

Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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House Legislative Day 98

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Senate Legislative Day 98

Tuesday, September 13, 2011

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SUMMARIES OF BILLS FILED

Public Bills

None

Local Bills

None

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ACTION ON BILLS**September 13, 2011**

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

PUBLIC BILLS

H0007 Comm. Colleges/Opt Out of Fed'l Loan Program. 02-22-11	H	Cal 2nd legislative day
H0335 Prison Maint/Justice Reinv/ Tech Corr.	H	Conf Rpt Recon/Withdrawn
	H	Conf Com Appointed
	S	Conf Com Withdrawn/dismi
	S	Conf Com Appointed
	S	Conf Com Reported
	S	Placed On Cal For 9/14/2011
	H	Conf Com Reported
	H	Re-ref Com On Rules, Calendar, and Operations of the House
	H	Recommend Adoption
	H	Placed On Cal For 9/14/2011
04-13-11, 06-14-11, 07-28-11, 09-13-11		
H0823 SPEAKER/PRO TEM TERM LIMITS	H	Failed concur in S/Com Sub
	H	Conf Com Appointed
05-24-11, 05-25-11, 09-12-11		
S0354 Further Modify 2011 Appointments Bill.	H	Passed 2nd & 3rd Reading
	S	Rec To Concur H Com Sub
	S	Placed On Cal For 9/14/2011
05-04-11, 09-12-11		
S0514 Defense of Marriage.	S	Concurred On 2nd Reading
	S	Concurred On 3rd Reading
06-15-11, 09-12-11		
S0580 AOC Omnibus Courts Act.	H	Conf Report Adopted 2nd
	S	Conf Report Adopted 2nd
06-07-11, 06-16-11, 07-28-11, 09-12-11		
S0792 Adjournment Resolution.	S	Withdrawn From Cal
	S	Re-ref Com On Rules and Operations of the Senate

LOCAL BILLS

None

SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

HOUSE BILLS

H 335. PRISON MAINT/JUSTICE REINV/TECH CORR. (NEW). Filed 3/10/11. Conference report recommends the following changes to 2nd edition, as amended, to reconcile matters in controversy. The conference report, adopted by the House and digested on 7/28/11, is withdrawn. New conference report recedes from the Senate amendment, adopted 6/14/11, deletes the provisions of the 2nd edition, and replaces with *AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF PUBLIC SAFETY TO STUDY CONTRACTING FOR MAINTENANCE SERVICES AT PRISON FACILITIES AND TO TEMPORARILY LIMIT EXPANSION OF PRIVATE MAINTENANCE CONTRACTS AT PRISON FACILITIES; TO MAKE CLARIFYING CHANGES TO CERTAIN PROBATION STATUTES AND TO THE JUSTICE REINVESTMENT ACT; TO MAKE CLARIFYING CHANGES TO THE LAW RELATING TO PROVISIONAL DRIVERS LICENSES, MAKING A CHANGE TO THE BUDGET TECHNICAL CORRECTIONS BILL AND A TECHNICAL CHANGE TO S.L. 2011-313; TO PROVIDE BONDSMAN ACCESS TO CRIMINAL COURT RECORDS; TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998; AND TO CLARIFY THE QUALIFICATIONS OF PUBLIC MEMBERS OF THE NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD.*

Maintenance of Prisons. Directs the Department of Correction (DOC) to study the potential benefits and costs of contracting for maintenance services at prison facilities and report findings to the 2013 Session of the General Assembly. Prohibits the DOC from expanding private maintenance contracts to additional prison facilities unless authorized by the 2013 Session. Effective January 1, 2012, directs the Department of Public Safety in the same manner.

Justice Reinvestment Act Clarifications. Effective December 1, 2011, amends GS 15A-1343(b)(2), as amended by SL 2011-62, to require a defendant to remain *within the jurisdiction of the court* (was, required to make whereabouts known and not leave county of residence) unless granted written permission to leave by the court or probation officer as a regular condition of probation. Effective December 1, 2011, makes clarifying changes to the effective date provision for SL 2011-62 (pertaining to probation conditions).

