

2005-2006

**SENATE
RULES & OPERATIONS
OF THE SENATE**

**COMMITTEE
MINUTES**

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE 2005

Sen. Anthony E. Rand – Chairman	300 C LOB	733-9892
Sen. Walter Dalton – Vice Chairman	523 LOB	715-3038
Sen. Hamilton Horton	1117 LB	733-7850
Sen. Charles Albertson	525 LOB	733-5705
Sen. Tom Apodaca	1127 LB	733-5745
Sen. Phillip Berger	1121 LB	733-5708
Sen. Andrew Brock	1101 LB	715-0690
Sen. Daniel Clodfelter	408 LOB	715-8331
Sen. Katie Dorsett	2106 LB	715-3042
Sen. James Forrester	1129 LB	715-3050
Sen. David Hoyle	300 A LOB	733-5734
Sen. Eleanor Kinnaird	2115 LB	733-5804
Sen. Martin Nesbitt	300 B LOB	733-5707
Sen. Robert Pittenger	521 LOB	733-5655
Sen. R. C. Soles	2022 LB	733-5963
Sen. A. B. Swindell	629 LOB	715-3030
Sen. Scott Thomas	300 E LOB	733-6275

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

2005 SESSION

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April 16, 2005

- S.B. 95 - NC A&T University Research/Extension Funds
Favorable as to Committee Substitute/referred to
Committee on Appropriations.
- S.B. 116 - Venus Flytrap Official Carnivorous Plant
Favorable as to bill.
- S.B. 128 - Adopt Official State Dances
Favorable as to Committee Substitute.

April 27, 2005

- S.B. 616 - Currituck Property Conveyance.
(Blank Bill – Amend Public Laws – 1.)
Favorable as to Committee Substitute

May 11, 2005

- S.B. 1117 - 2005 Military Support Act
Favorable as to Committee Substitute

July 6, 2005

- H.B. (CS#1) 1280 - DOT Report/Federal Rail Assistance to NC
Unfavorable as to Committee Substitute Bill No.1, but
Favorable as to Senate Committee Substitute Bill.

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July 13, 2005

- S.B. 305 - A Joint Resolution Honoring the Memory of the Founders of Sigma Gamma RHO Sorority, Inc.
Favorable as to Adoption of Committee Substitute Senate Resolution.

July 14, 2005

- H..B. (CS#1) 1776l - Jackson County Airport Authority Contracts
Favorable as to Senate Committee Substitute Bill

July 28, 2005

- S.B. 194 - No Erectile Dysfunction Drugs Under Medicaid
Favorable as to Committee Substitute.

August 12, 2005

- H.B. 62 - Adjutant General Change
Favorable Report as to Bill.

- HJR 1615 - Honoring the Life and Memory of John D. Hall,
Former Member of the General Assembly
Favorable Report as to House Joint Resolution

- H.B. (CS#2) 569 - DV Recommendations
Favorable as Amended.

- H.B. (CS#1) 661 - Resp. Individuals List/Expunction Process
Favorable as to Senate Committee Substitute Bill.

- H.B. (CS#1) 829 - Display Official Government Flags
Favorable as to Senate Committee Substitute Bill.

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August 23, 2005

H.B. 1023

- North Carolina State Lottery Act
Favorable as to Bill

H.B. (CS#1) 1207

- 2005 Speakers Appointments
Favorable as to Senate Committee Substitute Bill

H.B. (CS#2) 1524

- Competitive Selection/Supplemental Insurance
Favorable as to Senate Committee Substitute Bill.

August 24, 2005

H.B. (CS#1) 413

- Global Education for Students/Study

Favorable as to Senate Committee Substitute Bill.

August 30, 2005

H.B. (CS#1) 577

- Repeal Erroneously Enacted Law
Favorable as to Senate Committee Substitute Bill.

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Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0007	Saunders	URBAN MOBILITY NEEDS STUDY COMMITTEE.	*S Conf Com Appointed	03-03-05	04-18-05
H0022	Wright	ZONING/WILMINGTON PERMITTED USES.	*S Re-ref Com On Rules and Operations of the Senate	06-22-05	
H0062=	Culpepper	ADJUTANT GENERAL CHANGE.	SR Ch. SL 2005-314	03-24-05	08-12-05
H0092=	Adams	UNC/BOG STUDENT MEMBER VOTE.	S Ref To Com On Rules and Operations of the Senate	05-19-05	
H0140=	Haire	FRANKLIN 150TH ANNIVERSARY.	S Ref To Com On Rules and Operations of the Senate	05-31-05	
H0197	Farmer-Butterfie	HONOR JOHN W. JONES.	SR Ch. Res 2005-47	05-24-05	08-02-05
H0198	Farmer-Butterfie	HONOR FITCH FAMILY.	*SR Ch. Res 2005-40	05-10-05	07-11-05
H0252	Setzer	HIGHWAY PATROL ANNIVERSARY.	S Ref To Com On Rules and Operations of the Senate	04-04-05	
\$ H0320	B. Allen	MODIFY 2005 APPROPRIATIONS ACT	*SR Ch. SL 2005-345	03-07-05	08-10-05
H0413	Tolson	THE STUDIES ACT OF 2005	*S Re-ref Com On Rules, Calendar, and Operations of the House	08-24-05	08-24-05
H0511	Rhodes	CORNELIUS' 100TH ANNIVERSARY.	*S Ref To Com On Rules and Operations of the Senate	03-23-05	
H0569	Sherrill	DV RECOMMENDATIONS.	*SR Ch. SL 2005-356	05-18-05	08-12-05
H0577	Yongue	REPEAL ERRONEOUSLY ENACTED LAW	*S Re-ref Com On Rules, Calendar, and Operations of the House	07-06-05	08-30-05
H0578	Wray	HONOR REVEREND SHERLEY W. EDWARDS.	SR Ch. Res 2005-37	03-29-05	06-28-05
H0661	Glazier	RESP. INDIVIDUALS LIST/EXPUNCTION PROCESS.	*SR Ch. SL 2005-399	08-11-05	08-12-05
H0706	Yongue	FACILITATE HIRING OF TEACHERS.	*S Vetoed 9/29/2005	04-07-05	08-11-05
H0744	Coates	HONOR JACKIE TORRANCE.	SR Ch. Res 2005-31	04-20-05	05-11-05
H0774	Owens	DISMAL SWAMP CANAL 200TH.	SR Ch. Res 2005-33	05-11-05	05-23-05
H0826	Gibson	ANSONVILLE WEEDED LOT ORDINANCE.	S Re-ref Com On Rules and Operations of the Senate	05-16-05	
H0829	Capps	DISPLAY OF OFFICIAL GOVERNMENT FLAGS.	*SR Ch. SL 2005-360	07-19-05	08-12-05
H0841	Tucker	WARSAW 150TH ANNIVERSARY.	SR Ch. Res 2005-46	04-12-05	07-27-05
H0930	Ross	HONOR GARNER'S 100TH.	SR Ch. Res 2005-26	04-18-05	04-25-05

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H0933	Wilkins	HONOR CAROLYN AND DOROTHY MCNAIRY.	SR Ch. Res 2005-44	04-12-05	07-28-05
H0966	Miller	DURHAM PRECINCTS.	S Re-ref Com On Rules and Operations of the Senate	05-18-05	
H1019	Ray	TROUTMAN 100TH.	S Ref To Com On Rules and Operations of the Senate	05-26-05	
\$ H1023	Owens	NORTH CAROLINA STATE LOTTERY ACT.	*SR Ch. SL 2005-344	04-07-05	08-30-05
H1084	Bordsen	EXPUNGE NONVIOLENT FELONIES/YOUNG OFFENDERS.	*S Ref To Com On Rules and Operations of the Senate	07-11-05	
H1103	Folwell	HONOR FRANK RHODES.	S Ref To Com On Rules and Operations of the Senate	04-05-05	
H1118	B. Allen	HONOR JUNE CAMPBELL.	*SR Ch. Res 2005-24	04-11-05	04-12-05
H1178	Hackney	HONOR TAR HEELS.	S Ref To Com On Rules and Operations of the Senate	04-12-05	
H1194	Weiss	PHYSICAL THERAPISTS/ PROFESSIONAL CORPORATIONS.	*S Ref To Com On Rules and Operations of the Senate	05-09-05	
H1207	Culpepper	2005 APPOINTMENTS.	*SR Ch. SL 2005-421	08-23-05	08-23-05
H1280	Pate	DOT REPORT/FEDERAL RAIL ASSISTANCE TO NC.	*SR Ch. SL 2005-222	05-16-05	07-06-05
43	Nye	HEALTH INSUR./PROMPT PAY CORRECTION.	*S Ref To Com On Rules and Operations of the Senate	06-01-05	
H1353	LaRoque	MUNI ELECTRIC SERVICE CUSTOMERS/LENIOR COUNTY.	*S Re-ref Com On Rules and Operations of the Senate	07-05-05	
H1524	Wilson	SUPPLEMENTAL INSURANCE/PERS. COMM./ SEIBP	*S Re-ref Com On Rules, Calendar, and Operations of the House	06-06-05	08-23-05
H1579	Womble	HONOR CLARENCE GAINES.	SR Ch. Res 2005-36	05-18-05	06-02-05
H1582	Saunders	CONFIRM ROBERT K. KOGER/UTILITIES COMMISSION.	*SR Ch. Res 2005-38	05-17-05	06-13-05
H1609	Pate	HONOR WILLIAM HIATT.	SR Ch. Res 2005-35	05-24-05	05-31-05
H1615	Ed Jones	HONOR JOHN HALL.	*SR Ch. Res 2005-50	07-19-05	08-12-05
H1650	Rapp	HAYWOOD CC 40TH ANNIVERSARY.	SR Ch. Res 2005-49	06-06-05	08-10-05
\$ H1723	Crawford	THE STUDIES ACT OF 2005	*S Re-ref Com On Rules and Operations of the Senate	08-23-05	08-24-05

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\$ H1723	Crawford	THE STUDIES ACT OF 2005	*S Re-ref Com On Rules and Operations of the Senate	08-24-05	
76	Haire	JACKSON COUNTY AIRPORT AUTHORITY CONTRACTS.	*SR Ch. SL 2005-203	06-23-05	07-14-05
H1786	Glazier	HONOR TOWN OF GODWIN.	*S Ref To Com On Rules and Operations of the Senate	07-13-05	
H1789	Weiss	HONOR JIM LAMBETH.	SR Ch. Res 2005-45	07-26-05	07-27-05
H1795	Culpepper	SET JOINT SESSION TO CONFIRM GOV'S SBE APPT'S.	SR Ch. Res 2005-52	08-22-05	08-23-05
S0004	Tony Rand	ACCESS TO NCGA COMPUTER.	S Ref To Com On Rules and Operations of the Senate	01-27-05	
S0017=	Katie G. Dorsett	GREENSBORO SIT-IN MOVEMENT/45TH ANNIVERSARY.	S Re-ref Com On Rules and Operations of the Senate	02-02-05	
S0020	Eleanor Kinnaird	ORANGE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0021	Eleanor Kinnaird	ORANGE COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0022	Eleanor Kinnaird	ORANGE COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0023	Eleanor Kinnaird	PERSON COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0024	Eleanor Kinnaird	PERSON COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0025	Eleanor Kinnaird	PERSON COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0026	David W. Hoyle	GASTON COUNTY LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	02-02-05	
S0027	David W. Hoyle	GASTON COUNTY LOCAL ACT-5.	S Ref To Com On Rules and Operations of the Senate	02-02-05	
S0028	David W. Hoyle	GASTON COUNTY LOCAL	S Ref To Com On	02-02-05	

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		ACT-3.	Rules and Operations of the Senate		
29	David W. Hoyle	GASTON COUNTY LOCAL ACT-2.	S Ref To Com On	02-02-05	
S0030	David W. Hoyle	GASTON COUNTY LOCAL ACT-1.	S Ref To Com On	02-02-05	
S0046	Andrew C. Brock	ROWAN COUNTY LOCAL ACT-1.	S Ref To Com On	02-03-05	
S0047=	Stan Bingham	ADOPT STATE BARBECUE FESTIVAL.	S Ref To Com On	02-03-05	
S0048	Andrew C. Brock	ROWAN COUNTY LOCAL ACT-2.	S Ref To Com On	02-03-05	
S0049	Andrew C. Brock	DAVIE COUNTY LOCAL ACT-1.	S Ref To Com On	02-03-05	
S0050	Andrew C. Brock	DAVIE COUNTY LOCAL ACT-2.	S Ref To Com On	02-03-05	
0051	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On	02-03-05	
S0052	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	02-03-05	
S0053	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On	02-03-05	
S0057	W. Edward (Eddie)	HONOR IRAQI VOTERS AND OUR TROOPS.	S Adopted	02-03-05	02-15-05
S0058	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On	02-07-05	
S0059	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	02-07-05	
S0060	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On	02-07-05	

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S0062	William R. Purce	GIBSON CHARTER AMENDMENTS.	*SR Ch. SL 2005-61	02-07-05	04-11-05
S0063	William R. Purce	25TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0064	William R. Purce	25TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0065	William R. Purce	25TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0067	Clark Jenkins	HONOR GEORGE HENRY WHITE.	S Adopted	02-07-05	02-08-05
S0069	Stan Bingham	MIDWAY INCORPORATED.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0071	Tony Rand	STATE OF THE STATE ADDRESS/INVITING GOVERNOR.	SR Ch. Res 2005-6	02-08-05	02-16-05
S0074	Charlie S. Danne	MECKLENBURG COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0075	Charlie S. Danne	CHARLOTTE LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0076	Charlie S. Danne	MECKLENBURG COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0077	Charlie S. Danne	MECKLENBURG COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0078	Charlie S. Danne	CHARLOTTE LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0079	Charlie S. Danne	CHARLOTTE LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0085	R. C. Soles, Jr.	BRUNSWICK COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0086	R. C. Soles, Jr.	COLUMBUS COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	

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S0087	R. C. Soles, Jr.	PENDER COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0088	R. C. Soles, Jr.	BENT TREE PLANTATION HOA MV REGULATION.	*SR Ch. SL 2005-147	02-09-05	05-17-05
S0089	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0090	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0091	John A. Garwood	WILKES COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0092	John A. Garwood	WATAUGA DIST. U OCC. TAX/FORCE ACCOUNT LIMIT.	*SR Ch. SL 2005-197	02-09-05	04-21-05
S0093	John A. Garwood	ALEXANDER COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0094	John A. Garwood	ASHE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
\$ S0095	Katie G. Dorsett	NC A&T STATE UNIV. RESEARCH/EXTENSION FUNDS.	*S Re-ref Com On Appropriations/ Base Budget	02-09-05	04-26-05
S0096	Katie G. Dorsett	28TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0097	Katie G. Dorsett	28TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0099	Eleanor Kinnaid	PUBLIC LAWS - 1.	S Ref To Com On Rules and Operations of the Senate	02-10-05	
S0100	Eleanor Kinnaid	PUBLIC LAWS - 2.	S Ref To Com On Rules and Operations of the Senate	02-10-05	
S0107	Austin M. Allran	CATAWBA COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-10-05	
S0108	Austin M. Allran	CATAWBA COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-10-05	

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S0110	Fred Smith	12TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-10-05	
S0111	Fred Smith	12TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-10-05	
S0112	Fred Smith	12TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-10-05	
S0116	William R. Purce	VENUS FLYTRAP OFFICIAL CARNIVOROUS PLANT.	*SR Ch. SL 2005-74	02-14-05	04-26-05
S0127	Walter H. Dalton	46TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-15-05	
S0128	Walter H. Dalton	ADOPT OFFICIAL STATE DANCES.	*SR Ch. SL 2005-218	02-15-05	04-26-05
S0131	A. B Swindell	WILSON COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-15-05	
S0132	A. B Swindell	NASH COUNTY LOCAL ACT- 2.	S Ref To Com On Rules and Operations of the Senate	02-15-05	
S0134	Harry Brown	JACKSONVILLE JUNKED/ ABANDONED VEHICLES.	*S Ref To Com On Local Government I	02-16-05	04-18-05
S0135	Harry Brown	JONES SCHOOL BOARD VACANCIES.	*S Ref To Com On Local Government II	02-16-05	04-18-05
S0136	Harry Brown	6TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0137	Harry Brown	6TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0141	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0142	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0143	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0147=	John H. Kerr III	ESTABLISH LIBERTY DAY.	S Ref To Com On Rules and	02-16-05	

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S0151	Clark Jenkins	3RD SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Operations of the Senate	02-16-05	
S0152	Clark Jenkins	3RD SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	02-16-05	
S0161	Philip E. Berger	HONORING CHARLIE POOLE, MUSICIAN.	SR Ch. Res 2005-21	02-16-05	04-06-05
S0163=	Doug Berger	RECOGNIZE TRIBAL GOVERNMENTS.	S Re-ref Com On Rules and Operations of the Senate	04-26-05	
S0165	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-17-05	
S0169	Walter H. Dalton	HONOR DON GIBSON & EARL SCRUGGS.	S Ref To Com On Rules and Operations of the Senate	02-21-05	
S0174	Hamilton C. Hort	FORSYTH COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-21-05	
S0175	Hamilton C. Hort	PUBLIC LAWS - 1.	S Re-ref Com On State and Local Government	02-21-05	05-03-05
S0184	Robert Lee Hollo	CITY OF ROANOKE RAPIDS LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-23-05	
\$ S0191	Kay R. Hagan	CONTINUE BUDGET AUTHORITY.	*SR Ch. SL 2005-246	02-23-05	08-04-05
S0192	Kay R. Hagan	BLANK APPROPRIATIONS BILL-2.	S Ref To Com On Rules and Operations of the Senate	02-23-05	
S0194	Linda Garrou	NO ERECTILE DYSFUNCTION DRUGS UNDER MEDICAID.	*S Ref To Com On Health	02-23-05	07-28-05
S0195	Linda Garrou	BLANK APPROPRIATIONS BILL-2.	S Ref To Com On Rules and Operations of the Senate	02-23-05	
S0197	Linda Garrou	BLANK APPROPRIATIONS BILL-1.	S Ref To Com On Rules and Operations of the Senate	02-23-05	
S0198	Linda Garrou	BLANK APPROPRIATIONS BILL-2.	S Ref To Com On Rules and Operations of the Senate	02-23-05	

