality of a firearm or ammunition transfer. Effective December 1, 2011.

Intro. by Hilton.

GS 14

Criminal Law, Procedure, and Sentencing

H 799. LICENSURE BY ENDORSEMENT/ MILITARY/ SPOUSES. Filed 4/6/11. *TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES.*

Enacts new GS 93B-15.1 as the title indicates. Directs an occupational licensing board, as defined in GS 93B-1, to issue a license, certification, or registration to an applicant who is military-trained or a military spouse to allow the military-trained applicant or the military spouse applicant to lawfully practice the applicant's occupation on this state.

Requires that upon application to the occupational licensing board, the military-trained applicant must meet certain specified requirements that include having been awarded a military occupational specialty in which the applicant has performed at a level that is substantially equivalent to or exceeds the requirements of the occupational licensing board, having completed a military program of training, and having engaged in the practice of the occupation for which the person is seeking a license, certification, or permit for at least two of the five years preceding the date of the application.

Requires that upon the application to the occupational licensing board, the military spouse must meet certain specified requirements that include holding a current license, certification, or registration from another jurisdiction with requirements substantially equivalent to or in excess of the requirements of this state's occupational licensing board and having either continuing education credit or recent experience for at least two of the five years preceding the date of the application under this section.

Provides for credit for all relevant experience for a military service member or a military spouse and provides for the same rights and obligations for a nonresident licensed, certified, or registered under this section as required of a resident licensed, certified, or registered by an occupational licensing board in this state. Includes provisions for the issuance of a temporary practice permit.

States that nothing in this section is to be construed as applying to the practice of law as regulated under GS Chapter 84 or to prohibit a military trained applicant or a military spouse applicant from proceeding under the existing licensure, certification, or registration requirements established by an occupational licensing board in this state.

Directs each occupational licensing board to implement the requirements of proposed GS 93B-15.1 within one year from the effective date of this act (when the act becomes law).

Intro. by Martin, Killian.

GS 93B

Employment and Retirement; Military and Veterans Affairs

H 800. STREAMLINING NC ECONOMIC DEV FOR JOB CREATION. Filed 4/6/11. *TO CREATE THE NORTH CAROLINA JOBS AND COMMERCE CORPORATION TASK FORCE TO STUDY THE IMPLEMENTATION OF THE TRANSFERRING OF ECONOMIC DEVELOPMENT ACTIVITIES INTO A SINGLE ENTITY.*

Creates the NC Jobs and Commerce Corporation (NCJCC) to replace existing economic development entities in other state agencies effective July 1, 2012. Creates the NCJCC Task Force to study the transfer of duties and functions from those existing entities to the NCJCC. Details appointment process for NCJCC Board of Directors and the NCJCC Task Force. Directs NCJCC Task Force to evaluate the effectiveness of NC's current

economic development incentives, to identify duplication among existing incentive programs, to develop a plan to eliminate redundant economic development entities, to recommend guidance and oversight protocols for the NCJCC, to establish metrics to provide data that quantifies the impact of retained economic incentives, and to study and recommend emerging growth areas that are appropriate targets for future incentives. Requires NCJCC Task Force to report to the 2012 Regular Session of the 2011 General Assembly. Mandates Legislative Services Commission to allocate funds for the expenses of the NCJCC Task Force. Effective July 1, 2011.

Intro. by Murray, McComas, Moffitt. STUDY Community and Economic Development

H 801. BUILDING CODE REVISIONS/MODIFY LEG. REVIEW. Filed 4/6/11. *TO PROVIDE FOR LEGISLATIVE REVIEW OF THE 2012 ENERGY CONSERVATION CODE AND THE 2012 RESIDENTIAL CODE ENACTED BY THE STATE BUILDING CODE COUNCIL DURING THE 2011 SESSION OF THE GENERAL ASSEMBLY.*

Provides that the 2012 North Carolina Energy Conservation Code and the 2012 North Carolina Residential Code will take effect on January 1, 2012, with a mandatory compliance date of March 1, 2012, unless a disapproval bill becomes law.

Intro. by Faison, McGrady. UNCODIFIED Energy and Utilities; Property, Land Use, and Housing

H 802. CHILD SUPPORT ORDER STAYED BY APPEAL. Filed 4/6/11. *CLARIFYING THE LAWS PERTAINING TO THE STAYING OF ORDERS ON APPEAL AS RELATED TO CHILD CUSTODY, CHILD SUPPORT, AND ALIMONY.*

Amends relevant provisions of Chapter 50 of the General Statutes to make clear that any order for child custody, child support, or alimony, whether pursuant to statute or pursuant to an agreement, is enforceable in the trial court by civil contempt proceedings during the pendency of an appeal, and that any contempt order may, upon motion of the aggrieved party, be stayed by the court of the appellate division in which the appeal is pending if justice requires.

Intro. by Rhyne. GS 50 Family Law

H 803. ALLOW COURT TO ASSESS ATTY FEES/50C ORDERS. Filed 4/6/11. *ALLOWING A COURT TO ASSESS ATTORNEYS' FEES WHEN A CIVIL NO-CONTACT ORDER IS BROUGHT WITHOUT FACTUAL BASIS.* As title indicates.

Intro. by Rhyne. GS 50C Civil Law and Procedure

H 804. JOHNSTON MEMORIAL HOSPITAL NOT IN LGERS. Filed 4/6/11. *TO PROVIDE THAT JOHNSTON MEMORIAL HOSPITAL AUTHORITY IS NOT AN EMPLOYER UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.*

As title indicates.

Intro. by Daughtry. UNCODIFIED Employment and Retirement

H 805. ADDITIONAL NAME CHANGE REQUIREMENTS. Filed 4/6/11. *AMENDING THE NAME CHANGE STATUTE TO INCLUDE A CRIMINAL RECORD CHECK AND OTHER REQUIREMENTS BEFORE THE CLERK OF SUPERIOR COURT MAY GRANT OR DENY A NAME CHANGE APPLICATION.*

Amends GS 101-5 to require additional information be submitted to the clerk of court from a person desiring a name change, including information from the person's birth certificate, certified results of an official state and national criminal history record check, and a sworn statement concerning the person's residence, involvement with bankruptcy proceedings, and outstanding tax or child support obligations. Requires clerk to forward an order granting a name change to the Division of Criminal Information at the State Bureau of Investigation. Creates process for the issuance of a denial of the requested name change by the clerk and for the appeal of such a denial by the applicant to the chief resident superior court judge within 30 days of the denial. Mandates that applicants who unsuccessfully appeal a denial must wait at least 12 months before submitting a new application.

Intro. by Spear, Randleman, Stam. GS 101 Courts

H 806. ZONING ST. OF LIMIT./AG. DIST. CHANGE. Filed 4/6/11. *CHANGING THE STATUTE OF LIMITATIONS AND REPOSE FOR CHALLENGING ZONING ORDINANCES AND TO PROHIBIT SPECIFIED ZONING ORDINANCES AFFECTING SINGLE-FAMILY DETACHED RESIDENTIAL USES ON LOTS GREATER THAN TEN ACRES IN AGRICULTURAL ZONING DISTRICTS.*

Amends GS 1-53 to add to the list of actions that must be commenced within two years actions contesting the validity of any zoning or unified development ordinance adopted under Part 3 of Article 18 of GS Chapter 153A or Part 3 of Article 19 of GS Chapter 160A or other applicable law, other than an ordinance adopting or amending a zoning map or approving a special use, conditional use, or conditional zoning district rezoning request, which must be brought within two months under amended GS 1-54.1. Makes conforming changes in GS Chapters 153A and 160A.

Amends GS 153A-340 to prevent an ordinance adopted pursuant to that section from prohibiting single-family detached residential uses constructed in accordance with the NC State Building Code on lots greater than 10 acres in size in zoning districts where more than 50% of the land is in use for agricultural or silvicultural purposes, except in certain commercial or industrial districts. Provides that an ordinance adopted pursuant to GS 153A-340 may not require that a lot greater than 10 acres in size have specified types of road frontage or water or sewer service in order to be developed for single-family residential purposes.

Effective July 1, 2011, except that provisions of the law pertaining to statutes of limitations shall not apply to litigation pending as of that date.

Intro. by Jordan, Stam, Moffitt, Stevens. GS 1, 153A, 160A Local Government

H 807. TRANSFER STANLY COUNTY TO DISTRICT 20B. Filed 4/6/11. *TO TRANSFER STANLY COUNTY TO SUPERIOR COURT DISTRICT 20B AND PROSECUTORIAL DISTRICT 20B, TO REDESIGNATE THE SET OF DISTRICT COURT DISTRICTS SERVING UNION COUNTY AS DISTRICTS 20B1, 20B2, AND 20B3, AND TO CREATE DISTRICT COURT DISTRICT 20B4 AS PART OF THE SET OF DISTRICT COURT DISTRICTS SERVING UNION AND STANLY COUNTIES.*

Transfers Stanly County to Superior Court and Prosecutorial District 20B as title indicates. Changes the number of superior court judges allocated to the district under GS 7A-41(a), providing that the superior court judgeship transferred from District 20A to District 20B will be filled by the judge currently serving District 20A who resides in Stanly County until that judge's term expires on December 31, 2012.

Amends GS 7A-133(a) to remove Stanly County from District Court District 20A and place it in new District 20B4. Renames Districts 20B, 20C, and 20D as Districts 20B1, 20B2, and 20B3, respectively, and specifies in amended GS 7A-133(b) which parts of Union County make up District 20B1 and which parts of the county make up District 20B2. Provides that the district court judgeship transferred from District 20A to District 20B4 will be filled by the judge currently serving District 20A who resides in Stanly County until that judge's term expires December 31, 2014. Further amends GS 7A-133(a), effective January 1, 2013, to add a district court judgeship to District 20B4 to be filled in the 2012 general election. Effective December 31, 2021, abolishes the district court judgeship of District 20A held by a resident of Anson County.

Amends GS 7A-60(a1) to transfer five full-time assistant district attorney (ADA) positions from Prosecutorial District 20A to District 20B, to be filled by five ADAs currently serving Stanly County in Prosecutorial District 20A.

Section 3 of the act becomes effective January 1, 2013, or on the date that the act receives preclearance under section 5 of the Voting Rights Act of 1965, whichever is later, but applies to the 2012 election as provided. The remainder of the act becomes effective October 1, 2011, or on the date that the act receives preclearance under section 5 of the Voting Rights Act of 1965, whichever is later.

Intro. by Burr. GS 7A Courts

H 808. REVISE LAWS ON ADULT CARE HOMES. Filed 4/6/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO WAIVE ANNUAL INSPECTIONS OF ADULT CARE HOMES THAT ACHIEVE THE HIGHEST RATING, AND TO DEVELOP AN INFORMAL DISPUTE RESOLUTION PROCEDURE THAT ALLOWS ADULT CARE HOMES TO DISPUTE CITED INSPECTION DEFICIENCIES.*

Enacts new subsection (a1) to GS 131D-2.11, authorizing the Division of Health Service Regulation (Division) to waive the annual inspection requirement of adult care homes for any home that has achieved the highest rating under rules adopted by the NC Medical Care Commission. However, directs the Division to inspect any home for which the inspection requirement has been waived at least once every two years. Makes a conforming change to GS 131D-2.11(a). Enacts new subsection (a2) to GS 131D-2.11, directing the Division to offer each adult care home an opportunity, upon request and after the home receives an official statement of deficiencies, to informally resolve disputed findings from inspections conducted by the Division. Details additional provisions related to informal dispute resolution and enforcement actions. Effective October 1, 2011.

