# Daily Bulletin

## **ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY**

#### **School of Government**

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House Legislative Day 100

Vol. 2011, No. 101

Senate Legislative Day 100

Monday, November 7, 2011

#### **Table of Contents**

Summaries of Bills Filed	1
Public Bills	1
Local Bills	2
Action on Bills	2
Summaries of Amendments and Committee Substitutes _	4
Legislation Enacted	6
Index by Keyword	8
Notes	8
Next Sessions	3

## SUMMARIES OF BILLS FILED

#### Public Bills

#### SENATE BILLS

**S 793. <u>ADJOURNMENT RESOLUTION</u>.** Filed 11/7/11. FURTHER ADJOURNING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY TO DATES CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

Provides that the Senate and the House of Representatives (House) will adjourn on November 8, 2011 and reconvene on Sunday, November 27, 2011 at 8:00 PM. Limits the matters that may be considered during the reconvened session to the following: (1) US Congress and General Assembly redistricting and related matters, as listed; (2) veto overrides on bills returned by the Governor; (3) election laws bills; (4) bills concerning a Tribal Compact; (5) bills addressing natural disasters; (6) appointment bills; (7) adoption of conference reports for bills in conference as of September 14, 2011; (8) local bills pending in the House Rules Committee on July 28, 2011; (9) a bill to modify governance and management provisions for local management entities; (10) concurrence in any committee substitute or amendment; and (11) a joint resolution further adjourning the 2011 Regular Session to a date certain.

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Provides that the Senate and the House will adjourn on Tuesday, November 29, 2011, and reconvene on Thursday, February 16, 2012, at noon; also provides that the Senate and the House will adjourn on Saturday, February 18, 2012, and reconvene on Monday, April 23, 2012. Limits the matters that may be considered during the February and April sessions to the following: (1) US Congress and General Assembly redistricting and related matters, as listed; (2) veto overrides on bills returned by the Governor; (3) election laws bills; and (4) a joint resolution further adjourning the 2011 Regular Session to a date certain.

Provides that when the Senate and House adjourn on Wednesday, April 25, 2012, they will reconvene on Wednesday, May 16, 2012, at noon for the regular session. Specifies that the following matters may be considered during the regular session: (1) bills affecting the budget, as described, provided the bill is submitted to the Bill Drafting Division by May 18, 2012, and introduced in the House or filed for introduction in the Senate by May 29, 2012; (2) bills amending the NC Constitution; (3) bills and resolutions introduced in 2011 that passed the crossover deadline [Senate Rule 41; House Rule 31.1(h)]; (4) bills and resolutions implementing recommendations of specified commissions and committees, provided the bill is submitted to the Bill Drafting Division by May 16, 2012, and filed for introduction in the Senate or introduced in the House by May 23, 2012; (5) any noncontroversial local bill, as described, that is submitted to the Bill Drafting Division by May 23, 2012, and introduced in the House or filed for introduction in the Senate by May 30, 2012; (6) selection, appointment, or confirmation of state board and commission members; (7) any matter authorized by joint resolution; (8) a joint resolution authorizing the introduction of such a bill; (9) any bill affecting state or local pension or retirement systems, provided the bill is submitted to the Bill Drafting Division by May 23, 2012, and introduced in the House or filed for introduction in the Senate by May 30, 2012; (10) joint, House, or Senate resolutions authorized under Senate Rule 40(b) or House Rule 31; (11) bills concerning redistricting; (12) bills vetoed by the Governor, to consider overriding the veto; (13) election law bills; (14) bills to disapprove rules under GS 150B-21.3 [effective date of rules provision under Administrative Procedure Act]; and (15) a joint resolution adjourning the 2011 Regular Session, sine die.

Permits the Speaker of the House or the President Pro Tempore of the Senate to authorize committees or subcommittees to meet during the interims between sessions to perform three listed functions.

Intro. by Apodaca.