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S0202	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Finance	02-24-05	05-24-05
S0203	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT-2.	S Re-ref Com On Appropriations/ Base Budget	02-24-05	03-30-05
S0205	Malcolm Graham	HONOR FRED ALEXANDER.	SR Ch. Res 2005-9	02-24-05	02-28-05
S0206	Charles W. Alber	SALEMBURG BOUNDARY VALIDATION.	*SR Ch. SL 2005-84	02-24-05	04-13-05
S0207	John A. Garwood	ASHE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-24-05	
S0215	Martin L. Nesbit	ASHEVILLE WATER AUTHORITY.	S Ref To Com On Rules and Operations of the Senate	02-24-05	
S0218	Walter H. Dalton	BLANK APPROPRIATIONS BILL-1.	S Ref To Com On Rules and Operations of the Senate	02-24-05	
S0219	Walter H. Dalton	BLANK APPROPRIATIONS BILL-2.	S Ref To Com On Rules and Operations of the Senate	02-24-05	
S0230	Charles W. Alber	DUPLIN COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0231	Charles W. Alber	DUPLIN COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0232	Charles W. Alber	LENOIR COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0233	Charles W. Alber	LENOIR COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0234	Charles W. Alber	SAMPSON COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0235	Charles W. Alber	SAMPSON COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0236	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0237	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-28-05	

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S0238	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0239	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0240	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-5.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0241	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-6.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0243	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Appropriations/ Base Budget	03-01-05	03-29-05
S0244	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0245	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0246	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-4.	S Re-ref Com On Finance	03-01-05	05-17-05
S0247	John Snow	REGULATION OF HELIPORTS.	*S Re-ref Com On Judiciary III	03-01-05	05-17-05
S0248	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-6.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0249	Tom Apodaca	ASHEVILLE SATELLITE ANNEXATIONS.	*SR Ch. SL 2005-85	03-01-05	05-05-05
S0250	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0251	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0252	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0253	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-5.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0255	John H. Kerr III	FINANCE LAW CHANGES 1.	S Re-ref Com On Commerce	03-01-05	06-23-05
S0256	John H. Kerr III	FINANCE LAW CHANGES 2.	S Ref To Com On	03-01-05	

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S0257	John H. Kerr III	FINANCE LAW CHANGES 3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0258	John H. Kerr III	5TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0259	John H. Kerr III	5TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0260	John H. Kerr III	5TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
\$ S0261	Tony Rand	APPROPRIATIONS FOR FY 2005-2006 - 2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0262	Tony Rand	MARRIAGE BY DISTRICT COURT JUDGE.	*SR Ch. SL 2005-56	03-01-05	04-19-05
S0263	Tony Rand	AMEND PUBLIC LAWS - 2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0264	Tony Rand	PRO TEM APPOINTMENTS BILL - 2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0265	Tony Rand	19TH SENATORIAL DISTRICT LOCAL ACT - 3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0267	William R. Purce	PUBLIC LAWS - 1.	S Re-ref Com On Appropriations/ Base Budget	03-01-05	04-18-05
S0268	William R. Purce	ANIMAL EXHIBITION SANITATION/"AEDIN'S LAW".	*SR Ch. SL 2005-191	03-01-05	05-25-05
S0269	William R. Purce	CHILD NUTRITION STANDARDS.	*S Ref To Com On Education	03-01-05	04-26-05
S0271	Julia Boseman	WILMINGTON RED LIGHT CAMERA PROCEEDS.	*S Ref To Com On Local Government II	03-02-05	05-11-05
S0272	Julia Boseman	9TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0273	Julia Boseman	9TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-02-05	

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\$ S0275	W. Edward (Eddie	BLANK APPROPRIATIONS BILL.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0276	W. Edward (Eddie	35TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0278	Jim Jacumin	FOOTHILLS AIRPORT AUTHORITY LAND ACQUISITION.	*SR Ch. SL 2005-171	03-02-05	05-11-05
S0279	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0280	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0281	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-2.	S Re-ref Com On State and Local Government	03-02-05	05-26-05
S0282	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0283	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0284	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0285	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0286	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0287	Philip E. Berger	26TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0288	Philip E. Berger	GUILFORD LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0289	Philip E. Berger	CHATHAM SCHOOL ELECTIONS.	*SR Ch. SL 2005-309	03-02-05	05-26-05
S0292	David W. Hoyle	43RD SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-02-05	

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S0293	David W. Hoyle	43RD SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
95	Linda Garrou	FORSYTH COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0296	Linda Garrou	FORSYTH COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0303	Janet Cowell	16TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Finance	03-02-05	04-13-05
S0304	Janet Cowell	16TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0305	Larry Shaw	HONOR FOUNDERS/SIGMA GAMMA RHO SORORITY.	*SR Ch. Res 2005-41	03-02-05	07-13-05
\$ S0306	Larry Shaw	BLANK APPROPRIATIONS BILL-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0310	Daniel G. Clodfe	CITY OF CHARLOTTE LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0311	Daniel G. Clodfe	MECKLENBURG COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
12	Daniel G. Clodfe	CHARLOTTE-MECKLENBURG SCHOOL SYSTEM.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0313	Daniel G. Clodfe	CHARLOTTE-MECK TRANSPORTATION FUNDING.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0314	Daniel G. Clodfe	CHARLOTTE TRANSIT OPERATIONS.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0315	Daniel G. Clodfe	CHARLOTTE CULTURAL FACILITIES.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0323	Daniel G. Clodfe	26TH JUDICIAL DISTRICT.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0333	A. B Swindell	GLOBAL EDUCATION FOR STUDENTS/STUDY.	S Ref To Com On Rules and Operations of the Senate	03-03-05	

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S0335	Malcolm Graham	CORNELIUS CHARTER AMENDMENT.	*SR Ch. SL 2005-188	03-03-05	04-14-05
S0336	Malcolm Graham	40TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0337	Malcolm Graham	40TH SENATORIAL DISTRICT LOCAL ACT-3.	S Re-ref Com On Appropriations/ Base Budget	03-03-05	04-14-05
S0338	Robert Lee Hollo	AHOSKIE OVERGROWN VEGETATION ORDINANCE.	*SR Ch. SL 2005-202	03-03-05	06-01-05
S0339	Robert Lee Hollo	OMNIBUS OCCUPANCY TAXES-III	*S Re-ref Com On Finance	03-03-05	05-09-05
S0340	Robert Lee Hollo	WELDON PRIVATE SALE/ ROANOKE RAPIDS CONSTRUCT.	*SR Ch. SL 2005-174	03-03-05	05-24-05
S0343	David W. Hoyle	ELECTRICITY FRANCHISE TAX DISTRIBUTION.	*S Ref To Com On Public Utilities	03-03-05	05-24-05
S0344	David W. Hoyle	2005 ECONOMIC GROWTH AND TAX RELIEF ACT.	*S Re-ref Com On Finance	03-03-05	07-07-05
S0349	John A. Garwood	TOWN OF BOONE LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0351	John A. Garwood	WATAUGA COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0357	Philip E. Berger	GUILFORD COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0358	Philip E. Berger	ROCKINGHAM LOCAL ACT-2.	S Re-ref Com On Finance	03-03-05	06-21-05
S0359	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0360	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0361	Martin L. Nesbit	TOWN OF BLACK MOUNTAIN LOCAL ACT.	S Re-ref Com On Finance	03-03-05	05-26-05
S0365	Malcolm Graham	CITY OF CHARLOTTE LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0366	Malcolm Graham	CITY OF CHARLOTTE LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0369	Doug Berger	OMNIBUS OCCUPANCY TAXES.	*SR Ch. SL 2005-233	03-03-05	05-12-05
S0370	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-2.	S Re-ref Com On Finance	03-03-05	05-31-05

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S0371	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
72	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0373	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-5.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0374	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-6.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0375	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-7.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0376	A. B Swindell	WILSON COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0377	A. B Swindell	NASH COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0381	James Forrester	41ST SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
86	Fletcher L. Hart	CABARRUS FIRE DISTRICTS.	*S Concurred On 2nd Reading	03-07-05	05-25-05
S0387	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0398	Kay R. Hagan	27TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0399	Kay R. Hagan	THE 27TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0400	Kay R. Hagan	27TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0401=	Eleanor Kinnaird	UNC/BOG STUDENT MEMBER VOTE.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0403	A. B Swindell	CITY OF WILSON LOCAL ACT.	S Ref To Com On Rules and	03-07-05	

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S0404	A. B Swindell	CITY OF ROCKY MOUNT LOCAL ACT.	S Ref To Com On Operations of the Senate	03-07-05	
S0410	Hugh Webster	24TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Operations of the Senate	03-07-05	
S0411	Hugh Webster	24TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-07-05	
S0412	Hugh Webster	24TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Operations of the Senate	03-07-05	
S0415	Julia Boseman	BLANK BILL-UNC-W.	S Ref To Com On Operations of the Senate	03-07-05	
S0417	Julia Boseman	AMEND LAWS ON CAPE FEAR COMMUNITY COLLEGE.	S Ref To Com On Operations of the Senate	03-07-05	
S0424	Julia Boseman	STATE DRUG PURCHASING PROGRAM.	S Ref To Com On Operations of the Senate	03-09-05	
S0431	Bob Atwater	CHATHAM COUNTY LOCAL ACT-1.	S Ref To Com On Operations of the Senate	03-09-05	
S0432	Bob Atwater	CHATHAM COUNTY LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-09-05	
S0433	Bob Atwater	LEE COUNTY LOCAL ACT-1.	S Ref To Com On Operations of the Senate	03-09-05	
S0434	Bob Atwater	LEE COUNTY LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-09-05	
S0435	Bob Atwater	DURHAM COUNTY PUBLIC-PRIVATE PARTNERSHIPS.	*SR Ch. SL 2005-172	03-09-05	05-31-05
S0436	Bob Atwater	DURHAM COUNTY LOCAL ACT-1.	S Re-ref Com On Finance	03-09-05	06-15-05
S0437	Bob Atwater	DURHAM COUNTY LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-09-05	
S0441=	John A. Garwood	ASHE CO./ WIND-POWERED GENERATION.	S Re-ref Com On Rules and	06-02-05	

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S0447	Scott Thomas	2ND SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0448	Scott Thomas	2ND SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0453	Jim Jacumin	PUBLIC LAWS - 1.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0454	Jim Jacumin	PUBLIC LAWS - 2.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0467=	Malcolm Graham	CORNELIUS' 100TH ANNIVERSARY.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0469	Julia Boseman	NEW HANOVER COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0470	Julia Boseman	NEW HANOVER COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0471	Julia Boseman	NEW HANOVER COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0478	Walter H. Dalton	LRC STUDY WAYS TO ASSIST SMALL BUS./ HLTH INS.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0491	Doug Berger	BURIAL SERVICES AT STATE VETERANS CEMETERIES.-AB	*S Ref To Com On Military, Veterans and Indian Affairs	03-15-05	05-02-05
S0494	David W. Hoyle	REGULATE TELECOMMUNICATIONS SERVICES.	*SR Ch. SL 2005-95	03-15-05	05-12-05
S0512	Daniel G. Clodfe	ELECTRIC SERVICE CONFLICTS.	*SR Ch. SL 2005-150	03-15-05	05-11-05
S0525	Daniel G. Clodfe	NASCAR HALL OF FAME FINANCING.	*SR Ch. SL 2005-68	03-15-05	05-11-05
S0543	Jim Jacumin	STUDY FURNITURE TECHNOLOGY CENTER.	S Ref To Com On Rules and Operations of the Senate	03-15-05	
S0548=	James Forrester	ADJUTANT GENERAL CHANGE.	S Ref To Com On Rules and Operations of the	03-15-05	

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S0553	Jeanne H. Lucas	AMEND THE PUBLIC SCHOOL LAWS - 1.	S Ref To Com On Rules and Operations of the Senate	03-15-05	
S0554	Jeanne H. Lucas	AMEND THE PUBLIC SCHOOL LAWS - 2.	S Ref To Com On Rules and Operations of the Senate	03-15-05	
S0555	Jeanne H. Lucas	AMEND THE PUBLIC SCHOOL LAWS - 3.	S Ref To Com On Rules and Operations of the Senate	03-15-05	
S0573	Bob Atwater	STUDY N.C. NATIONAL GUARD PENSION FUND.	S Ref To Com On Rules and Operations of the Senate	03-16-05	
S0602=	Clark Jenkins	TECHNICAL CORRECTIONS ACT-2 - 2005.	*S Passed 2nd & 3rd Reading	04-19-05	05-31-05
S0611=	Clark Jenkins	DEBARMENT OF DOT CONTRACTORS.-AB	S Re-ref Com On Rules and Operations of the Senate	04-19-05	
\$ S0616	Charlie S. Danne	CURRITUCK PROPERTY CONVEYANCE.	*S Re-ref Com On Rules and Operations of the Senate	03-17-05	04-27-05
\$ S0616	Charlie S. Danne	CURRITUCK PROPERTY CONVEYANCE.	*S Re-ref Com On Rules and Operations of the Senate	04-27-05	
S0617	Charlie S. Danne	AMEND PUBLIC LAWS - 2.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0618	Charlie S. Danne	AMEND PUBLIC LAWS - 3.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0619	Charlie S. Danne	AMEND PUBLIC LAWS - 4.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0623	Jim Jacumin	REVENUE LAWS PROPERTY TAX STUDY.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0660	William R. Purce	ANATOMIC PATHOLOGY SERVICES.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0672	Martin L. Nesbit	OPPORTUNITIES FOR ECONOMIC GROWTH.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0674=	Martin L. Nesbit	RAIL SERVICE STUDY	S Ref To Com On	03-17-05	

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91	Tony Rand	PRO TEM APPOINTMENTS BILL - 1.	S Ref To Com On	03-21-05	
S0786	David W. Hoyle	STUDY BANKING LAWS.	S Ref To Com On	03-23-05	
S0790	Philip E. Berger	STUDY SOUND MANAGEMENT PROGRAM FOR FORESTLAND.	S Ref To Com On	03-23-05	
S0807	Fletcher L. Hart	ECONOMIC DEVELOPMENT COORDINATION.	S Ref To Com On	03-23-05	
S0815	Daniel G. Clodfe	TRAVEL AND TOURISM INCENTIVE GRANTS.	S Ref To Com On	03-23-05	
S0816	Daniel G. Clodfe	COUNTY ADMINISTERS DEVELOPMENT AROUND CITY.	S Ref To Com On	03-23-05	
S0824	Walter H. Dalton	REVISE MORTGAGE LENDING ACT.	S Ref To Com On	03-23-05	
S0826	Walter H. Dalton	LOCAL GOVERNMENT HOLD HARMLESS.	S Ref To Com On	03-23-05	
S0831	Fred Smith	SAFE TRANSPORTATION FOR SCHOOL STUDENTS.	S Ref To Com On	03-23-05	
S0840	John H. Kerr III	IMPROVE REVIEW OF DISPUTED TAX MATTERS.	S Ref To Com On	03-23-05	
S0841	John H. Kerr III	TRANSPORTER PLATES.	S Re-ref Com On	03-23-05	05-12-05
S0858	Daniel G. Clodfe	JOINT LEGISLATIVE GROWTH STRATEGIES COMN.	S Ref To Com On	03-23-05	
\$ S0869	Doug Berger	BLANK APPROPRIATIONS - 1.	S Ref To Com On	03-23-05	
\$ S0870	Doug Berger	BLANK APPROPRIATIONS - 2.	S Ref To Com On	03-23-05	

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North Carolina General Assembly
Through Senate Committee on
Rules and Operations of the Senate

Date: 10/11/2005
Time: 11:59
Page: 020 of 023
Leg. Day: H-125/S-126

2005-2006 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S0878=	Linda Garrou	STUDY RAISING THE COMPULSORY ATTENDANCE AGE.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0888	Tony Rand	VARIOUS STATE PERSONNEL LAW CHANGES.	S	Re-ref Com On Rules and Operations of the Senate	05-05-05	
S0889	Tony Rand	BLANK BILL-OPEN DISCOVERY.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0891	Tony Rand	TRANSFER OF INMATES.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0892	Tony Rand	TRAFFICKING OF ILLEGAL HANDGUNS COMMISSION.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0898	Harry Brown	STUDY OF WORKFORCE PREPARATION IN SCHOOLS.	*S	Re-ref Com On Rules and Operations of the Senate	03-23-05	05-26-05
S0898	Harry Brown	STUDY OF WORKFORCE PREPARATION IN SCHOOLS.	*S	Re-ref Com On Rules and Operations of the Senate	06-28-05	
S0900	Martin L. Nesbit	NC CENTER FOR NURSING.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0901	David F. Weinstein	EQUINE INDUSTRY STUDY COMMISSION.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0903	David F. Weinstein	AMEND INTEREST RATE LAWS.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0912	Kay R. Hagan	TEACH FINANCIAL LITERACY IN PUBLIC SCHOOLS.	*S	Ref To Com On Rules, Calendar, and Operations of the House	03-24-05	05-17-05
S0914	Daniel G. Clodfe	AMEND PUBLIC LAWS - 1.	S	Ref To Com On Rules and Operations of the Senate	03-24-05	
S0915	Daniel G. Clodfe	AMEND PUBLIC LAWS - 2.	S	Ref To Com On Rules and Operations of the Senate	03-24-05	
S0916	Daniel G. Clodfe	STUDY STATE BUSINESS TAXATION.	S	Ref To Com On Rules and Operations of the	03-24-05	

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North Carolina General Assembly
Through Senate Committee on
Rules and Operations of the Senate