Intro. by Burr. GS 131D Health, Social Services, and Aging

H 809. MODEL HEALTHCARE-ASSOCIATED INFECTIONS LAW. Filed 4/6/11. *TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ESTABLISH A HEALTHCARE-ASSOCIATED INFECTION SURVEILLANCE, PREVENTION, AND CONTROL PROGRAM, TO ESTABLISH A REGULATORY FEE FOR THE PROGRAM, AND TO AUTHORIZE THE DEPARTMENT TO ASSESS AN ADMINISTRATIVE PENALTY AGAINST HEALTH CARE FACILITIES THAT FAIL TO COMPLY WITH PROGRAM REQUIREMENTS.*

Adds new Part 1A to Article 6 of GS Chapter 130A to create a new 13-member Healthcare-Associated Infections Advisory Committee (Committee) within the Department of Health and Human Services (HHS). Directs Committee to study and make recommendations concerning a variety of issues relating to healthcare-associated infections (HAIs), including the reporting of HAIs, the prevention of HAIs, the appropriate HAI training for medical professionals, and the evaluation of medical facility HAI-procedures. Directs HHS to create new HAI Surveillance, Prevention and Control Program to monitor and implement HAI best practices across the state. Mandates public reporting of HAI statistics. Requires health care facilities to take a variety of control measures relating to HAIs, including the appointment of an infection control officer and requiring training on HAI prevention for all staff. Requires health care facilities to test patients for methicillin-resistant *Staphylococcus aureus* (MRSA) up to 10 days prior to an elective admission or within 24 hours for certain high-risk cases and to provide each patient who tests positive with information regarding MRSA. Requires quarterly and monthly reporting of HAI statistics by health care facilities. Requires health insurers to provide coverage for routine HAI screenings performed in compliance with health care facilities' infection control plans. Requires HHS to offer quality improvement payments to health care facilities that achieve certain metrics relating to HAIs. Requires health care facilities to develop written infection control policies. Provides for the creation of a licensing fee surcharge to support the regulatory activities required by this act, which must not exceed \$5,000 in the aggregate from all health care facilities. Permits HHS to impose a \$1,000 penalty per incident on any health care facility that negligently fails to report an HAI as required, for which each day of a continuing violation must constitute a separate offense. Effective January 1, 2012.

Intro. by Burr.

GS 130A

Health, Social Services, and Aging

H 810. CONSUMER FINANCE ACT AMENDMENTS. Filed 4/6/11. *TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO INCREASE CONSUMER ACCESS AND CREDIT MARKET PARITY.*

Adds definition of "Consumer Price Index" to GS 53-165. Add to definition of "other business" permitted of lenders in GS 53-172. Amends maximum loan charges and fees for personal installment loans found in GS 53-173 by (i) setting maximum amount of loans at \$2,000 (was \$3,000), (ii) setting the maximum account handling charge at \$3 per \$100 of loan amount, (iii) setting the loan processing fee at 10% of the loan amount not to exceed \$100 (was 5% not to exceed \$25), (iv) indexing these caps to the consumer price index, (v) capping the interest on a money judgment on a loan made subject to this section at the annual percentage rate of the loan contract as computed under the federal Truth in Lending Act, (vi) capping interest after the maturity of a loan at the annual percentage rate of the loan contract as computed under the federal Truth in Lending Act, (vii) prohibiting other charges and fees on loans subject to this section, (viii) limiting loans made to consumers who already have outstanding loans with the same lender, (ix) requiring the partial refund of certain fees and charges if the loan is paid in full prior to the term expiration date, and, (x) permitting a consumer to terminate a loan contract within three days by returning the borrowed funds to the lender. Amends 53-175 to limit the maximum fee for returned checks to the greater of \$30 or the amount permitted under GS 25-3-506 (currently \$25). Amends 53-176 by (i) raising cap on installment loans to \$15,000 (was \$10,000), (ii) limiting monthly interest on installment loans to 2.5% for balances below \$5,000, 2% for balances between \$5,000 and \$10,000, and 1.5% on remaining balance (was 30% annually for balances up to \$7,500 and 18% annually on remaining balance), (iii) mandates that interest on installment loans not be compounded, (iv) caps closing fees for installment loans at \$35 for loans up to \$1,750 and 2% of the loans above that amount, and, (v) indexes the caps on fees and loan amounts to consumer price index according the same procedure created in GS 53-173. Amends GS 53-177 to cap late fees at \$15 for loans under GS 53-173 and at the greater of 5% of the payment or \$20 for loans made under GS 53-176. Amends 53-180 by restricting the time and payment limitations for loans issued under GS 53-173 as follows: between 4 to 7 months for loans of \$500 or less; no more than 13 months for loans between \$500 and \$1,000; no more than 19 months for loans between \$1,000 and \$1,500; and, no more than 25 months for loans greater than \$1,500. Amends GS 53-181 to require a lender once per year to provide upon request and payment of a \$25 fee a statement of information regarding the loan. Amends GS 53-186 to require the Commissioner of Banks to

provide timely responses to borrowers and lenders concerning borrowers' complaints and inquiries and to develop an information pamphlet to be provided to borrowers by lenders as of January 1, 2012. Effective October 1, 2011.

Intro. by Steen.

GS 53

Business and Commerce; Banking and Finance

H 811. STUDY TRANSPORTATION PROCESS AND FUNDING. Filed 4/6/11. *AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DEPARTMENT OF TRANSPORTATION'S ROAD CONSTRUCTION PROCESS, INCLUDING MAINTENANCE AND REPAIRS, TO DEVELOP OPERATIONAL PLANS OR PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY AND COST SAVINGS.*

As title indicates. Requires the study to be included in the 2011-12 Work Plan for the Program Evaluation Division (Division), and provides additional details on the study topics. Directs the Division to submit findings and recommendations to specified entities at a date to be determined.

Intro. by Torbett.

STUDY

General Assembly; Transportation

H 812. HOSPITAL AUTHORITY TERRITORIAL JURISDICTION. Filed 4/6/11. *TO DEFINE THE BOUNDARIES OF A HOSPITAL AUTHORITY AS THE TERRITORIAL BOUNDARIES OF THE CITY OR COUNTY CREATING THE AUTHORITY.*

Amends GS 131E-20 to provide as title indicates (currently, the territorial boundaries include the city or county creating the hospital authority and the area within 10 miles). Specifies that if a hospital authority enters into an agreement to engage in health care activities in a county outside the authority's territorial boundaries under (1) an agreement with a hospital facility in only one hospital currently exists in that county; (2) an agreement with any hospital if more than one hospital currently exists in that county; or (3) an agreement with any health care agency if no hospital currently exists in that county, then the hospital authority must first apply for an obtain a certificate or public advantage.

Intro. by Torbett.

GS 131E

Health, Social Services, and Aging; Local Government

H 813. ESC/JOBS REFORM. Filed 4/6/11. *TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING UNDER ARTICLE 2 OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE.*

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

Intro. by Howard.

GS 52C, 58, 7A, 96, 143B, 150B,
84, 94, 95, 105, 105A, 108A, 110,
113, 132, 135, 138A, 143B, 147,
158, 165

Employment and Retirement; State Government

H 814. FAIR COMPENSATION FOR MORTGAGE BROKER/LENDER. Filed 4/6/11. *TO MAKE HOME MORTGAGE LENDING MORE COMPETITIVE IN NORTH CAROLINA.*

Adds to GS 24-1.1A(c) a definition of discount points that includes fees paid by or on behalf of a borrower to certain federal agencies and entities levied by such agencies or entities to compensate for increased risks and costs relating to the mortgage loan. Adds to GS 24-1.1E(a)(5) to define "points and fees" to exclude certain fees paid by or on behalf of a borrower to certain federal agencies. Amends GS 24-1.1E(a)(6) to exclude from the definition of "discount points" as used in that sub-subdivision the fees that the act adds to the definition of "discount points" in GS 24-1.1A(c). Amends GS 53-244.101 to prohibit the Insurance Commissioner from refusing to renew a loan originator's license based on the loan originator's credit score at the time of the renewal. Amends GS 53-244.103(b) to reduce the minimum surety bonds required of mortgage brokers generally from \$75,000 to \$50,000, from \$125,000 to \$75,000 for brokers with annual business between \$10 million and \$50 million, and from \$250,000 to \$100,000 for brokers with annual business greater than \$50 million. Reduces minimum surety bonds required of mortgage lenders and servicers generally from \$150,000 to \$75,000, from \$250,000 to \$125,000 for lenders and servicers with annual business of between \$10 million and \$50 million, and from \$500,000 to \$200,000 for lenders and services with annual business of more than \$50 million. Amends GS 53-244.115(b) to require the Insurance Commissioner to notify parties subject to a complaint examination when

the examination is complete and to initiate any disciplinary actions within 12 months of the date of the notice. Effective October 1, 2011.

Intro. by Stam. GS 24,53 Property, Land Use, and Housing;
Banking and Finance

H 815. TEACHERS/ISOLATED K-12 SCHOOLS. Filed 4/6/11. *TO AMEND A BUDGET PROVISION ON TEACHERS IN GEOGRAPHICALLY ISOLATED K-12 SCHOOLS TO REMOVE A LIMITATION.*

Amends Section 7.26 of SL 2009-451 to require the State Board of Education, in administering the policy on the allotment of additional teachers to K-12 schools when consolidation is not feasible because of the school's location, to at least consider two specified requirements (current law limits requirement to administering the policy with regard to a school located in a district in which the average daily membership is less than 1.5 per square mile).

Intro. by West, Haire. UNCODIFIED Education

H 816. ANIMAL WELFARE ADVISORY BOARD/FUND. Filed 4/6/11. *TO ESTABLISH THE ANIMAL WELFARE ADVISORY BOARD AND THE SPAY/NEUTER DONATION AND MEMORIAL FUND.*

Enacts new Article 4A of GS Chapter 19A establishing the nine member Animal Welfare Advisory Board (Board) of the Department of Agriculture and Consumer Services (Department) to promote animal welfare initiatives and oversee the expenditure of funds in the newly created Spay/Neuter Donation and Memorial Fund (Fund). Requires the Board to operate an animal shelter mentoring program. Provides for membership appointment, terms, and removal.

Provides that the Fund is separate from the Spay/Neuter Account and that it consists of donations, memorials, and other private contributions made to the Fund for spaying and neutering dogs and cats. Provides that a county, city, or nonprofit is eligible for reimbursement from the Fund if the Board determines that the entity offers one or more of five specified programs year round in order to reduce the cost of spaying and neutering. Requires the Department to report annually in February to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division on contributions made to and reimbursements made from the Fund. Effective July 1, 2011.

Intro. by McElraft. GS 19A Animal Law; Agriculture,
Environment, and Natural
Resources

H 817. LOTTERY ADMIN. EXPENSES/UNCLAIMED PRIZES. Filed 4/6/11. *TO LIMIT ADMINISTRATIVE EXPENSES OF THE STATE LOTTERY TO FOUR PERCENT AND TO PROVIDE THAT UNCLAIMED PRIZE MONEY IS TO BE SPLIT AMONG ALL LOCAL EDUCATION AGENCIES ON AN ADM BASIS TO BE USED ONLY FOR SCHOOL SUPPLIES AND TEXTBOOKS.*

Amends GS 18C-162(c) to provide that unclaimed prize money will be held separate and apart from other lottery revenues and distributed quarterly to local school administrative units on an average daily membership basis to be used only for school supplies and textbooks. Specifies that charter schools may share the funds. Deletes current allocation formula.

Amends GS 18C-163(1), clarifying that lottery expenses may include operation and administrative costs not to exceed 4% of total annual revenue (currently, no cap).

Effective July 1, 2011.

Intro. by McElraft, Justice, Hurley. GS 18C Lottery and Gaming

H 818. MODIFY DISABLED VET PROPERTY TAX EXEMPTION. Filed 4/6/11. *TO ENHANCE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION FOR COMBAT-RELATED DISABLED VETERANS.*

Current law provides a property tax homestead exclusion for a veteran with a service-connected disability, Amends GS 105-277.1C to add a separate disability classification for a veteran with a combat-related disability. Defines a combat-related as defined in 10 USC § 1413a. Provides that the greater amount of \$45,000 or 50% of the appraised value of the residence is excluded from taxation for an owner who qualifies due to a combat-related disability; retains provisions that excludes the first \$45,000 from taxation for a qualifying owner due to a service-connected disability. Makes conforming changes to the definition for disabled veteran and to the application for the exclusion requirements. Provides that an applicant for exclusion under this section for a combat-related disability must establish eligibility for the homestead exclusion by providing a copy of the veteran's certification of a combat-related disability.