JOINT RES

General Assembly

Local Bills

None

#### **ACTION ON BILLS**

#### **November 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**

H0656 Allow Sheriffs' Assn. In
LGERS.
H Re-ref Com On Rules,
Calendar, and Operations of
the House

05-25-11, 06-16-11
H0679 Wake Superior Court Curative
H Withdrawn From Com
H Re-ref Com On Redistricting

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HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b)

11-07-11	H H S S S S H	Placed On Cal For 11/7/2011 Passed 2nd & 3rd Reading Rec From House Ref To Com On Redistricting Reptd Fav Placed On Cal For 11/7/2011 Passed 2nd & 3rd Reading Ratified
H0777 House Curative.	н	Withdrawn From Com
novv nouse ouractive.	Н	Re-ref Com On Redistricting
	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 11/7/2011
	H	Passed 2nd & 3rd Reading
	s s	Rec From House Ref To Com On Redistricting
	S	Reptd Fav
	s	Placed On Cal For 11/7/2011
	s	Passed 2nd & 3rd Reading
	Н	Ratified
11-07-11 S0229 Transfer DENR Soil & Water to		Withdrawn From Com
DACS.	H H	Re-ref Com On Environment
05-03-11		10 101 0011 011 211/11011110110
S0283 School Calendar Flexibility/	s	Withdrawn From Com
Inclement Weather.	s	Re-ref Com On Redistricting
	S	Reptd Fav Com Substitute
	SA S	Com Substitute Adopted Placed On Cal For 11/7/2011
	-	Passed 2nd & 3rd Reading
		Passed 1st Reading
	H	Ref To Com On Redistricting
		Reptd Fav
		Cal Pursuant Rule 36(b)
	H H	Placed On Cal For 11/7/2011 Passed 2nd & 3rd Reading
		Ratified
11-07-11		
S0689 Mountain Snow Days.	-	Withdrawn From Com
		Re-ref Com On Redistricting
	S	Reptd Fav Com Substitute Com Substitute Adopted
		Placed On Cal For 11/7/2011
		Passed 2nd & 3rd Reading
		Passed 1st Reading
		Ref To Com On Redistricting
		Cal Pursuant Rule 36(b)
		Placed On Cal For 11/7/2011 Passed 2nd & 3rd Reading
		Reptd Fav
	S	Ratified
11-07-11	~	m: 1 a d
S0793 Adjournment Resolution.		Filed Passed 1st Reading
	S	Ref To Com On Rules and
	_	

Operations of the Senate

- S Reptd Fav As Amended
- SA Com Amend Adopted 1
- S Placed On Cal For 11/7/2011
- S Passed 2nd & 3rd Reading
- H Passed 1st Reading
- H Cal Pursuant 32(a)
- H Placed On Cal For 11/7/2011
- H House agrees with Senate Amend #1
- H Passed 2nd & 3rd Reading
- S Ratified

11-07-11

#### **LOCAL BILLS**

H0569 Greene Commissioners Curative

- H Withdrawn From Com
- H serial referral stricken bill is re-referred to Redistricting
- HA Reptd Fav Com Substitute
- H Cal Pursuant Rule 36(b)
- H Placed On Cal For 11/7/2011
- H Passed 2nd & 3rd Reading
- S Rec From House
- S Ref To Com On Redistricting
- S Reptd Fav
- S Placed On Cal For 11/7/2011
- S Passed 2nd & 3rd Reading
- H Ratified

11-07-11

# SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

#### **HOUSE BILLS**

H 569. GREENE COMMISSIONERS CURATIVE (NEW). Filed 3/30/11. House committee substitute deletes all provisions of the 1st edition and replaces with A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL AREAS INADVERTENTLY UNASSIGNED BY SESSION LAW 2011-169, AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE GREENE COUNTY BOARD OF COMMISSIONERS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE DISTRICTING PLAN FOR THE GREENE COUNTY BOARD OF COMMISSIONERS.

Adds specified Census blocks in Greene County to District 5 for the Greene County Board of Commissioners.

Previously: Criminal Law, Procedure, and Sentencing

Now: Greene

H 679. WAKE SUPERIOR COURT CURATIVE (NEW). Filed 4/6/11. House committee substitute deletes all provisions of the 1st edition and replaces with A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL INADVERTENTLY UNASSIGNED AREAS BY SESSION LAW 2011-203, AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER

DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE PLAN FOR WAKE COUNTY SUPERIOR COURT JUDGES.

Amends GS 7A-41(b)(4), as amended by SL 2011-203, to add specified Census blocks to Wake County Superior Court District 10B. Effective January 1, 2013, and applies to the 2012 election.