Date: 10/11/2005
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2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S0944	Scott Thomas	PUBLIC LAWS - 1.	S Re-ref Com On Appropriations/ Base Budget	03-24-05	04-27-05
45	Scott Thomas	PUBLIC LAWS - 2.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0946	Scott Thomas	PUBLIC LAWS - 3.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0959	Jeanne H. Lucas	TEACHER ASSISTANT SALARY SCHEDULE.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0964	Walter H. Dalton	ECONOMIC DEVELOPMENT.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0969	Doug Berger	AMEND WORKERS' COMP. ACT -3.	S Re-ref Com On Commerce	03-24-05	04-27-05
\$ S0973	Fred Smith	NC ARTS COUNCIL FUNDS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0982	Janet Cowell	UNFIT DWELLING STUDY.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0993	Scott Thomas	BLANK BILL- ENVIRONMENTAL LAWS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0996	Janet Cowell	PERSONAL INFORMATION PRIVACY STUDY.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0999	Charles W. Alber	AMEND ENVIRONMENTAL LAWS -3.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
\$ S1002=	Scott Thomas	MARITIME MUSEUM FUNDS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1010	Kay R. Hagan	STUDY SALARY INC. OF MATH & SCIENCE TEACHERS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1033	Don East	LRC/STUDY ENGINES OF MOTOR FLEET.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1036	Clark Jenkins	WORKERS' COMP./ TRUCKING.	S Ref To Com On Rules and	03-24-05	

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North Carolina General Assembly
Through Senate Committee on
Rules and Operations of the Senate

Date: 10/11/2005
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2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S1041	Daniel G. Clodfe	STUDY NO-FAULT FOR ELDERLY/DISABLED CARE.	S Ref To Com On Operations of the Senate	03-24-05	
S1046	Daniel G. Clodfe	INFRASTRUCTURE FOUNDATION FOR 21ST CENTURY NC.	S Ref To Com On Operations of the Senate	03-24-05	
S1062	W. Edward (Eddie	HIGHWAYS DISTRIBUTION FORMULA MODIFIED.	S Re-ref Com On Rules and Operations of the Senate	04-19-05	
S1063	W. Edward (Eddie	PROHIBIT HIGHWAY TRUST FUND TRANSFERS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1064	W. Edward (Eddie	TERRI SCHIAVO ACT.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1068	Tony Rand	MEDICAID CONSOLIDATION.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1112	Doug Berger	AMEND WORKERS' COMP. ACT -2.	S Re-ref Com On Commerce	03-24-05	04-27-05
S1115	Charles W. Alber	AMEND ENVIRONMENTAL LAWS-2.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
17=	Tony Rand	2005 MILITARY SUPPORT ACT.	*SR Ch. SL 2005-445	04-26-05	05-12-05
S1133	Charles W. Alber	AMEND NATURAL RESOURCE LAWS-1.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1134=	Charles W. Alber	GLOBAL WARMING/CLIMATE CHANGE.	*SR Ch. SL 2005-442	04-28-05	05-24-05
S1147	Tony Rand	BLANK BILL - FOUNDATION EMPLOYEES.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1151	Doug Berger	AMEND WORKERS' COMP. ACT -1.	S Re-ref Com On Commerce	03-24-05	04-27-05
S1154	Charles W. Alber	AMEND NATURAL RESOURCE LAWS-2.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1155	Charles W. Alber	AMEND AGRICULTURAL LAWS -2.	S Re-ref Com On Agriculture/Environment/Natural Resources	03-24-05	05-26-05
S1156	Charles W. Alber	DAIRY STABILIZATION AND GROWTH PRGM.	*S Ref To Com On Rules, Calendar,	03-24-05	05-09-05

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North Carolina General Assembly
Through Senate Committee on
Rules and Operations of the Senate

Date: 10/11/2005
Time: 11:59
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2005-2006 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S1164=	R. C. Soles, Jr.	HONORING TABOR CITY/ 100 TH ANNIVERSARY.	SR Ch. Res 2005-42	03-28-05	07-06-05
65=	Richard Stevens	HONOR TOWN OF GARNER/ 100TH ANNIVERSARY.	S Ref To Com On Rules, Calendar, and Operations of the House	03-28-05	04-12-05
S1166	Tony Rand	JOINT SESSION/HONOR VETERANS/INVITE GOVERNOR.	SR Ch. Res 2005-20	04-04-05	04-05-05
S1168	Andrew C. Brock	SOLDIERS OF WW II.	S Ref To Com On Rules, Calendar, and Operations of the House	04-07-05	08-23-05
S1173	Jim Jacumin	HONOR RED GIBSON.	SR Ch. Res 2005-30	05-04-05	05-11-05
S1176	Larry Shaw	HONOR FOUNDERS/SIGMA GAMMA RHO SORORITY.	S Ref To Com On Rules and Operations of the Senate	07-12-05	
S1181	Tony Rand	CONFIRM ST. BD. OF ED. MEMBERS.	S Re-ref Com On Rules and Operations of the Senate	08-23-05	
S1182	Tony Rand	ADJOURNMENT.	S Re-ref Com On Rules and Operations of the Senate	08-23-05	

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COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

MINUTES

APRIL 16, 2005

The Committee on Rules and Operations of the Senate met at 3:00 p.m. on Tuesday, April 26, 2005 in the 300-C LOB Conference Room. Thirteen members of the committee were present. Senator Rand presided.

S.B. 95 – NC A&T UNIVERSITY RESEARCH/EXTENSION FUNDS -

Senator Dorsett presented the committee with a proposed committee substitute for the blank bill – 28th Senatorial District – Local Act-1. The committee voted to adopt the proposed committee substitute. Senator Dorsett explained the bill which appropriates \$1.089 million from General Fund to UNC Board of Governors to cited university for each year of 2005-07 biennium. This appropriation is necessary to draw down federal dollars. The proposed committee substitute was given a favorable report and referred to the Committee on Appropriations.

S.B. 116 – VENUS FLYTRAP OFFICIAL CARNIVOROUS PLANT

Senator Purcell explained his bill saying it was a class project. Senator Soles moved for a favorable report of the bill and the committee gave S.B. 116 a favorable report.

S.B. 128 – ADOPT OFFICIAL STATE DANCES

Senator Dalton moved for the adoption of the proposed committee substitute for S.B. 128 – 46 Senatorial District Local Act-2.

The committee voted to hear the proposed committee substitute. Senator Dalton explained the bill saying that clogging should be official state dance and shagging the official state popular dance since it had its roots in North Carolina. South Carolina was getting a lot of the clogging and shagging events and had stolen North Carolina's heritage.

Senator Apodaca moved for approval of the proposed committee substitute and the committee voted to adopt the proposed committee substitute for S.B. 128.

The meeting adjourned at 3:30 p.m. on Tuesday, April 26, 2005.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Wednesday, April 27, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B.	616	Amend Public Laws - 1.	
		Draft Number:	PCS35218
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

CORRECTED REPORT

Tuesday, April 26, 2005

Senator RAND,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	116	Venus Flytrap Official Carnivorous Plant.	
		Sequential Referral:	None
		Recommended Referral:	None

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B.	95	28th Senatorial District Local Act-1.	
		Draft Number:	PCS75299
		Sequential Referral:	None
		Recommended Referral:	Appropriations/Base Budget
		Long Title Amended:	~~No~~ yes
S.B.	128	46 Senatorial District Local Act-2.	
		Draft Number:	PCS75287
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

APRIL 26, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karen Johnson	Smith Anderson
Angie Go Harne	NCMS
Eatherine Davis	Electric Cities
John Phelps	NCLM
Bill Saboin	KCLH
Elizabeth Dalton	NCCBI
Ken Melton	D.O.R.
~~John~~ John Rustin	NC Family Policy Council
Jessica Sage	NC Family Policy Council
Rebecca Tamara	NCACL
Kevin Mills	Senator Purcell's Office

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 95

Short Title: 28th Senatorial District Local Act-1.

(Local)

Sponsors: Senator Dorsett.

Referred to: Rules and Operations of the Senate.

February 9, 2005

1
2
3
4
5

A BILL TO BE ENTITLED
AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 28th Senatorial District.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE BILL 95
PROPOSED COMMITTEE SUBSTITUTE S95-CSLR-7 [v.1]

4/7/2005 1:29:54 PM

Short Title: NC A&T State Univ. Research/Extension Funds.

(Public)

Sponsors:

Referred to:

February 9, 2005

A BILL TO BE ENTITLED

AN ACT APPROPRIATING FUNDS FOR NORTH CAROLINA AGRICULTURAL
AND TECHNICAL STATE UNIVERSITY TO MATCH FEDERAL FUNDS FOR
AGRICULTURAL RESEARCH, COOPERATIVE EXTENSION, AND
TEACHING ACTIVITIES.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Board of
Governors of The University of North Carolina the sum of one million eighty-nine
thousand dollars (\$1,089,000) for the 2005-2006 fiscal year and the sum of one million
eighty-nine thousand dollars (\$1,089,000) for the 2006-2007 fiscal year for North
Carolina Agricultural & Technical State University to match federal funds for
agricultural research, cooperative extension, and teaching activities.

SECTION 2. This act becomes effective July 1, 2005.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S

1

SENATE BILL 116

Short Title: Venus Flytrap Official Carnivorous Plant.

(Public)

Sponsors: Senator Purcell.

Referred to: Rules and Operations of the Senate.

February 14, 2005

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE VENUS FLYTRAP AS THE OFFICIAL CARNIVOROUS
PLANT OF THE STATE OF NORTH CAROLINA.

Whereas, the Venus flytrap is a small flowering perennial plant that grows in
boggy areas of the Southeastern United States; and

Whereas, the Venus flytrap is unique in that it is a carnivorous plant
characterized by leaves with hinged lobes that spring shut when stimulated by insects;
and

Whereas, the Venus flytrap is native to the coastal plain of North Carolina
and is legally protected by the State as a species of special concern; and

Whereas, the Venus flytrap deserves to be adopted as the official carnivorous
plant of the State of North Carolina because it is a mysterious and wonderful natural
resource; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a
new section to read:

"§ 145-22. State carnivorous plant.

**The Venus flytrap (*Dionaea muscipula*) is adopted as the official carnivorous plant
of the State of North Carolina."**

SECTION 2. This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

1

SENATE BILL 128

Short Title: 46th Senatorial District Local Act-2.

(Local)

Sponsors: Senator Dalton.

Referred to: Rules and Operations of the Senate.

February 15, 2005

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** This act relates only to the 46th Senatorial District.
5 **SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S

D

SENATE BILL 128

PROPOSED COMMITTEE SUBSTITUTE S128-PCS75287-LG-6

Short Title: Adopt Official State Dances.

(Public)

Sponsors:

Referred to:

February 15, 2005

A BILL TO BE ENTITLED

AN ACT ADOPTING OFFICIAL STATE DANCES.

Whereas, clogging and shagging are popular dances that have entertained both participants and spectators in this State for decades; and

Whereas, clogging is a traditional American folk dance that developed during the Colonial period in the Southern Appalachian mountains of the United States; and

Whereas, clogging has been influenced by European, African-American, and Native American folk dance traditions; and

Whereas, clogging is characterized by distinct, dignified, and beautiful footwork performed by individuals, couples, and groups; and

Whereas, a number of clogging events and competitions are held across the State each year; and

Whereas, the shag is a form of swing dancing that evolved from the jitterbug and jump blues of the big band jazz era and originated at Carolina Beach during the 1940s; and

Whereas, the shag is most often associated with beach music, which refers to songs that are rhythm and blues based and, according to Bo Bryan, a noted shag historian and resident of Beaufort County, is a term that was coined at Carolina Beach; and

Whereas, rhythm and blues groups, such as Jimmy Cavallo and the Houserockers, bolstered the popularity of the shag during the 1940s when they performed in Fayetteville, White Lake, and other areas around the State; and

Whereas, today, the shag is a recognized dance in national and international dance competitions held across the United States; and

Whereas, North Carolina is home to some of the most successful national shag champions, including multiple championship title winners, including Charlie Womble, Jackie McGee, Michael Norris, LeAnn Best, and Sam and Sarah West; and

Whereas, North Carolina natives, Clarice Reavis of Fayetteville and Harry Driver of Dunn are recognized as Queen of Shag and Father of Shag respectively; and

Whereas, numerous North Carolinians have been inducted into the Shaggers Hall of Fame; and

Whereas, North Carolina has the most beach music clubs in the nation and has a number of radio stations that depend solely upon the listenership of shag enthusiasts; and

Whereas, it is fitting to adopt clogging and shagging as official State dances;

Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"§ 145-22. Official State dances.

(a) Clogging is adopted as the official folk dance of North Carolina.

(b) Shagging is adopted as the official popular dance of North Carolina."

SECTION 2. This act is effective when it becomes law.

Lucille Dalton (Sen. Dalton)

From: Elizabeth Dalton [edalton@nccbi.org]
Sent: Thursday, April 07, 2005 12:25 PM
Myra Torain (Bill Drafting)
Sen. Walter Dalton
Subject: RE: Shagging/Clogging Bill

Myra,

Thank you for checking with me. You'll probably regret you ever asked. This is much more information than I'm sure you were looking for. Use the information as you wish, I just included all of this as I thought it might be helpful in drafting the bill. Senator Dalton can always use these as talking points. Much of this is from The Fayetteville Observer, Sunday, May 28, 2000 by Michael Futch.

- As a host to the birthplace of Shag, North Carolina has fostered the shag culture since the 1940's and continues to do so across the state. The Shag originated at Carolina Beach. The dance evolved from the jitterbug and jump blues of the big band jazz era. The Shag has not only spread in popularity across the Southeast, but is recognized in National and International dance competitions held across the United States. (ex. Nationals, Myrtle Beach; Grand Nationals, Atlanta, GA; US Open Championships, Anaheim, California)

- North Carolina has the most beach music clubs in the nation (and I would think the world, unless there is an obscure shag country out there that I don't know about)

- Charlotte houses a record charting service, The Wax Museum, that charts the most popular beach songs.

By 1949, a few small, Carolina stations featured one and two-hour Rhythm 'n Blues shows such as Mac's "A-Train Show" on WADE in Wadesboro and Genial Gene in Charlotte on WGIV. By the mid-50s, other local shows popped up: Buttercup in Lexington, NC (a female R&B jock!), the former president of the S.C. Association of Broadcasters had an R&B show in Spartanburg, Andy Herring started out in Kinston as Nervous Andy which evolved into his "Hot Foot Club" on WELS in November 1960 (in 1995, at 83, he still played the Hot Foot Club every afternoon, Monday through Friday), 'Daddy-O on The Patio' at WAAA in Winston Salem, Rusty Page and Hot Scott Hubbs at WGIV in Charlotte. Radio stations based out of Elizabethtown and Rocky Mount thrive entirely on the listenership of shag enthusiasts. Other radio stations across the state experience the same trend.

- Fayetteville and White Lake in Bladen County and Carolina Beach provided significant footnotes to the first coming of the beach music culture on the Atlantic seaboard in the 1940's with Jimmy Cavallo and the Houserockers. Historian, Bryan, stated "The music let loose in 1949. Mr. and Mrs. Gene Reynolds built the Ocean Plaza at Carolina Beach on Memorial Day in 1946 to the music of Bill Grassick and his Orchestra. During the 50's and 60's, Fats Domino, Bo Diddley, the Clovers, Joe Turner, Ruth Brown and Chubby Checker all played at the Ocean Plaza.

- The '60s then proved to be another explosive time for the growth and popularity of the shag culture due to dance spots such as Williams Lake outside Dunn, the Cat's Eye at 5 Points in Raleigh, the Embers Club in Raleigh and Clinton's Lake Artesia.

Shag historian, Bo Bryan, who lives in Beaufort County, notes that the term "beach music" was coined at Carolina Beach (may be more appropriate

if ever a bill to make Beach music the state popular music as SC did)

- Regional beach music stars from Chapel Hill and Burlington continued the beach music tradition.

- Harry Driver, from Dunn, was president of the Shaggers Hall of Fame and enshrined as a charter member in the 1980s.

- Numerous North Carolinians have been inducted into the Shaggers Hall of Fame as well as the Shaggers Living Legends. (I don't have an exact number but have someone looking).

- Club owners were butting heads with their Shag contests so the S.P.A. (Shaggers Preservation Association) was formed to co-ordinate contests to the benefit of the dancers, club owners and fans. Red's Beach Music, then in Kinston and now in Raleigh, began that effort.

- North Carolina is the home to some of the most successful National Champions, including Charlie Womble and Jackie McGee (10 time National Champions) from the Triangle, Michael Norris (? Not sure of birth place) and LeAnn Best from Clinton, NC (multiple National Championships) and Sam and Sarah West from Hamlet, NC (also, 10 time national champions).

Sorry this is so much - it just kept growing when I looked back through my files.

Elizabeth Dalton
Director of Governmental Affairs
NC Citizens for Business & Industry
PO Box 2508
Raleigh, NC 27602
edalton@nccbi.org
O: 919.836.1402
C: 919.215.1330
F: 919.836.1425

-----Original Message-----

From: Myra Torain (Bill Drafting) [mailto:Myrat@ncleg.net]
Sent: Thursday, April 07, 2005 9:45 AM
To: edalton@nccbi.org
Subject: FW: Shagging/Clogging Bill

Senator Dalton suggested that I contact you to get some background/supporting information on why shagging should be North Carolina's official popular dance. From searching the web, I see that shagging came about during the 1940s in the Atlantic Beach area, popularized by beach goers, and danced R & B music. This may be sufficient but if you have additional facts, I would welcome them. Let me know if you have questions. Thanks.

~~~~~  
Myra M. Torain  
Legislative Drafting Division  
Suite 401 Legislative Office Building  
Phone: (919) 733-6660 FAX: (919) 715-5459  
~~~~~

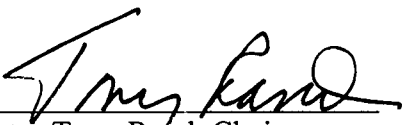
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Senate Rules and Operations Committee Meeting
In Chamber, Senator Rand's Desk
April 27, 2005
Minutes

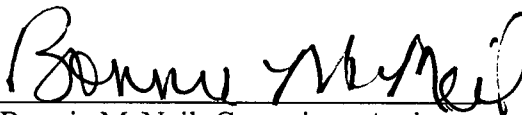
The Senate Rules and Operations Committee met on the floor of the Chamber on Wednesday, April 27, 2005 at 4:30 p.m.

