

## 2007-2008 NCBA Legislative Agenda

NO.	BILL TITLE	BILL DESCRIPTION	SPONSOR	STATUS
<b>S1130*</b>	<b>Administration of Justice Comm.:</b> Open Discovery/AOC Changes	State Budget Act Amendments.	Clodfelter	S.L. 2007-393
<b>S197*</b>	<b>Bankruptcy:</b> Remove Sunset/ Debt Management for Consumers	Repeals the sunset of the 2005 amendments to the law that strengthened the protection of consumers seeking assistance with managing their debts.	Dorsett	S.L. 2007-79
<b>S184*</b>	<b>Bench Bar Liaison Committee:</b> Protect Judges Safety	Allows judicial officers to list a business address on a statement of economic interest and to keep their home addresses and the names of their unemancipated children confidential.	Dalton	S.L. 2007-29
<b>S118*</b>	<b>Bench Bar Liaison Committee:</b> Removal of Unqualified Judges/ DAs	Allows the Governor to declare a vacancy in the office of District Court Judge, Superior Court Judge, Judge of the Court of Appeals, Justice of the Supreme Court, or District Attorney when the incumbent does not have the legal right to exercise its functions.	Rand	S.L. 2007-104
<b>H1487*</b>	<b>Bench Bar Liaison Committee:</b> State Bar Changes	Clarifies active membership in the State Bar; allows inactive members to provide pro bono legal services; modifies number of members on State Bar Council; and other changes.	Blue Stam	S.L. 2007-200
<b>S693</b>	<b>Business Law:</b> Attorneys' Fees Provision/Business Contracts	Clarifies enforceability of attorney fee provisions in business contracts.	Clodfelter	Senate JI
<b>S576</b>	<b>Business Law:</b> Business Entity Clarifications	Chapter 55 Amendments	Clodfelter	S.L. 2007-385
<b>S728</b>	<b>Dispute Resolution:</b> Mediation in District Criminal Courts	Establishes a program within DRC of Certification of Mediators working in the District Criminal Courts.	Hartsell	S.L. 2007-387
<b>H1537*</b>	<b>Elder Law:</b> Medicaid Hardship/ Estate Recovery/Data Share	Makes changes to Medicaid Estate Recovery law; amends law respecting data sharing by health insurers with DHHS & DMA; enacts a procedure for the waiver of the Medicaid transfer of assets penalty due to undue hardship.	Ross	S.L. 2007-442

NO.	BILL TITLE	BILL DESCRIPTION	SPONSOR	STATUS
S947	<b>Estate Planning:</b> Uniform Trust Code Changes	Makes technical, conforming and other changes to the UTC.	Hagan	S.L. 2007-106
H634	<b>Estate Planning:</b> Advance Directives/ Health Care Powers of Attorney	Clarifies: which document controls between HPOA and Living Will; the extent of the Health Care Agent's Authority; terminology in statutes re: when treatment may be withheld and what treatments may be withheld; and simplifies sample forms.	Ross	S.L. 2007-502
H1384*	<b>Estate Planning:</b> Repeal Rule Against Perpetuities for Trusts	Repeals the rule against perpetuities and codifies the law regarding the power of alienation for trusts created in NC.	Glazier Tillis	S.L. 2007-390
H681 S1503	<b>Family Law:</b> Abolish Alienation of Affection/Criminal Conversation	Abolish common law torts of alienation of affection and criminal conversation.	Insko, Wray Michaux  Kinnaird	House JI  Senate JI
H865	<b>Family Law:</b> Remove Barriers to Interstate Adoption	Remove barriers to make it easier for residents of other states to adopt children in North Carolina, including children in the custody of county departments of social services who are in need of permanency planning.	Goodwin Glazier Moore	S.L. 2007-151
H866	<b>Family Law:</b> Expand Reach of Courts/Terminate Parental Rights	Promote the reach of North Carolina courts to adjudicate the parental rights of nonresident parents of resident children.	Goodwin Moore	S.L. 2007-152
H485 S1446	<b>Health Law:</b> Information on Lawful Abandonment	Requires local Boards of Education to instruct or inform students in grades eight through twelve about how to safely and lawfully abandon a newborn with a responsible person.	Haire Coleman Justice Brubaker  Snow	S.L. 2007-126
H1243*	<b>Juvenile Justice:</b> Procedures/ Juvenile Proceedings	Creates a procedure by which determination is made to restrain juveniles in the courtroom.	Bryant Bordsen Wainwright Mobley	S.L. 2007-100
H21 S12	<b>Litigation:</b> Recovery of Civil Costs	Solves the conflict in North Carolina law regarding the recovery of costs in a civil case. Specifically, the conflict between G.S. 6-20 and G.S. 7A-305 and the appellate cases interpreting those statutes.	Glazier, Ross, Jones, Spear Boseman	S.L. 2007-212

NO.	BILL TITLE	BILL DESCRIPTION	SPONSOR	STATUS
<b>S764</b>	<b>Real Property:</b> North Carolina Consumer Real Estate Protection Act	Enacts the Consumer Real Estate Protection Act of North Carolina.	Hagan	Senate Commerce
<b>H817*</b>	<b>Real Property:</b> Residential Mortgage Fraud Act	Enacts the North Carolina Residential Mortgage Fraud Act.	Blue	S.L. 2007-163
<b>S242*</b>	<b>Tax:</b> Reform Tax Appeals	Reforms the process for administrative and judicial review of disputed tax matters and limits a corporation's ability to use real estate investment trusts to avoid state taxes.	Clodfelter	S.L. 2007-491
<b>H1671*</b>	<b>Tort Issues Task Force:</b> Arbitration/Negligent Health Care Actions	Provides for the arbitration for causes of action for personal injury or wrongful death based on alleged professional negligence in the provision of health care, upon agreement of all parties to an action.	England Glazier Rapp Allen	S.L. 2007-541
<b>S212*</b>	<b>Zoning, Planning &amp; Land Use:</b> Land-Use Permit Appeals	Clarifies the law regarding appeals of quasi-judicial decisions made under Article 19 of Chapter 160A and Article 18 of Chapter 153A of the General Statutes.	Kinnaird	House Judiciary I

09/27/07

\* = Association Supported Legislation (Not Related to Budget)