

# Daily Bulletin

## ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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## SUMMARIES OF BILLS FILED

### Public Bills

#### SENATE BILLS

**S 567. STATEWIDE ENTERPRISE FRAUD/WASTE DETECTION (=H 741).** Filed 4/12/11. *PROVIDING FOR AN ENTERPRISE APPROACH FOR DETECTION OF FRAUD, WASTE, ABUSE, AND IMPROPER PAYMENTS IN STATE GOVERNMENT PROGRAMS AND APPROPRIATING FUNDS FOR THAT PURPOSE.*

Identical to H 741, filed 4/6/11.

**Intro. by Brunstetter.**

APPROP

Budget and Appropriations; State Government

**S 568. CLARIFY TRUSTS AS BENEFICIARIES IN POD ACCTS.** Filed 4/12/11. *TO CLARIFY THAT TRUSTS MAY BE BENEFICIARIES OF PAYABLE ON DEATH ACCOUNTS.*

Amends the following statutes to provide as title indicates, by adding that the term "person" includes an individual or corporate trustee of a trust when referring to beneficiaries: GS 53-146.2 (banks); GS 54-109.57 (credit unions); GS 54B-130 (savings and loan associations); and GS 54C-166 (savings banks). Applies to all payable on demand accounts opened before or after the date the act becomes law.

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**Intro. by Brunstetter.** GS 53, 54, 54B, 54C Trusts, Estates, and Wills

**S 569. COMMUNITY COLLEGE EFFICIENCY INITIATIVES.** Filed 4/12/11. *TO ENACT COMMUNITY COLLEGE EFFICIENCY INITIATIVES.*

Amends GS 115D-31(e) to direct the State Board of Community Colleges (State Board) to transfer the amount of receipts for community college tuition and fees that exceeds the amount certified in General Fund Codes at the end of a fiscal year to the Enrollment Growth Reserve (was, transfer to the Equipment Reserve Fund). Provides that these funds do not revert to the General Fund and are to remain available to the State Board until spent. Permits the State Board to allocate the funds in the Enrollment Growth Reserve to colleges with an enrollment increase greater than 5% of budgeted enrollment levels.

Permits each community college to carry forward up to 2% of its final fiscal year General Fund appropriations into the next fiscal year. Prescribes how the funds may be used; prohibits using the funds for continuing salary increases or other obligations beyond the fiscal year into which they were carried forward. Provides that GS 115D-31.3(i) (Permissible use of funds) does not apply to these provisions.

Effective July 1, 2011.

**Intro. by Rucho.** GS 115D Education

**S 570. END CT. ORDERS/EST. LOCAL INTAKE PROCEDURES (=H 853).** Filed 4/12/11. *NO LONGER REQUIRING A COURT ORDER TO ESTABLISH LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES AND AUTHORIZING THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO MONITOR COUNTY DETENTION CENTERS.*

Identical to H 853, filed 4/6/11.

**Intro. by Jones.** GS 7B, 153A Children and Juvenile Law; Courts

**S 571. REPEAL SUBSISTENCE LICENSE WAIVER.** Filed 4/12/11. *TO REPEAL THE RESIDENT SUBSISTENCE UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE WAIVER.*

Repeals GS 113-351(d), as title indicates.

**Intro. by Davis.** GS 113 Agriculture, Environment, and Natural Resources

**S 572. OMNIBUS COUNTY BILL.** Filed 4/12/11. *TO ENACT THE OMNIBUS COUNTY BILL OF 2011.*

Creates the 13 member Records Preservation Modernization Commission (Commission), with members appointed as detailed. Sets forth the Commission's administrative provisions, duties, and reporting requirement.

Amends GS 105-282.1(a1) (concerning late applications for property tax exemption or exclusion) by deleting all existing provisions and instead stating that an application for a property tax exemption or exclusion should be filed during the regular listing period, but may be filed and must be accepted through June 1 preceding the tax year for which the exemption or exclusion is claimed.

Effective July 1, 2011, amends GS 105-164.4B(a), which includes principles to apply when determining where to source the sale of a product, adding that, for taxpayers required to make monthly prepayments of sales and use tax under GS 105-164.16(b2), the expanded zip code must be used for the location where the purchaser receives the product.

Effective when the act becomes law, unless otherwise indicated.

**Intro. by Davis.** GS 105 Local Government; Taxation

**S 573. RESTRICT PRODUCTS CONTAINING BPA.** Filed 4/12/11. *TO PROHIBIT THE MANUFACTURE, SALE, OR DISTRIBUTION OF CERTAIN PRODUCTS CONTAINING BISPHENOL A.*

Enacts new Article 19C to GS Chapter 130A to prohibit the manufacture, sale, or distribution of reusable food or beverage containers containing bisphenol A. Requires a manufacturer complying with the Article by substituting another chemical to use the least toxic alternative. Prohibits a manufacturer from replacing bisphenol A with (1) specified carcinogens or substances listed as known or likely carcinogens, or suggestive of being carcinogens, or (2) any substance identified by the EPA as a reproductive toxicant causing birth defects, reproductive harm, or developmental harm. Allows the Commission for Public Health to adopt rules. Allows the Secretary of Health and Human Services to impose an administrative penalty up to \$5,000 for a first offense or \$10,000 for any additional violations in a 12-month period, on a person who knowingly violates the Article or rules adopted under the Article. Effective January 1, 2013.

