

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 96

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Senate Legislative Day 96

Thursday, July 28, 2011

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SUMMARIES OF BILLS FILED

Public Bills

None

Local Bills

None

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ACTION ON BILLS**July 28, 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

H0335 Maintenance of Prisons.	H Conf Com Reported H Placed On Cal For 7/28/2011 HA Conf Report Adopted S Conf Com Reported S Placed On Cal For 9/12/2011
04-13-11, 06-14-11, 07-28-11	
#H0389 Modify 2011 Appointments Bill.	S Conf Com Reported S Placed On Cal For 7/28/2011 SA Conf Report Adopted H Conf Com Reported H Placed On Cal For 7/28/2011 HA Conf Report Adopted H Ratified HR Ch. SL 2011-406
07-26-11, 07-28-11	
H0512 Rendering Act Amendments.	S Conf Com Appointed
05-19-11, 06-09-11, 06-15-11	
H0796 Sale of Alcoholic Beverages.	S Conf Com Appointed
06-15-11	
#H0854 Abortion-Woman's Right to Know Act.	S Veto Overridden H Veto Overridden HR Ch. SL 2011-405
05-12-11, 06-07-11, 06-08-11	
#H0937 Lewis Dollar Dockham 3.	H Ratified HR Ch. SL 2011-404
07-24-11, 07-27-11	
#H0938 Adjournment Resolution -2.	HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 7/28/2011 H Passed 2nd & 3rd Reading S Rec From House S Placed On Cal For 7/28/2011 S Passed 2nd & 3rd Reading H Ratified HR Ch. Res 2011-10
07-28-11	
S0009 No Discriminatory Purpose in Death Penalty.	S Withdrawn From Com S Placed On Cal For 7/28/2011 S Withdrawn From Cal S Re-ref Com On Judiciary I
02-07-11, 06-01-11	

S0315 Roadside Campaign Signs.	HA Conf Report Adopted SA Conf Report Adopted S Ratified
05-18-11, 06-15-11, 07-27-11	
#S0453 Rucho-Lewis Congress 3.	S Ratified SR Ch. SL 2011-403
07-23-11, 07-27-11	
S0580 AOC Omnibus Courts Act.	H Conf Com Appointed H Conf Com Reported H Placed On Cal For 9/12/2011 S Conf Com Reported S Placed On Cal For 9/12/2011
06-07-11, 06-16-11, 07-28-11	

LOCAL BILLS

#H0719 Omnibus Local Election Laws.	S Amend Failed 5 S Passed 3rd Reading H Rec To Concur S Com Sub H Cal Pursuant Rule 36(b) H Placed On Cal For 7/28/2011 H Concurred In S/Com Sub H Ratified HR Ch. SL 2011-407
04-20-11, 07-27-11	

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 335. MAINTENANCE OF PRISONS. Filed 3/10/11. Conference report, reported in by the House, recommends the following changes to 2nd edition, as amended, to reconcile matters in controversy.

Withdraws the previous amendment, which (1) directed the Department of Correction (DOC), effective when the act becomes law, to report findings on maintenance service contracts at prison facilities when the General Assembly reconvenes in 2012, and prohibited the DOC from expanding contracts before July 1, 2012; and (2) directed the Department of Public Safety, effective January 1, 2012, in the same manner if House Bill 200 became law. Conference report instead directs (1) the DOC, effective when the act becomes law, to study the benefits and costs of contracting for maintenance services at prison facilities and report findings to the 2013 session of the General Assembly, and prohibits the DOC from expanding private maintenance contracts to additional prison facilities unless authorized by the 2013 session of the General Assembly; and (2) directs the Department of Public Safety, effective January 1, 2012, in the same manner.

Directs the Secretary of Environment and Natural Resources to grant a waiver to allow additional connections to a bond-funded water line within certain designated areas and under detailed circumstances. Makes a conforming change to the bill title.