With 12 members present, Senator Rand called the meeting to order at 4:30 p.m. Senator Clodfelter moved that ~~Senate~~ proposed committee substitute for Senate Bill 616 be adopted for purposes of discussion. Motion Carried

Senator Rand explained the proposed committee for SB616. Senator Swindell moved that the proposed committee substitute for SB616 be given a favorable report. Motion Carried.



Senator Tony Rand, Chairman



Bonnie McNeil, Committee Assistant

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Wednesday, April 27, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B.	616	Amend Public Laws - 1.	
		Draft Number:	PCS35218
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

1

SENATE BILL 616

Short Title: Amend Public Laws - 1. (Public)

Sponsors: Senator Dannelly.

Referred to: Rules and Operations of the Senate.

March 17, 2005

A BILL TO BE ENTITLED
AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.
The General Assembly of North Carolina enacts:

SECTION 1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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2

SENATE BILL 616

Rules and Operations of the Senate Committee Substitute Adopted 4/27/05

Short Title: Currituck Property Conveyance.

(Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO CONVEY CERTAIN DESCRIBED PROPERTY TO THE COUNTY OF CURRITUCK.

The General Assembly of North Carolina enacts:

SECTION 1. Section 30.3F of S.L. 2004-124 reads as rewritten:

"SECTION 30.3F. The State of North Carolina shall convey to Currituck County, for consideration of ~~one dollar (\$1.00),~~ forty thousand one dollars (\$40,001), which includes forty thousand dollars (\$40,000) for the legal expenses of the State, title in fee simple absolute with no restrictions or covenants to the land on which the Currituck County Airport is situated all of that certain tract or parcel of land situate, lying and being in Crawford Township, Currituck County, North Carolina, and being more particularly described as follows:

TRACT I: Beginning at a point marked by a concrete marker, said point being located approximately South 76 degrees 30' East and approximately 1500 feet from the intersection of State Road No. 1246 with said Highway No. 158; running thence South 31 degrees 52' West 927.5 feet to a point; running thence North 26 degrees 36" West 49 feet to a point; running thence North 26 degrees 36' West 233.0 feet to a point; running thence North 29 degrees 01' West 233.3 feet to a point; running thence North 20 degrees 51' West 410.9 feet to a point; running thence North 21 degrees 21' West 383.6 feet to a point; running thence South 74 degrees 22' West approximately 300 feet to a point, said point being located in the Northern right of way line of U.S. Highway No. 158; running thence North 76 degrees 30' West along the right of way line of said Highway a distance of approximately 100 feet to a point, said point being the Eastern right of way line of State Road No. 1246; thence following the Eastern right of way line of said North Carolina State Road No. 1246 and running in a general Northerly direction a distance of approximately 3350 feet to a point; running

1 thence in a general Eastwardly direction a distance of approximately
2 200 feet to a point; running thence in a general Northerly direction a
3 distance of approximately 1175 feet to a point, marked by a concrete
4 marker, said point lying North 47 degrees 52' West and 300 feet from
5 the Western edge of the Maple Air Strip; running thence South 47
6 degrees 52' East a distance of 300 feet to a point located at the edge of
7 the Maple Air Strip; running thence South 41 degrees 58' West a
8 distance of 2200 feet to a point, said point being the Southwest corner
9 of the Maple Air Strip; running thence South 47 degrees 52' East a
10 distance of 200 feet to a point, said point being the Southeast corner of
11 the Maple Air Strip; running thence North 41 degrees 58' East along
12 the Eastern edge of the Maple Air Strip a distance of 1510 feet to a
13 point; running thence South 47 degrees 52' East a distance 175 feet to
14 a point; running thence South 41 degrees 58' West a distance of 3370
15 feet to a point located in the Northern right of way line of U.S.
16 Highway No. 158; running thence South 76 degrees 30' East along the
17 Northern right of way line of said Highway a distance of 480 feet to a
18 point, said point being the point and place of beginning. The property
19 herein described contains property located on both the North and
20 South sides of U.S. Highway No. 158.

21 **TRACT II:** Beginning at a point marked by a concrete monument,
22 said point being located North 47 degrees 52' West and 300 feet from a
23 point located on the Western edge of the Maple Air Strip, said point on
24 the Western edge of said Air Strip being 2200 feet from the Southwest
25 corner of said Air Strip; running thence North 42 degrees 08' East a
26 distance of 3866.0 feet to a point; running thence South 47 degrees 52'
27 East 798 feet to a point; running thence South 41 degrees 58' West
28 1250.0 feet to a point; running thence South 75 degrees 10' East
29 1518.6 feet to a point; running thence South 25 degrees 30' East 689.7
30 feet to a point; running thence South 24 degrees 15' East 1537.8 feet to
31 a point; running thence South 19 degrees 15' East 1408.4 feet to a
32 point, said point being known as Douglas Corner; running thence
33 South 71 degrees 24' West 2130.3 feet to a point; running thence South
34 88 degrees 2' West 1463.9 feet to a point; running thence North 72
35 degrees 7' West 1346.4 feet to a point; running thence North 19
36 degrees 10' East 457.6 feet to a point; running thence North 12 degrees
37 10' West 895.0 feet to a point; running thence North 47 degrees 52'
38 West 535.0 feet to a point; running thence North 47 degrees 52' West
39 175 feet to a point, said point being located at the edge of the Maple
40 Air Strip, and being located 1510 feet from the Southeast corner of
41 said Air Strip; running thence North 41 degrees 58' East 2550.0 feet to
42 a point, said point being the Northeast corner of said Maple Air Strip;
43 running thence North 47 degrees 52' West 200 feet to a point, said
44 point being the Northwest corner of said Maple Air Strip; running

1 thence South 41 degrees 58' West 1800 feet to a point, said point being
2 located at the edge of said Maple Air Strip; running thence North 47
3 degrees 52' West 300 feet to a point, said point being the point and
4 place of beginning.

5 TRACT III: Beginning at a point located 25 feet Southwest of the
6 Southwest corner of the paved portion of the Maple Air Strip; running
7 thence North 41 degrees 58' East a distance of 4000 feet to a point,
8 said point being located 25 feet Northwest of the Northwest corner of
9 the paved portion of the said Maple Air Strip; running thence South 47
10 degrees 52' East a distance of 200 feet to a point, said point being
11 located 25 feet Northeast of the Northeast corner of said Maple Air
12 Strip; running thence South 41 degrees 58' West a distance of 4060
13 feet to a point, said point being located 25 feet Southeast of the
14 Southeast corner of said Maple Air Strip; running thence North 47
15 degrees 52' West a distance of 200 feet to a point, said point being the
16 point and place of beginning. The property herein described contains
17 the Maple Air Strip.

18 TRACT IV: Beginning at a point located in the Northern right of way
19 line of U.S. Highway No. 158, said point being located South 76
20 degrees 30' East and approximately 1500 feet from the intersection of
21 State Road No. 1246 with said Highway No. 158, said point also being
22 the beginning point for Tract I as was hereinbefore described and Tract
23 V as will be hereinafter described; running thence North 76 degrees
24 30' West along the Northern right of way line of Highway No. 158 a
25 distance of 480 feet to a point; running thence North 41 degrees 58'
26 East 3370.0 feet to a point; running thence South 47 degrees 52' East
27 535 feet to a point; running thence South 12 degrees 10' East 895.0
28 feet to a point; running thence South 67 degrees 31' West 329.0 feet to
29 a point; running thence South 59 degrees 16' West 759.0 feet to a
30 point; running thence North 22 degrees 11' East 112 feet to a point;
31 running thence North 55 degrees 34' West 652.9 feet to a point;
32 running thence South 32 degrees 26' West 329.0 feet to a point;
33 running thence South 31 degrees 52' West 1310 feet to a point; said
34 point being the point and place of beginning.

35 TRACT V: Beginning at a point located in the Northern right of way
36 line of U.S. Highway No. 158, said point being located South 76
37 degrees 30' West and 1500 feet from the intersection of State Road No.
38 1246 with U.S. Highway No. 158, said point also being the point of
39 beginning for Tracts I and IV as hereinbefore described; running
40 thence South 76 degrees 30' East along the Northern right of way line
41 of said Highway; running thence across said Highway South 45
42 degrees 3' West a distance of 396.0 feet to a point; running thence
43 South 64 degrees 33' West a distance of 198.0 feet to a point; running
44 thence South 56 degrees 3' West 115.5 feet to a point; running thence

1 South 87 degrees 3' West 132 feet to a point; running thence South 63
2 degrees 3' West 166.2 feet to a point; running thence North 31 degrees
3 52' East 825 feet to a point, said point being the point and place of
4 beginning.

5 LESS AND EXCEPT that certain portion of land conveyed to C.
6 Victor Sawyer and wife, Alethia R. Sawyer as set forth in Deed
7 recorded in Book 232, Page 468, in the Currituck County Public
8 Registry and more particularly described as follows:

9 BEGINNING at a point in the south side of the right of way of U.S.
10 Highway No. 158, said point also being located in a common property
11 line between the State of North Carolina and C. Victor Sawyer;
12 running thence South 45 degrees 37' 46" West 297.45 feet to a point;
13 running thence South 65 degrees 02' 16" West 198.00 feet to a point;
14 running thence South 56 degrees 32' 16" West 115.5 feet to a point;
15 running thence South 87 degrees 32' 16" West 132 feet to a point;
16 running thence South 63 degrees 32' 16" West 278.70 feet to a point;
17 running thence South 32 degrees 21' 16" West 97.9 feet to a point;
18 running thence North 26 degrees 06' 44" West 282 feet to a point;
19 running thence North 28 degrees 31' 22" West 233.27 feet to a point;
20 running thence North 20 degrees 21' West 410.90 feet to a point;
21 running thence North 20 degrees 51' West 103.05 feet to a point
22 located in the Southern right of way of U.S. Highway No. 158, said
23 point also being located in a common line between the State of North
24 Carolina and Doc H. Etheridge; running thence South 74 degrees 28'
25 17" East 1387.86 feet along the Southern right of way of U.S.
26 Highway No. 158 to the point and place of beginning and containing
27 13.351 acres as shown on Survey No. L-609 dated June 12, 1987 by S.
28 Elmo Williams, RLS. The above description covers a portion of Tracts
29 I and V of that land described in Title Book 1, Page 36."

30 **SECTION 2.** This act is effective when it becomes law.

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

MINUTES

MAY 11, 2005

The Committee on Rules and Operations of the Senate met on May 11, 2005 at 2:30 p.m. in Room 643. Fifteen members of the committee were present. Senator Walter Dalton, Vice-Chairman of the committee, presided. Senator Dalton recognized the pages who were serving.

Senator Dalton recognized Senator Tony Rand who presented the committee with a proposed committee substitute for **Senate Bill 1117 – 2005 Military Support Act**. Senator Rand moved for the adoption of proposed committee substitute and the committee voted to adopt the Committee Substitute for S.B. 1117.

Senator Rand recognized Lt. Governor Perdue who spoke in favor of this legislation and how important it was to North Carolina in view of the BRAC recommendations coming out on May 16, 2005 on military closings. Lt. Governor Perdue asked that the Senate pass this legislation as quickly as possible. She stated that North Carolina has done everything to be prepared for the 21st Century and that the military presence in this state is vital to the state's economy. S.B. 1117 addresses the needs of the military in this state.

Senator Rand recognized Rep. Dickson and Rep. Glazier who represent Cumberland County. Both spoke in favor of this legislation and asked for the committee's support on SB 1117- 2005 Military Support Act. The bill sends a message to the members of the military that we are a military friendly state.

Senator Rand proceeded to explain the bill. A bill digest is attached to these minutes and made a part thereof and labeled "Exhibit I". In conclusion this bill would help military families and recognizes the military as an industry and the large impact it has on the North Carolina economy.

Senator Rand explained that the bill would be referred to the Appropriations Committee.

Senator Forrester was concerned about the families of National Guardsmen and what the State of North Carolina was doing for them. He has introduced several bills this session dealing with this branch of the military.

Senator Rand said we would take look at this issue.

Senator Dalton recognized Senator Thomas who spoke in favor of S.B. 1117. He stated that the military presence in Eastern North Carolina is an economic anchor for the entire region. The military has been active in the local communities.

Page 2.

Minutes-May 11, 2005

Senator Apodaca moved for a favorable report of the proposed committee substitute for **S.B. 1117 – 2005 Military Support Act**.

Senator Dalton recognized Major Scott Griffith, Comptroller of NADEP at Cherry Point, North Carolina.

Major Griffith stated that he appreciated the support the military has received from the State of North Carolina. This bill would impact many families in the military and he would appreciate the committee's support on this important bill for the military.

Senator Rand asked that Colonel Victoria Post from Fort Bragg in Fayetteville be recognized. Senator Dalton recognized Col. Post who spoke in favor of the bill and the impact and the many opportunities this bill would have for the military families in North Carolina. "Ft. Bragg is big and it's getting bigger".

The committee voted to give the committee substitute for **S.B. 1117 – 2005 Military Support Act** a favorable report with a serial referral to appropriations.

Senate Bill 888 – VARIOUS STATE PERSONNEL CHANGES

Senator Rand presented the committee with a proposed committee substitute for S.B. 888 Various State Personnel Law Changes.

Senator Swindell moved for the adoption of the proposed committee substitute for S.B. 888 for purposes of discussion.

Senator Rand stated that this bill is still a work in progress and asked that the bill not be voted on today but be carried over for further discussion.

Senator Rand explained the various sections of the bill.

Senator Apodaca asked if it was possible for members of the General Assembly to participate in the Incentive Program for Innovative Ideas?

Senator Rand replied "yes".

Senator Dorsett was recognized. She stated that "In 2003 Studies Bill that we looked at the whole section on state employees and personnel. I believe, we asked for a study to review all of this. That did not take place. Why can't we go that route before we amend the current laws before we have had an opportunity to study this issue".

Senator Rand replied "since we haven't studied the issue perhaps we can go forward with this bill and do a study afterwards. In regard to the bonus program, it is not used much at all now and perhaps this bill could revitalize it and get more participation".

Senator Dalton asked, the bill does not affect longevity, is that correct?

Senator Rand: It does not affect longevity pay. That provision was taken out.

Senator Forrester asked, "if there was any consideration given to our outstanding state employees in terms of giving them extra vacation days for an incentive award?"

Senator Kinnaird was recognized. She wanted to reiterate what Senator Dorsett said. She recommended that a study commission be set up to study this issue in its entirety.

Senator Nesbitt was recognized and stated that the Office of Administrative Hearings caseload has tripled. We might need to give this agency some help. Disposition of cases are out almost one year.

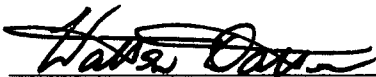
We should try to expedite personnel matters and get some procedures for personnel cases in place. The grievance procedure could include mediation.

The employee may ask for a continuance, so we need some allowance for the parties if they request additional time or a continuance.

Sen. Rand: "The average time is well over 300 days." Some cases are 3 or 4 years old. These things must be resolved. The employee's grievance needs to be decided and resolved.

Senator Kinnaird agreed that the grievance issue needs to be resolved.

Senator Dalton adjourned the meeting at 3:30 p.m.



Senator Walton Dalton, Vice-Chairman



Evelyn Costello, Committee Ass't.

Exhibit "A"

May 12, 2005

S 1117. 2005 MILITARY SUPPORT ACT. Intro. 3/24/05. Senate committee substitute makes the following changes to 1st edition. (1) Replaces appropriation from the State Highway Fund to the US Dep't of Defense with new GS 105-449.128 requiring that the Secretary of Revenue annually distribute to each State military installation exchange an amount equal to the amount of motor fuel the exchange reports that it sold during the previous fiscal year, multiplied by the distribution rate (defined in act). Requires that funds distributed be deposited in the Military Morale, Recreation, and Welfare Fund and used for community services for military members and their families. Applies to motor fuel sold on or after July 1, 2006. Requires that military installation exchanges report annually on the amount of motor fuel sold during the previous fiscal year. (2) Deletes appropriation from the General Fund to the Dep't of Public Instruction (DPI) to educate military employees about the Troops to Teachers Program. (3) Deletes provision appropriating funds for children with disabilities and for academically gifted children and provision requiring that DPI maintain membership in the Military Child Education Coalition. (4) Amends GS 116-143.3 to provide that active duty members of the US armed services and their dependents will continue to be eligible for the in-state tuition rate upon member's retirement. Makes technical and conforming changes.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Thursday, May 12, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B.	1117	2005 Military Support Act.	
		Draft Number:	PCS75309
		Sequential Referral:	None
		Recommended Referral:	Appropriations/Base Budget
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

1

SENATE BILL 1117

Short Title: 2005 Military Support Act.

(Public)

Sponsors: Senators Rand, Kerr and Thomas.

Referred to: Appropriations/Base Budget.

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO ENACT THE 2005 SOLDIER, SAILOR, MARINE, AND
GUARDSMEN SUPPORT ACT.

Whereas, North Carolina is the home of Fort Bragg, and the XVIII Airborne Corps, with the 82nd Airborne Division as the Army's premier force to project power anywhere in the world on little or no notice; and

Whereas, Fort Bragg is the home of the U.S. Army Special Operations Command, the U.S. Army John F. Kennedy Special Warfare Center and School, and of all Army Special Forces soldiers; and

Whereas, Pope Air Force Base and the 317th Airlift Wing play a vital role in our nation's defense by providing the means to deliver troops and equipment wherever needed in the world; and

Whereas, North Carolina is the home of Camp Lejeune, one of the nation's largest Marine Corps bases, and provides the training necessary to keep the Marines in a high state of readiness for any mission; and

Whereas, North Carolina is the home of Seymour Johnson Air Force Base, the base of an active air combat wing that can deploy worldwide on short notice and immediately generate combat power; and

Whereas, North Carolina is the home of the largest Marine Corps air station in the world, Cherry Point Marine Corps Air Station, and is the home of the 2d Marine Corps Aircraft Wing, the Naval Air Depot, and the Marine Corps Air Station at New River; and

Whereas, North Carolina is the home of several United States Coast Guard stations, including the United States Coast Guard Air Station at Elizabeth City, with missions that include search and rescue, international ice patrol, maritime law enforcement, aids to navigation, and environmental response; and

Whereas, North Carolina ranks high in the United States with 4.5 percent of the total military payroll, and that defense spending in the 2002 federal fiscal year in North Carolina was approximately \$6.7 billion; and

Whereas, the military in North Carolina materially affects North Carolina's economy, generating approximately \$18 billion per year; Now, therefore, The General Assembly of North Carolina enacts:

PART I. FINDINGS.