**Intro. by Robinson, Mansfield.** GS 130A Health, Social Services, and Aging

**S 574. SENIOR OR DISABLED CARE TAX CREDIT.** Filed 4/12/11. *TO PROVIDE A TAX CREDIT TO INDIVIDUALS PROVIDING IN-HOME CARE TO SENIOR OR DISABLED RELATIVES.*

Enacts new GS 105-151.18A to allow a tax credit in an amount equal to the expense incurred for taxpayers who provide care, without compensation, to a qualifying relative. Defines *qualifying relative* and prohibits a taxpayer claiming a credit under GS 105-151.18A from also claiming a credit under GS 105-151.81 (but appears to reference GS 105-151.18) with respect to the qualifying relative. Limits the allowable credit for nonresidents or part-year residents, as detailed. Specifies that the credit allowed may not exceed the lesser of \$500 or the amount of individual income tax imposed for the taxable year reduced by the sum of all credits allowable, except tax payments made by or on behalf of the taxpayer. Effective for taxable years beginning on or after January 1, 2011.

**Intro. by Robinson.**

GS 105

Taxation

**S 575. HIGHER EDUCATION EFFICIENCY AND FLEXIBILITY.** Filed 4/12/11. *TO PROVIDE EFFICIENCY AND FLEXIBILITY FOR THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM AND THE UNIVERSITY OF NORTH CAROLINA.*

Amends GS 115D-9 to provide that despite the provisions of GS 143-341(3) (regarding the powers and duties of the Department of Administration with respect to architecture and engineering of state buildings or buildings located on state lands) the powers of the State Board of Community Colleges (State Board) regarding certain fee negotiations, contracts, and capital improvements apply to state-funded property developments (was, state-funded and non-state funded) of the North Carolina Community College System requiring the estimated expenditure of public money of \$4 million or less (was, \$1 million or less). Provides that if the State Board determines that the college has the expertise to manage a capital improvement project that is funded with non-state funds then the provisions of GS 143-341(3) do not apply to the project unless the assistance of the Office of State Construction is requested.

Amends GS 115D-15 to permit the transfer of personal property titled to the State Board consistent with GS 115D-14 and 115D-58.5 to another community college at no cost and without the approval of the State Board or the Department of Administration, Division of Surplus Property. Effective July 1, 2011.

Amends GS 115D-58.6 (Investment of idle cash) to provide community colleges with additional flexibility with regard to investments. Provides that a community college is to manage investments subject to whatever restrictions and directions that are imposed by the board of trustees. Directs the board of trustees for an institution to appoint an Investment Committee. Specifies the qualifications of the members of the Investment Committee and specifies guidelines to which the board of trustees must adhere in discharging its duties with respect to the management and investment of college funds. Makes a conforming change to GS 147-69.2. Effective July 1, 2011.

Amends GS 143-135 to provide that the University of North Carolina (UNC) and its constituent institutions and the North Carolina Community College System may use its employees to complete construction projects on which the total cost of the project does not exceed \$500,000 (was, \$200,000) or the total cost of the labor on the project does not exceed \$300,000 (was, \$100,000).

Amends GS 143C-8-12 to allow the UNC Board of Governors to approve the planning, authorization, and funding of capital projects that are entirely funded with non-General Fund money. Requires the Board of Governors to report any expenditure made under this section to the Office of State Budget and Management (OSBM) and to the Joint Legislative Commission on Governmental Operations (Commission).

Amends GS 143C-4-3 to authorize the Board of Governors to allocate or reallocate funds in the Reserve for Repairs and Renovations for repairs and renovations projects providing that specified conditions are met. Requires the Board to report its allocation or reallocation of funds to the Commission within 60 days of any allocation or reallocation under this provision. Effective July 1, 2011.

Amends GS 143C-3-3 to waive the requirement that a certification of project feasibility accompany a request for repairs and renovation funds or a capital funds request in cases where advance planning for a project of UNC has not been completed. Makes a conforming change to GS 143-341(3)b1. Effective July 1, 2011.

Amends GS 116-13.1 to permit chancellors of constituent institutions of UNC to approve certain repair and maintenance projects and to fund those projects with available operating funds in an amount not to be more than \$1 million per project.

Enacts new GS 143-64.17L to provide criteria under which a Board of Governors may authorize energy conservation measures at constituent institutions. Provides the scope of the Board of Governor's authority and permits the Board to authorize the implementation of multiple energy conservation measures simultaneously as part of a single project.

Enacts new GS 143-64.17M to require that an energy savings analysis be performed before implementing an energy conservation measure under proposed GS 143-64.17L. Also requires a post-implementation analysis to be completed by a third party.

Amends GS 116-30.3B(b) to clarify that appropriations to the Board of Governors on the behalf of a constituent institution are not to be reduced as a result of the energy savings realized by the institution.

Amends subsection (b) of GS 143-64.17F to provide that the rules adopted under this subsection do not apply to energy conservation measures implemented under proposed GS 143-6417L. Amends GS 143-64.17H to require that a state governmental unit that enters into a guaranteed energy savings contract or implements an energy conservation measure under proposed GS 143-64.17L must report to the State Energy Office of the Department of Commerce either the contract and its terms or the implementation of the measure within 30 days of the date of the contract or of the implementation of the measure (was, required reporting of the contract and its terms). Makes conforming changes to GS 142-63, 142-64(a), and 116D-22(3).