Effective for taxes imposed or taxable years beginning on or after July 1, 2011.

Intro. by McElraft.

GS 105

Taxation; Military and Veterans
Affairs

H 819. [CAMA SETBACK REQ'TS./GRANDFATHER CLAUSE](#). Filed 4/6/11. *TO AMEND LAWS RELATING TO OCEAN SETBACKS TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS.*

Prohibits the Department of Environment and Natural Resources from denying, on the basis of the setback requirements in 15A NCAC 7H .0306(a), a development permit for the repair or reconstruction on its original footprint of any residential structure constructed prior to August 11, 2009, with total floor area greater than 5,000 square feet. Requires the Coastal Resources Commission to adopt by October 1, 2011, temporary rules consistent with and substantially identical to that prohibition on development permit denials, which will remain in effect until permanent rules replace them.

Intro. by McElraft.

UNCODIFIED

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

H 820. [STUDY BEACH PLAN](#). Filed 4/6/11. *TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON COASTAL PROPERTY INSURANCE RATES.*

Creates a 14-member Joint Legislative Study Commission on Coastal Property Insurance Rates (Commission) made up of the Commissioner of Insurance, representatives from the NC Rate Bureau and the NC Insurance Underwriting Association (NCIUA), three members appointed by the Governor, and four members each appointed by the House of Representatives and the Senate. Tasks the Commission with studying issues related to coastal property insurance rates including the feasibility of a statewide catastrophic risk pool, the efficiency and fairness of rates on policies ceded to the NCIUA, the accuracy of data and methodologies used by the NCIUA in estimating risks to coastal properties, the advisability of allowing coastal property owners to self-insure against risks from wind and hail when no third party has an insurable interest in the property, the accounting of the NCIUA's accumulated surplus, and the fairness and effectiveness of the mitigation credits provided by the NCIUA under GS 58-45-45(e). Requires the Commission to submit an interim report to the 2012 Regular Session of the 2011 General Assembly prior to its reconvening, and to make a final report to the 2013 Regular Session of the General Assembly prior to its convening. Provides that the Commission shall terminate upon the filing of its final report or upon the convening of the 2013 General Assembly, whichever is earlier. Effective July 1, 2011.

**Intro. by McElraft, Hamilton,
Justice, Rapp.**

STUDY

General Assembly; Business and
Commerce

H 821. [ALLOW DOT TO USE RECYCLED ASPHALT](#). Filed 4/6/11. *TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE RECYCLED ASPHALT FOR HIGHWAY CONSTRUCTION AND MAINTENANCE IF IT MEETS THE REQUIRED MINIMUM CONTENT STANDARDS AND THE MATERIAL MEETS THE MINIMUM SPECIFICATIONS FOR THE PROJECT.*

Amends GS 136-28.8, as title indicates.

Intro. by Holloway.

GS 136

Transportation

H 822. [DROPOUT RECOVERY PILOT PROGRAM](#). Filed 4/6/11. *DIRECTING THE STATE BOARD OF EDUCATION TO IMPLEMENT A DROPOUT RECOVERY PILOT PROGRAM.*

Directs the State Board of Education (SBOE) to implement a three-year Dropout Recovery Pilot Program in four local school administrative units selected by SBOE, in order to reengage students and increase the graduation rate in North Carolina through an educational program that provides flexible scheduling and a learning environment with individualized and self-paced learning options. Requires the SBOE to approve a nonprofit or for-profit education partner to provide the educational services and programming under the pilot program. Makes the local school administrative unit responsible for reporting enrollment to the Department of Public Instruction, working to align graduation requirements, and issuing diplomas. Requires that a pilot program provide four specified functions. Also requires an entity to demonstrate nine enumerated criteria before the SBOE approves the entity as an education partner. Requires data and student performance results to be collected and compiled from all pilot programs, with the SBOE measuring program success. Provides a timeline for a request for proposals from applicants. Specifies that a student attending the pilot program must be enrolled as a student of the resident local school administrative unit, and included in the average daily membership of that unit. Distributes

pupil funding as specified. Permits the SBOE to authorize flexible attendance requirements. Specifies that the pilot program will be operated through the SBOE, as a program of the contracting unit, or as an alternative school. Effective July 1, 2011.

Intro. by Holloway, Hilton, Cotham, Langdon.

STUDY

Education

H 823. GOVERNANCE OF THE DEPT OF PUBLIC INSTRUCTION. Filed 4/6/11. *TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION, TO MAKE THE STATE BOARD OF EDUCATION AN ADVISORY BODY, TO MODIFY THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.*

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

Intro. by Holloway.

GS 143A, 115C, 14, 20, 58, 66, 90, 90B, 115D, 116, 116C, 120, 121, 122C, 126, 130A, 135, 138A, 143, 143B, 146, 148, 150B, 158, CONST

Constitutional Amendment;
Education

H 824. NONPARTISAN REDISTRICTING PROCESS. Filed 4/6/11. *TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.*

Enacts new Article 1B, *Nonpartisan Redistricting Process*, to GS Chapter 120. Directs the Legislative Services Office (Office) to acquire and review information, evaluate facilities, and develop programs in preparation for drawing congressional and legislative redistricting plans after each federal census. Specifies that the Office must obtain, by December 31 of each year ending in zero, Census Bureau information for geographic and political units in NC. Directs the Office to use the data as described. Specifies that the Office must obtain, as soon as possible after January 1 of each year ending in one, Census Bureau population data needed for legislative districting and use the data to assign a population figure to geographic and political units. Directs the Office to make available to the public four types of information after delivering each bill embodying a districting plan to the General Assembly. Includes definitions applicable to Article 1B.

Directs the Office to deliver to the Clerks' offices in the General Assembly, before April 1 of each year ending in one, identical bills embodying a plan of legislative and congressional districting prepared according to Article 1B. States that the bill will not be brought to a vote in either chamber less than three legislative days after the report from the Temporary Redistricting Advisory Commission is received and made available to members. Specifies that the bill will be voted under a procedure or rule allowing no amendments, except purely corrective changes. Specifies that if the bill is approved on third reading by the first house, it will quickly be brought to a vote in the second house, and if the bill fails, then the Clerk of the applicable chamber must, no later than seven days after the bill failed, notify the Office of reasons the bill was not approved. Details provisions applicable when the required population data is not available by the specified date, and the procedures for second and third plans of legislative and congressional districting. Directs the Office to provide information about the plan to persons outside Office staff only as may be required, before the Office delivers the bill.

Requires legislative and congressional districts to be established on the basis of population. Provides that senatorial and representative districts will each have a population within 5% of the ideal population for that district. Provides that congressional districts will have a population as nearly as equal to the ideal population and within .1% of the ideal population. States that the "whole county" rule will be followed to minimize the division of counties. Provides that division of voting tabulation districts will also be minimized. Details additional provisions related to district division, including requiring contiguous territory and reasonably compact districts. Specifies that no district will be drawn to favor any individual, group, or political party, and the districts will not be divided using political affiliation, previous election results, or demographic information unless required by the NC or U.S. Constitution or the Voting Rights Act of 1965.

Establishes a five member Temporary Redistricting Advisory Commission (Commission) no later than February 15 of each year. Provides additional details regarding Commission members and timelines. Lists three, detailed functions of the Commission, including answering written requests for direction from the Office and conducting public hearings after districting bills are delivered to the General Assembly.

This act applies beginning with the 2020 federal census, but in the 2010 redistricting cycle, it applies as to State House of Representatives, State Senate, or US House of Representatives districting if the plan is not final as of October 1, 2011, due to failure to receive approval under the Voting Rights Act or by a court decision. In this case, the Commission appointment will occur by October 15, 2011 and the Office will submit a plan under Article

1B no later than three calendar days after the convening of an Extra Session of the General Assembly held to adopt a new districting plan.

Intro. by Glazier.

GS 120

Elections Law

H 825. JT. LEGIS. STUDY ON METH LAB PREVENTION. Filed 4/6/11. *TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON METHAMPHETAMINE LAB PREVENTION.*

Creates the Joint Legislative Study Commission on Methamphetamine Prevention (Commission). Provides for the appointment of eight members with two appointments by the Governor, three appointments by the Speaker of the House of Representatives, and three members appointed by the President Pro Tempore of the Senate. Provides additional qualifications for the appointment of members by the respective appointing authorities and provides that vacancies are to be filled by the appointing authority. Declares that five members constitute a quorum of the Commission. Provides for the appointment of co-chairs, the assignment of professional and clerical staff, members' expenses, the meeting location, and the calling of meetings.

States that the purpose of the Commission is to consider whether North Carolina should adopt an electronic tracking blocking system similar to the system adopted in South Carolina, to prevent the illegal sale of pseudoephedrine drugs, instead of the current manual log used in this state. Also directs the Commission to consider in its study the *Methamphetamine Lab Prevention Act of 2005* that was enacted by the South Carolina legislature.

Requires the Commission to submit an interim report to the 2012 Regular Session of the 2011 General Assembly prior to its reconvening and make a final report to the 2013 Regular Session of the General Assembly prior to its convening. Specifies that the report is to contain the Commission's findings, recommendations, legislative proposals, and cost analyses. Directs the Commission to terminate upon the filing of its final report or the convening of the 2013 General Assembly, whichever is earlier.

Directs the Legislative Services Commission to allocate funds to support the study from the funds appropriated to the General Assembly for the 2011-12 and 2012-13 fiscal years.

Effective July 1, 2011.

Intro. by Glazier.

STUDY

Criminal Law, Procedure, and Sentencing; General Assembly

H 826. COVERAGE FOR TREATMENT OF AUTISM DISORDERS (=S 115). Filed 4/6/11. *TO REQUIRE HEALTH BENEFIT PLANS, INCLUDING THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, TO PROVIDE COVERAGE FOR TREATMENT OF AUTISM SPECTRUM DISORDERS.*

Identical to S 115, filed 2/23/11.

Intro. by Parfitt, Glazier.

GS 58

Health, Social Services, and Aging

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.*

Creates new GS Chapter 18D to authorize and regulate slot machines in certain counties as described in title. Expands authority of existing NC State Lottery Commission ("SLC") to oversee and regulate slot machines.

Defines a slot machine as "Any mechanical or electrical contrivance, terminal, machine, or other device approved by the Commission which, upon insertion of a coin, bill, ticket, token, or similar object therein or upon payment of any consideration whatsoever, including the use of any electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. A slot machine: a. May utilize spinning reels or video displays or both. b. May or may not dispense coins, tickets, or tokens to winning patrons. c. May use an electronic credit system for receiving wagers and making payouts."

Requires SLC to hold public hearings on applications for slot machine licenses. Orders SLC to mandate minimum payout percentages for all slot machines that are no less than 80%.

Mandates all fees from applicants, licensees, and permittees be deposited into the existing State Lottery Fund. The proceeds of civil fines and penalties are to be remitted to the Civil Penalty and Forfeitures Fund. Suppliers and manufacturers of slot machines must pay initial fees of \$25,000 and annual renewal fees of \$10,000. Licensees operating the machines must pay an initial fee of \$50 million, which will permit the licensee to operate up to 3,000 slot machines, with a minimum of 1,500 available machines, at one licensed facility. Creates criteria, application and review process for manufacturer, supplier and operator licenses. Creates auditing procedures for slot machine accounting. Requires all slot machines to be connected to central control computer under the control of the SLC.