SECTION 1.1. The General Assembly expresses its appreciation to the Department of Defense for the military bases and installations that are located in the State of North Carolina and that are vital parts of the national defense of the United States.

SECTION 1.2. The General Assembly declares its full support for its military installations and acknowledges the important role of the military in North Carolina's economy.

SECTION 1.3. The General Assembly has enacted several recent acts to accommodate the military and intends to continue:

- (1) S.L. 2004-203, Section 80 (deployed personnel get extension to renew occupational licenses).
- (2) S.L. 2004-130 (active duty personnel get in-State tuition rate at universities and community colleges; dependent relative continues to receive in-State rate if member reassigned; nonresident NC National Guard members get in-State rate).
- (3) S.L. 2003-152 (DMV to have a military designation for drivers' licenses; allow renewal by mail).
- (4) S.L. 2003-248 (allow redaction of personal identifying information from military discharges filed with Register of Deeds).
- (5) S.L. 2003-300 (extend drivers license to 90 days following end of deployment; waive civil penalties and fees for lapsed motor vehicle liability insurance; extend property tax filing deadline; extend property listing deadline; grant full refund of tuition and fees from UNC system and community colleges if deployed; waive repayment of NC Legislative Tuition Grants if student called to active duty).

PART II. MILITARY FUEL TAX APPROPRIATION.

SECTION 2.1. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-41.9. Appropriation for military installations.

There is annually appropriated from the State Highway Fund to the United States Department of Defense a sum equal to the estimated net amount after refunds that was produced during the proceeding fiscal year by a thirteen and one-half cents (13.5¢) tax on each gallon of motor fuel and alternative fuel taxed under Article 36C or 36D of Chapter 105 of the General Statutes and sold within a military installation.

One half of the waived taxes, six and three quarters cents (6.75¢) collected per gallon, shall be used by the Department of Defense for community services and other expenditures to improve quality-of-life programs for military members and their families in North Carolina. These funds are provided to the United States to be an

1 addition to the funds already spent for quality-of-life and morale at military bases and
2 not to supplant those funds. In the event the United States reduces its federal aid to
3 impacted areas beyond the current amount, then all funds collected under this section
4 and used for quality-of-life and base morale programs will revert to the school boards of
5 Craven, Cumberland, Onslow, and Wayne counties in proportion to the amount of tax
6 collected in those counties.

7 One half of the waived taxes, six and three quarters cents (6.75¢) collected per
8 gallon, shall be deposited in the Conservation Grant Fund established pursuant to
9 G.S. 113A-232. The funds deposited in the Conservative Grant Fund pursuant to this
10 section shall be used solely for compatible land use and conservation easement type
11 acquisitions of land adjacent to military bases and flyways."

12 **SECTION 2.2.** G.S. 105-449.62 reads as rewritten:

13 **"§ 105-449.62. Nature of tax.**

14 This Article imposes a tax on motor fuel to provide revenue for the State's
15 transportation ~~needs and needs,~~ for the other purposes listed in Part 7 of this
16 ~~Article.~~Article, and for the purposes provided in G.S. 136-41.9. The tax is collected
17 from the supplier or importer of the fuel because this method is the most efficient way
18 to collect the tax. The tax is designed, however, to be paid ultimately by the person who
19 consumes the fuel. The tax becomes a part of the cost of the fuel and is consequently
20 paid by those who subsequently purchase and consume the fuel."

21 **SECTION 2.3.** This Part becomes effective July 1, 2006.

22
23 **PART III. ENCOURAGE CERTAIN OCCUPATIONAL LICENSING BOARDS TO**
24 **DEVELOP POLICIES FOR EXPEDITING THE LICENSING PROCESS FOR**
25 **MILITARY SPOUSES.**

26 **SECTION 3.1.** Findings. – The General Assembly finds that:

- 27 (1) According to the Department of Defense, the unemployment rate of
28 military spouses is three times greater than the average American
29 spouse in the same age group; and
30 (2) The mobile military lifestyle causes some military spouses to endure
31 long periods of unemployment, and thus, loss of income; and
32 (3) Professional licensing requirements often differ among states, which in
33 turn may limit career advancement or deter reentry into the workforce
34 for military families moving to new locations.

35 **SECTION 3.2.(a)** In an effort to support military personnel and their
36 families, each occupational licensing board in this State is encouraged to develop
37 policies that would make the licensing process for military spouses more efficient and
38 expedient. In expediting the licensing process, an occupational licensing board shall
39 review its current licensing process especially as it relates to military personnel. After
40 reviewing the licensing process, the licensing board may develop and implement
41 policies regarding licensure that provide for assistance to military spouses and
42 dependents to ensure a smooth process when military families move into this State or
43 are transferred out of this State. Implementation of these policies shall not apply to
44 occupational licensing boards regulating health care professionals.

1 **SECTION 3.2.(b)** This section does not apply to health professions or to
2 teaching.

3
4 PART IV. NEAT/FIT.

5 **SECTION 4.1.** G.S. 115D-5 is amended by adding a new subsection to read:

6 "(o) Notwithstanding any other provision of law, the State Board of Community
7 Colleges may adopt rules and guidelines that allow the New and Expanding Industry
8 Training Program and the Focused Industrial Training Program to use funds
9 appropriated for those Programs to support training projects for the various branches of
10 the United States Armed Forces."

11
12 PART V. ALLOWING MEMBERS OF THE ARMED FORCES TO TERMINATE
13 RENTAL AGREEMENTS EARLY WHEN BEING DEPLOYED.

14 **SECTION 5.1.** G.S. 42-45(a) reads as rewritten:

15 "(a) Any member of the United States Armed Forces who (i) is required to move
16 pursuant to permanent change of station orders to depart 50 miles or more from the
17 location of the dwelling unit, ~~or~~ (ii) is prematurely or involuntarily discharged or
18 released from active duty with the United States Armed Forces, or (iii) is required to
19 move due to deployment may terminate his rental agreement for a dwelling unit by
20 providing the landlord with a written notice of termination to be effective on a date
21 stated in the notice that is at least 30 days after the landlord's receipt of the notice. The
22 notice to the landlord must be accompanied by either a copy of the official military
23 orders or a written verification signed by the member's commanding officer."

24
25 PART VI. DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO
26 APPOINT A LIAISON TO THE MILITARY BASES IN NORTH CAROLINA.

27 **SECTION 6.1.** The Department of Public Instruction shall appoint an
28 employee to serve as its liaison to the military bases in North Carolina. It shall be the
29 responsibility of the liaison to facilitate communication and cooperation between (i)
30 military personnel and their families and the Department and (ii) military personnel and
31 their families and the North Carolina public schools.

32
33 PART VII. DIRECTING THE STATE BOARD OF EDUCATION AND THE BOARD
34 OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW
35 AND REVISE THE POLICIES AND PROCEDURES REGARDING CREDIT FOR
36 HIGH SCHOOL COURSES TO ENSURE THAT ALL STUDENTS, ESPECIALLY
37 THE CHILDREN OF MILITARY PERSONNEL, RECEIVE CREDIT FOR
38 COURSES TAKEN OUT-OF-STATE.

39 **SECTION 7.1.** The State Board of Education shall review and revise the
40 policies and practices related to students receiving credit for high school courses to
41 ensure that all students, especially the highly mobile children of members of the armed
42 forces, receive credit in the North Carolina public schools for comparable courses taken
43 out of State. The State Board shall report the results of this review and any actions

1 taken as a result of the study to modify its policies and practices to the Joint Legislative
2 Education Oversight Committee prior to December 15, 2005.

3
4 PART VIII. APPROPRIATE FUNDS TO MAKE MEMBERS OF THE MILITARY
5 AWARE OF THE TROOPS TO TEACHERS PROGRAM.

6 SECTION 8.1. There is appropriated from the General Fund to the
7 Department of Public Instruction the sum of twenty-five thousand dollars (\$25,000) for
8 the 2005-2006 fiscal year and the sum of twenty-five thousand dollars (\$25,000) for the
9 2006-2007 fiscal year to make members of the military and military retirees aware of
10 the Troops to Teachers Program.

11 SECTION 8.2. This Part becomes effective July 1, 2005.

12
13 PART IX. A STUDENT IS ELIGIBLE TO BE CONSIDERED FOR ADMISSION
14 INTO THE SCHOOL OF SCIENCE AND MATHEMATICS IF THE STUDENT'S
15 PARENT IS AN ACTIVE DUTY MEMBER OF THE ARMED SERVICES
16 STATIONED IN THIS STATE AT THE TIME THE STUDENT'S APPLICATION IS
17 SUBMITTED.

18 SECTION 9.1. G.S. 116-235(b)(1) reads as rewritten:

19 "(1) Admission of Students. – The School shall admit students in
20 accordance with criteria, standards, and procedures established by the
21 Board of Trustees. To be eligible to be considered for admission, an
22 applicant must be either a legal resident of the State, as defined by
23 G.S. 116-143.1(a)(1); G.S. 116-143.1(a)(1) or a student whose parent
24 is an active duty member of the armed services as defined by
25 G.S. 116-143.3(2) who is abiding in this State incident to active
26 military duty at the time the application is submitted, provided the
27 student shares the abode of that parent; eligibility to remain enrolled in
28 the School shall terminate at the end of any school year during which a
29 student becomes a nonresident of the State. The Board of Trustees
30 shall ensure, insofar as possible without jeopardizing admission
31 standards, that an equal number of qualified rising high school juniors
32 is admitted to the program and to the residential summer institutes in
33 science and mathematics from each of North Carolina's congressional
34 districts. In no event shall the differences in the number of rising high
35 school juniors offered admission to the program from each of North
36 Carolina's congressional districts be more than two and one-half
37 percentage points from the average number per district who are offered
38 admission."

39 SECTION 9.2. This Part is effective when it becomes law and applies to the
40 2005-2006 academic year and each subsequent academic year.

41
42 PART X. INCREASE THE CAPS ON FUNDING FOR CHILDREN WITH
43 DISABILITIES AND FOR ACADEMICALLY GIFTED CHILDREN.

SECTION 10.1. There is appropriated from the General Fund to the Department of Public Instruction the sum of twenty-one million two hundred two thousand seven hundred seventy-seven dollars (\$21,202,777) for the 2005-2006 fiscal year and the sum of twenty-one million five hundred forty-two thousand twenty-one dollars (\$21,542,021) for the 2006-2007 school year for children with disabilities. The State Board of Education shall allocate these funds to local school administrative units on a per child basis. Each local school administrative unit shall receive funds for the lesser of (i) all children who are identified as children with disabilities, or (ii) thirteen and five-tenths percent (13.5%) of the allocated average daily membership for the school year in the local school administrative unit.

The dollar amounts allocated under this section for children with disabilities shall also adjust in accordance with legislative salary increments, retirement rate adjustments, and health benefit adjustments for personnel who serve children with disabilities.

SECTION 10.2. There is appropriated from the General Fund to the Department of Public Instruction the sum of twelve million eight hundred seventy-nine thousand three hundred twenty-nine dollars (\$12,879,329) for the 2005-2006 fiscal year and the sum of thirteen million one hundred twenty-four thousand thirty-six dollars (\$13,124,036) for the 2006-2007 school year for academically or intellectually gifted children. The State Board of Education shall allocate these funds to local school administrative units on a per child basis. Each local school administrative unit shall receive funds for a maximum of five percent (5%) of the allocated average daily membership for the school year, regardless of the number of children identified as academically or intellectually gifted in the unit.

The dollar amounts allocated under this section for academically or intellectually gifted children shall also adjust in accordance with legislative salary increments, retirement rate adjustments, and health benefit adjustments for personnel who serve academically or intellectually gifted children.

SECTION 10.3. This Part becomes effective July 1, 2005.

**PART XI. DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO
MAINTAIN MEMBERSHIP IN THE MILITARY CHILD EDUCATION
COALITION.**

SECTION 11.1. The Department of Public Instruction shall maintain membership in the Military Child Education Coalition. The Military Child Education Coalitions is a 501(c)(3) nonprofit, worldwide organization that identifies the challenges that face the highly mobile military child, increases awareness of these challenges in military and educational communities and initiates and implements programs to meet the challenges. The Coalition's goal is to level the educational playing field for military children wherever they are located around the world and to serve as a model for all highly mobile children.

PART XII. EFFECTIVE DATE.

1 **SECTION 12.** Except as provided otherwise, this act is effective when it
2 becomes law.

✓ Major Scott Griffith Comptroller, NADep Cherry Point
⇒ economic impact; civilian jobs

●
✓ Colonel Post - Fayetteville

✓ Lt. Gov. Perdue - Needs to leave by 3:00 PM

✓ Rep Dickson - goes into session at 3:00
Glazier

●

●

Fuel Sales at NC Military Bases

	FY 01-02	
	Gallons	
	<u>Sold</u>	<u>Tax Paid</u>
USCG - Cape Hatteras	60,000	\$15,960
USCG - Elizabeth City	385,200	\$102,463
USMC - Camp Lejeune	6,435,670	\$1,711,888
USMC - Cherry Point MCAS	2,559,929	\$680,941
US Army - Fort Bragg	15,768,000	\$4,194,288
USAF - Pope AFB	2,016,000	\$536,256
USAF - Seymour Johnson AFB	<u>2,532,348</u>	<u>\$673,605</u>
	29,757,147	\$7,915,401
Motor Fuels Tax Rate Through 6/30/05	\$0.2660	
Motor Fuels Tax Paid	\$7,915,401	\$7,915,401
1/2 Waiver	\$3,957,701	

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE BILL 888
PROPOSED COMMITTEE SUBSTITUTE S888-CSSH-24 [v.9]

5/11/2005 2:31:54 PM

Short Title: Various State Personnel Law Changes.

(Public)

Sponsors:

Referred to:

March 23, 2005

1 A BILL TO BE ENTITLED
2 AN ACT MAKING VARIOUS AMENDMENTS TO STATE PERSONNEL LAWS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1.(a) G.S. 126-4 is amended by adding a new subdivision to read:
5 "§ 126-4. Powers and duties of State Personnel Commission.

6 Subject to the approval of the Governor, the State Personnel Commission shall
7 establish policies and rules governing each of the following:

8 (1) Position classification plans which shall provide for the classification
9 and reclassification of all positions subject to this Chapter according to
10 the duties and responsibilities of the positions.

11 ...

12 (19) Pilot projects for the purpose of determining whether the
13 implementation of a change to an existing program, or the addition of a
14 new program, will provide a measurable benefit to the State. This
15 subdivision may not be construed to authorize the establishment of an
16 incentive pay program.

17 a. Upon initial submission for approval by the Commission, each pilot
18 project shall have the following:

19 1. specific beginning and ending dates;

20 2. specific goals and objectives;

21 3. measurable outcomes; and

22 4. approval from the Office of State Budget and
23 Management for the flexibility to use any allowable and
24 available funds required for implementation of the pilot
25 project.

26 b. The Commission shall approve each pilot project prior to pilot
27 project implementation.

c. Prior to implementation of the pilot project, the Office of State Personnel shall obtain from each pilot project participant a signed document describing the pilot project and any temporary effect the project will have upon the employee's position classification, compensation, and benefits. No employee shall be adversely impacted by participation in a pilot project.

d. Upon completion of a pilot project, the Commission shall receive the following:

1. information on the implementation of the pilot project;
2. the goals and objectives at the onset of the project;
3. participant demographics;
4. project outcomes;
5. evaluation of the project based on the measured outcomes;
6. pilot project costs;
7. analysis on whether implementation of the pilot program on a Statewide basis would provide a benefit to the State; and if the recommendation is that the program should be expanded Statewide,
8. cost analysis on implementation of the pilot project on a Statewide basis.

e. Upon determination that a successful pilot project provides a measurable benefit to the State and merits expansion, the Commission may implement a new program, or modify an existing program within the limits of current statutory authority.

The policies and rules of the Commission shall not limit the power of any elected or appointed department head, in the department head's discretion and upon the department head's determination that it is in the best interest of the Department, to transfer, demote, or separate a State employee who is not a career State employee as defined by this Chapter."

SECTION 1.(b) Article 1 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-4.2. Funding for pilot projects.

State agencies, departments, and institutions, and The University of North Carolina shall have, with the concurrence of the Office of State Budget and Management, the flexibility to use any allowable and available funds to operate the pilot projects authorized in G.S. 126-4(19)."

SECTION 2.(a) G.S. 143-34.1(c) reads as rewritten:

"§ 143-34.1. Positions included in the State's payroll must be approved by the Director of Budget; payment of benefits and other salary-related items must be made from same source as salary; dependent care assistance program authorized; flexible compensation benefits authorized.

...

1 (c) The Director of the Budget is authorized to provide eligible officers and
2 employees of State departments, institutions, and agencies not covered by the provisions
3 of G.S. 116-17.2 a program of dependent care assistance as available under Section 129
4 and related sections of the Internal Revenue Code of 1986, as amended. The Director of
5 the Budget may delegate to the Office of State Personnel the authority to administer a
6 plan under this subsection, that authorizes ~~authorize~~ State departments, institutions, and
7 agencies to enter into annual agreements with employees who elect to participate in the
8 program to provide for a reduction in salary. With the approval of the Director of the
9 Budget, savings in the employer's share of contributions under the Federal Insurance
10 Contributions Act on account of the reduction in salary may be used to pay some or all
11 of the administrative expenses of the program. Should the Director decide to contract
12 with a third party to administer the terms and conditions of a program of dependent care
13 assistance, he may select a contractor only upon a thorough and completely competitive
14 procurement process.

