

2011-2012 NCBA Legislative Agenda

| NO. | BILL TITLE | BILL DESCRIPTION | SPONSOR | STATUS |
|--|---|--|---|--------------------------------|
| <u>S478</u> *** | AOJ Committee: Office of Prosecution Services | Establishes an Office of Prosecution Services to provide oversight of the various district attorney offices. | Senator Bingham | Senate Judiciary I |
| <u>H164</u> | Bankruptcy: Release of Upset Bid Deposit | Authorizes the release of funds deposited by an upset bidder or a high bidder in a foreclosure proceeding when a bankruptcy petition is filed. | Representatives Randleman, Hurley, Spear & Jordan | S.L. 2011-204 |
| <u>S414</u> | Business Law: Allow Attorneys' Fees in Business Contracts | Provides that reciprocal attorneys' fees provisions in business contracts are valid and enforceable. | Senator Clodfelter | S.L. 2011-341 |
| <u>S457</u> | Business Law: Amend Article 13 of Business Corporation Act | Amends Article 13 of the NC Business Corporation Act. | Senator Clodfelter | S.L. 2011-347 |
| <u>S458</u> | Committee for Judicial Independence: Judicial Appointment/ Voter Retention | Amends the NC Constitution to replace the present practice of selecting justices and judges of the appellate division and judges of the superior court by gubernatorial appointment, followed by elections; makes other changes. | Senators Clodfelter & Hartsell | Senate Judiciary I |
| <u>H99</u> | Constitutional Rights: Judicial Terms | Amends the NC Constitution to allow judges adequate time to fulfill their judicial duties before running for election; increases from 60 to 90 days the window where a special election is required to fill a vacancy in the offices of superior court judge and district attorney. | Representatives Ross & Rhyne | House Judiciary Subcommittee A |
| <u>H32</u> (<u>S225</u>) * | Constitutional Rights: Electoral Freedom Act of 2011 | Amends the statutory requirement for a political party to maintain ballot eligibility; provides that the results of primaries of political parties with less than 10% of the registered voters are determined by a plurality unless the party chooses to nominate by convention; changes the definition of a "political party"; reduces the number of signatures required for unaffiliated candidates to obtain ballot access eligibility; eliminates the need for petitions for write-in candidacy. | Representatives LaRoque, Bradley, Luebke & Farmer-Butterfield | Senate Judiciary I |

| NO. | BILL TITLE | BILL DESCRIPTION | SPONSOR | STATUS |
|---|---|--|---|----------------------------------|
| H489 | Construction Law: Mechanics Lien and Bond Law Changes | Makes various amendments to North Carolina's mechanics lien and bond laws. | Representatives Pridgen, Stam & Martin | Senate Judiciary I |
| S208 | Criminal Justice: Conform State Law to Lawrence v. Texas | Amends Chapter 14 to bring state law into compliance with the US Supreme Court decision <u>Lawrence v. Texas</u> . | Senator Kinnaird | Senate Rules |
| S394 *** | Education Law: Clarify Process/Reportable Offenses in School | Clarifies the requirement that school principals report certain acts to law enforcement. | Senators Newton, Tillman & Preston | S.L. 2011-248 |
| H736 S648 *** | Education Law: Amend Law Re: School Discipline | Amends the law regarding school discipline. | Representatives Langdon, Luebke, Daughtry & Lucas Senators Preston, Tillman & Hartsell | S.L. 2011-282 House Education |
| S407 | Estate Planning: Trusts and Estate Planning Changes | Amends the laws governing trusts, estate planning and trust companies. | Senator Hartsell | S.L. 2011-339 |
| S434 | Estate Planning: Directed Trustee and Trust Protector | Amends the laws governing the liability of directed trustees. | Senator Hartsell | House Judiciary Subcommittee A |
| S432 | Estate Planning: Revise Probate Code | Amends the jurisdictional and procedural provisions of the probate code and related statutes to provide uniformity in estate matters; defines the jurisdiction of the clerk of superior court consistent with the provisions of the Uniform Trust Code; recodifies certain provisions relating to the probate of wills; and updates and amends the procedure for claiming spousal and children's allowances. | Senator Hartsell | S.L 2011-344 |
| H637 | Family Law: Adoption Law Changes | Amends the laws applicable to adoptions. | Representatives Jordan & Stevens | Senate Judiciary II |
| H706 | Family Law: Alimony/Postseparation Support Changes | Makes changes to the law relating to alimony and postseparation support. | Representative Stevens | Senate Judiciary II |