Amends GS 116-31.10(b) to provide that each UNC institution with an expenditure benchmark that is more than \$250,000 is to comply with this subsection for any purchase greater than the institution's benchmark as set by the Board of Governors. Effective October 1, 2011.

Amends GS 143-53(d) to provide that UNC may solicit bids for service contracts *and commodity contracts* with a term of 10 years or less without the prior approval of the State Purchasing officer.

Amends GS 143-60 to allow UNC to assume responsibility for the quality acceptance inspection process. Effective October 1, 2011.

Amends GS 133-3 to permit constituent institutions of UNC to establish brand-name specifications for building control systems, fire alarm systems, building security systems, elevators, and critical utility systems providing that certain prerequisite requirements are met.

Enacts new GS 143-64.7 to permit a constituent institution of UNC to sell or transfer surplus personal property except for motor vehicles. Requires that all receipts from the transfers or sales for materials, supplies, or equipment that were acquired with, or supported by, appropriations from the General Fund, less the actual costs of the sale, be remitted to the State Treasurer and credited to the General Fun as nontax revenue.

Enacts new GS 143-64.06 to authorize North Carolina State University to sell or transfer timber without the involvement of the State Surplus Property Agency (Agency) and without having to pay any service charge or surcharge to the Agency.

Amends GS 143-341 to authorize UNC campuses to purchase motor vehicles for use by campus safety officers without the prior approval of the Department of Administration. Effective December 1, 2011.

Amends GS 116-36.1 to direct the Board of Governors to adopt uniform policies and procedures that apply to the deposit, investment, and administration (was, administration) of the trust funds for the UNC system institutions. Deletes requirement that the trust funds be deposited with the State Treasurer to hold in trust in the name of UNC and each institution and instead provides that the trust funds and investment earnings on those funds are available for expenditure by each institution without further authorization from the General Assembly. Provides that reports and information concerning UNC trust accounts are to be submitted to the Board of Governors (was, the Director of the Budget). Provides that the Board of Governors may authorize, via the President, the chancellors to deposit or invest each institution's available trust fund cash balances and other investments as authorized by the Board of Governors without regard to any statute or rule of law relating to the investment of funds by fiduciaries. Makes a conforming change to GS 116-37(e). Amends GS 116-37.2 to modify definition of *funds* as used in reference to the regulation of University of North Carolina Hospitals at Chapel Hill funds to include moneys received by UNC Hospitals at Chapel Hill with "respect to borrowings for capital equipment or construction projects to further service it renders in either or both of its hospital or clinical operations." Directs the Board of Directors of the University of North Carolina Health Care System to adopt uniform policies and procedures that apply to the deposit, investment, and administration (was, administration) of the funds of UNC Hospitals at Chapel Hill. Deletes requirement that the trust funds be deposited with the State Treasurer to hold in trust in the name of UNC Hospitals at Chapel Hill and instead provides that the trust funds and investment earnings on those funds are available for expenditure by UNC Hospitals at Chapel Hill without further authorization from the General Assembly. Provides that reports and information concerning UNC Hospitals at Chapel Hill fund accounts are to be submitted to the Board of Directors of the University of North Carolina Health Care System (was, the Director of the Budget). Provides that the Board of Directors of the University of North Carolina Health Care System may deposit or invest funds under this section exercising its sound discretion without regard to any statute or rule of law relating to the investment of funds by fiduciaries. Effective July 1, 2011.

Amends GS 116-11 to provide that all employees of the University of North Carolina are exempt from the State Personnel Act and subject to the direct authority of the Board of Governors. Directs the Board of Governors to adopt policies concerning the terms and conditions of employment of UNC employees. Deletes language that limited the Board of Governor's authority to specified categories of employees. Makes conforming changes to GS 116-14, 116-30.1, 116-30.4, 126-5(c1)(9), and 126-19. Effective January 1, 2012.

Amends Section 29.28(f) of SL 2005-276, as amended, to make the exemption of participants in the University of North Carolina Phased Retirement Program permanent (was, exemption ended as of the earlier of

August 31, 2013 or 12 months after the Internal Revenue Service issued its final phased retirement regulations). Makes conforming changes to GS 135-1(20). Effective July 1, 2011.

Amends GS 135-1(20), to provide that retirement under the Teachers' and State Employee's Retirement System becomes effective in any month during which the member renders no service during the *qualifying period* immediately following the effective date of retirement. Amends GS 135-1 to define *qualifying period* as three months for members who retire with their last 12 months of service as employees of UNC or any constituent institution and return to service as employees of UNC or any constituent institution, and as six months for any other member. Makes a conforming change to GS 135-3(8)c. Effective July 1, 2011.

Amends GS 135-5.1(b)(5), clarifying that if any participant in the Optional Retirement Program with less than five years of total membership service (rather than less than five years coverage) under any combination of the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Consolidated Judicial Retirement System, or the Optional Retirement Program leaves the employ of UNC and either retires or begins employment with an employer lacking a retirement program with the same underwriter, then the participant's interest in the Optional Retirement Program attributable to contributions of UNC will be forfeited and either refunded to UNC and eventually credited to the pension accumulation fund, or be paid directly to the Retirement System and credited to the pension accumulation fund. Effective July 1, 2011.