15 (d) Notwithstanding any other provisions of law relating to the salaries of
16 officers and employees of departments, institutions, and agencies of State government,
17 the Director of the Budget is authorized to provide a plan of flexible compensation to
18 eligible officers and employees of State departments, institutions, and agencies not
19 covered by the provisions of G.S. 116-17.2 for benefits available under Section 125 and
20 related sections of the Internal Revenue Code of 1986 as amended. This plan shall not
21 replace, substitute for, or duplicate any benefits provided to employees and officers
22 under Article 1A of Chapter 120 of the General Statutes and Articles 1, 3, 4, and 6 of
23 Chapter 135 of the General Statutes. The plan may, however, include offerings for
24 products and benefits that are supplemental or additional to these statutory benefits. In
25 providing a plan of flexible compensation, the Director of the Budget may delegate to
26 the Office of State Personnel the authority to administer a plan under this subsection,
27 that authorizes ~~authorize~~ State departments, institutions, and agencies to enter into
28 agreements with their employees for reductions in the salaries of employees electing to
29 participate in the plan of flexible compensation provided by this section. With the
30 approval of the Director of the Budget, savings in the employer's share of contributions
31 under the Federal Insurance Contributions Act on account of the reduction in salary may
32 be used to pay some or all of the administrative expenses of the program. Should the
33 Director of the Budget or the Office of State Personnel decide to contract with a third
34 party to administer the terms and conditions of a plan of flexible compensation as
35 provided by this section, it may select such a contractor only upon a thorough and
36 completely advertised competitive procurement process."

37 **SECTION 2.(b)** G.S. 116-17.2 reads as rewritten:

38 **"§ 116-17.2. Flexible Compensation Plan.**

39 Notwithstanding any other provisions of law relating to the salaries of
40 employees of The University of North Carolina, the Board of Governors of The
41 University of North Carolina is authorized to provide a plan of flexible compensation to
42 eligible employees of constituent institutions for benefits available under Section 125
43 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall
44 not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter

135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the Board of Governors may delegate to the Office of State Personnel the authority to administer a plan under this subsection, that authorizes ~~authorize~~ constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

SECTION 2.(c) G.S. 126-3 reads as rewritten:

"§ 126-3. Office of State Personnel established and responsibilities outlined; administration and supervision; appointment, compensation and tenure of Director.

...

(b) The Office shall be responsible for the following activities, and such other activities as specified in this Chapter:

...

- (8) Developing criteria and standards to measure the level of compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards in agencies, departments, and institutions to which authority has been delegated for classification, salary administration and other decentralized programs, and determining through routine monitoring and periodic review process, that agencies, departments, and institutions are in compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards; and
- (9) Implementing corrective actions in cases of ~~noncompliance~~ noncompliance;
- (10) Administering a plan of dependent care assistance and flexible compensation at the request of the Director of the Budget and the Board of Governors of The University of North Carolina and pursuant to the requirements of G.S. 143.34.1 and G.S. 116-17.2; and
- (11) Offering additional or supplemental products using the same process and committee members as those used to evaluate the products offered in subdivision (10) of this section. The contracts for post-tax products shall include a conversion option for employees when they retire. Employee Insurance Committees authorized pursuant to G.S. 58-31-60 may elect not to offer the products authorized in this subdivision."

SECTION 3.(a) Article 36A Chapter 143 of the General Statutes is repealed.

SECTION 3.(b) Chapter 126 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 16

State Employee Incentive Bonus Program.

§ 126-95. State Employee Incentive Bonus Program.

(a) It is the policy of the State to promote employee suggestions through the State Employee Incentive Bonus Program so that employees and groups of employees may be recognized and rewarded for adopted suggestions and the achievement of individual or group goals that improve their agencies and State governmental operations. The Office of State Personnel shall administer the State Employee Incentive Bonus Program and policy as approved by the State Personnel Commission.

(b) The following definitions apply in this section:

(1) Baseline reversion. – The two-year historical average of reversions by a State department, agency, or institution.

(2) Participating agency. – All State agencies, departments, and institutions and the University of North Carolina shall implement a State Employee Incentive Bonus Program that is not inconsistent with the policy approved by the State Personnel Commission.

(3) SEIBP. – Acronym for the State Employee Incentive Bonus Program.

(4) State employee. – Any of the following:

a. A person who is a contributing member of the Teachers' and State Employees' Retirement System of North Carolina, the Consolidated Judicial Retirement System of North Carolina, or the Optional Program.

b. A person who receives wages from the State as a part-time or temporary worker, but is not otherwise a contributing member of one of the retirement programs listed in sub-subdivision a. of this subdivision.

"§ 126-96. State employee incentive bonus.

(a) A State employee or team of State employees may receive an incentive bonus or bonuses in reward for suggestions or innovations resulting in monetary savings to the State, increased revenues to the State, or improved quality of services delivered to the public.

(b) The amount of savings generated by suggestions and innovations shall be determined after a 12-month period of implementation. No incentive bonus shall be paid prior to the expiration of 12 months, and payment may be delayed further as reasonably required to ensure that a complete cost implementation cycle is evaluated fully.

(c) Any savings are to be calculated using the actual expenditures for a program, activity, or service compared to the budgeted amount for the same, if an amount has been budgeted for the program, activity, or service. The savings calculation shall include the amount of any reversions in excess of the baseline reversion. Any savings realized through the State Employee Incentive Bonus Program shall be weighed against continued service to the public and the assurance that there is not a negative impact on State programs.

(d) If a suggestion or innovation affects a program, activity, or service for which no separate budgeted amount has been made, the State Coordinator, in conjunction with the agency evaluator or agency fiscal officer, or both for that suggestion or innovation, shall determine the budgetary impact of the suggestion or innovation.

(e) Federal and local government funds and corporate and foundation grant funds are excluded from the SEIBP.

(f) The Department of Administration shall establish the SEIBP reserve fund in which all savings for all suggestions shall be deposited as earned. Each participating agency shall be responsible for transferring savings to the SEIBP reserve fund. The funds may be encumbered as needed to ensure payment to the General Fund, to the suggester, and for distribution as required by G.S.126-97. The Department of Administration shall provide the SEIBP reserve fund summary at the close of each fiscal year to the Office of State Personnel, the Office of State Budget and Management and to the participating agencies. The Office of State Budget and Management shall have oversight responsibility for ensuring that the required reversions and transfers are made to the General Fund, and that all encumbered funds are accounted for and paid as required by law.

(g) No distribution of suggester awards shall occur until reversion requirements to the General Fund are met and distributions as required by G.S. 126-97 are satisfied and verified by the Office of State Budget and Management. When all of the requirements of G.S. 126-97 are fulfilled, the Department of Administration shall notify the Office of State Personnel of the transfer to the suggester's agency funds required to award the suggester. The Office of State Personnel shall authorize the agency to make the suggester's award. The suggester's agency shall make the suggestion award and ensure that all taxes and withholding requirements are met.

(h) Implementation costs may be prorated over a maximum of three years for suggestions or innovations that are capital intensive, involve leading-edge technology, or involve unconventional processes that require longer than 12 months for implementation. The amount of the average annual savings minus the average annual implementation cost shall be used as the basis for the agency to recommend a suggester award. The State Review Committee shall consult the Office of State Budget and Management to make the final award determination in these cases.

(i) There is established in the Department of Administration a nonreverting fund to be administered by the Office of State Personnel for the training and education of permanent State employees to address specific mission critical needs and objectives. Funds shall be credited from the SEIBP to the fund as provided by this Article."

"§ 126-97. Allocation of incentive bonus funds; nonmonetary recognition.

(a) If a State employee's suggestion or innovation results in a monetary savings or increased revenue to the State, the funds saved or increased shall be distributed according to the following scale or subject to guidelines as set forth by the funding source:

- (1) Twenty percent (20%) of the annualized savings or increased revenues, up to a maximum of twenty thousand dollars (\$20,000) for any one State employee, to constitute gainsharing. If a team of State

employees is the suggester, the bonus provided in this subdivision shall be divided equally among the team members, except that no team member shall receive in excess of twenty thousand dollars (\$20,000), nor shall the team receive an aggregate amount in excess of one hundred thousand dollars (\$100,000). These funds shall not revert.

(2) Fifty percent (50%) allocated as follows:

- a. Thirty percent (30%) to the implementing agency for nonrecurring budget items to be used (i) by the implementing agency to provide equipment, supplies, training, and limited but appropriate recognition for the division, section, or group responsible for the implementation of the cost-saving measure and (ii) to meet other similar needs within the agency.
- b. Ten percent (10%) to the Office of State Personnel for augmenting funding for the management and administration of the SEIBP. These funds shall not revert.
- c. Ten percent (10%) to the State employee education and training fund administered by the Office of State Personnel under G.S. 143-342.21(i). These funds shall not revert.

(3) The thirty percent (30%) remainder to the General Fund for nonrecurring budget items.

(b) Of the pool of funds identified in subsection (a) of this section, only the General Fund distribution shall be subject to reversion, under nonemergency budget conditions. SEIBP funds arising from savings at The University of North Carolina, the North Carolina Community Colleges System, the Highway Trust Fund, enterprise funds, and receipt-supported organizations shall be exempt from the General Fund reversion requirements under nonemergency budget conditions.

(c) The budget of a State agency shall not be reduced in the following fiscal year by an amount similar to the monetary savings or increased revenues realized by the State Employee Incentive Bonus Program. The agency budget shall be reduced in subsequent years only if structural or organizational changes are made that warrant the reductions, including the transfer of responsibility for an activity or service to another agency or the elimination of some function of State government.

(d) If a suggestion or innovation results in improved quality of services to the public or to other State agencies, departments, and institutions, but not in monetary savings to the State, the suggester shall receive a nonmonetary award in the form of a certificate, leave with pay, or other similar recognition.

(e) For suggestions approved in programs that are not funded in part or whole through the General Fund, the State Review Committee shall insure that the funds that would otherwise be distributed to the General Fund are allocated to the appropriate funding source."

"§ 126-98. Suggestion and review process; role of agency coordinator and agency evaluator.

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin with the employee or team of

employees submitting the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation and upon the approval of the agency head or their designee shall submit the suggestion to the State Review Committee established in G.S.126-7.8.

(b) An agency coordinator shall be appointed by the head of each participating agency to serve as liaison between the agency, the suggester, the agency evaluator, and the SEIBP office. The duties of the agency coordinator shall include:

- (1) Serving as an information source and maintaining sufficient forms necessary to submit suggestions.
- (2) Presenting, in conjunction with the agency evaluator, the recommendation for an award to the State Review Committee.
- (3) Working in conjunction with the agency evaluator to process a particular suggestion or innovation within 180 days, except when there are extenuating circumstances.

An agency may have more than one coordinator if required to provide sufficient services to State employees.

(c) An agency evaluator shall be designated by the management of the implementing agency to evaluate one or more suggestions. The duties of an agency evaluator shall include:

- (1) Receiving from the agency coordinator and reviewing within 90 days, when possible, the feasibility and effectiveness of cost-saving or revenue-increasing measures suggested by State employees.
- (2) Being knowledgeable of the subject program, activity, or service.
- (3) Determining, in conjunction with the agency fiscal officer, the budgetary impact of a suggestion or innovation.
- (4) Judging impartially both the positive and negative effects of a suggestion or innovation on the current functions of the subject program, activity, or service.

(d) The State SEIBP Coordinator shall be appointed by the State Personnel Director and shall be responsible for general oversight and coordination of the State Employee Incentive Bonus Program. The State coordinator shall be a State employee reporting to the Office of State Personnel. The State coordinator shall be responsible for day-to-day SEIBP program management and administration of the technical aspects of the program. The State coordinator shall be an ex officio voting member of the State Review Committee."

"§ 126-99. Incentive Bonus Review Committee.

(a) The Incentive Bonus Review Committee, hereinafter "State Review Committee", shall consist of eleven members, as follows:

- (1) The State SEIBP Coordinator.
- (2) A representative of the Office of State Budget and Management.
- (3) Three representatives from cabinet agencies as appointed by the State Personnel Director.
- (4) A representative of The University of North Carolina.
- (5) A representative of the Department of Justice.

(6) A representative of the State Auditor's Department.

(7) One State employee appointed by the Speaker of the House of Representatives.

(8) One State employee appointed by the President Pro Tempore of the Senate.

(9) One State employee appointed by the Governor.

(b) The duties of the State Review Committee shall include:

(1) Receiving from and reviewing suggestions and innovations submitted by the various agency coordinators.

(2) Determining the impact of a suggestion or innovation on State government services by judging the monetary savings, increased revenues, or improved quality of services generated by a suggestion or innovation.

(3) Recommending approval or rejection of suggestions and innovations submitted by the agencies insuring that the State employee incentive bonus process does not result in a negative impact on services provided to taxpayers by State government.

(c) All administrative, management, clerical, and other functions and services required by the State Review Committee shall be supplied by the Office of State Personnel. The Office of State Personnel shall report annually to the Joint Legislative Commission on Governmental Operations on the administration of the State Employee Incentive Bonus Program."

"§ 126-100. Innovations deemed property of the State; effect of decisions regarding bonuses.

(a) Subject to G.S. 126-96(e), all suggestions or innovations submitted by State employees pursuant to this Article are the property of the State, and all related intellectual property rights shall be assigned to the State.

(b) Decisions regarding the proposed award of bonuses by the agency coordinator and the State Review Committee that are approved by the State Personnel Director or designee are final and are not subject to review under the contested case procedures of Chapter 150B of the General Statutes. "

SECTION 4.(a) G.S. 126-34 reads as rewritten:

"§ 126-34. Grievance appeal for career State employees.

Unless otherwise provided in this Chapter, any career State employee having a grievance arising out of or due to the employee's employment and who does not allege unlawful harassment or discrimination because of the employee's age, sex, race, color, national origin, religion, creed, handicapping condition as defined by G.S. 168A-3, or political affiliation shall first discuss the problem or grievance with the employee's supervisor and follow the grievance procedure established by the employee's department or agency. The internal grievance procedure of each State agency, department, institution, and The University of North Carolina may include mediation as the first step of the procedure if either party elects it. Any State employee having a grievance arising out of or due to the employee's employment who alleges unlawful harassment because of the employee's age, sex, race, color, national origin, religion, creed, or handicapping

1 condition as defined by G.S. 168A-3 shall submit a written complaint to the employee's
2 department or agency. The department or agency shall have 60 days within which to
3 take appropriate remedial ~~action~~ action, except that the 60-days shall be tolled during
4 the pendency of a mediation under this section. If the employee is not satisfied with the
5 department or agency's response to the complaint, the employee shall have the right to
6 appeal directly to the State Personnel Commission."

7 **SECTION 4.(b)** G.S. 126-34.1 is amended by adding a new subsection to
8 read:

9 "(f) The Office of Administrative Hearings must conduct a contested case hearing
10 within 180 days from the date the case is filed and must render a decision on within 30
11 days after the conclusion of the hearing. If the Office of Administrative Hearings fails to
12 complete the contested case hearing and decision process within the time provided by
13 this subsection, then a party may petition the State Personnel Commission Chair to
14 retain an experienced personnel law attorney."

15 **SECTION 4.(c).** The Office of Administrative Hearings shall complete all
16 cases that have been pending for two years or more within 90 days of the effective date
17 of this act, and all cases that have been pending for one year or more within 60 days of
18 the effective date of this act. If the Office of Administrative Hearings fails to complete
19 the pending cases as required by this section, a party may petition the Superior Court of
20 Wake County for sanctions against the Office of Administrative Hearings.

21 **SECTION 5.** This act is effective when it becomes law and Sections 4(b)
22 and 4(c) apply to all State employee grievance contested cases filed within one year
23 prior to the effective date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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1

SENATE BILL 888

Short Title: Various State Personnel Law Changes.

(Public)

Sponsors: Senator Rand.

Referred to: Appropriations/Base Budget.

March 23, 2005

1 A BILL TO BE ENTITLED
2 AN ACT MAKING VARIOUS AMENDMENTS TO STATE PERSONNEL LAWS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** G.S. 126-4(10) reads as rewritten:

5 "(10) Programs of employee assistance, productivity incentives, equal
6 opportunity, safety and health as required by Part 1 of Article 63 of
7 Chapter 143 of the General Statutes, and such other programs and
8 ~~procedures~~ procedures, including demonstration projects, as may be
9 necessary to promote efficiency of administration and provide for a
10 fair and modern system of personnel administration. This subdivision
11 may not be construed to authorize the establishment of an incentive
12 pay program."

13 **SECTION 1.(b)** G.S. 126-4 is amended by adding a new subdivision to
14 read:

15 "(19) The Office of State Personnel, subject to the approval of the
16 Commission, shall adopt policies and procedures concerning the
17 conduct of demonstration projects."

18 **SECTION 1.(c)** Article 1 of Chapter 126 of the General Statutes is amended
19 by adding a new section to read:

20 "**§ 126-4.2. Funding for demonstration projects.**

21 State agencies, departments, and institutions, and The University of North Carolina
22 shall have, with the concurrence of the Office of State Budget and Management, the
23 flexibility to use any allowable and available funds to operate demonstration projects."

24 **SECTION 2.** G.S. 126-7.1 reads as rewritten:

25 "**§ 126-7.1. Posting requirement; State employees receive priority consideration;**
26 **reduction-in-force rights; Work First hiring.**

27 (a) All vacancies for which any State agency, department, or institution openly
28 recruit shall be posted within at least the following:

1 (1) The personnel office of the agency, department, or institution having
2 the vacancy; and
3 (2) The particular work unit of the agency, department, or institution
4 having the vacancy
5 in a location readily accessible to employees. If the decision is made, initially or at any
6 time while the vacancy remains open, to receive applicants from outside the recruiting
7 agency, department, or institution, the vacancy shall be listed with the Office of State
8 Personnel for the purpose of informing current State employees of such vacancy. The
9 State agency, department, or institution may not receive approval from the Office of
10 State Personnel to fill a job vacancy if the agency, department, or institution cannot
11 prove to the satisfaction of the Office of State Personnel that it complied with these
12 posting requirements. The agency, department, or institution which hires any person in
13 violation of these posting requirements shall pay such person when employment is
14 discontinued as a result of such violation for the work performed during the period of
15 time between his initial employment and separation.