Previously: Health, Social Services, and Aging Now: Courts

H 777. HOUSE CURATIVE (NEW). Filed 4/6/11. House committee substitute deletes all provisions of the 1st edition and replaces with A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL AREAS INADVERTENTLY UNASSIGNED BY SESSION LAW 2011-404, AN ACT TO REALIGN NORTH CAROLINA HOUSE OF REPRESENTATIVES DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE PLAN FOR THE NORTH CAROLINA HOUSE OF REPRESENTATIVES DISTRICTS.

Adds specified Census blocks to North Carolina House of Representatives Districts as follows. Adds blocks in Granville County to District 2; blocks in Beaufort County and Craven County to District 3; blocks in Wayne County to District 4; blocks in Nash County to District 7; blocks in Pitt County to District 8; blocks in Pitt County to District 9; blocks in Lenoir County and Wayne County to District 10; blocks in Wake County to District 11; blocks in Craven County and Lenoir County to District 12; blocks in Onslow County to District 14; blocks in Onslow County to District 15; blocks in Brunswick County and New Hanover County to District 18; blocks in New Hanover County to District 20; blocks in Wayne County to District 21; blocks in Sampson County to District 22; blocks in Pitt County and Wilson County to District 24; blocks in Durham County to District 29; blocks in Durham County to District 30; blocks in Durham County to District 31; blocks in Wake County to District 33; blocks in Wake County to District 34; blocks in Wake County to District 36; blocks in Wake County to District 38; blocks in Wake County to District 39: blocks in Wake County to District 40: blocks in Cumberland County to District 42: blocks in Cumberland County to District 43: blocks in Cumberland County to District 44: blocks in Cumberland County to District 45: blocks in Bladen County to District 46: blocks in Robeson County to District 47: blocks in Richmond County, Robeson County, and Scotland County to District 48; blocks in Harnett County and Lee County to District 51; blocks in Harnett County to District 53; blocks in Lee County to District 54; blocks in Guilford County to District 58; blocks in Guilford County to District 59; and blocks in Guilford County to District 60.

Adds blocks in Guilford County to District 62; blocks in Montgomery County, Richmond County, Robeson County, and Scotland County to District 66; blocks in Union County to District 68; blocks in Forsyth County to District 71; blocks in Forsyth County to District 72; blocks in Forsyth County to District 74; blocks in Forsyth County to District 75; blocks in Forsyth County to District 79; blocks in Mecklenburg County to District 88; blocks in Rockingham County to District 91; blocks in Mecklenburg County to District 92; blocks in Wilkes County to District 94; blocks in Mecklenburg County to District 100; blocks in Mecklenburg County to District 101; blocks in Mecklenburg County to District 102; blocks in Mecklenburg County to District 105; blocks in Mecklenburg County to District 107; blocks in Gaston County to District 109; blocks in Buncombe County to District 114; and blocks in Buncombe County to District 116.

Also adds General Assembly findings. Deletes provision describing the procedure for assigning unassigned areas. Directs the Legislative Services Officer to certify a true copy of the block assignment file associated with the mapping software, as specified, and provides that the certified true copy controls if any area in this state is not assigned to a specific district. Applies to elections held on or after January 1, 2012.

Previously: Constitutional Amendment; Family Law Now: Elections Law; General

Assembly

#### SENATE BILLS

S 283. SENATE CURATIVE (NEW). Filed 3/9/11. Senate committee substitute makes the following changes to 1st edition. Deletes all provisions of the 1st edition and replaces it with A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL AREAS INADVERTENTLY UNASSIGNED BY SESSION LAW 2011-402, AN ACT TO REALIGN THE NORTH CAROLINA SENATORIAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE PLAN FOR NORTH CAROLINA SENATORIAL DISTRICTS.

Provides that the purpose of this act is to (1) correct a computer coding error that caused certain Census blocks to not be assigned to any district in the textual explanation of SL 2011-402 and (2) conform the textual explanation of the North Carolina Senatorial districting plan to the actual legislative intent as shown by the districting map and the supporting block assignment file statistics reviewed by the General Assembly in July 2011.