Enacts new subdivision (5) to GS 135-5.1(a) to allow employees of the University of North Carolina Health Care System to participate in the Optional Retirement Program, subject to rules adopted by the UNC Board of Governors. Effective July 1, 2011.

Except as otherwise indicated, effective when it becomes law.

**Intro. by Stevens, Tillman.** GS 115D, 116, 116D, 126, 133, 135, 142, 143, 143C Education; Employment and Retirement

**S 576. CHANGES TO FEES FOR TEACHER CERTIFICATION.** Filed 4/12/11. *TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION.*

Amends GS 115C-296(a2) to direct the State Board of Education (SBOE) to adopt (rather than impose) fees for teacher certification and administrative changes according to the detailed schedule. Adds fees for in-state certificate review and verification of NC certificate for another state, and increases other existing fees by various amounts. Adds that the fee is nonrefundable. Directs the SBOE to implement an online licensure management system to allow electronic submission of teacher certification and administrative change applications, and instructs the SBOE to adopt lower fees for online applications if the Department of Public Instruction can process those applications at a lower cost. Effective July 1, 2011.

**Intro. by Hartsell, Tillman, Preston.** GS 115C Education

**S 577. AOC/CUSTODY & AVAILABILITY OF CT RECORDS (=H 859).** Filed 4/12/11. *TO CLARIFY THAT THE ADMINISTRATIVE OFFICE OF THE COURTS IS A CUSTODIAN OF COURT RECORDS, TO CLARIFY THAT THOSE COURT RECORDS ARE A PUBLIC RECORD AND ARE AVAILABLE UPON REQUEST TO A THIRD PARTY UPON PAYMENT OF A REASONABLE AMOUNT TO COVER REPRODUCTION COSTS.*

Identical to H 859, filed 4/6/11.

**Intro. by Hartsell.** GS 7A Courts

**S 578. LME MINIMUM POPULATION.** Filed 4/12/11. *TO INCREASE THE MINIMUM POPULATION THRESHOLD FOR LOCAL MANAGEMENT ENTITIES.*

Amends GS 122C-115 to require that the catchment area of an area authority or county program contain a minimum population of at least 300,000 (was, either a minimum population of at least 200,000 or a minimum of six counties). Effective July 1, 2012, and expires July 1, 2013.

Effective July 1, 2013, amends GS 122C-115 to further increase the minimum population to 500,000.

**Intro. by Hartsell.** GS 122C Health, Social Services, and Aging; Local Government

**S 579. CLARIFY PROPERTY TAX FOR CONSERVATION LAND (=H 350).** Filed 4/12/11. *TO MODIFY THE CLASSES OF PROPERTY EXCLUDED FROM THE TAX BASE.*

Identical to H 350, filed 3/14/11.

**Intro. by Hartsell.** GS 105 Property, Land Use, and Housing; Taxation

**S 580. AOC OMNIBUS COURTS ACT.** Filed 4/12/11. TO PROVIDE FOR AUTOMATIC REINSTATEMENT OF CASES THAT WERE DISMISSED WITH LEAVE IF THOSE CASES ARE WAIVABLE, TO CLARIFY THE CONDITIONS OF PRETRIAL RELEASE WHEN A DNA SAMPLE IS REQUIRED, TO ALLOW FOR SERVICE OF CRIMINAL PROCESS BY A LAW ENFORCEMENT OFFICER BEFORE A MAGISTRATE EVEN WHEN THE OFFICER IS OUTSIDE THE OFFICER'S TERRITORIAL JURISDICTION, TO ADD TO THE STATUTORY DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO DECREASE THE PERIOD OF TIME THAT STATE EMPLOYEES MUST BE SEPARATED FROM EMPLOYMENT PRIOR TO BEING SELECTED TO SERVE IN A POSITION WITHIN THE JUDICIAL BRANCH, TO ELIMINATE THE NECESSITY OF A HEARING TO REMOVE A PERSONAL REPRESENTATIVE IN ESTATE CASES, TO REPEAL THE REQUIREMENT THAT MAGISTRATES BE RESIDENTS OF THE COUNTY TO WHICH THEY ARE APPOINTED TO SERVE, TO CLARIFY WHEN A CLERK OF SUPERIOR COURT MAY RELEASE FUNDS HELD UNDER A CLAIM OF LIEN ON REAL PROPERTY, TO CHANGE THE DATE ON WHICH A NEWLY ELECTED CLERK OF SUPERIOR COURT TAKES OFFICE, TO GRANT THE COURT THE DISCRETION TO FIND THAT DISTANCE FROM THE COURT IS GOOD CAUSE TO EXEMPT A PARTY FROM CUSTODY MEDIATION, AND TO PROVIDE THAT FEES COLLECTED BY THE DISPUTE RESOLUTION COMMISSION ARE NONREVERTING.