16 (a1) State employees to be affected by a reduction in force shall be notified of the
17 reduction in force as soon as practicable, and in any event, no less than 30 days prior to
18 the effective date of the reduction in force.

19 ~~(a2) The State Personnel Commission shall adopt rules to provide that priority~~
20 ~~consideration for State employees separated from State employment as the result of~~
21 ~~reductions in force is to enable a State employee's return to career service at a salary~~
22 ~~grade and salary rate equal to that held in the most recent position. The State Personnel~~
23 ~~Commission shall provide that a State employee who:~~

24 ~~(1) Accepts a position at the same salary grade shall be paid at the same~~
25 ~~salary rate as the employee's previous position.~~
26 ~~(2) Accepts a position at a lower salary grade than the employee's~~
27 ~~previous position shall be paid at the same rate as the previous position~~
28 ~~unless the salary rate exceeds the maximum of the new salary grade.~~
29 ~~When the salary rate exceeds the maximum of the salary grade, the~~
30 ~~employee's new salary rate shall be reduced to the maximum of the~~
31 ~~new salary grade.~~

32 (b) Subsection (a) of this section does not apply to vacancies which must be
33 filled immediately to prevent work stoppage or the protection of the public health,
34 safety, or security.

35 (c) If a State employee subject to this section:

36 (1) Applies for another position of State employment that would constitute
37 a promotion and;
38 (2) Has substantially equal qualifications as an applicant who is not a State
39 employee

40 then the State employee shall receive priority consideration over the applicant who is
41 not a State employee. This priority consideration shall not apply when the only
42 applicants considered for the vacancy are current State employees.

43 ~~(e1) If a State employee who has been separated due to reduction in force or who~~
44 ~~has been given notice of imminent separation due to reduction in force:~~

(1) ~~Applies for another position of State employment equal to or lower in salary grade than the position held by the employee at the time of notification or separation; and~~

(2) ~~Is determined qualified for that position~~
~~then within all State agencies, the State employee shall receive priority consideration over all other applicants but shall receive equal consideration with other applicants who are current State employees not affected by the reduction in force. This priority shall remain in effect for a period of 12 months from the date the employee receives notification of separation by reduction in force. State employees separated due to reduction in force shall receive higher priority than other applicants with employment or reemployment priorities, except that the reemployment priority created by G.S. 126-5(e)(1) shall be considered as equal. The reduction in force priority created by this subsection shall be administered in accordance with rules promulgated by the State Personnel Commission.~~

(c2) If the applicants for reemployment for a position include current State employees, a State employee with more than 10 years of service shall receive priority consideration over a State employee having less than 10 years of service in the same or related position classification. This reemployment priority shall be given by all State departments, agencies, and institutions with regard to positions subject to this Chapter.

(d) "Qualifications" within the meaning of subsection (c) of this section shall consist of:

(1) Training or education;

(2) Years of experience; and

(3) Other skills, knowledge, and abilities that bear a reasonable functional relationship to the abilities and skills required in the job vacancy applied for.

(e) Each State agency, department, and institution is encouraged to hire into State government employment qualified applicants who are current or former Work First Program participants.

(f) Employees with career status as defined by this Chapter who are separated through a reduction in force shall be eligible for severance pay based on rules adopted by the State Personnel Commission."

SECTION 3. Article 2 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-7.3. Flexible benefits program centralized under Office of State Personnel.

(a) Consistent with G.S. 143-34.1 and G.S. 116-17.2, the Office of State Personnel shall provide eligible officers and employees of State agencies, departments, and institutions, and The University of North Carolina with a program of dependent care assistance, as available under section 129 and related sections of the Internal Revenue Code of 1986, as amended. The Office of State Personnel shall coordinate the annual agreements entered into between State agencies, departments, and institutions, and The University of North Carolina, and the employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance

Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. The Office of State Personnel may contract with a third party to administer the terms and conditions of a program of dependent care assistance. If the Office of State Personnel selects a contractor, it may do so only after a thorough and competitive procurement process.

(b) Consistent with G.S. 143-34.1 and G.S. 116-17.2, and notwithstanding any other provisions of law relating to the salaries of officers and employees of State agencies, departments, and institutions, and The University of North Carolina, the Office of State Personnel shall provide a plan of flexible compensation to eligible officers and employees for benefits available under section 125 and related sections of the Internal Revenue Code of 1986, as amended. In providing a plan of flexible compensation, the Office of State Personnel shall coordinate the annual agreements entered into between employees and State agencies, departments, and institutions, and The University of North Carolina. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. The Office of State Personnel may contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section. If the Office of State Personnel selects a contractor, it may do so only after a thorough and competitive procurement process.

(c) The Office of State Personnel shall coordinate the establishment of a centralized supplemental benefits committee to offer benefit options on a statewide basis to State agencies, departments, and institutions, and The University of North Carolina. The committee shall review plan options, prepare requests for proposals, and select plan providers only upon a thorough and completely competitive procurement process. Terms of contracts shall follow Purchase and Contract guidelines in Article 23 of Chapter 143 of the General Statutes. State agencies, departments, and institutions and The University of North Carolina may elect to offer certain benefit options as provided under G.S. 58-31-60.

The Centralized Supplemental Benefits Committee shall be composed of representatives from State agencies, departments, and institutions, and The University of North Carolina. The Director of the Office of State Personnel shall appoint committee members. Members shall serve three-year terms on a rotating basis as established by the initial appointment."

SECTION 4.(a) Article 36A of the General Statutes is repealed.

SECTION 4.(b) Article 2 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-7.3. State Employee Incentive Bonus Program.

(a) It is the policy of the State to promote employee suggestion programs through the State Employee Incentive Bonus Program (SEIBP) so that employees and groups of employees may be recognized and rewarded for adopted ideas, suggestions, innovations, and the achievement of individual or group goals that improve their agencies and State governmental operations. The Office of State Personnel shall administer the State's program and is authorized, with the approval of the State

1 Personnel Commission (Commission), to adopt and implement policies in order to
2 administer a State Employee Incentive Bonus Program.

3 (b) All State agencies, departments, and institutions and The University of North
4 Carolina shall implement a State Employee Incentive Bonus Program that is not
5 inconsistent with the policy approved by the Commission.

6 (c) A State Review Committee to evaluate suggestions and innovations shall
7 consist of 11 members as follows:

8 (1) The State SEIBP Coordinator.

9 (2) A representative of the Office of State Budget and Management.

10 (3) A representative of the Department of Administration.

11 (4) A representative of the Department of Information and Technology
12 Services.

13 (5) A representative of the Office of State Personnel.

14 (6) A representative of The University of North Carolina appointed by the
15 Office of the President.

16 (7) A representative of the Department of Justice.

17 (8) A representative of the Department of Labor.

18 (9) One current State employee appointed by the Speaker of the House of
19 Representatives.

20 (10) One current State employee appointed by the President Pro Tempore
21 of the Senate.

22 (11) One current State employee appointed by the Governor.

23 (d) The State Review Committee shall have the final authority to approve and
24 recommend any bonus consistent with the State Employee Incentive Bonus Program
25 policy. First-year suggestion savings from the General Fund appropriations shall be
26 distributed as follows:

27 (1) Twenty percent (20%) to the suggester or group or both, with an
28 individual limit of twenty thousand dollars (\$20,000), and an aggregate
29 team limit of one hundred thousand dollars (\$100,000).

30 (2) Thirty percent (30%) to the General Fund.

31 (3) Thirty percent (30%) to the implementing agency.

32 (4) Ten percent (10%) to the State Employee Incentive Bonus Program for
33 administrative and operation expenses.

34 (5) Ten percent (10%) to the Office of State Personnel to be used for
35 employee training.

36 (e) The State Review Committee shall review and approve any alternative
37 distribution formulas, consistent with SEIBP policy, for suggestions approved in
38 programs that are not funded in part or whole through the General Fund.

39 (f) All suggestions or innovations submitted by State employees pursuant to this
40 section are the property of the State, and all related intellectual property rights shall be
41 assigned to the State. By January 1, 2006, the Office of State Personnel shall establish a
42 policy regarding intellectual property rights that arise from the SEIBP.

43 (g) Decisions regarding the award of bonuses are final and are not subject to
44 review under the contested case procedures of Chapter 150B of the General Statutes."

1 **SECTION 5.(a)** G.S. 126-34 reads as rewritten:

2 **"§ 126-34. Grievance appeal for career State employees.**

3 Unless otherwise provided in this Chapter, any career State employee having a
4 grievance arising out of or due to the employee's employment and who does not allege
5 unlawful harassment or discrimination because of the employee's age, sex, race, color,
6 national origin, religion, creed, handicapping condition as defined by G.S. 168A-3, or
7 political affiliation shall ~~first discuss the problem or grievance with the employee's~~
8 ~~supervisor and~~ follow the grievance procedure established by the employee's department
9 or agency. The internal grievance procedure of each State agency, department,
10 institution, and The University of North Carolina shall include mediation as the first
11 step of the procedure. Any State employee having a grievance arising out of or due to
12 the employee's employment who alleges unlawful harassment because of the employee's
13 age, sex, race, color, national origin, religion, creed, or handicapping condition as
14 defined by G.S. 168A-3 shall submit a written complaint to the employee's department
15 or agency. The department or agency shall have 60 days within which to take
16 appropriate remedial action. If the employee is not satisfied with the department or
17 agency's response to the complaint, the employee shall have the right to appeal directly
18 to the State Personnel Commission."

19 **SECTION 5.(b)** G.S. 126-34.1 is amended by adding a new subsection to
20 read:

21 **"(f)** The Office of Administrative Hearings must conduct a contested case hearing
22 and render a decision on cases filed under this section no later than 210 days from the
23 date the case was filed with the Office of Administrative Hearings. If the Office of
24 Administrative Hearings fails to complete the contested case hearing process in 210
25 days of the date filed, the petitioner who filed the case may petition the Superior Court
26 of Wake County for a hearing de novo."

27 **SECTION 6.** G.S. 138.4 reads as rewritten:

28 **"§ 138-4. Governor to set salaries of administrative officers; exceptions; longevity**
29 **pay.**

30 **(a)** The salaries of all State administrative officers not subject to the State
31 Personnel Act shall be set by the Governor, unless a law provides otherwise.

32 Whenever by law it is provided that a salary shall be fixed or set by the General
33 Assembly in the Current Operations Appropriations Act, and that office or position is
34 filled by appointment of the Governor, or the appointment is subject to the approval of
35 the Governor, or is made by a commission a majority of whose members are appointed
36 by the Governor, then the Governor may, increase or decrease the salary of a new
37 appointee by a maximum of ten percent (10%) over or under the salary of that position
38 as provided in the Current Operations Appropriations Act, such increased or decreased
39 salary to remain in effect until changed by the General Assembly or until the end of the
40 fiscal year, whichever occurs first. The Governor under this paragraph may not increase
41 the salary of any nonelected official above the level set in the Current Operations
42 Appropriations Act for any member of the Council of State. This section does not apply
43 to any office filled by election by the people, and does not apply to any office in the
44 legislative or judicial branches.

1 Prior to taking any action under this section, the Governor may consult with the
2 Advisory Budget Commission.

3 ~~Officials~~ Except as provided in subsection (b) of this section, officials whose salaries
4 are covered by the provisions of this section shall be eligible for longevity pay on the
5 same basis as is provided to employees of the State who are subject to the State
6 Personnel Act.

7 (b) Any State employee who is on duty on December 31, 2005, shall be eligible
8 to receive, or as they become eligible, shall begin to receive longevity pay according to
9 longevity pay schedules in effect on that date. State employees on duty on December
10 31, 2005, will be eligible for any future increases in longevity pay according to the
11 longevity pay schedules in effect on that date. Employees who are reduced-in-force and
12 who are reemployed within 12 months remain eligible for the longevity program. Any
13 State employee who is subject to the State Personnel Act and who is hired on or after
14 January 1, 2006, shall not be eligible to participate in the State's longevity pay program.
15 Any funds saved through the elimination of longevity pay for these employees shall be
16 retained by State agencies, departments, and institutions, and The University of North
17 Carolina to be used exclusively for pay improvements for State employees in those
18 departments who are subject to the State Personnel Act, and these funds shall be in
19 addition to funds available through the Salary Adjustment Fund allocation."

20 **SECTION 7.** Sections 3, 4, and 6 of this act become effective July 1, 2005.
21 The remainder of this act is effective when it becomes law, with Section 5 applying to
22 State employee grievances that arise on or after that date.

VISITOR REGISTRATION SHEET

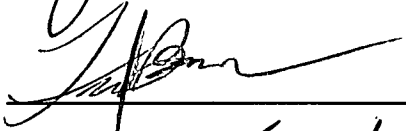
RULES AND OPERATIONS OF THE SENATE

MAY 11, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	SEAN
Kevin LeCount	SEANC
Kara Brown	SEANC
Ardis Watkins	SEANC
Suzanne Beasley	SEANC
Mark Fung	University
John Bowditch	ADA
	Doc. 50352
Amy Fullbright	Hunter's Williams
Kevin FitzGerald	UNC CL.
Joe W.	UNC

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

MAY 11, 2005

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KEVIN LITTLE	NC POT
Linda Sutton	SEANC - District 1
Robert Orr	SEANC - District 1
Edward Gunn	SEANC Dist 9
Robert Woodard	SEANC Dist 1
Bryan Cooke	" "
BARRATT Patterson	Colonial
Mark Pearson	Capital Group
Colleen Kochanek	AANC
DAVID BARNES	Payne & Spence

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

MAY 11, 2005

Name of Committee

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NAME	FIRM OR AGENCY AND ADDRESS
Thom Wright	OSP
SHIRLEY A. BELL	SEANC
Karen Davis	SEANC
Travis S. Thompson	SEANC
Dan Smith	SEANC
Carolyn Smith	SEANC
Charles Stone	SEANC
Donna Hickman	SEANC
PAUL JACOB	SEANC
S.L. Gaddy	N.C. DOT
PARY GODWIN	N.C. DOT

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

MAY 11, 2005

Name of Committee

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Bill Rowe	NC Justice Center
Doug Phelps	National Guard
Celia Wilson	SEANC
Ann Wimer	ATG
~~Robert Foster~~	SEANC
Stephanie Erb	Intern, SBE
Charles Clark	SEANC
Jamie Fitzgerald	NC FPC
Jessica Stage	NC FPC
Gary Higgins	State Personnel
Carl Goddard	DSP

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

MAY 11, 2005

Name of Committee

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Row Woodson	SEANC DOC 231 Sycamore St Danville VA 24045
Patricia Wells	SEANC DOC 693 Oakwood Dr Danville 24041
Ruby Baines	SEANC DOC 2952 Ringgold Depot Rd, Sutherland VA 24594
Ann Venable	SEANC UNCG 1000 Spring Garden St Greensboro N.C.
Jametta M. Dean	SEANC - UNCG 206 Wilson St Greensboro, NC 27401
COL Victoria Pos	Director, MWR, Fort Bragg 6446 Touchstone Dr for Col Al. Aycock Garrison Cdr Fayetteville NC 28311
T. Guy BARRY	SEANC. PRISONS, 175 Willow Springs Trl Blanch, N.C. 27212
W. E. Shaw	NC D.O.T. 1123 Prison Camp Rd. Whiteville, N.C.
Cathy Fields	Retired Extension SEANC 353 Happy Valley Rd. Elizabethtown, NC, 28637
Linda L. Shaw	Retired NC Cooperative Ext. SEANC 1086 S. IVER SPON EVERGREEN NC 28438
Anne Smith	Retired Teacher SEANC 4426 701 N Elizabethtown NC 28337

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RULES AND OPERATIONS OF THE SENATE

MAY 11, 2005

Name of Committee

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Bobby L. Hite	P.O. Box 573 SEANC Boone NC 28607
Kathy N Howell	#3 PO Box 2652 SEANC Boone NC 28607
Reta H. Greene	#3 11820 US Hwy 2215 SEANC Fleetwood, NC 28626
Paul W. BUDAY	112 ROBERT AVE SEANC #59 GOLDSBORO, N.C
RUTH C. LEWTER	224 MINT SPRINGS RD SEANC #19 PITTSBORO NC 27312
SIDNEY M. SANDY	1833 WESLEY CHAPEL RD. SEANC #11 INDIAN TRAIL, N.C. 28079
CLEVELAND BELL	1285 OLD LUMBERT RD SEANC #23 WHITEVILLE NC. 28472
Charles Phillips	1529 OLD WILSON, RD seanc #23 Whiteville NC 28422
Earl C. Blanks	4450 Pocahontas Road Seanc #23 Lake Waccamaw NC 28450
CLIFF W. BROWN	SEANC President Abeedeen NC
Jerry HUGGINS	1768 Old Str, Seanc #23 Whiteville NC 28432

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

MAY 11, 2005

Name of Committee

Date

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CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Julian Moran

ОАИ

MINUTES

RULES AND OPERATIONS OF THE SENATE

JULY 6, 2005

The Committee on Rules and Operations of the Senate met on Wednesday, July 6, 2005 at 10:00 a.m. in the 300-C Legislative Office Building Conference Room. Twelve members of the committee were present.

Senator Rand opened the meeting and presented the committee with a committee substitute for House Bill 1280 (also a committee substitute) –DOT Report/Federal Rail Assistance to NC. Senator Hoyle moved for adoption of the second committee substitute for House Bill 1280.

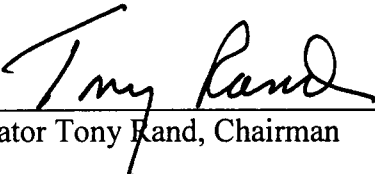
HOUSE BILL 1280 – DOT REPORT/FEDERAL RAIL ASSISTANCE TO NC.