Amends GS 120-1, as amended by SL 2011-402, to include additional census blocks in the following Districts in the following specified counties: District 4 (Wilson); District 5 (Lenoir, Pitt); District 7 (Lenoir, Wayne); District 9 (New Hanover); District 10 (Johnston); District 11 (Johnston, Wilson); District 12 (Johnston); Districts 14, 16, 17, & 18 (Wake); Districts 19 & 21 (Cumberland); Districts 20 & 22 (Durham); Districts 27 & 28 (Guilford); Districts 31 & 32 (Forsyth); and Districts 37, 38, 39, 40, & 41 (Mecklenburg).

Deletes provisions that permitted any area in the state not specifically assigned to a district to be deemed assigned to a surrounding district or contiguous area based on certain specified criteria. Instead directs the Legislative Services Officer (LSO) to certify a true copy of the block assignment file associated with any mapping software used to meet the provisions of GS 120-1(a) to apportion senatorial districts. Requires the LSO to deliver the certified copy of the block assignment file to the Principal Clerk of the Senate, and directs that if any area is not assigned to a specific district as identified in GS 120-1(a), the placement of the area in a district is to be subject to the certified true copy of the block assignment file delivered to the Principal Clerk of the Senate.

Applies to elections held on or after January 1, 2012.

Previously: Education Now: Elections Law; General Assembly

S 689. CONGRESSIONAL CURATIVE (NEW). Filed 4/19/11. Senate committee substitute makes the following changes to 1st edition. Deletes all provisions of the 1st edition and replaces it with A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL AREAS INADVERTENTLY UNASSIGNED BY SESSION LAW 2011-403, AN ACT TO REALIGN THE UNITED STATES CONGRESSIONAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE PLAN FOR THE UNITED STATES CONGRESSIONAL DISTRICTS.

Provides that the purpose of this act is (1) to correct a computer coding error that caused certain Census blocks to not be assigned to any district in the textual explanation of SL 2011-403 and (2) to conform the textual explanation of the United States Congressional districting plan to the actual legislative intent as shown by the districting map and the supporting block assignment file statistics reviewed by the General Assembly in July 2011.

Amends GS 163-201, as amended by SL 2011-403, to include additional census blocks in the following Districts in the following specified counties: District 1 (Lenoir, Washington, & Wilson); District 2 (Harnett); District 3 (New Hanover & Pitt); District 4 (Cumberland & Wake); District 8 (Davidson); District 9 (Iredell, Mecklenburg, & Union); and District 12 (Guilford).

Deletes provisions that permitted any area in the state not specifically assigned to a district to be deemed assigned to a surrounding district or contiguous area based on certain specified criteria. Instead directs the Legislative Services Officer (LSO) to certify a true copy of the block assignment file associated with any mapping software used to meet the provisions of GS 163-201(a), which apportions congressional districts. Requires the LSO to deliver the certified copy of the block assignment file to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives, and directs that if any area is not assigned to a specific district as identified in GS 163-201(a), the placement of the area in a district is to be subject to the certified true copy of the block assignment file delivered to the Principal Clerks of the Senate and of the House.

Effective when the act becomes law and applies to elections held on or after January 1, 2012.

Previously: Education Now: Elections Law

**S 793.** ADJOURNMENT RESOLUTION. Filed 11/7/11. Senate committee amendment makes the following changes to 1st edition. Corrects the adjournment date of the current session to Monday, November 7, 2011.

General Assembly

# **Legislation Enacted**

**SL 2011-410 (S 354).** <u>FURTHER MODIFY 2011 APPOINTMENTS BILL.</u> 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 9/12/11. Enacted September 14, 2011. Effective September 14, 2011, unless otherwise provided.