Levies a 34% tax on daily slot machine gross revenue. Requires each slot machine operator to maintain a \$5 million escrow fund to guarantee payment of tax obligations. Mandates operators to pay 5% of daily slot machine gross revenue to new NC Gaming Economic Development and Tourism Fund, which must be used to provide incentives to new and existing employers to locate and grow businesses in Tier 1 counties, to provide support and transitional training for displaced employees who have lost employment due to workplace closures or layoffs, and for any other purpose the General Assembly deems appropriate. Mandates that the following amounts be transferred annually from the State Lottery Fund: \$1.5 million to the Department of Health and Human Services for gambling addiction and treatment programs; \$20 million to the Alcohol Law Enforcement Division ("ALE") of the Department of Crime Control and Public Safety; and, the remaining balance derived from slot machine proceeds to the State Public School Fund.

Prohibits slot machines from accepting credit cards or debit cards and prohibits operators from extending any credit to slot machine players. Prohibits wagering on any athletic events. Authorizes SLC to create list of persons to be excluded from slot machine facilities. Authorizes ALE to enforce all regulations and laws relating to slot machines, including investigations of license applicants and monitoring of slot machines to ensure compliance with regulations and implementation of adequate security measures. Criminalizes numerous offenses relating to slot machines, including misrepresentations to ALE or SLC, operation of slot machines without valid license, use of counterfeit money or tokens to play slot machines, unauthorized possession of key or device to open slot machines, and playing of slot machines by individuals under 18. Sets criminal fines of between \$75,000 and \$300,000 for first violation of criminal laws relating to slot machines and between \$150,000 and \$600,000 for subsequent violations. Makes it a Class A1 misdemeanor to make misrepresentations to ALE or SLC and a Class H felony for subsequent such criminal acts.

Makes corresponding changes to criminal laws in GS Chapter 14 to permit the operation of slot machines as described in new Chapter 18D.

Intro. by Jenkins.

GS 18C, 18D, 14

Lottery and Gaming; Criminal Law, Procedure, and Sentencing

S 532. ESC/JOBS REFORM (=H 813). Filed 4/7/11. *TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING UNDER ARTICLE 2 OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE.* Identical to H 813, filed 4/6/11.

Intro. by Clary, Rucho.

GS 52C, 58, 7A, 96, 143B, 150B, 84, 94, 95, 105, 105A, 108A, 110, 113, 132, 135, 138A, 143B, 147, 158, 165

Employment and Retirement; State Government

S 533. INDIVIDUALLY METERED UNITS/TENANTS CHARGED. Filed 4/7/11. *AUTHORIZING THE UTILITIES COMMISSION TO ADOPT PROCEDURES THAT ALLOW A LESSOR OF A RESIDENTIAL BUILDING OR COMPLEX HAVING INDIVIDUALLY METERED UNITS FOR ELECTRIC SERVICE IN THE LESSOR'S NAME TO CHARGE FOR THE ACTUAL COSTS OF PROVIDING ELECTRIC SERVICE TO EACH TENANT WHEN THE LESSOR HAS A SEPARATE LEASE FOR EACH BEDROOM IN THE UNIT.*

Amends GS 62-110 to authorize the Public Utilities Commission to adopt procedures consist with the act's title. The lessor must apportion the electric bill for each unit equally among the tenants in that unit, prorating that apportionment when one tenant has lived in the unit for less time than the other tenants during that billing cycle. Each bill may include an administrative fee up to the amount permitted by the Commission for water service and a

late fee in an amount permitted by the Commission. Lessors must maintain and make available to tenants records concerning the allocation of electric bills for at least 36 months. Requires certain information to be included on the individual tenant electric bills, including the electric bill for the entire unit, the amount of that bill allocated to the tenant, the billing period, the past-due date, contact information for the bill, and notice of the tenant's right to file a complaint with the Commission regarding the bill. Authorizes the commission to develop an application form for lessors wishing to utilize the new billing procedure. Makes corresponding change to GS 143-151.42. Effective October 1, 2011 and applies to leases entered into on or after that date.

Intro. by Hunt.

GS 62

Property, Land Use, and Housing;
Energy and Utilities

S 534. ENHANCE CREDIT FOR CONSERV. PROP. DONATIONS (=H 350). Filed 4/7/11. *TO MODIFY THE CLASSES OF PROPERTY EXCLUDED FROM THE TAX BASE.*

Substantively identical to H 350, filed 3/14/11.

Intro. by Hartsell.

GS 105

Taxation; Agriculture, Environment,
and Natural Resources

S 535. APA: MODIFY FINAL ADMINISTRATIVE DECISIONS. Filed 4/7/11. *TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS.*

Amends GS 150B-36 to provide that an agency will be deemed to have adopted an administrative law judge's recommended decision or order as the agency's final decision if no party files exceptions to the judge's recommended decision or order within 15 days. Further provides that if the agency does not adopt the administrative law judge's recommended decision or order as its own, it must make a written final decision or order, and that the findings of fact and conclusions of law made by the administrative law judge are binding on the agency in making its final decision if they are supported by substantial evidence admissible under GS 150B-29(a), 150B-30, or 150B-31 in view of the entire record. Requires the agency to state specific reasons for not adopting the administrative law judge's findings of fact, and states that any new findings of fact made by the agency must be supported by substantial evidence (was, a preponderance of the evidence). Amends GS 150B-51 to provide that when a court reviews a final decision in which an administrative law judge made a recommended decision that was not adopted by the applicable appointing authority, the court must determine whether the authority failed to adhere to findings of fact and conclusions of law by the administrative law judge that were supported by substantial evidence admissible under GS 150B-29(a), 150B-30, or 150B-31 in view of the entire record, and if so the court must reverse the appointing authority's decision or remand the case to the authority to enter a decision in accordance with the evidence in the official record.

Amends GS 150B-44 to decrease the number of days agencies subject to Article 3 of Chapter 150B that are not boards or commissions have to make final decisions from 60 to 45, extendable by up to 30 days (was, 60 days) for good cause shown. Provides that agencies subject to Article 3 that are boards or commissions have 45 days from the day they receive the official record in a contested case (was, 60 days) or 45 days after their next regularly scheduled meeting (was, 60 days), whichever is longer, to make a final decision, extendable by up to 30 days for good cause shown (was, 60 days). Allows a person adversely affected by the failure of an agency subject to Article 3A of Chapter 150B to make a final decision within 75 days (was, 120 days) of the close of the contested case hearing to seek a court order compelling action by the agency or administrative law judge.

Effective when the act becomes law and applies to contested cases commenced on or after that date.

Intro. by Hartsell.

GS 150B

APA/Rule Making

S 536. DIVISION OF PUBLIC HEALTH STUDY. Filed 4/7/11. *TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL REVIEW THE DIVISION OF PUBLIC HEALTH IN DHHS TO RECOMMEND NECESSARY MODIFICATIONS AND ALSO STUDY THE RELATIONSHIP OF THE DIVISION TO LOCAL HEALTH DEPARTMENTS.*

As title indicates.

Intro. by Hartsell.

STUDY

General Assembly; Health, Social
Services, and Aging

S 537. INCREASE IN REM FORECLOSURE FEE (=H 449). Filed 4/7/11. *TO INCREASE THE IN REM FORECLOSURE FEE.*

Identical to H 449, filed 3/23/11.

Intro. by Hartsell.

GS 105

Taxation

S 538. LOCAL RETIREMENT COLA AUTHORITY. Filed 4/7/11. *TO GRANT AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO AWARD A COST OF LIVING INCREASE TO LOCAL GOVERNMENT RETIREES.*

Amends GS 128-27(k) to permit the Board of Trustees for the Local Government Employees' Retirement System to fund a cost of living increase in retirement benefits of up to 4%, regardless of any increase or decrease in the Consumer Price Index. Effective July 1, 2011.

Intro. by Hartsell.

GS 128

Employment and Retirement; Local Government

S 539. MAKE FILM PRODUCTION CREDIT NONREFUNDABLE. Filed 4/7/11. *TO MAKE THE FILM PRODUCTION CREDIT NONREFUNDABLE.*

Amends GS 105-130.47 and 105-151.29 to cap the state income tax credit for qualifying film production expenses at the lesser of \$20 million or the amount of taxes, after reduction by all other available credits, imposed on the eligible taxpayer for the year in which the film production credit is sought. The limitation applies also to carryforwards of the unused credits from prior tax years. Unused credits may be carried forward for up to five years. Makes conforming changes. Effective for tax years beginning on or after January 1, 2011.

Intro. by Hartsell.

GS 105

Taxation; Business and Commerce

S 540. REQUIRE ABC PERMITTEES TO BE TAX COMPLIANT. Filed 4/7/11. *TO PROVIDE THAT COMPLIANCE WITH THE STATE'S TAX LAWS IS A CONDITION OF HOLDING AN ABC PERMIT AND THAT AN ABC PERMIT MAY BE REVOKED FOR FAILURE TO TIMELY FILE A TAX RETURN OR PAY AN OVERDUE TAX DEBT.*

Amends GS 18B-903 and GS 105-259(b) to require that a person required to renew an Alcoholic Beverage Control (ABC) permit or register with the ABC certify that the person has timely filed all required state tax returns and has no overdue tax debt. Makes failure to file a timely tax return and failure to pay an overdue tax debt grounds for revocation of an ABC permit.

Intro. by Hartsell.

GS 18B,105

Alcoholic Beverage Control; Taxation

S 541. OSHA/DEFINE AGRICULTURAL OPERATION. Filed 4/7/11. *TO DEFINE THE TERM "AGRICULTURAL OPERATION" TO CLARIFY THE SCOPE OF THE EXEMPTION FROM THE OCCUPATIONAL HEALTH AND SAFETY ACT GENERAL INDUSTRY STANDARD PERTAINING TO THOSE OPERATIONS.*

Amends GS 95-131 to provide that the exemption of agricultural operations from the general industry standard provided by 29 CFR § 1928.1 (occupational safety and health standards applicable to agricultural operations) is to apply to all businesses engaged in agriculture as that term is defined in GS 106-581.1. Amends GS 106-581.1 to modify the definition for the terms *agriculture*, *agricultural*, and *farming* to include items that are similar to commodities produced on the farm and are either purchased by or consigned to the farm owner or operator for use on the farm or for the purpose of fulfilling contracts for the sale and purchase of commodities produced on the farm.

Intro. by East.

GS 95, 106

Agriculture, Environment, and Natural Resources

S 542. COMMUNITY COLLEGES/ E-PROCUREMENT EXEMPTION. Filed 4/7/11. *EXEMPTING COMMUNITY COLLEGES FROM THE NORTH CAROLINA E-PROCUREMENT SYSTEM AND REPEALING A SECTION OF THE E-PROCUREMENT STATUTE THAT HAS EXPIRED.*

Amends GS 143-48.3 to exempt the state's community colleges from the North Carolina E-Procurement Service. Makes conforming changes to GS 143-49(8). Repeals expired subsection (f) of GS 143-48.3. Effective July 1, 2011.

Intro. by Rucho.

GS 143

Education

S 543. GOOSE CREEK IBT MORATORIUM. Filed 4/7/11. *TO APPROPRIATE FUNDS TO STUDY CERTAIN ENVIRONMENTAL IMPACTS IN THE GOOSE CREEK WATERSHED OF THE ROCKY RIVER BASIN.*

Appropriates \$100,000 from the General Fund to the Department of Environment and Natural Resources for a study of the environmental impacts of the extension of new water or sewer lines into the Goose Creek watershed. Effective July 1, 2011.

Intro. by Rucho.

APPROP

Budget and Appropriations; Agriculture, Environment, and Natural Resources

S 544. PROTECT AND PUT NC BACK TO WORK (=H 709). Filed 4/7/11. *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.*

Identical to H 709, filed 4/6/11.

Intro. by Brown, Apodaca, Davis. GS 97, 150B

Employment and Retirement

S 545. DEVELOPMENT-READY JOBS BILL (= H 628). Filed 4/7/11. *TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY POLICIES AND INCENTIVES THAT CAN BE ESTABLISHED TO STIMULATE THE CREATION OF DEVELOPMENT READY SITES TO AID IN JOB RECRUITMENT AND RETENTION EFFORTS.*

Substantively identical to H 628, filed 4/5/11.