Enacts new subsection (d1) to GS 15A-932, adding that if the proceeding was dismissed pursuant to GS 15A-932(a)(2) (the defendant fails to appear at a criminal proceeding at which appearance is required and the prosecutor believes defendant cannot readily be found) and charged only offenses permitting written appearance, waiver of trial or hearing, and plea of guilty or admission of responsibility under GS 7A-148(a), and the defendant submits the waiver and full payment of all costs, then the clerk must accept the waiver and payment without written reinstatement from the prosecutor. Directs the clerk, upon disposition of the case, to recall any outstanding criminal process pursuant to GS 15A-301(g)(2)b. (all charges have been disposed). Amends GS 15A-534(a), clarifying that collecting DNA samples upon arrest for certain offenses under GS 15A-266.3A may be made a condition of pretrial release, but collecting DNA upon a conviction or finding of not guilty by reason of insanity under GS 15A-266.4 may not be a condition of pretrial release. Enacts new subdivision (3) to GS 15A-301(c), allowing a municipal law enforcement officer to serve criminal process in a building with a court or office of the General Court of Justice or before any judicial officer authorized to conduct an initial appearance if the officer has territorial jurisdiction to serve process in a municipality located in that county, and allowing the officer to arrest the person named in the process, as provided in GS 15A-402(b). Makes a conforming change to GS 15A-402(b) (territorial jurisdiction of county and city officers). Makes other technical changes.

Amends GS 7A-343 (duties of the Director of the Administrative Office of the Courts) to add five statutory duties to the list, including the duty to prescribe policies and procedures for the assignment and compensation of magistrates performing duty outside their county of residence in an emergency, and the duty to issue photo identification cards to Judicial Department employees and officials. Also requires the report submitted to the Chief Justice and the General Assembly to include the activities of each NC Business Court, as detailed. Makes a conforming change to GS 7A-146(9), directing the chief district judge to follow procedures established by the Director when assigning magistrates temporary duty during an emergency.

Amends GS 135-1(20) to clarify that a member's retirement, under the Retirement System for Teachers and State Employees, becomes effective if the member renders no service at any time during the six months immediately following the effective date of retirement, *except* for persons rendering service for the Judicial Branch. Specifies that the retirement of a member rendering service for the Judicial Branch becomes effective in any month that the member rendered no service for 30 days immediately following the effective date of retirement.

Repeals GS 28A-9-1(a)(3), which allows the revocation of specified letters after a hearing when the person to whom the letters were issued violated a fiduciary duty, as detailed. Amends GS 28A-9-2(a), allowing letters testamentary, letters of administration, or letters of collection to be revoked without a hearing when the person to whom the letters were issued violated a fiduciary duty through default or misconduct in the execution of office.

Repeals GS 7A-171.2(a) (requires a magistrate be a resident of the county for which he was appointed). Amends GS 44A-16, allowing a clerk to release funds held under a claim of lien on real property or a corporate surety bond when the clerk receives a written agreement of the parties, a final judgment from a court of competent jurisdiction, or a consent order. Amends GS 163-1(d), clarifying that the term of office for the clerk of superior court runs for four years, from the first day (rather than first Monday) in December next after election. Amends GS 50-13.1(c), which allows the court to waive the mandatory setting of a contested custody or visitation matter for mediation upon motion and a showing of good cause, to permit (rather than require) the court to consider a showing that either party lives more than 50 miles from the court as good cause. Amends GS 7A-38.2(d), adding that certification and renewal fees collected by the Dispute Resolution Commission are nonreverting, to be used only at the direction of the Commission.

Effective July 1, 2011.

**Intro. by Hartsell.**

GS 7A, 15A, 28A, 44A, 50, 135,  
163

Courts; Criminal Law, Procedure,  
and Sentencing; Elections Law;  
Employment and Retirement;  
Family Law; Property, Land Use,  
and Housing; Trusts, Estates, and  
Wills

**S 581. CLARIFY MOTOR VEHICLE LAWS.** Filed 4/12/11. *TO CLARIFY THAT A SECURITY INTEREST IN A TITLE SHALL BE RELEASED AFTER SATISFACTION AND TO RESTRICT FRANCHISED MOTOR VEHICLE DEALERS PLATES TO AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER OR AN IMMEDIATE FAMILY MEMBER OF AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER.*

Amends GS 20-58.4 to clarify that, upon satisfaction or other discharge of a security interest in a vehicle for which the certificate of title is in the possession of the secured party, the secured party must, within the earlier of 10 days after demand or 30 days after satisfaction, release the security interest as specified. Amends GS 20-79(d)(5) to provide that a dealer license plate may be displayed only on a motor vehicle that, among other requirements, is driven by an officer, sales representative, or employee of a franchised motor vehicle dealer, or the immediate family member of one of those parties. Applies to offenses committed and security interests satisfied on or after August 1, 2011.