General Assembly

SL 2011-411 (\$ 580). AOC OMNIBUS COURTS ACT. AN ACT TO PROVIDE FOR AUTOMATIC REINSTATEMENT OF CASES THAT WERE DISMISSED WITH LEAVE IF THOSE CASES ARE WAIVABLE, TO ADD TO THE STATUTORY DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS; TO CLARIFY WHEN A CLERK OF SUPERIOR COURT MAY RELEASE FUNDS HELD UNDER A CLAIM OF LIEN ON REAL PROPERTY, TO GRANT THE COURT THE DISCRETION TO FIND THAT DISTANCE FROM THE COURT IS GOOD CAUSE TO EXEMPT A PARTY FROM CUSTODY MEDIATION, TO PROVIDE THAT FEES COLLECTED BY THE DISPUTE RESOLUTION COMMISSION ARE NONREVERTING, AND TO MAKE CLARIFYING CHANGES TO S.L. 2011-390, FORCED COMBINATIONS. Summarized in Daily Bulletin 4/12/11, 6/8/11, 6/17/11, 7/28/11, and 9/12/11. Enacted September 15, 2011. Effective September 15, 2011, unless otherwise provided.

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

SL 2011-412 (H 335). MAINTENANCE OF PRISONS. 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. Summarized in Daily Bulletin 3/10/11, 4/13/11, 6/14/11, 7/28/11, and 9/13/11. Enacted October 15, 2011. Effective October 15, 2011, unless otherwise provided.

Criminal Law, Procedure, and Sentencing; State Government

SL 2011-413 (S 283). SENATE CURATIVE. A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL AREAS INADVERTENTLY UNASSIGNED BY SESSION LAW 2011-402, AN ACT TO REALIGN THE NORTH CAROLINA SENATORIAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE PLAN FOR THE NORTH CAROLINA SENATORIAL DISTRICTS. Summarized in Daily Bulletin 11/7/11. Enacted November 7, 2011. Effective November 7, 2011, and applies to elections held on or after January 1, 2012.

Elections Law: General Assembly

SL 2011-414 (\$ 689). CONGRESSIONAL CURATIVE. A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL AREAS INADVERTENTLY UNASSIGNED BY SESSION LAW 2011-403, AN ACT TO REALIGN THE UNITED STATES CONGRESSIONAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE PLAN FOR THE UNITED STATES CONGRESSIONAL DISTRICTS. Summarized in Daily Bulletin 11/7/11. Enacted November 7, 2011. Effective November 7, 2011, and applies to elections held on or after January 1, 2012.

**Elections Law** 

SL 2011-415 (H 569). GREENE COMMISSIONERS CURATIVE. A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL AREAS INADVERTENTLY UNASSIGNED BY SESSION LAW 2011-169, AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE GREENE COUNTY BOARD OF COMMISSIONERS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE DISTRICTING PLAN FOR THE

GREENE COUNTY BOARD OF COMMISSIONERS. Summarized in *Daily Bulletin* 11/7/11. Enacted November 7, 2011. Effective November 7, 2011.

#### Greene

SL 2011-416 (H 777). HOUSE CURATIVE. A CURATIVE ACT OF THE GENERAL ASSEMBLY TO ASSIGN ALL AREAS INADVERTENTLY UNASSIGNED BY SESSION LAW 2011-404, AN ACT TO REALIGN NORTH CAROLINA HOUSE OF REPRESENTATIVES DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS, AND TO CLARIFY THE TEXTUAL EXPLANATION OF THE PLAN FOR THE NORTH CAROLINA HOUSE OF REPRESENTATIVES DISTRICTS. Summarized in Daily Bulletin 11/7/11. Enacted November 7, 2011. Effective November 7, 2011, and applies to elections held on or after January 1, 2012.

Elections Law; General Assembly

# Index by Keyword

Constitutional Amendment	Family Law
H 777, 5	H 777, 5
Courts	S 580, 7
H 679, 5	General Assembly
S 580, 7	H 777, 5, 8
Criminal Law, Procedure, and Sentencing	S 283, 6, 7
H 335, 7	S 354, 7
H 569, 4	S 793, 2, 6
S 580, 7	Greene
Education	H 569, 4, 8
S 283, 6	Health, Social Services, and Aging
S 689, 6	H 679, 5
Elections Law	Property, Land Use, and Housing
H 777, 5, 8	S 580, 7
S 283, 6, 7	State Government
S 580, 7	H 335, 7
S 689, 6, 7	Taxation
Employment and Retirement	S 580, 7
S 580, 7	Trusts, Estates, and Wills
	S 580, 7

# Notes

None

# **NEXT SESSIONS**

November 27, 2011

HOUSE convenes at 8:00 p.m.

SENATE convenes at 8:00 p.m.