Intro. by Vaughan, Brunstetter. STUDY

Business and Commerce; General Assembly

S 546. SALES OF MOTOR VEHICLES/ UNITS OF GOVERNMENT. Filed 4/7/11. *TO ELIMINATE THE ODOMETER MILEAGE REPORT REQUIREMENTS AND ESTABLISH A RETAIL PRICE PAID FOR EXCISE TAX PURPOSES FOR NEW VEHICLE SALES BY MANUFACTURERS DIRECTLY TO THE STATE, A UNIT OF LOCAL GOVERNMENT, AND VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS IN CONFORMITY TO FEDERAL GOVERNMENT CONTRACT SPECIFICATIONS.*

Amends GS 20-347(d) adding a new subdivision (6) to provide that the mileage disclosure requirements of this statute do not apply to a vehicle sold by a manufacturer directly to a state agency, unit of local government, a volunteer fire department, or a volunteer rescue squad.

Amends GS 105-187.3(b) regarding a retail price paid for excise tax purposes for new vehicle sales as the title indicates.

Intro. by Vaughan.

GS 20, 105

Transportation; Taxation

S 547. NC HUMAN TRAFFICKING COMMISSION. Filed 4/7/11. *TO CREATE THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION.*

Creates the 18 member NC Human Trafficking Commission (Commission) within the Department of Administration. Specifies the Commission's powers, including suggesting policies, procedures, or legislation to further the work of eradicating human trafficking and contributing to education efforts so that human traffickers can be prosecuted and victim-survivors can receive services. Details member appointment, terms and filling of vacancies. Appropriates \$100,000 for 2011-12 and \$100,000 for 12-13 from the General Fund to the Department of Administration to support the Commission. Effective July 1, 2011.

Intro. by Kinnaid.

GS 143B

Budget and Appropriations; State Government

S 548. ANNEXATION REFORM. Filed 4/7/11. *TO AMEND AND REFORM THE INVOLUNTARY ANNEXATION LAWS OF NORTH CAROLINA.*

Makes the same or similar changes to various provisions in Part 2 (Annexation by Cities of Less than 5,000) and Part 3 (Annexation by Cities of More than 5,000) of Article 4A in GS Chapter 160A. Amends GS 160A-35 and 160A-47 (prerequisites to annexation; ability to serve; report and plans) to require that the municipality prepare an

annexation plan that provides, among other things, for the extension of water mains, *waterlines*, and sewage lines *prior to annexation*. Clarifies that in areas where installation of sewer is not fiscally (rather than economically) feasible or would be environmentally damaging due to unique topography or environmental qualities of the area, the municipality may agree to provide septic system maintenance and repair service until sewer service is provided to similarly situated properties. Adds that the plans must call for construction to be completed within two years of the annexation's effective date. Amends GS 160A-36 and 160A-48 (character of area to be annexed) to prohibit any municipality from annexing any territory in a county other than the municipality's primary county without approval by the board of commissioners in the county where annexation is proposed. Requires approval to be granted after a public hearing conducted at least 25 days following advertisement. Does not authorize any annexation prohibited by local act. Defines *primary county*. Amends 160A-36(c)(1) to clarify that an area developed for urban purposes uses at least 65% (rather than 60%) of the total number of lots and tracts for residential, commercial, industrial, institutional, or governmental purposes and is subdivided as specified. Amends GS 160A-48(c), clarifying that an area developed for urban purposes must meet any of the following standards: (1) the area has a total resident population equal to at least three persons (rather than two and three tenths persons) for each acre of land included in the area's boundaries, (2) the area has a total resident population equal to at least one person per acre of land included in the area's boundaries and is subdivided into lots and tracts with 60% consisting of lots and tracts two (rather than three) acres or less in size and 70% (rather than 65%) of the lots and tracts are one acre or less, (3) the area is developed so at least 65% (rather than 60%) of the total number of lots and tracts are used for residential, commercial, industrial, institutional, or governmental purposes, or the area meets another standard under existing law.

Amends GS 160A-37 and 160A-49 (procedure for annexation) to require any municipal governing board to first pass a resolution identifying the proposed area as under consideration for annexation. States that the resolution may have a metes and bounds description or a map, remains effective for two years after adoption, and must be filed with the city clerk. Requires publication of the notice of adoption of the resolution of consideration once a week for two successive weeks, as specified. Allows the municipal governing body to adopt a resolution of intent to proceed with annexation of some or all of the area described in the resolution, at least one year after adoption of the resolution of consideration. Requires the resolution of intent to describe the boundaries of the areas considered for annexation. Requires that notice of public *information meeting* and public hearing be combined and include, among other items, information on becoming a customer and paying for water or sewer service, and a clear description of the distinction between the informational meeting and the hearing. Requires publication for the informational meeting once a week for at least two successive weeks prior to the meeting, with publication on the same day each week, as specified. Requires notice of the meeting to be mailed by certified mail (rather than first class mail) to certain property owners. Requires that a summary of the annexation and time lines, a summary of available statutory remedies, and the form for requesting extension of water and sewer lines be distributed at the public hearing. Requires the annexation ordinance to set the effective date for annexation on June 30 next following adoption of the ordinance (rather than current timelines). Makes conforming changes by deleting provisions concerning resolutions of intent. Makes other conforming and clarifying changes. Amends GS 160A-37(f) to delete the provision subjecting property in the newly annexed territory to municipal taxes, as described. Makes clarifying changes to GS 160A-49(e). Amends GS 160A-49(f2), adding that taxation of real and personal property is subject to GS 160A-58.10 (tax of newly annexed territory) upon the effective date of annexation. Amends GS 160A-49(k) to direct the city to report to the Local Government Commission (Commission) on whether the extension of water and sewer lines was completed within the specified two year time period. Amends GS 160A-49(l), directing the city to report to the Commission on whether police protection, fire protection, solid waste, or street maintenance services were provided, as specified. Also authorizes a property owner to petition the Commission for abatement of certain city taxes, if the petition is filed no more than 120 days (rather than 90 days) after the 60-day period allowed for service extension. Makes additional conforming and technical changes.

Amends GS 160A-38(a) and GS 160A-50(a) (concerning appeals) to allow any person owning property in the annexed territory who believes the person will suffer material injury, as specified, to file a petition in the appropriate superior court within 90 days (rather than 60 days) following the passage of the annexation ordinance.

Enacts new subsection (k) to GS 160A-360, exempting a bona fide farm, as defined, from a municipality's extraterritorial jurisdiction under Article 19 of GS Chapter 160A. Makes a clarifying change to GS 153A-340(b)(2). Enacts new GS 160A-58.29, prohibiting annexation of land being used for bona fide farm purposes, as defined, without written consent of the property owner.

Enacts new GS 160A-58.12, directing the Commission to oversee annexation occurring under Parts 2 and 3 of Article 4A in GS Chapter 160A, and to perform three listed functions. Directs a municipality to submit an approved annexation report to the Commission for review. Directs the Commission to determine the fiscal

feasibility of the proposed annexation and to report findings within 60 days of receipt of the report. Details provisions for Commission delegation and fees. Directs the Commission to report to the regular session of the General Assembly every two years on seven pieces of information.

Requires any municipality annexing property on or after July 1, 2012, to hold the county harmless from a reduction in sales tax distribution under Subchapter VIII of GS Chapter 105 (Local Government sales and use tax). Specifies that revenues initially allocated from the sales and use tax to a municipality that annexes property on or after July 1, 2012 must be redistributed to the county where the municipality is located. Further specifies that the amount that must be redistributed is the amount of revenue received less the amount the municipality would have received based on the municipality's boundaries as of June 30, 2012.

Enacts new Part 8, *City-County Utility Service Plans*, to Article 4A in GS Chapter 160A to authorize counties and cities to enter into binding agreements to provide utility services. Includes applicable definitions. Requires a city to enter into a utility services agreement with a county to be approved by ordinance by each government board, if the city wishes to annex any territory in which the county is providing county-owned utility services. Requires the agreement to be reviewed and updated at least every five years. Requires the agreement to contain at least five pieces of information. Requires a public hearing be held, as specified, before the boards adopt ordinances approving the agreement. Allows subsequent agreements, as detailed. Prohibits a municipality from annexing an area in which the county is providing county owned utility services unless the county waives its authority to negotiate a utility services agreement with one or more cities, or the utility services agreement has been adopted by the parties and has not been repealed. Specifies that participants in the agreement are limited to establishing utility services only in the described area.

Applies to annexation ordinances adopted on or after July 1, 2012.

Intro. by Davis, Apodaca. GS 153A, 160A Local Government

S 549. HONOR MAXINE SWALIN (=H 701). Filed 4/7/11. *HONORING THE LIFE AND MEMORY OF MARTHA MAXINE MCMAHON SWALIN FOR HER CONTRIBUTIONS TO THE NORTH CAROLINA SYMPHONY.*

Identical to H 701, filed 4/6/11.

Intro. by Kinnaird. SENATE RES General Assembly

Local Bills

None

ACTION ON BILLS

April 7, 2011

- NOTES**
1. Digests appearing under "Summaries of Bills Filed" are for bills stamped with today's filing date.
 2. Amendments and committee substitutes adopted today are summarized following the chamber action.
 3. Subscribers can find the digest of every version of each bill online at www.dailybulletin.unc.edu.
 4. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
 5. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
 6. Enacted bills are indicated by #, failed bills by *. Actions that change a bill are indicated by HA or SA.

PUBLIC BILLS

H0059 Sex Offenders Cannot Be EMS Personnel. H Concurred In S/Com Sub

02-17-11, 04-04-11

H0061 Speaker/Pro Tem Term Limits. H Passed 3rd Reading
H Ordered Engrossed

04-06-11

H0103 Rqmts. for Min'l Oil Spills - H Ratified
2.

02-28-11

H0145 Phoebe's Law.	H Withdrawn From Com
	H Re-ref Com On Judiciary Subcommittee B
03-16-11	
H0149 Terrorism/State Offense.	H Passed 2nd & 3rd Reading
04-05-11	
H0153 No Public Retirement for Convicted Felons.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Judiciary I
03-31-11, 04-05-11, 04-06-11	
H0162 Exempt Small Ag Processing from Permit Req.	S Passed 2nd & 3rd Reading
03-30-11	
H0168 Farms Exempt from City Annexation/ETJ/Zoning.	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 4/11/2011
03-21-11	
H0186 Select Committee Investigate CTS.	H Postponed To 4/11/2011
H0199 Req. DV Victim/List Prior Action Against Def.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Judiciary II
03-31-11	
H0205 Motorcycle Awareness Month.	S Withdrawn From Com
	S Re-ref Com On Rules and Operations of the Senate
H0218 Legislative Task Force on Childhood Obesity.	S Withdrawn From Com
	S Re-ref Com On Health Care
H0234 Juror Qualifications/ Disabilities.	H Rec To Concur In S Amend 1
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 4/11/2011
03-16-11, 03-22-11, 04-05-11	
H0235 Bonnie's Law.	H Postponed To 4/11/2011
04-05-11	
H0268 Implenmentation of Reclaimed Water Rules.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Agriculture/ Environment/Natural Resources
03-31-11, 04-06-11	
H0293 Summary Ejectment/Summons in Envelope.	H Passed 2nd & 3rd Reading
04-05-11	
H0313 Repeal Savings Bond Payroll Savings Program.-AB	H Reptd Fav
	H Cal Pursuant Rule 36(b)
	H Placed On Cal For 4/11/2011
H0316 Modify NCGA Police Powers.	S Reptd Fav Com Substitute
	SA Com Substitute Adopted
03-16-11, 03-17-11, 04-07-11	
H0321 Grifton Shad Festival.	H Ratified
H0329 Bldg. Codes/Expand Equine Exemption.	S Rec From House
	S Passed 1st Reading
	S Ref To Com On Agriculture/ Environment/Natural Resources
03-24-11, 04-06-11	
H0334 Report on Fitness Testing in Schools.	S Withdrawn From Com
	S Re-ref Com On Education/

