

The following public law provisions were enacted during the 2007- 2008 Session with an effective date of December 1, 2008.

S.L. 2007-550 (SB 1492) Solid Waste Management Act of 2007.

An act to: (1) clarify the circumstances under which an application for a solid waste management permit may be denied; (2) provide that solid waste management permits are not transferable without the approval of the Department of Environment and Natural Resources; (3) increase the penalties that may be imposed for solid waste violations; (4) require that an applicant for a permit and a permit holder establish financial responsibility to ensure the availability of sufficient funds for proper design, construction, operation, maintenance, closure, and post-closure monitoring and maintenance of a solid waste management facility; (5) require that an owner or operator of a sanitary landfill establish financial assurance sufficient to cover a minimum of three million dollars in costs for potential assessment and corrective action at the facility, in addition to other financial responsibility requirements; (6) clarify and expand the scope of environmental compliance review requirements; (7) clarify that a parent, subsidiary, or other affiliate of the applicant or parent, including any business entity or joint venturer with a direct or indirect interest in the applicant is subject to financial responsibility and environmental compliance review; (8) provide for siting of combustion products landfills in areas that have been formerly used for the storage or disposal of combustion products from coal-fired generating units at the same facility that generated the combustion products, and technical requirements for these landfills; (9) specify additional technical requirements for solid waste management facilities; (10) require that all applicants for permits for sanitary landfills conduct an environmental impact study; (11) require that certain applicants for solid waste management facility permits conduct a traffic study; (12) clarify the circumstances under which a unit of local government may collect a solid waste availability fee; (13) authorize units of local government to hire landfill liaisons; (14) establish fees applicable to permits for solid waste management facilities to support the solid waste management program; (15) establish a solid waste disposal tax to be imposed on the disposal of municipal solid waste in landfills in the state and on the transfer of municipal solid waste for disposal outside the state in order to provide funds for the assessment and remediation of pre-1983 landfills and for other purposes; (16) establish a computer equipment management program; (17) direct the department of environment and natural resources to develop a proposed recycling program for fluorescent lamps; (18) direct the environment review commission to study issues related to the franchise of solid waste management facilities by units of local government and the transportation of solid waste by rail and barge; and (19) make related clarifying, conforming, and technical changes. [See sections 16.1(b), 16.2 & 16.6]

S.L. 2008-15 (HB 946) Vandalism Damages More Than \$5,000/Felony.

An act to make an offense of vandalism that results in more than five thousand dollars in damages a Class I felony. [Entire Act]

S.L. 2008-89 (SB 236) Regulation of Professional House Moving.

An act to amend the professional house moving statutes contained in Article 16 of Chapter 20 of the General Statutes. [Entire Act]

S.L. 2008-90 (HB 12) Students w/ Disabilities & Special Ed Changes.

An act to amend the definition of "educational services" for students with disabilities; to amend the law to allow a designee or designees of a student's IEP team to evaluate the continued appropriateness of homebound instruction for discipline purposes for students with disabilities as recommended by the Joint Legislative Education Oversight Committee; to add a protection for children not determined eligible for special education as recommended by the House Select Committee on Education of Students with Disabilities; and to direct the Department of Public Instruction and the State Board of Education to report on contested cases based on the additional protection. [See Sections 3 & 5]

S.L. 2008-93 (HB 44) DV Orders/Repeat Violators.

An act to strengthen the law related to violations of domestic violence protective orders by increasing the penalty for repeat offenders as recommended by the joint legislative committee on domestic violence. [Entire Act]

S.L. 2008-117 (HB 933) Jessica Lunsford Act for NC.

An act to provide that certain criminal offenses of rape or sexual offense committed against a child are Class B-1 felonies and the offender shall not receive active punishment of less than three hundred months followed by lifetime satellite-based monitoring or the possibility of life imprisonment without parole, to increase the criminal penalties for sexual exploitation of a minor and promoting prostitution of a minor, to amend the sex offender registration requirements to be more stringent, to require community notification regarding the presence of a sexually violent predator or repeat sex offender, to amend the law regarding bail for violations of probation and post-release supervision, to create a new criminal offense that makes it unlawful for a sex offender to be on certain premises, to address education and health of juveniles subject to restrictions, and to require sex offender registries checks of school contractual personnel before allowing them to have direct interaction with students. [See Sections 1-21.1 & 22]

S.L. 2008-122 (SB 180) Prohibit Certain Game Promotion.

An act to clarify that certain server-based electronic game promotions are prohibited. [Entire Act]

S.L. 2008-128 (SB 944) Change Penalty for Hit and Run Violations.

An act to make leaving the scene of an accident where a person suffers serious bodily injury a class f felony and to provide that theft of fixtures attached to real property is larceny. [Entire Act]

S.L. 2008-129 (HB 1003) Probation Violation Changes.

An act to provide that the court may consider a defendant's prior willful failures to comply with conditions of release when placed on supervised probation, parole, or post-release supervision as an aggravating factor and to provide that a court may extend or modify. [See Sections 1-5]

S.L. 2008-134 (SB 1704) Rev Laws Tech., Clarifying & Admin Changes.

An act to make technical, clarifying, and administrative changes to the tax and related laws. [See Sections 68 & 79]

S.L. 2008-143 (HB 2499) Drought/Water Management Recommendations.