State Government; Criminal Law,
Procedure, and Sentencing

H 335. MAINTENANCE OF PRISONS. Filed 3/10/11. Conference report, reported in by the Senate, recommends the following changes to 2nd edition, as amended, to reconcile matters in controversy.

Withdraws the previous amendment, which (1) directed the Department of Correction (DOC), effective when the act becomes law, to report findings on maintenance service contracts at prison facilities when the General Assembly reconvenes in 2012, and prohibited the DOC from expanding contracts before July 1, 2012; and (2) directed the Department of Public Safety, effective January 1, 2012, in the same manner if House Bill 200 became law.

State Government; Criminal Law,
Procedure, and Sentencing

H 389. MODIFY 2011 APPOINTMENTS BILL. Filed 3/16/11. Conference report recommends the following changes to 2nd edition to reconcile matters in controversy.

Adds 15 appointments to specified boards and committees, upon the recommendation of the Speaker of the House of Representatives. Makes a conforming change to the bill title. Further amends SL 2011-176 to modify additional appointees and appointment term dates. Makes clarifying changes. Makes the act effective July 1, 2011 (was, when the act becomes law), unless otherwise indicated.

General Assembly

H 938. ADJOURNMENT RESOLUTION-2. Filed 7/26/11. House committee substitute makes the following changes to 1st edition.

Provides that the Senate and House of Representatives will reconvene on Monday, September 12, 2011, at 12:00 noon (was, reconvene on Thursday, July 28, 2011) when they adjourn on July 28, 2011 (was, July 27, 2011). Adds that the General Assembly may consider the following additional matters during the reconvened session: (1) bills responding to actions related to the Voting Rights Act of 1965; (2) bills responding to actions related to litigation concerning congressional, state house, or state senate districts; (3) local bills pending in the House Rules Committee on July 28, 2011; and (4) bills to ratify and make statutory conforming changes pursuant to a Tribal Compact negotiated by the Governor. Removes the authority to consider a bill adjusting a budgetary provision to allow the Department of Health and Human Services to make inflationary adjustments related to pharmaceuticals in the Medicaid program. Clarifies that the General Assembly may consider the adoption of conference reports for bills that were in conference as of July 28, 2011 (was, bills in conference as of June 18, 2011, with conferees appointed). Makes additional clarifying changes.

General Assembly

SENATE BILLS

S 580. AOC OMNIBUS COURTS ACT. Filed 4/12/11. Conference report recommends the following changes to 2nd edition, as amended, to reconcile matters in controversy.

Withdraws previous amendment, which deleted provisions (1) amending GS 15A-301(c) to allow 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 official authorized to conduct an initial appearance if the officer has territorial jurisdiction to serve process in a municipality located in that county, and allow the officer to arrest the person named in the process, as provided in GS 15A-402(b); and (2) repealing GS 7A-171.2(a) (requires a magistrate be a resident of the county for which he or she was appointed).

Enacts new GS 58-71-200, granting any individual with a bondsman license access to search criminal records in the Administrative Office of the Courts' (AOC) criminal information systems. Limits the access to information systems with general criminal case information, and requires the access to be free of charge. Directs the Commissioner of Insurance to coordinate access, and to notify AOC within 24 hours of any action to suspend or revoke a bondsman's license or authority. Provides additional details on a bondsman's access to court information systems, and makes it unlawful to willfully (1) access AOC information systems through another individual's online identifier; (2) allow another individual, directly or indirectly, to access the information systems; (3) access the information systems during a period of license revocation or suspension; or (4) distribute information obtained from the information systems for any reason not directly related to bail evaluation. Makes a violation of the provision a Class H felony.

Repeals Section 8 of SL 2011-377 [amending GS 15A-544.5(d)(4)] and instead amends GS 15A-544.5(d)(4), directing the clerk to enter an order setting aside the bail bond forfeiture, *regardless of the basis for relief asserted in the motion, the evidence attached, or the absence of either*, if neither the district attorney nor the board of education has filed a written objection to the motion by the 20th day after the motion is served. Effective December

1, 2011, amends GS 15A-544.5(d)(4), as amended by this act, to direct the clerk to enter an order setting aside the bail bond forfeiture, as specified, if neither the district attorney nor the *attorney for* the board of education has filed a written objection to the motion by the 20th day after a *copy* of the motion is *provided by the clerk of superior court*.