Higher Education

03-23-11		
H0351	Restore Confidence in Government.	HA Reptd Fav Com Substitute H Re-ref Com On Appropriations
04-07-11		
H0381	Checking Station Pattern Selection.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
04-07-11		
H0382	Juvenile Code Revisions.-AB	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
03-31-11		
H0393	Modify Internal Auditing Statutes.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
H0427	Run and You're Done.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
04-07-11		
H0432	Swine in Transport/Regulate Feral Swine.	H Passed 2nd & 3rd Reading
04-06-11		
H0465	REPS Credits at Cleanfields Parks.	H Withdrawn From Com H Re-ref Com On Agriculture
H0514	Uniform Military and Overseas Voters Act.	H Reptd Fav H Re-ref Com On Elections
H0613	NC-THINKS Program Amendments.	H Withdrawn From Com H Re-ref Com On State Personnel
H0632	Juvenile Age to 18.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee B
H0635	Adjust Highway Equity Formula.	H Withdrawn From Com H Re-ref to the Com on Transportation, if favorable, Appropriations
H0647	Diabetes Task Force.	H Withdrawn From Com H Re-ref Com On Health and Human Services
H0652	Property Owners Protection Act.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0653	Halifax Resolves.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0654	Homeowner/Homebuyer Protection Act.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0655	Nutrient Management Plan Only For NSW.	H Passed 1st Reading H Ref To Com On Environment
H0656	Photo ID for Certain Controlled Substances.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0657	Children's Outdoor Bill of Rights.	H Passed 1st Reading H Ref To Com On Rules,

		Calendar, and Operations of the House
H0658	Change Early Voting Period.	H Passed 1st Reading
		H Ref To Com On Elections
H0659	Capital Procedure/Severe Mental Disability.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee B
H0660	No In Person Service Required/ 50C Orders.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee B
H0661	CDL/HAZMAT Endorsement Expiration.	H Passed 1st Reading
		H Ref To Com On Transportation
H0662	Electronic Monitoring Fee.	H Passed 1st Reading
		H Ref To Com On Finance
H0663	Harvest of Dignity/Labor Reforms.	H Passed 1st Reading
		H Ref To Com On Commerce and Job Development
H0664	Disclosure/Group Life Insurance.	H Passed 1st Reading
		H Ref To Com On Insurance
H0665	Require Drivers Education for All Drivers.	H Passed 1st Reading
		H Ref to the Com on Transportation, if favorable, Rules, Calendar, and Operations of the House
H0666	Facilitate Locum Tenens Physicians.	H Passed 1st Reading
		H Ref To Com On Health and Human Services
H0667	Honor Gordon P. Allen, Sr.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0668	Increase Deduction: Volunteer Rescue Workers.	H Passed 1st Reading
		H Ref To Com On Finance
H0669	Allow Out of State CPA/Use Credent'l In State.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee A
H0670	Sodium Resolution.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0671	Beautify Roads and Clean Up Countryside.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0672	Use of Misappropriated IT an Unfair Practice.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0673	Street Gang Nuisance Abatement.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee A
H0674	Amend Habitual Felon Law.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee B
H0675	Amend Expunction Law.	H Passed 1st Reading
		H Ref To Com On Judiciary

		Subcommittee B
H0676	UI/Implement EB Three-Year Look Back.	H Passed 1st Reading H Ref to the Com on Commerce and Job Development, if favorable, Finance
H0677	Discharge of Adult Care Home Residents.	H Passed 1st Reading H Ref To Com On Health and Human Services
H0678	Pilot Release of Inmates to Adult Care Homes.	H Passed 1st Reading H Ref To Com On Health and Human Services
H0679	Strengthening Residential Placement.	H Passed 1st Reading H Ref To Com On Health and Human Services
H0680	Study/American Indian Child Welfare Act.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0681	Study of American Indian Mascots at Schools.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0682	Require Dom. Vio. Training/ Certain Persons.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee C
H0683	Born Alive Infant Protection Act.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0684	Uniform Child Abduction Prevention Act.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0685	Government Transparency Act of 2011.	H Passed 1st Reading H Ref to the Com on Judiciary Subcommittee A, if favorable, Finance
H0686	Payable on Death Accounts.	H Passed 1st Reading H Ref To Com On Banking
H0687	Local Abuse of Authority Attorney's Fees.	H Passed 1st Reading H Ref To Com On Government
#H0688	General Assembly Meet in Capitol.	H Ratified HR Ch. Res 2011-5
H0689	Online Voter Registration.	H Passed 1st Reading H Passed 1st Reading H Ref to the Com on Transportation, if favorable, Elections, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House
H0690	Supervise RE Closings/ Settlement Funds.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee C
H0691	Chief Magistrate.	H Passed 1st Reading H Ref to the Com on Judiciary Subcommittee A, if favorable, Government

H0692	Increase Payment of Unclaimed Property Claims.	H	Passed 1st Reading
		H	Ref To Com On Finance
H0693	Transporter Plates/Repossessions.	H	Passed 1st Reading
		H	Ref To Com On Transportation
H0694	ASU Wind Demonstration Project.	H	Passed 1st Reading
		H	Ref to the Com on Environment, if favorable, Finance
H0695	Family/School/Community Compacts.	H	Passed 1st Reading
		H	Ref To Com On Education
H0696	Assault on LEO Inflicting Bodily Injury.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0697	Study Stroke Prevention in AFib.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0698	Dentistry Management Arrangement Limits.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0699	Study Children of Incarcerated Parents.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0700	Auto-Enroll in Supplemental Retirement Plan.	H	Passed 1st Reading
		H	Ref To Com On State Personnel
H0701	Honor Maxine Swalin.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0702	Educ. Assistance for Minimum Wage Workers.	H	Passed 1st Reading
		H	Ref to the Com on Education, if favorable, Appropriations
H0703	Abolish Cemetery Comm/Amend Funeral Laws.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0704	Study State's Future Energy Needs.	H	Passed 1st Reading
		H	Ref To Com On Public Utilities
H0705	Repeal Private Drinking Water Well Testing.	H	Passed 1st Reading
		H	Ref To Com On Environment
H0706	Alimony/Postseparation Support Changes.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee C
H0707	Deeds of Trust/Modernize Procedures.	H	Passed 1st Reading
		H	Ref To Com On Banking
H0708	Study Water & Sewer Service Providers.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0709	Protect and Put NC Back to Work.	H	Passed 1st Reading
		H	Ref to the Com on Commerce and Job Development, if favorable, Judiciary, if

		favorable, Finance
H0710	Bd. of Ethics, Lobbying, and Campaign Finance.	H Passed 1st Reading
		H Ref To Com On Elections
H0711	Clarify Water & Well Rights/Private Property.	H Passed 1st Reading
		H Ref To Com On Environment
H0712	Qualified Retired LEO/Concealed Carry.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee A
H0713	Public Contracts/Multiple Award.	H Passed 1st Reading
		H Ref To Com On Commerce and Job Development
H0714	Legal Services.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0715	Support Firefighters Week.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0716	Native American License Plate Fee Increase.	H Passed 1st Reading
		H Ref To Com On Finance
H0717	Private Mortgage Insurance Premiums.	H Passed 1st Reading
		H Ref To Com On Banking
H0718	Allow Atty/Child Supp Hear'g Officer/Alamance.	H Passed 1st Reading
		H Ref to the Com on Government, if favorable, Judiciary
H0719	Suspension Removed When Eligibility Met.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee B
H0720	School & Teacher Paperwork Reduction Act.	H Passed 1st Reading
		H Ref To Com On Education
H0721	Landlord/Tenant/Bed Bug Liability.	H Passed 1st Reading
		H Ref To Com On Commerce and Job Development
H0722	Omnibus Act Regarding Coal-Based Energy.	H Passed 1st Reading
		H Ref to the Com on Public Utilities, if favorable, Rules, Calendar, and Operations of the House
H0723	Clarify SEPA /Economic Incentives Exclusion.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0724	Omnibus Energy Bill.	H Passed 1st Reading
		H Ref to the Com on Commerce and Job Development, if favorable, Environment
H0725	Ignition Interlock Required/All DWIs.	H Passed 1st Reading
		H Ref To Com On Judiciary
H0726	Mandate Use of Contr. Sub. Reporting System.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee B
H0727	Amend Dropout Prevention Grants.	H Passed 1st Reading
		H Ref To Com On Education
H0728	LRC/Study Inmate Labor.	H Passed 1st Reading
		H Ref To Com On Rules,

		Calendar, and Operations of the House
H0729	Reckless Assault of a Child.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0730	Local Bds of Education/403 (b) Option.	H Passed 1st Reading H Ref to the Com on Education, if favorable, Finance
H0731	Honor Ike Andrews.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0732	Tort Reform Act of 2011.	H Passed 1st Reading H Ref To Com On Judiciary
H0733	Modify Abandoned Property Provisions.	H Passed 1st Reading H Ref To Com On Government
H0734	Require Photo ID/Food Stamps Program.	H Passed 1st Reading H Ref to the Com on Judiciary Subcommittee C, if favorable, Finance
H0735	Ready for Work/UI Drug Testing.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0736	Amend Law Re: School Discipline.	H Passed 1st Reading H Ref To Com On Education
H0737	Strengthen Child Safety Laws/ Care Facilities.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0738	Early Ed. Certificat'n Req'd/ Only Certain Ind.	H Passed 1st Reading H Ref To Com On Education
H0739	Ignition Interlock-All DWI Offenders.	H Passed 1st Reading H Ref to the Com on Judiciary, if favorable, Finance
H0740	LRC Study on Sex Offender Registration.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0741	Statewide Enterprise Fraud/ Waste Detection.	H Passed 1st Reading H Ref To Com On Appropriations
H0742	Weigh Marijuana/Conform to Fed Law.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0743	Equal Treatment Under SMFP.	H Passed 1st Reading H Ref To Com On Health and Human Services
H0744	Safe Students Act.	H Passed 1st Reading H Ref To Com On Education
H0745	Study Human Relations Comm Duties.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0746	Citizen Participation Act.	H Passed 1st Reading H Ref To Com On Judiciary
H0747	Exempt Commercial Fishing Boats.	H Passed 1st Reading H Ref to the Com on Commerce and Job Development, if

		favorable, Finance
H0748 Organ Donation Month.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0749 Modify State Ports Authority.	H	Passed 1st Reading
	H	Ref To Com On Commerce and Job Development
H0750 Stormwater Best Mgmt. Responsibility/Asscs.	H	Passed 1st Reading
	H	Ref To Com On Environment
H0751 Clarify Mill Machinery Privilege Tax.	H	Passed 1st Reading
	H	Ref To Com On Finance
H0752 Revolving Door.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0753 Establish Radiologic Technicians Licensure.	H	Passed 1st Reading
	H	Ref to the Com on Health and Human Services, if favorable, Finance
H0754 No Powell Bill Money for No Road Miles.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0755 Amend Fox Laws.	H	Passed 1st Reading
	H	Ref To Com On Agriculture
H0756 Spectral Fluorescence Signature Drug Analysis.	H	Passed 1st Reading
	H	Ref to the Com on Judiciary Subcommittee B, if favorable, Finance
H0757 Consolidate DV Commission/ Council for Women.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0758 Establish Arts Education Commission.	H	Passed 1st Reading
	H	Ref To Com On Education
H0759 Study Chicken House Fire Codes.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0760 LRC Study/Criminal Record Expunctions.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0761 Ignition Interlock Systems/ Record Checks.	H	Passed 1st Reading
	H	Ref to the Com on Judiciary Subcommittee B, if favorable, Finance
H0762 Landowner Protection Act.	H	Passed 1st Reading
	H	Ref To Com On Agriculture
H0763 License Plate Agency Contracts.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0764 Beer Franchise Law Clarifications.	H	Passed 1st Reading
	H	Ref to the Com on Commerce and Job Development, if favorable, Finance
H0765 Study Length of School Year.	H	Passed 1st Reading
	H	Ref To Com On Rules,