An act to improve drought preparedness and response in North Carolina, as recommended by the environmental review commission. [See Sections 11 & 21]

S.L. 2008-150 (SB 1263) Election Law Amendments

An act to establish the Joint Legislative Elections Oversight Committee; to clarify the new election statute as it applies to multi-seat races; to reauthorize the pilot program for instant runoff voting; to amend the statute concerning notice of an election-protest order and the timing of appeal; to clarify the meaning of the term "election" for purposes of the thirty-day residence requirement for voting; to respond to the decision of the 4th Circuit U.S. Court of appeals in North Carolina right to life v. Leake; to replace the twenty-one-day contribution embargo in the judicial public campaign program with an expedited release of matching funds; to exempt certain sales of goods or services by political party executive committees from certain contribution requirements; to require all treasurers to report according to the municipal campaign reporting schedule if their candidates or committees participate in municipal elections; to prohibit commingling of campaign funds; to require that new-party candidates be registered with the party; to amend the reporting requirement for matching funds in public financing programs; to limit the prohibition in the electioneering communications statutes; and to require forty-eight-hour reports for any contribution of late contributions of more than one thousand dollars, regardless of the source; and to make related changes. [See Sections 9 & 12]

S.L. 2008-167 (HB 887) Amend Criminal Offense of Stalking.

An act to clarify and expand the criminal offense of stalking. [Entire Act]

S.L. 2008-175 (HB 2308) CDL/Federal Compliance.

An act to amend the laws governing commercial drivers licenses in order to comply with federal law, as recommended by the Joint Legislative Transportation Oversight Committee. [Entire Act]

S.L. 2008-179 (HB 2338) Hospital Report Child Injuries.

An act to require hospitals and physicians to report serious, non-accidental trauma injuries in children to law enforcement officials, as recommended by the Child Fatality Task Force. [Entire Act]

S.L. 2008-183 (HB 2397) Nurs. Home Admin Crim. Hist.

An act to authorize the North Carolina State Board of Examiners for nursing home administrators to obtain criminal history record checks of applicants for licensure as nursing home administrators, as recommended by the North Carolina Study Commission on Aging. [See Sections 1-3]

S.L. 2008-191 (SB 1860) Amend Child Abuse/Child Fatality Task Force.

An act to increase the criminal penalty for misdemeanor child abuse and to amend the criminal offense of felony child abuse as recommended by the child fatality task force. [Entire Act]

S.L. 2008-197 (SB 685) Up Penalties Cross Burn/Illeg. To Hang Noose.

An act to prohibit the placing of a burning cross on any public place; to raise the penalty for burning a cross with the intent to intimidate; to raise the penalty for placing an exhibit with the intent to intimidate; to raise the penalty for placing an exhibit while wearing a mask, hood, or other disguise; to clarify that the term "exhibit" includes objects such as nooses; to raise the penalty for offense committed because of victim's background; to study the impact of recent cross burnings and noose hangings across the state; and to make recommendations for modification to the criminal laws of the state. [See Sections 1-4.1 & 6]

S.L. 2008-210 (SB 2081) NICS Reporting/Restoration.

An act to require reporting of involuntary mental commitment to the National Instant Criminal Background Check System; and to provide for a restoration process to remove the commitment bar to the purchase, possession, and transfer of firearms. [See Sections 1-3 & 5]

S.L. 2008-213 (HB 2542) Clarify Ethics and Lobbying Laws.

An act to make clarifying changes to the State Government Ethics Act and the lobbying laws and to make other conforming changes. [See Sections 17, 77 & 78]

S.L. 2008-214 (HB 274) Street Gang Prevention Act.

An act to create additional offenses, penalties, and criminal procedure for persons involved in street gang activity and to be entitled the "North Carolina Street Gang Suppression Act." [Entire Act]

S.L. 2008-220 (SB 1736) Sex Offender/Register E-Mail Address.

An act to add felony child abuse to the list of sex offender registry offenses when the offense involves prostitution of a juvenile or the commission of a sexual act upon a juvenile, to require that a sex offender register his or her electronic mail address or other online identifier in the statewide sex offender registry, to allow limited release of online identifier information in the sex offender registry to certain entities that provide electronic mail services and other Internet services for the purpose of screening online users, to direct the administrative office of the courts to develop procedures to ensure timely notification of the division of criminal information and sheriffs of persons required to register who are not sentenced to active time, and to authorize funds for the governor's crime commission to use to award as matching grants to eligible sheriffs' offices to enhance and support their efforts to enforce the state's sex offender laws. [See Sections 1, amending G.S. 14-208.6(5) & 12]

S.L. 2008-218 (SB 132) Protect Children From Sexual Predators Act.

An act to expand the scope of certain pornography laws by amending the definition of sexual activity; to increase the penalty for first, second, and third degree sexual exploitation of a minor; to increase the penalty in certain circumstances where there is a solicitation by computer to commit an unlawful sex act and to provide for civil liability; to make it a felony for a registered sex offender to access a commercial social networking Web site; and to prohibit a registered sex offender from obtaining a name change. [See Sections 1-6 & 8-11]

S.L. 2008-224 (SB 1314) Amend Massage & Bodywork Therapy Act.

An act amending the laws under the North Carolina Massage and Bodywork therapy practice act to expand the existing laws regulating massage and bodywork therapy schools; to authorize the board to establish fees for licensing massage and bodywork therapy schools; and to allow the Department of Justice to conduct criminal history record checks from state and national repositories of criminal history of applicants for licensure to practice massage and bodywork therapy. [See Sections 18 & 21]

S.L. 2008-225 (SB 1697) Toll Enforcement Authority Changes.

An act to provide for the enforcement of tolls on turnpike projects of the North Carolina Turnpike Authority, to modify laws applicable to the North Carolina Turnpike Authority, and to clarify the authorization made in a prior law to toll an existing segment of N.C. 540. [See Sections 8 & 12]