**Intro. by Apodaca.**

GS 20

Transportation

**S 582. CLARIFY INDIAN GAMING AUTHORITY.** Filed 4/12/11. *TO CLARIFY THAT THE NORTH CAROLINA GENERAL ASSEMBLY MUST ACT TO LEGALIZE ANY ADDITIONAL CLASS III GAMING ON INDIAN LANDS.*

Current law authorizes the Governor to negotiate and enter into Class III Tribal-State gaming compacts on behalf of the state, and directs the Governor to report any gaming compact to the Joint Legislative Commission on Governmental Operations. This act amends GS 147-12(a)(14) (powers and duties of the Governor) to authorize the Governor to negotiate gaming compacts. After negotiation and execution of a compact, directs the Governor to submit a copy of the compact to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Secretary of State. Requires the compact to be ratified by both houses of the legislature by a majority vote of the members present, in order for the compact to be effective. Instructs the Secretary of State to forward a copy of the executed compact and the ratifying act to the US Secretary of the Interior for review and approval. Makes a conforming change to GS 71A-8, authorizing federally recognized Indian tribes to conduct games in accordance with federal law and a valid tribal-state compact executed by the Governor, ratified by the North Carolina General Assembly, and approved by the US Department of the Interior.

**Intro. by Apodaca.**

GS 71A, 147

Lottery and Gaming

**S 583. LAW ENFORCEMENT ON INTERSTATE HIGHWAYS.** Filed 4/12/11. *TO ALLOW ONLY STATE LAW ENFORCEMENT AGENCIES TO CONDUCT ENFORCEMENT OPERATIONS ON AN INTERSTATE HIGHWAY UNLESS A LOCAL LAW ENFORCEMENT AGENCY HAS RECEIVED A REQUEST FOR ASSISTANCE FROM A STATE LAW ENFORCEMENT AGENCY OR THE LOCAL LAW ENFORCEMENT AGENCY IS RESPONDING TO AN EMERGENCY SITUATION OR INVESTIGATING A CRASH.*

Amends GS 20-114 to provide that it is the duty of every city or village police officer and every sheriff, deputy sheriff and other county officers to arrest those committing a violation within the limits of their jurisdiction, except on the interstate highways. Further adds the requirement that a local law enforcement officer enforce the Article (Motor Vehicle Act), despite the new limitation, if the officer (1) has been requested to assist a State law enforcement officer in enforcing the Article, (2) is responding to an emergency situation within the officer's territorial jurisdiction, or (3) is investigating a crash within the officer's territorial jurisdiction. Provides that prosecutions for offenses committed before the date that the act becomes law are not abated or affected by the act and the statutes that would be applicable but for the act remain applicable to those prosecutions.

**Intro. by Apodaca.**

GS 20

Emergency Services;  
Transportation

*Local Bills*

None

**ACTION ON BILLS****April 12, 2011**

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

**PUBLIC BILLS**

H0008 Eminent Domain. 04-06-11	H	Placed On Cal For 4/20/2011
H0049 Laura's Law.  02-24-11, 03-09-11	S S	Reptd Fav Re-ref Com On Finance
H0059 Sex Offenders Can not Be EMS Personnel. 02-17-11, 04-04-11	H	Pres. To Gov. 4/12/2011
H0061 Speaker/Pro Tem Term Limits.  04-06-11	S S	Passed 1st Reading Ref To Com On Judiciary I
H0149 Terrorism/State Offense.  04-05-11	S S	Passed 1st Reading Ref To Com On Judiciary I
H0162 Exempt Small Ag Processing from Permit Req.  03-30-11	H H H	Rec To Concur S Com Sub Cal Pursuant Rule 36(b) Placed On Cal For 4/13/2011
H0215 Unborn Victims of Violence Act/Ethen's Law. 03-23-11, 03-24-11, 04-11-11	S S	Withdrawn From Cal Placed On Cal For 4/13/2011
H0234 Juror Qualifications/ Disabilities. 03-16-11, 03-22-11, 04-05-11	H	Ratified
H0235 Bonnie's Law.  04-05-11	S S S	Rec From House Passed 1st Reading Ref To Com On Judiciary II
H0293 Summary Ejection/Summons in Envelope. 04-05-11	S S	Passed 1st Reading Ref To Com On Judiciary II
H0311 Household Goods Carriers/ID Markings.	H H	Reptd Fav Re-ref Com On Finance
H0313 Repeal Savings Bond Payroll Savings Program.-AB	S S S	Rec From House Passed 1st Reading Ref To Com On Finance
H0377 Strengthening Residential Placement.	HA H	Reptd Fav Com Substitute Re-ref Com On Appropriations



04-12-11		
H0381	Checking Station Pattern Selection.	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
04-07-11		
H0383	Communications Regulatory Reform.	S Withdrawn From Com S Re-ref Com On Appropriations/ Base Budget
03-30-11		
H0393	Modify Internal Auditing Statutes.	S Rec From House S Passed 1st Reading S Ref To Com On Program Evaluation
H0432	Swine in Transport/Regulate Feral Swine.	S Passed 1st Reading S Ref To Com On Agriculture/ Environment/Natural Resources
04-06-11		
H0490	Rename Yadkin River Bridge.	H Reptd Fav H Re-ref Com On Appropriations Subcommittee on Transportation
H0595	Reorganization/Legislative Oversight Comms.	H Placed On Cal For 4/13/2011
H0614	DMA Post Public Notices of Change on Website.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 4/13/2011
04-12-11		
H0636	Amend Financial Transaction Card Theft.	H Assigned To Judiciary Subcommittee B
H0647	Diabetes Task Force.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 4/13/2011
H0653	Halifax Resolves.	H Adopted
H0709	Protect and Put NC Back to Work.	H Withdrawn From Com H Re-ref Com On House Select Committee on Tort Reform
H0725	Ignition Interlock Required/ All DWIs.	H Assigned To Judiciary Subcommittee B
H0739	Ignition Interlock-All DWI Offenders.	H Assigned To Judiciary Subcommittee B
H0748	Organ Donation Month.	H Placed On Cal For 4/13/2011
H0772	SORNA Compliance.	H Assigned To Judiciary Subcommittee C
H0833	Honor State Capitol.	H Adopted
04-11-11		
H0843	Modernize NC Emergency Management Act.	H Assigned To Judiciary Subcommittee A
H0853	End Ct. Orders/Est. Local Intake Procedures.	H Assigned To Judiciary Subcommittee B
H0854	Abortion-Woman's Right to Know Act.	H Assigned To Judiciary Subcommittee B
H0861	Local Option Tax Menu.	H Passed 1st Reading H Ref To Com On Rules, Calendar, and Operations of the House
H0862	Election Integrity/Voter	H Filed