Amends GS 96-14(2) (concerning disqualification for unemployment benefits), as amended by SL 2011-401, to clarify that *discharge for misconduct with the work* includes being terminated or suspended from employment after arrest or conviction for an offense involving illegal drugs if the arrest or conviction is related or connected to an employee's work or in violation of a reasonable work rule or policy. Also clarifies that the term includes the failure to adequately perform any other employment duties as demonstrated by no fewer than three written reprimands in the 12 months immediately preceding the employee's termination, provided that the reprimands are for intentional acts or omissions showing a disregard of standards of behavior, as explained or expected, or showing a similar degree of carelessness or negligence. Amends GS 96-15(b)(2) (concerning adjudicating claims for unemployment benefits), as amended by SL 2011-401, allowing any interested employer 10 days from delivery of the notice of a filed claim (was, 30 days from the earlier of mailing or delivery of the notice) to protest the claim and have the claim referred to an adjudicator. Amends GS 96-15(f) (procedure for claims), providing that all stipulations and conclusions offered to an appeals referee, hearing officer, or other designated employee may either be accepted or rejected; if rejected, then either party may appeal to the Board of Review. Makes the provisions amending GS Chapter 96 effective November 1, 2011.

Makes a clarifying change to the effective date provision in SL 2011-385 (Modify Graduated Licensing Requirements).

Makes conforming changes to the bill title.

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

Legislation Enacted

SL 2011-403 (S 453). [RUCHO-LEWIS CONGRESS 3](#). AN ACT TO REALIGN THE UNITED STATES CONGRESSIONAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS. Summarized in *Daily Bulletin* 3/29/11, 7/24/11, and 7/27/11. Enacted July 28, 2011. Effective July 28, 2011, and applies to elections held on or after January 1, 2012.

Elections Law; General Assembly

SL 2011-404 (H 937). [LEWIS DOLLAR DOCKHAM 3](#). AN ACT TO REALIGN NORTH CAROLINA HOUSE OF REPRESENTATIVES DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS. Summarized in *Daily Bulletin* 7/24/11 and 7/27/11. Enacted July 28, 2011. Effective July 28, 2011, and applies to elections held on or after January 1, 2012.

Elections Law; General Assembly

SL 2011-405 (H 854). [ABORTION—WOMAN'S RIGHT TO KNOW ACT](#). AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED. Summarized in *Daily Bulletin* 4/8/11, 5/12/11, 6/7/11, and 6/8/11. Enacted July 28, 2011. Effective 90 days after July 28, 2011, and applies to claims for relief arising on or after October 1, 2011.

Health, Social Services, and Aging

SL 2011-406 (H 389). [MODIFY 2011 APPOINTMENTS BILL](#). AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2011 APPOINTMENTS BILL. Summarized in *Daily Bulletin* 7/26/11 and 7/28/11. Enacted July 28, 2011. Effective July 1, 2011, except as otherwise provided.

General Assembly

SL 2011-407 (H 719). [OMNIBUS LOCAL ELECTION LAWS](#). AN ACT TO REDISTRICT THE DISTRICT SEATS ON THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY, TO MAKE ELECTIONS FOR

THE LENOIR COUNTY BOARD OF EDUCATION NONPARTISAN, TO RESTRUCTURE THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY, AND TO LIMIT ALTERATION OF THE BUNCOMBE BOARD OF COUNTY COMMISSIONERS. Summarized in *Daily Bulletin* 7/27/11. Enacted July 28, 2011. Effective July 28, 2011, except as otherwise provided.

Buncombe; Guilford; Lenoir;
Mecklenburg

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Notes

None

NEXT SESSIONS

September 12, 2011

HOUSE convenes at 12:00 p.m.

SENATE convenes at 12:00 p.m.