| NO. | BILL TITLE | BILL DESCRIPTION | SPONSOR | STATUS |
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| H589 | Family Law: Divorce/DVPO/Child Support Changes | Eliminates the provision of law that states allegations in a divorce complaint are deemed denied regardless of whether the defendant files a pleading denying the allegations; amends the laws relating to domestic violence protective orders; and provides for termination of child support when a child is enrolled in an early college program. | Representative Stevens | Senate Judiciary II |
| H625 *** | Juvenile Justice & Children's Rights: Study/Bill of Rights/Deaf/Hearing Impaired | Authorizes a study to establish a bill of rights for children who are deaf or hearing impaired. | Representatives Blackwell & Farmer-Butterfield | House Rules |
| S506 (H632) *** | Juvenile Justice & Children's Rights: Juvenile Age to 18 | Amends the definition of delinquent juvenile to raise the age from 16 to 18 years in six month increments of age over a four-year period and makes various other changes. | Senators Hartsell, Bingham & McKissick | Senate Rules |
| H380 | Litigation: Amend RCP/ Electronically Stored Information | Clarifies the procedure for discovery of electronically stored information and makes conforming changes to the NC Rules of Civil Procedure. | Representatives Glazier, T. Moore, Ross & Jordan | S.L. 2011-199 |
| H379 | Litigation: Uniform Depositions and Discovery Act | Enacts the NC Interstate Depositions and Discovery Act and makes conforming amendments to the NC Rules of Civil Procedure. | Representatives Glazier, Rhyne, Ross & McGrady | S.L. 2011-247 |
| S487 | Real Property: Disputed Earnest Money/Attorneys Deposit | Authorizes attorneys licensed in this state to deposit disputed earnest money with the clerk of superior court. | Senators Stein, Vaughan & Newton | S.L. 2011-350 |
| S488 | Real Property: Landlord Notice to NC State Bar/Homeowner-Buyer Prot. | Requires landlords to give notice to the NC State Bar of an attorney's default on a lease in order to protect the confidentiality of the attorney's files and amends the Homeowner and Homebuyer Protection Act. | Senators Stein, Vaughan & Newton | House Rules |
| S519 | Real Property: Memo of Contract/Deeds & Deeds of Trust | Allows for the recordation of a memorandum of contract for real estate transactions. | Senators Vaughan, Stein & Newton | S.L. 2011-351 |
| S486 | Real Property: Release Subdivided Lots From Tax Liens | Requires the release of a subdivided tract of land from a tax lien upon payment of taxes due on that tract. | Senators Stein, Vaughan & Newton | House Judiciary A |
| S518 | Real Property: Buyer Choice/Title Insurer & Closing Attorney | Protects consumers by requiring buyer's choice of title insurer and closing attorney. | Senators Vaughan & Stein | House Judiciary A |

| NO. | BILL TITLE | BILL DESCRIPTION | SPONSOR | STATUS |
|---------------------------|--|--|-----------------|--------------------|
| S588 * | Real Property: HOA/Uniform Procedure for Lien Enforcement | Stabilizes titles and provides a uniform procedure to enforce claims of lien securing sums due condominium and planned community associations. | Senator Vaughan | Senate Judiciary I |

05/21/11 * = Association Supported Legislation (Not Related to Budget) ** = Section Sponsored Legislation *** = Section Supported Legislation