		Calendar, and Operations of the House
H0766	Testing in the Public Schools.	H Passed 1st Reading H Ref To Com On Education
H0767	Honor Susan Mecum Burgess.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0768	APA Rules: Federal Rule Restriction Ceiling.	H Passed 1st Reading H Ref to the Com on Environment, if favorable, Judiciary
H0769	High School to Work Partnership.	H Passed 1st Reading H Ref To Com On Education
H0770	Reduce & Prevent School Discipline Problems.	H Passed 1st Reading H Ref To Com On Education
H0771	Landlord/Tenant/Electric & Gas Service.	H Passed 1st Reading H Ref To Com On Public Utilities
H0772	SORNA Compliance.	H Passed 1st Reading H Ref To Com On Judiciary
H0773	Studies Act of 2011.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0774	Study Insurance for Contract Growers.	H Passed 1st Reading H Ref to the Com on Insurance, if favorable, Rules, Calendar, and Operations of the House
H0775	Allow Wineries to Sell Malt Beverages.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0776	Selling Motor Vehicle Registrations Unlawful.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0777	Defense of Marriage.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0778	Amend Innocence Commission Laws.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0779	Electronic Recording/ Custodial Interrogations.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B
H0780	Innocence Commn/Case Files & Evidence.	H Passed 1st Reading H Ref To Com On Judiciary
H0781	Summary Ejectment/Appeals.	H Passed 1st Reading H Ref To Com On Commerce and Job Development
H0782	Receivership/Priority, Sale of Collateral.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee A
H0783	Independent Redistricting Commission.	H Passed 1st Reading H Ref to the Com on Elections,

		if favorable, Judiciary
H0784	Three-Fifths Vote to Levy Taxes.	H Passed 1st Reading
		H Ref to the Com on Judiciary, if favorable, Finance
H0785	Salary Funds/Spend only for Salaries.	H Passed 1st Reading
		H Ref To Com On Appropriations
H0786	North Carolina Highway Trust Fund Changes.	H Passed 1st Reading
		H Ref to the Com on Transportation, if favorable, Appropriations
H0787	NC Water Efficiency Act.	H Passed 1st Reading
		H Ref To Com On Environment
H0788	Straight-ticket Provisional Voting.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0789	Energy Efficiency Required for REPS.	H Passed 1st Reading
		H Ref To Com On Public Utilities
H0790	Enact Employee Fair Classification Act.	H Passed 1st Reading
		H Ref To Com On Commerce and Job Development
H0791	Amend Cos. Art Law/Grandfr. Natural Hair Care.	H Passed 1st Reading
		H Ref To Com On Commerce and Job Development
H0792	Gfeller-Waller Concussion Awareness Act.	H Passed 1st Reading
		H Ref To Com On Education
H0793	Full-Service Community Schools Pilot Program.	H Passed 1st Reading
		H Ref To Com On Education
H0794	Modify Teacher Career Status Law.	H Passed 1st Reading
		H Ref To Com On State Personnel
H0795	Patient Access to Pathological Materials.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee C
H0796	Study Property Tax Valuation Process.	H Passed 1st Reading
		H Ref To Com On Finance
H0797	Limit ETJ.	H Passed 1st Reading
		H Ref To Com On Environment
H0798	Fraudulent Firearm Purchase Prevention Act.	H Passed 1st Reading
		H Ref To Com On Judiciary
H0799	Licensure by Endorsement/Military/Spouses.	H Passed 1st Reading
		H Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Finance
H0800	Streamlining NC Economic Dev for Job Creation.	H Passed 1st Reading
		H Ref To Com On Commerce and Job Development
H0801	Building Code Revisions/Modify Leg. Review.	H Passed 1st Reading
		H Ref To Com On Rules, Calendar, and Operations of the House
H0802	Child Support Order Stayed By Appeal.	H Passed 1st Reading
		H Ref To Com On Judiciary Subcommittee C
H0803	Allow Court to Assess Atty	H Passed 1st Reading

	Fees/50C Orders.	H	Ref To Com On Judiciary Subcommittee C
H0804	Johnston Memorial Hospital Not in LGERS.	H	Passed 1st Reading
H0805	Additional Name Change Requirements.	H	Ref To Com On Government Passed 1st Reading
H0806	Zoning St. of Limit./Ag. Dist. Change.	H	Ref To Com On Judiciary Subcommittee A Passed 1st Reading
H0807	Transfer Stanly County to District 20B.	H	Ref To Com On Judiciary Passed 1st Reading
H0808	Revise Laws on Adult Care Homes.	H	Ref To Com On Judiciary Passed 1st Reading
H0809	Model Healthcare-Associated Infections Law.	H	Ref To Com On Health and Human Services Passed 1st Reading
H0810	Consumer Finance Act Amendments.	H	Ref to the Com on Health and Human Services, if favorable, Finance Passed 1st Reading
H0811	Study Transportation Process and Funding.	H	Ref to the Com on Banking, if favorable, Finance Passed 1st Reading
H0812	Hospital Authority Territorial Jurisdiction.	H	Ref To Com On Transportation Passed 1st Reading
H0813	ESC/Jobs Reform.	H	Ref To Com On Health and Human Services Passed 1st Reading
H0814	Fair Compensation for Mortgage Broker/Lender.	H	Ref To Com On Commerce and Job Development Passed 1st Reading
H0815	Teachers/Isolated K-12 Schools.	H	Ref To Com On Banking Passed 1st Reading
H0816	Animal Welfare Advisory Board/ Fund.	H	Ref To Com On Appropriations Passed 1st Reading
H0817	Lottery Admin. Expenses/ Unclaimed Prizes.	H	Ref To Com On Agriculture Passed 1st Reading
H0818	Modify Disabled Vet Property Tax Exemption.	H	Ref To Com On Rules, Calendar, and Operations of the House Passed 1st Reading
H0819	CAMA setback req'ts./ grandfather clause.	H	Ref To Com On Finance Passed 1st Reading
H0820	Study Beach Plan.	H	Ref To Com On Environment Passed 1st Reading
H0821	Allow DOT to Use Recycled Asphalt.	H	Ref To Com On Insurance Passed 1st Reading
H0822	Dropout Recovery Pilot Program.	H	Ref To Com On Transportation Passed 1st Reading
H0823	Governance of the Dep't of Public Instruction.	H	Ref To Com On Education Passed 1st Reading
H0824	Nonpartisan Redistricting Process.	H	Ref to the Com on Education, if favorable, Judiciary, if favorable, Finance Passed 1st Reading
		H	Ref To Com On Elections

H0825	Jt. Legis. Study on Meth Lab Prevention.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0826	Coverage for Treatment of Autism Disorders.	H	Passed 1st Reading
		H	Ref to the Com on Health and Human Services, if favorable, Insurance
H0827	Require Surety Options for Developers.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development
H0828	Wage Theft Amendments.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development
H0829	Streamline Education Planning Responsibility.	H	Passed 1st Reading
		H	Ref To Com On Education
H0830	Tax Amnesty Program.	H	Passed 1st Reading
		H	Ref To Com On Finance
H0831	Multiple Birth Sibling Classroom Placement.	H	Passed 1st Reading
		H	Ref To Com On Education
H0832	Allow Nonattorney Ownership of PC Law Firms.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development
H0833	Honor State Capitol.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0834	Reduce Overpopulation of Reinsurance Facility.	H	Passed 1st Reading
		H	Ref To Com On Insurance
H0835	LRC Study Meth Labs.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0836	Compensation Study/State Bds. and Comms.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0837	Completion of CPR by Students Required.	H	Passed 1st Reading
		H	Ref To Com On Education
H0838	Protect Youth/Farm Family Employment.	H	Passed 1st Reading
		H	Ref To Com On Agriculture
H0839	Extend Sanitary Landfill Buffer Requirements.	H	Passed 1st Reading
		H	Ref To Com On Commerce and Job Development
H0840	Healthier and Greener Schools Act.	H	Passed 1st Reading
		H	Ref to the Com on Education, if favorable, Appropriations
H0841	Global TransPark PED Study.	H	Passed 1st Reading
		H	Ref To Com On Rules, Calendar, and Operations of the House
H0842	Immunity for Property Owners in Emergencies.	H	Passed 1st Reading
		H	Ref To Com On Judiciary Subcommittee B
H0843	Modernize NC Emergency Management Act.	H	Passed 1st Reading
		H	Ref To Com On Judiciary
H0844	Mountains-to-Sea Trail	H	Passed 1st Reading

Special Plate.	H	Ref to the Com on Transportation, if favorable, Finance
H0845 Reform Annexation Laws.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0846 Expand Access/Death Certificate/Adult Adoptee.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee C
H0847 Naturopathic Doctors Licensing Act.	H	Passed 1st Reading
	H	Ref to the Com on Health and Human Services, if favorable, Finance
H0848 Establish HHS Oversight Committee.	H	Passed 1st Reading
	H	Ref To Com On Health and Human Services
H0849 Third Degree Rape.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
H0850 The Baucum - Reynolds Safe Roads Act.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
H0851 Rail Funds/Burgaw to Wilmington Route.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0852 Lmt PJs/B,C, D, or E Felonies.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee B
H0853 End Ct. Orders/Est. Local Intake Procedures.	H	Passed 1st Reading
	H	Ref To Com On Judiciary
H0854 Abortion-Woman's Right to Know Act.	H	Passed 1st Reading
	H	Ref To Com On Judiciary
H0855 Personal Learning Plan for Each Child.	H	Passed 1st Reading
	H	Ref To Com On Education
H0856 Funding Formula for NC Virtual Public Schools.	H	Passed 1st Reading
	H	Ref To Com On Appropriations
H0857 Sex Offenders/Electronic Monitoring.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
H0858 Honor R. Philip Hanes, Jr.	H	Passed 1st Reading
	H	Ref To Com On Rules, Calendar, and Operations of the House
H0859 AOC/Custody & Availability of Ct Records.	H	Passed 1st Reading
	H	Ref To Com On Judiciary Subcommittee A
H0860 NC Science Competitions Program Ctr Funds.	H	Filed
S0008 No Cap on Number of Charter Schools.	HA	Reptd Fav Com Sub 2
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 4/7/2011
	H	Passed 2nd Reading
02-16-11, 02-22-11, 02-23-11, 03-16-11, 04-07-11		
S0026 North Carolina Benefit Corporation Act.	H	Withdrawn From Com
	H	Re-ref to the Com on Commerce and Job Development,

		if favorable, Judiciary Subcommittee C
03-21-11		
S0031 Clarify Penalty Unauth. Practice of Medicine.	HA Amend Adopted 1 H Passed 2nd & 3rd Reading	
03-03-11, 04-07-11		
S0049 Increase Fine for Speeding/ School Zones.	S Failed Concur In Com Sub S Conf Com Appointed H Conf Com Appointed	
02-28-11, 03-01-11, 03-23-11		
S0075 Promote Electricity Demand Reduction.	H Withdrawn From Com H Re-ref to the Com on Public Utilities, if favorable, Finance	
03-15-11		
S0131 AOC Collection Assistance Fee.	S Withdrawn From Com S Re-ref Com On Judiciary I	
S0132 Interpreting Services in the Courts.	S Withdrawn From Com S Re-ref Com On Judiciary I	
S0135 Allow Juvenile Record/Risk Determination/Bond.	S Withdrawn From Com S Re-ref Com On Judiciary I	
S0154 Abolish Higher Education Bond Oversight Comm.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011 S Passed 2nd Reading	
S0187 Outlaw Red Light Camera Systems.		
04-06-11		
S0207 Increase Statutory Homestead Exemption.	S Withdrawn From Com S Re-ref Com On Finance	
S0241 Increase DWI Penalty/Child in Vehicle.	H Passed 1st Reading H Ref To Com On Judiciary Subcommittee B	
04-04-11		
S0316 Add'l Section 1915 Medicaid Waiver Sites.	S Amend Failed 1 S Passed 3rd Reading	
03-24-11		
S0339 Modify Driver Education Program.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House	
03-31-11, 04-04-11		
S0364 Cancel Aircraft Lien W/ Surety Bond Deposit.	S Withdrawn From Com S Re-ref Com On Judiciary I	
S0368 Modify Public Swimming Pool Requirements.	S Pres. To Gov. 4/7/2011	
03-22-11, 03-31-11		
S0423 Educ. Oversight Comm. Study of Teacher Tenure.	S Passed 2nd & 3rd Reading	
S0433 Local Human Services Administration.	S Withdrawn From Cal S Placed On Cal For 4/11/2011	
04-06-11		
S0523 North Carolina Casino Gaming Act.	S Passed 1st Reading S Ref To Com On Rules and Operations of the Senate	
S0524 Strengthening Residential Placement.	S Passed 1st Reading S Ref To Com On Mental Health	