Access Act.		
S0031 Clarify Penalty Unauth. Practice of Medicine.	S	Rec To Concur In H Amend
03-03-11, 04-07-11	S	Placed On Cal For 4/13/2011
S0154 Abolish Higher Education Bond Oversight Comm.	S	Ratified
S0256 Pardon Governor Holden.	S	Passed 2nd & 3rd Reading
S0272 Victims' Compensation Law Changes.-AB	S	Reptd Fav Com Substitute
04-12-11	SA	Com Substitute Adopted
S0316 Add'l Section 1915 Medicaid Waiver Sites.	H	Passed 1st Reading
03-24-11	H	Ref To Com On Health and Human Services
S0394 Clarify Process/Reportable Offenses in Sch.	S	Withdrawn From Cal
04-11-11	S	Placed On Cal For 4/13/2011
S0414 Allow Attorneys' Fees in Business Contracts.	S	Withdrawn From Cal
04-11-11	S	Placed On Cal For 4/13/2011
S0423 Educ. Oversight Comm. Study of Teacher Tenure.	H	Passed 1st Reading
S0464 Debt Reduction Act of 2011.	H	Ref To Com On Education
	S	Withdrawn From Com
	S	Re-ref Com On Appropriations/ Base Budget
S0532 ESC/Jobs Reform.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0533 Individually Metered Units/ Tenant Charged.	S	Passed 1st Reading
	S	Ref To Com On Commerce
S0534 Enhance Credit For Conserv. Prop. Donations.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0535 APA: Modify Final Administrative Decisions.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0536 Division of Public Health Study.	S	Passed 1st Reading
	S	Ref To Com On Program Evaluation
S0537 Increase In Rem Foreclosure Fee.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0538 Local Retirement COLA Authority.	S	Passed 1st Reading
	S	Ref To Com On Pensions & Retirement and Aging
S0539 Make Film Production Credit Nonrefundable.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0540 Require ABC Permittees to be Tax Compliant.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0541 OSHA/Define Agricultural Operation.	S	Passed 1st Reading
	S	Ref To Com On Agriculture/ Environment/Natural Resources
S0542 Community Colleges/E- Procurement Exemption.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0543 Goose Creek IBT Moratorium.	S	Passed 1st Reading
	S	Ref To Com On Appropriations/ Base Budget
S0544 Protect and Put NC Back to Work.	S	Passed 1st Reading
	S	Ref To Com On Insurance
S0545 Development-Ready Jobs Bill.	S	Passed 1st Reading

	S	Ref To Com On Finance
S0546 Sales of Motor Vehicles/Units of Government.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0547 NC Human Trafficking Commission.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0548 Annexation Reform.	S	Held As Filed
S0549 Honor Maxine Swalin.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0550 Life Estate Valuation.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0551 Establish State Public Health Authority.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0552 Regional Public Health Authority Pilot.	S	Passed 1st Reading
	S	Ref To Com On Health Care
S0553 Reestablish Progress Board.	S	Passed 1st Reading
	S	Ref To Com On Education/ Higher Education
S0554 Personnel Records Technical Changes.	S	Passed 1st Reading
	S	Ref To Com On Judiciary I
S0555 Study Modernization of Banking Laws.	S	Passed 1st Reading
	S	Ref To Com On Commerce
S0556 Public Disclosure Charitable Solicitations.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0557 Harvest of Dignity/Labor Reforms.	S	Passed 1st Reading
	S	Ref To Com On Agriculture/ Environment/Natural Resources
S0558 Healthy Families & Workplaces/ Paid Sick Days.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0559 Fair Compensation for Mortgage Broker/Lender.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0560 Sport Shooting Range Protection.	S	Passed 1st Reading
	S	Ref To Com On State and Local Government
S0561 Sedimentation Civil Penalty Cap & Remissions.	S	Passed 1st Reading
	S	Ref to Agriculture/ Environment/Natural Resources. If fav, re-ref to Finance
S0562 Standards for Some Nursery Stock Purchases.	S	Passed 1st Reading
	S	Ref To Com On Agriculture/ Environment/Natural Resources
S0563 Stormwater Best Mgmt. Responsibility/Asscs.	S	Passed 1st Reading
	S	Ref To Com On Agriculture/ Environment/Natural Resources
S0564 Study Water & Sewer Service Providers.	S	Passed 1st Reading
	S	Ref To Com On Agriculture/ Environment/Natural Resources
S0565 Observe July as Watermelon Month.	S	Passed 1st Reading
	S	Ref To Com On Rules and Operations of the Senate
S0566 First in Turf Special Plate.	S	Passed 1st Reading
	S	Ref To Com On Finance
S0567 Statewide Enterprise Fraud/	S	Filed