Amends GS 15A-1343(a1)(3), GS 15A-1343.2(e)(5), and GS 15A-1343.2(f), as enacted by SL 2011-192, to add that when a defendant is on probation for multiple judgments, imposed confinement periods must run concurrently and must not total more than six days per month. These changes are effective December 1, 2011, and apply to offenses committed on or after that date.

Amends GS 15A-1344(d2), as enacted by SL 2011-192, to require a judge to first credit confinement time spent awaiting the hearing to confinement time imposed, if the defendant is arrested for violation of a condition of probation and is lawfully confined. Makes other clarifying changes. Effective December 1, 2011, and applies to probation violations occurring on or after that date.

Effective December 1, 2011, makes a clarifying change to GS 15A-1340.17(e) (concerning maximum sentences for specified felonies), as amended by SL 2011-192.

Makes clarifying changes to the effective date provision concerning probation in SL 2011-192 (Justice Reinvestment Act). Effective December 11, 2011.

Makes clarifying changes to GS 15A-145.2(c), as amended by SL 2011-192. Effective January 1, 2012, and applies to persons entering a plea or who are found guilty of an offense on or after that date.

Effective January 1, 2012, amends GS 15A-1340.18(c), as enacted by SL 2011-192, to clarify that the court may order the DOC to admit the defendant to the advanced supervised release program (was, the court may include a risk reduction incentive) when imposing an active sentence for an eligible defendant. Makes conforming changes to GS 15A-1340.18(e).

Technical Corrections and Clarifications. Repeals GS 68-25(b1), as enacted by SL 2011-313, which made it a Class 3 misdemeanor to allow domestic fowl to run at large on the land of another once there was notice of such running at large. Amends Section 6 of SL 2011-385 to change the effective dates for GS 20-11(d) and GS 20-11(f) to January 1, 2012 (was, October 1, 2011) to avoid subjecting persons seeking a limited provisional license from retroactive requirements for keeping a driving log. Also changes the effective date of GS 20-13.3 (license revocation for provisional licensees) to January 1, 2012. Repeals Section 20 of SL 2011-391, which restricted community colleges that elected not to participate in the William D. Ford Federal Direct Loan Program from transferring more than 2% of the state funds allocated to it for faculty salaries to support other instructional costs or other purposes.

Bail Bondsmen: Enacts new GS 58-71-200, granting any individual with a bondsman or runner 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 individual searches to be free of charge, while requiring a set up fee. Directs the Commissioner of Insurance to coordinate access, and to notify AOC within 24 hours of any action to suspend or revoke a bondsman or runner'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 which amended GS 15A-544.5(d)(4). Instead, amends GS 15A-544.5(d)(4) regarding the motion procedure to set aside a forfeiture to provide that the clerk of superior court is to serve the motion following Rule 4 of the Rules of Civil Procedure. Also provides that if neither the district attorney nor the board of education files a written objection to the motion by the 20th day after service, that the clerk is to enter an order to set aside the forfeiture regardless of (1) the basis for relief asserted in the motion, (2) the evidence attached, or (3) the absence of either. Appears to further amend GS 15A-544.5(d)(4) to clarify that the written objection to the motion may be filed by the district attorney or the attorney for the board of education.

Water Supply Lines. Directs the Secretary of Environment and Natural Resources to grant a waiver to allow additional connections to a bond-funded water line within designated areas provided that the design capacity and size of the existing bond-funded waterline can accommodate the addition and the purpose for the additional connection is either to (1) address an existing threat to public health or water quality, or (2) provide water to a habitable structure located on a lot zoned for a single family residence.

Home Inspector Licensure Board Clarification: Amends GS 143-151.46(a)(1) to clarify that the seven additional members appointed to the North Carolina Home Inspector Licensure Board are to include a public member not actively engaged in one of the professional categories identified in subdivisions (2) through (4) of GS 143-151.46(a).

State Government; Criminal Law,
Procedure, and Sentencing

Legislation Enacted

None

Index by Keyword

Criminal Law, Procedure, and Sentencing
H 335, 4

State Government
H 335, 4

Notes

None

NEXT SESSIONS

September 14, 2011

HOUSE convenes at 8:30 a.m.

SENATE convenes at 10:00 a.m.