S0525	Streamline Oversight/DHHS Service Providers.	S	& Youth Services Passed 1st Reading
		S	Ref To Com On Mental Health & Youth Services
S0526	Designate Senator as State Symbol.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0527	Life Sciences Development Act.	S	Passed 1st Reading
		S	Ref to Commerce. If fav, re-ref to Finance
S0528	Accessible Electronic Info Act/Blind/Disabled.	S	Passed 1st Reading
		S	Ref to Health Care. If fav, re-ref to Appropriations/Base Budget
S0529	Septage Application Sites - Wetlands Buffer.	S	Passed 1st Reading
		S	Ref To Com On Agriculture/Environment/Natural Resources
S0530	Prohibit Involuntary Annexation of Farms.	S	Passed 1st Reading
		S	Ref To Com On State and Local Government
S0531	Grandparents' Visitation Rights.	S	Passed 1st Reading
		S	Ref To Com On Rules and Operations of the Senate
S0532	ESC/Jobs Reform.	S	Filed
S0533	Individually Metered Units/Tenant Charged.	S	Filed
S0534	Enhance Credit For Conserv. Prop. Donations.	S	Filed
S0535	APA: Modify Final Administrative Decisions.	S	Filed
S0536	Division of Public Health Study.	S	Filed
S0537	Increase In Rem Foreclosure Fee.	S	Filed
S0538	Local Retirement COLA Authority.	S	Filed
S0539	Make Film Production Credit Nonrefundable.	S	Filed
S0540	Require ABC Permittees to be Tax Compliant.	S	Filed
S0541	OSHA/Define Agricultural Operation.	S	Filed
S0542	Community Colleges/E-Procurement Exemption.	S	Filed
S0543	Goose Creek IBT Moratorium.	S	Filed
S0544	Protect and Put NC Back to Work.	S	Filed
S0545	Development-Ready Jobs Bill.	S	Filed
S0546	Sales of Motor Vehicles/Units of Government.	S	Filed
S0547	NC Human Trafficking Commission.	S	Filed
S0548	Annexation Reform.	S	Filed
S0549	Honor Maxine Swalin.	S	Filed

LOCAL BILLS

H0266 Wake Municipalities Energy Efficiency. 04-07-11	HA Reptd Fav Com Substitute H Re-ref Com On Finance
H0326 Buncombe Involuntary Annexation Moratorium.	H Reptd Fav H Re-ref Com On Finance
H0327 Incorporate Leicester.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
H0359 City/County Beer and Wine License Taxes.	H Withdrawn From Com H Re-ref Com On Rules, Calendar, and Operations of the House
H0362 Pasquotank Hunting. 03-31-11	S Rec From House S Passed 1st Reading S Ref To Com On State and Local Government
H0398 Cleveland County Water Advisory Referendum. 04-07-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
H0410 Pinebluff/Preserve Land for Parks.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
H0418 Winston-Salem Deannexation.	H Reptd Fav H Re-ref Com On Finance
H0434 Durham/Small Business Enterprise.	H Withdrawn From Com H Re-ref Com On Rules, Calendar, and Operations of the House
H0463 Rockingham/Taking of Foxes. H0498 Wake County School Board Chair Voting. 04-07-11	H Passed 2nd & 3rd Reading HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
S0029 Tax Certification - Alamance County.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
S0046 Surry Fox and Coyote Taking Season. 02-16-11, 03-30-11	S Ratified
S0182 Greenville/Email Subscription Lists. 04-07-11	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
S0263 ETJ/Wake Municipal Farm Exemption.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/11/2011
S0288 Atlantic Beach/Beaufort/Parking.	H Reptd Fav H Re-ref Com On Finance

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 266. WAKE LOCAL ENERGY EFFICIENCY (NEW). Filed 3/8/11. House committee substitute makes the following changes to 1st edition.

Adds Wake County to the listing of local governments that may enter into leases for the siting and operation of a renewable energy facility for up to 20 years without treating it as a sale and without giving notice by publication. Exempts Wake County from competitive bidding requirements, as detailed in Section 1 of SL 2007-333, until June 30, 2015. Makes conforming changes to the title.

Wake

H 316. MODIFY NCGA POLICY POWERS. Filed 3/9/11. Senate committee substitute makes the following changes to 3rd edition.

Adds a section amending GS 120-32.1(b), which directs the Legislative Services Commission (Commission) to post rules governing the use and maintenance of legislative buildings and grounds, to allow the President Pro Tempore of the Senate and the Speaker of the House of Representatives to jointly waive in writing the application of any rule adopted by the Commission to any elected officer of either house of the General Assembly. Specifies that the waiver is a defense against prosecution for a violation of the rule, and the waiver does not extend past the member's current term of office. Directs a copy to be delivered to the Chief of the General Assembly Special Police.

General Assembly

H 351. RESTORE CONFIDENCE IN GOVERNMENT. Filed 3/14/11. House committee substitute makes the following changes to 1st edition.

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

Elections Law; Transportation;
Budget and Appropriations

H 381. CHECKING STATION PATTERN SELECTION. Filed 3/16/11. House committee substitute makes the following changes to 1st edition. Provides that a law enforcement agency conducting a checking station may designate a pattern involving any type of commercial motor vehicle as defined in GS 20-4.01(3d). Adds that the provisions of new subsection GS 20-16.3A(a1) apply to GS Chapter 20 only and are not meant to restrict any other type of lawful checkpoint or roadblock. Removes provision concerning written policies. Makes the law effective December 1, 2011, and applicable to offenses committed on or after that date.

Transportation; Emergency
Services

H 398. CLEVELAND COUNTY WATER ADVISORY REFERENDUM. Filed 3/16/11. House committee substitute makes the following changes to 1st edition. Makes technical changes only.

Cleveland

H 427. RUN AND YOU'RE DONE. Filed 3/22/11. House committee substitute makes the following changes to 1st edition.

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

Transportation; Criminal Law,
Procedure, and Sentencing

H 498. WAKE SCHOOL BOARD PRESIDING OFFICER VOTING (NEW). Filed 3/28/11. House committee substitute makes the following changes to 1st edition. Changes the title of the act to *AN ACT TO ALLOW THE PRESIDING OFFICER OF THE WAKE COUNTY BOARD OF EDUCATION TO VOTE IN ALL CASES*. Changes language throughout to make it gender neutral. Changes the effective date from when the act becomes law to December 1, 2011.

Wake

SENATE BILLS

S 8. [NO CAP ON NUMBER OF CHARTER SCHOOLS](#). Filed 1/27/11. House committee substitute makes the following changes to 5th edition.

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

Education

S 31. [CLARIFY PENALTY UNAUTH. PRACTICE OF MEDICINE](#). Filed 2/2/11. House amendment makes the following changes to 2nd edition. Amends the proposed penalties in GS 90-18 to provide that a person practicing without being licensed and registered is guilty of a Class 1 misdemeanor (was, Class I felony). Makes it a Class I felony to falsely represent oneself as being licensed, registered, and practicing or if the person practicing without a license is an out of state practitioner who has not been licensed and registered to practice in North Carolina. Removes provisions concerning practicing with a license that is inactive due to failure to timely complete annual registration.

Employment and Retirement

S 182. [CARTERET/GREENVILLE EMAIL SUBSCRIPTION LISTS \(NEW\)](#). Filed 3/2/11. House committee substitute makes the following changes to 1st edition. Adds Carteret County to scope of the act. Makes a conforming change to the act's title.

Previously: Pitt;
Now: Carteret; Pitt

Legislation Enacted

SL 2011-25 (H 187). [REQUIRE LABELS FOR ETHANOL-BLENDED GASOLINE](#). AN ACT TO DIRECT THE GASOLINE AND OIL INSPECTION BOARD TO ADOPT RULES RELATED TO THE LABELING OF DISPENSING PUMPS AND OTHER DISPENSING DEVICES THAT OFFER ETHANOL-BLENDED GASOLINE FOR RETAIL SALE IN NORTH CAROLINA. Summarized in *Daily Bulletin* 2/24/11. Enacted April 7, 2011. Effective April 7, 2011.

Energy and Utilities

SL 2011-26 (H 90). [CONFECTIONERS MAY USE UP TO 5% ALCOHOL BY VOL.](#) AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME. Summarized in *Daily Bulletin* 2/14/11 and 3/17/11. Enacted April 7, 2011. Effective April 7, 2011.

Agriculture, Environment, and
Natural Resources; Business and
Commerce

SL 2011-27 (S 51). [CHARITABLE SOLICITATIONS/CLARIFY EXEMPTION](#). AN ACT TO CLARIFY THAT CERTAIN ORGANIZATIONS OF EDUCATIONAL INSTITUTIONS ARE COVERED BY THE EDUCATIONAL INSTITUTION EXEMPTION FROM CHARITABLE SOLICITATION LICENSING REQUIREMENTS. Summarized in *Daily Bulletin* 2/9/11. Enacted April 7, 2011. Effective July 1, 2011.

Business and Commerce;
Education

SL 2011-28 (S 18). [CLARIFY DEFINITION/JUD. DISTRICT/STATE BAR](#). AN ACT CLARIFYING THE DEFINITION OF JUDICIAL DISTRICTS UNDER THE LAWS REGULATING THE NORTH CAROLINA STATE BAR. Summarized in *Daily Bulletin* 2/1/11 and 3/7/11. Enacted April 7, 2011. Effective April 7, 2011.

Employment and Retirement

SL 2011-29 (S 248). [UPDATE ARCHAIC DISABILITY TERMS](#). AN ACT TO UPDATE CERTAIN TERMINOLOGY IN REFERENCE TO PERSONS WITH DISABILITIES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. Summarized in *Daily Bulletin* 2/7/11 and 3/17/11. Enacted April 7, 2011. Effective April 7, 2011.

Civil Law and Procedure; Courts;
Criminal Law, Procedure, and
Sentencing; Banking and Finance

SL 2011-30 (S 107). [TAX OF IMPROVED PROP. IN ROADWAY CORRIDORS](#). AN ACT TO REDUCE THE PROPERTY TAX OWED FOR IMPROVED PROPERTY INSIDE CERTAIN ROADWAY CORRIDORS.

Summarized in *Daily Bulletin* 2/22/11 and 3/22/11. Enacted April 7, 2011. Effective for taxable years beginning on or after July 1, 2011.

Taxation; Transportation

SL 2011-31 (H 21). [COUNTY ADMINISTRATION OF MUNICIPAL ELECTIONS](#). AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS.

Summarized in *Daily Bulletin* 2/1/11 and 3/10/11. Enacted April 7, 2011. Effective April 7, 2011.

Elections Law; Local Government

SL 2011-32 (S 46). [SURRY FOX AND COYOTE TAKING SEASON](#). AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY COUNTY. Summarized in *Daily Bulletin* 2/8/11, 2/16/11, and 3/30/11. Enacted April 7, 2011. Effective April 7, 2011.

Alleghany; Surry

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Notes

House Bill 827 through House Bill 860 will be summarized in tomorrow's *Daily Bulletin*.

NEXT SESSIONS

April 11, 2011

HOUSE convenes at 7:00 p.m.

SENATE convenes at 7:00 p.m.