	Waste Detection.		
S0568	Clarify Trusts as Beneficiaries in POD Accts.	S	Filed
S0569	Community College Efficiency Initiatives.	S	Filed
S0570	End Ct. Orders/Est. Local Intake Procedures.	S	Filed
S0571	Repeal Subsistence License Waiver.	S	Filed
S0572	Omnibus County Bill.	S	Filed
S0573	Restrict Products Containing BPA.	S	Filed
S0574	Senior or Disabled Care Tax Credit.	S	Filed
S0575	Higher Education Efficiency and Flexibility.	S	Filed
S0576	Changes to Fees for Teacher Certification.	S	Filed
S0577	AOC/Custody & Availability of Ct Records.	S	Filed
S0578	LME Minimum Population.	S	Filed
S0579	Clarify Property Tax for Conservation Land.	S	Filed
S0580	AOC Omnibus Courts Act.	S	Filed
S0581	Clarify Motor Vehicle Laws.	S	Filed
S0582	Clarify Indian Gaming Authority.	S	Filed
S0583	Law Enforcement on Interstate Highways.	S	Filed

### LOCAL BILLS

H0284	Wayne County Design Build. 04-11-11	H	Placed On Cal For 4/13/2011
H0291	Belhaven Recall Elections. 04-11-11	H	Placed On Cal For 4/13/2011
H0398	Cleveland County Water Advisory Referendum.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
	04-07-11		
H0410	Pinebluff/Preserve Land for Parks.	S	Rec From House
		S	Passed 1st Reading
		S	Ref To Com On State and Local Government
H0463	Rockingham/Taking of Foxes.	S	Passed 1st Reading
		S	Ref To Com On State and Local Government
H0545	Amend Moore County Occupancy Tax.	H	Withdrawn From Com
		H	Re-ref Com On Finance
S0029	Tax Certification - Alamance County.	S	Ratified
S0263	ETJ/Wake Municipal Farm Exemption.	S	Ratified

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 377. STRENGTHENING RESIDENTIAL PLACEMENT.** Filed 3/16/11. House committee substitute makes the following changes to 1st edition.

Amends Section 10.68A(a)(7)f. of SL 2009-451, as amended, to clarify that submission of a discharge plan is required for the authorization request for Level III or Level IV services to be considered complete, but the authorization approval is not conditional upon receipt of the system of care coordinator's signature (was, upon all signatures). Makes a clarifying change.

Health, Social Services, and Aging

**H 614. DMA POST PUBLIC NOTICES OF CHANGE ON WEBSITE.** Filed 4/4/11. House committee substitute makes the following changes to 1st edition.

Amends GS 108A-55(c) to replace all references to the Health Care Financing Administration with references to the Centers for Medicare and Medicaid Services. Also clarifies that the Department of Health and Human Services must, no later than seven business days (was, five days) after publication of changes in methods for setting payment rates, publish the same notice on the website, as specified. Makes clarifying changes.

Health, Social Services, and Aging

### SENATE BILLS

**S 272. VICTIMS' COMPENSATION LAW CHANGES.** Filed 3/8/11. Senate committee substitute makes the following changes to 1st edition.

Amends GS 15B-2 to expand the definition for *collateral source* to include a charitable gift or donation by a third-party, including a charity care write-off of expenses by a medical provider, regardless of whether the gift or donation is subsequently rescinded. Reinstates the definition for *dependent's economic loss* which was deleted in the 1st edition. Amends the definition for *dependent's economic loss* to set the compensation for a dependent's economic loss at no more than \$300 per week and limits the duration of the compensation to a maximum of 26 weeks from the date of the injury.

Amends GS 15B-8.1(b) to make clarifying and organizational changes.

Repeals GS 15B-11(f), which contained limits on the amount and duration of benefits.

Deletes amendment from the 1st edition to GS 15B-16 which prohibited providers who write off bills to a victim or a claimant to seek reimbursement from the Crime Victims Compensation Commission, its Director, the victim, or the claimant at any time after the write-off for the amount written off.

Rewrites the title as, *AN ACT TO CLARIFY THE ROLE OF CHARITABLE DONATIONS AND WRITE-OFFS AS COLLATERAL SOURCES FOR CRIME VICTIMS COMPENSATION, TO MODIFY THE SCOPE OF DEPENDENT'S ECONOMIC LOSS FOR CRIME VICTIMS COMPENSATION, TO CLARIFY THE CONFIDENTIALITY OF CRIME VICTIMS COMPENSATION COMMISSION RECORDS, AND TO REQUIRE SUSPENSION OF CRIME VICTIMS COMPENSATION PROCEEDINGS UPON REQUEST OF THE ATTORNEY GENERAL.*

Criminal Law, Procedure, and  
Sentencing

## Legislation Enacted

None

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## Notes

None

## NEXT SESSIONS

April 13, 2011

**HOUSE convenes at 2:00 p.m.**

**SENATE convenes at 2:00 p.m.**