Senator Hoyle moved for the adoption of the Committee Substitute. Senator Horton wanted to include Winston-Salem in the Committee Substitute and agreed to do it on the floor of the Senate. The committee moved to adopt Committee Substitute #2 for House Bill 1280 – DOT Report/Federal Rail Assistance to NC.

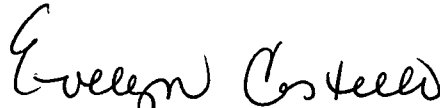
HOUSE BILL 62 – ADJUTANT GENERAL CHANGE.

Senator Dorsett asked Senator Rand and the committee to hold this bill for further study. The committee agreed to do this.

The meeting adjourned at 10:30 a.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't

Senate Rules and Operations of the Senate Committee
Wednesday, July 6, 2005, 10:00 a.m.
300C Conference Room

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 22	Zoning/Wilmington Permitted Uses.	Representative Wright
HB 62	Adjutant General Change.	Representative Culpepper, III
HB 1280	DOT Report/Federal Rail Assistance to NC.	Representative Justice
		Representative Pate, Jr.
		Representative Rapp
		Representative Wright

Other Business

Adjournment

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Wednesday, July 06, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 1280	DOT Report/Federal Rail Assistance to NC.
	Draft Number: PCS60506
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

2

**HOUSE BILL 1280
Committee Substitute Favorable 5/5/05**

Short Title: DOT Report/Federal Rail Assistance to NC.

(Public)

Sponsors:

Referred to:

April 19, 2005

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT
TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE
FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS SERVICE TO
WESTERN AND SOUTHEASTERN NORTH CAROLINA AND RESTORATION
OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR.

Whereas, expanding and upgrading passenger, freight, commuter, and short
line rail service is important to the economy of North Carolina; and

Whereas, the citizens of this State have stated their support for expanded
passenger rail service through resolutions from over 100 cities, towns, and organizations
submitted to the House Interim Committee on Expanding Rail Service in the fall of
2004; and

Whereas, Congress is debating reauthorization of the federal Surface
Transportation Program; and

Whereas, Congress is considering new and innovative means of financing
construction of transportation infrastructure, including highways, transit, intermodal,
and rail projects; and

Whereas, Congress is debating reform of the National Railroad Passenger
Corporation, known as Amtrak, and the result may be more responsibilities for rail
transferred to the states; and

Whereas, it is in the best interest of the State of North Carolina to respond in
a timely way to these proposed changes as they impact our transportation programs and
economic development opportunities; and

Whereas, many rail corridors in the State, such as the Wallace to Castle
Hayne rail corridor, are in need of restoration and improvement; and

Whereas, many rail initiatives in the State, including service to western and
southeastern North Carolina, are in need of federal and State investment; Now,
therefore,

The General Assembly of North Carolina enacts:

1 **SECTION 1.** The Department of Transportation is directed, no more than 60
2 days following enactment of reauthorization of the federal Surface Transportation
3 Program, to develop and report its recommendations on strategies, using funds available
4 to the Department, to provide matching funds so the State can leverage the maximum
5 federal and private participation in funding needed rail initiatives, such as the
6 restoration of the rail corridor from Wallace to Castle Hayne, and service to the western
7 and southeastern parts of the State.

8 **SECTION 2.** The Department shall submit its report to the Joint
9 Appropriations Subcommittee on Transportation, or if the General Assembly is not in
10 session, to the Joint Legislative Transportation Oversight Committee.

11 **SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1280
Committee Substitute Favorable 5/5/05
PROPOSED SENATE COMMITTEE SUBSTITUTE H1280-CSMA-23 [v.1]

6/23/2005 9:41:58 AM

Short Title: DOT Report/Federal Rail Assistance to NC.

(Public)

Sponsors:

Referred to:

April 19, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO REPORT
3 TO THE GENERAL ASSEMBLY ON STRATEGIES TO BEST UTILIZE
4 FEDERAL FUNDS FOR RAIL IMPROVEMENTS SUCH AS SERVICE TO
5 WESTERN AND SOUTHEASTERN NORTH CAROLINA AND RESTORATION
6 OF THE WALLACE TO CASTLE HAYNE RAIL CORRIDOR.

7 Whereas, expanding and upgrading passenger, freight, commuter, and short
8 line rail service is important to the economy of North Carolina; and

9 Whereas, the citizens of this State have stated their support for expanded
10 passenger rail service through resolutions from over 100 cities, towns, and organizations
11 submitted to the House Interim Committee on Expanding Rail Service in the fall of
12 2004; and

13 Whereas, Congress is debating reauthorization of the federal Surface
14 Transportation Program; and

15 Whereas, Congress is considering new and innovative means of financing
16 construction of transportation infrastructure, including highways, transit, intermodal,
17 and rail projects; and

18 Whereas, Congress is debating reform of the National Railroad Passenger
19 Corporation, known as Amtrak, and the result may be more responsibilities for rail
20 transferred to the states; and

21 Whereas, it is in the best interest of the State of North Carolina to respond in
22 a timely way to these proposed changes as they impact our transportation programs and
23 economic development opportunities; and

24 Whereas, many rail corridors in the State, such as the Wallace to Castle
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9 federal and private participation in funding needed rail initiatives, such as the
10 restoration of the rail corridor from Wallace to Castle Hayne, a rail connection between
11 north-south and east-west routes in the vicinity of Pembroke, and service to the western
12 and southeastern parts of the State.

13 **SECTION 2.** The Department shall submit its report to the Joint
14 Appropriations Subcommittee on Transportation, or if the General Assembly is not in
15 session, to the Joint Legislative Transportation Oversight Committee.

16 **SECTION 3.** This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

JULY 6, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
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NAME	FIRM OR AGENCY AND ADDRESS
John McHugh	Gannett
Russ Dubisky	CCPS
Wayne Gettis	Nc State Ports Authority
Carolyn Justa	State Rep
Corn Cornu	BPMHL
Andy Roman	NCLM
Rick Zechin	Nc Assoc. of Realtors
John R. [Signature]	NCFR
Lu Huh	NCLH
Michael House	NCAE
R. David Wilms	NCHBA

Rep. Tray Rapp
REP LOUIS PATE

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

1

HOUSE BILL 62

Short Title: Adjutant General Change.

(Public)

Sponsors: Representative Culpepper.

Referred to: Military, Veterans and Indian Affairs.

February 7, 2005

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. G.S. 127A-19 reads as rewritten:
5 "§ 127A-19. Adjutant General.
6 The military head of the militia shall be the Adjutant General who shall hold the
7 rank of major general. The Adjutant General shall be appointed by the Governor in his
8 capacity as commander in chief of the militia, in consultation with the Secretary of
9 Crime Control and Public Safety, and shall serve at the pleasure of the Governor. No
10 person shall be appointed as Adjutant General who has less than five years'
11 commissioned service in an active status in any component of the armed forces of the
12 United States. The Adjutant General, while holding such office, may be a member of
13 the active national guard or naval militia.
14 Subject to the approval of the Governor and in consultation with the Secretary,
15 Department of Crime Control and Public Safety, the Adjutant General may appoint a
16 deputy adjutant general for Army National Guard, an assistant adjutant general for
17 Army National Guard, and an assistant adjutant general for Air National Guard, each of
18 whom may hold the rank of brigadier general and who shall serve at the pleasure of the
19 Governor. ~~The assistant adjutant general for Army National Guard shall also serve in~~
20 ~~the military position of Brigadier General Line, Deputy, State Area Command~~
21 ~~(STARC) Commander.~~ The Adjutant General may also employ such staff members and
22 other personnel as may be authorized by the Secretary and funded."
23 SECTION 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

JULY 6, 2005

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bill Flournoy

DENR

L. Rogers

DLR

Shirley Williams

ncdot Bail

MINUTES

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

JULY 13, 2005

The Committee on Rules and Operations met at 2:30 p.m. on July 13, 2005 at Senator Rand's Chamber Desk during a recess of the Senate. Fifteen senators were present.

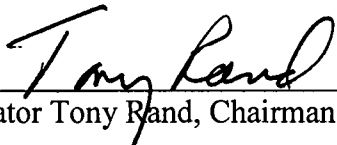
S.B. 305 SENATE JOINT RESOLUTION 305 – PROPOSED COMMITTEE SUBSTITUTE - A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF SIGMA GAMMA RHO SORORITY, INC.

Senator Rand presented the committee with a proposed Senate Joint Resolution Committee Substitute for S.B. 305 – Blank Appropriations Bill –1.

Senator Hoyle moved for the adoption of the proposed committee substitute Senate Joint Resolution 305 – 1.

Senator Clodfelter moved for adoption of the proposed Senate Joint Resolution committee substitute - A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF SIGMA GAMMA RHO SORORITY, INC. The committee adopted the Senate Joint Resolution.

The meeting adjourned at 2:40 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Wednesday, July 13, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO ADOPTION OF
COMMITTEE SUBSTITUTE SENATE RESOLUTION**

S.B.	305	Blank Appropriations Bill - 1.	
		Draft Number:	PCS55261
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

D

**SENATE JOINT RESOLUTION 305
PROPOSED COMMITTEE SUBSTITUTE S305-PCS55261-RV-24**

Sponsors:

Referred to:

March 2, 2005

1 A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF
2 SIGMA GAMMA RHO SORORITY, INC.

3 Whereas, Sigma Gamma Rho Sorority was founded on November 12, 1922,
4 in Indianapolis, Indiana, by seven schoolteachers; and

5 Whereas, the founders of the sorority were Mary Lou Allison Little, Dorothy
6 Hanley Whiteside, Vivian White Marbury, Nannie Mae Gahn Johnson, Hattie Mae
7 Dulin Redford, Bessie M. Downey Martin, and Cubena McClure; and

8 Whereas, the organization became an incorporated national collegiate sorority
9 on December 30, 1929, when a charter was granted to the Alpha chapter at Butler
10 University; and

11 Whereas, Sigma Gamma Rho Sorority, Inc., is a national service
12 organization, which addresses concerns that impact society educationally, civically, and
13 economically; and

14 Whereas, the women of Sigma Gamma Rho Sorority, Inc., are actively
15 involved in public service, leadership development, and youth education and believe in
16 enhancing the quality of life within their communities; and

17 Whereas, Sigma Gamma Rho Sorority, Inc., has more than 85,000 members
18 worldwide; and

19 Whereas, some of Sigma Gamma Rho Sorority, Inc.'s national programs
20 include: the National Education Fund, which provides scholarships to needy students
21 regardless of gender or race and conducts educational programs to enhance the quality
22 of life; Program for Africa, which assists African women with equipment for producing
23 grain and other food grown in Africa; Project Wee Savers, a program which provides
24 participants ranging from ages six to 18 years with real life skills involving finances;
25 Operation BigBookBag, which provides children with school supplies, textbooks,
26 resource aides, and other items for school; and Sigma Youth Symposium, which is
27 conducted each year to address youth issues; and

28 Whereas, Sigma Gamma Rho Sorority, Inc.'s international corporate
29 headquarters is located in Cary, North Carolina; and

1 Whereas, for more than 80 years, Sigma Gamma Rho Sorority, Inc., has
2 upheld its motto of "Greater Service, Greater Progress"; Now, therefore,
3 Be it resolved by the Senate, the House of Representatives concurring:

4 **SECTION 1.** The General Assembly honors the memory of Mary Lou
5 Allison Little, Dorothy Hanley Whiteside, Vivian White Marbury, Nannie Mae Gahn
6 Johnson, Hattie Mae Dulin Redford, Bessie M. Downey Martin, and Cubena McClure,
7 founders of Sigma Gamma Rho Sorority, Inc., and acknowledges the women of Sigma
8 Gamma Rho Sorority, Inc., for their commitment to improving the lives of those in their
9 communities.

10 **SECTION 2.** The Secretary of State shall transmit a certified copy of this
11 resolution to the Grand Basileus of Sigma Gamma Rho Sorority, Inc., at the sorority's
12 international corporate headquarters.

13 **SECTION 3.** This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

S

D

SENATE JOINT RESOLUTION 305
PROPOSED COMMITTEE SUBSTITUTE S305-PCS55261-RV-24

Sponsors:

Referred to:

March 2, 2005

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3 Whereas, Sigma Gamma Rho Sorority was founded on November 12, 1922,
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3 Be it resolved by the Senate, the House of Representatives concurring:

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6 Johnson, Hattie Mae Dulin Redford, Bessie M. Downey Martin, and Cubena McClure,
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8 Gamma Rho Sorority, Inc., for their commitment to improving the lives of those in their
9 communities.

10 **SECTION 2.** The Secretary of State shall transmit a certified copy of this
11 resolution to the Grand Basileus of Sigma Gamma Rho Sorority, Inc., at the sorority's
12 international corporate headquarters.

13 **SECTION 3.** This resolution is effective upon ratification.

RULES AND OPERATIONS OF THE SENATE

MINUTES

JULY 14, 2005

The Committee on Rules and Operations of the Senate met on July 14, 2005 at 12:15 p.m. during a recess around Senator Rand's Chamber Desk. Fourteen members of the committee were present.

Senator Rand presented the committee with a proposed Senate Committee Substitute for House Bill 1776 Committee Substitute. – NC Trout Unlimited Plate/Trout State Fish.

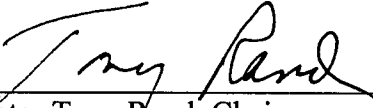
HOUSE BILL 1776 NC TROUT UNLIMITED PLATE/TROUT STATE FISH/JACKSON COUNTY AIRPORT AUTHORITY CONTRACTS.

Senator Clodfelter moved for the adoption of the proposed Senate Committee Substitute for House Bill 1776. – Jackson County Airport Authority Contracts. The committee voted to adopt the Senate Committee Substitute.

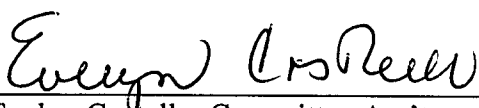
Senator Snow explained the bill stating that the Senate Committee Substitute prohibits the Authority from entering into contracts prior to September 1, 2005.

Senator Soles moved for the adoption of the proposed Senate Committee Substitute for House Bill 1776 and the committee voted to give the bill a favorable report.

The committee adjourned at 12:20 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

D

**HOUSE BILL 1776
Committee Substitute Favorable 6/1/05
Third Edition Engrossed 6/22/05
PROPOSED SENATE COMMITTEE SUBSTITUTE H1776-PCS10379-LB-86**

Short Title: Jackson County Airport Authority Contracts.

(Local)

Sponsors:

Referred to:

May 12, 2005

A BILL TO BE ENTITLED
AN ACT TO PUT A MORATORIUM ON THE JACKSON COUNTY AIRPORT
AUTHORITY ENTERING INTO CONTRACTS RELATING TO THE HANGAR
CONSTRUCTION PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. The Jackson County Airport Authority may not, prior to
September 1, 2005, enter into any contract relating to the hangar construction project or
any part of it, including site preparation.

SECTION 2. This act is effective when it becomes law.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Thursday, July 14, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 1776	NC Trout Unlimited Plate/Trout State Fish.
	Draft Number: PCS10379
	Sequential Referral: Finance
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

3

HOUSE BILL 1776

Committee Substitute Favorable 6/1/05

Third Edition Engrossed 6/22/05

Short Title: NC Trout Unlimited Plate/Trout State Fish.

(Public)

Sponsors:

Referred to:

May 12, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A
NORTH CAROLINA TROUT UNLIMITED SPECIAL REGISTRATION PLATE
AND TO ADOPT THE BROOK TROUT AS THE OFFICIAL FRESHWATER
TROUT OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-63(b) reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial", unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted".

Except as otherwise provided in this subsection, a registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right. The following special registration plates do not have to be a "First in Flight" plate. The design of the plates that are not "First in Flight" plates must be approved by the Division and the State Highway Patrol for clarity and ease of identification.

- (1) Friends of the Great Smoky Mountains National Park.
- (2) Rocky Mountain Elk Foundation.
- (3) Blue Ridge Parkway Foundation.
- (4) Friends of the Appalachian Trail.

- (5) NC Coastal Federation.
 (6) In God We Trust.
 (7) Stock Car Racing Theme.
 (8) NC Trout Unlimited."

SECTION 2. G.S. 20-79.4(b) is amended by adding a new subdivision to read:

"(b) Types. – The Division shall issue the following types of special registration plates:

...

(28p) NC Trout Unlimited. – Issuable to the registered owner of a motor vehicle in accordance with G.S. 20-81.12. The plate shall bear the phrase 'Back the Brookie' and an image that depicts a North Carolina brook trout."

SECTION 3. G.S. 20-79.7(a) reads as rewritten:

"(a) Fees. – Upon request, the Division shall provide and issue free of charge one registration plate to a recipient of the Congressional Medal of Honor, a 100% disabled veteran, and an ex-prisoner of war. All other special registration plates, including additional Congressional Medal of Honor, 100% Disabled Veteran, and Ex-Prisoner of War plates, are subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88 plus an additional fee in the following amount:

<u>Special Plate</u>	<u>Additional Fee Amount</u>
Crystal Coast	\$30.00
El Pueblo	\$30.00
Historical Attraction	\$30.00
HOMES4NC	\$30.00
In God We Trust	\$30.00
North Carolina 4-H Development Fund	\$30.00
Personalized	\$30.00
State Attraction	\$30.00
Buffalo Soldiers	\$25.00
Collegiate Insignia	\$25.00
Goodness Grows	\$25.00
High School Insignia	\$25.00
Kids First	\$25.00
Olympic Games	\$25.00
NC Agribusiness	\$25.00
NC Coastal Federation	\$25.00
Nurses	\$25.00
(Effective until June 30, 2006) Rocky Mountain	
Elk Foundation	\$25.00
Special Olympics	\$25.00
Surveyor Plate	\$25.00
The V Foundation for Cancer Research Division	\$25.00
University Health Systems of Eastern Carolina	\$25.00

1	Animal Lovers	\$20.00
2	Audubon North Carolina	\$20.00
3	Be Active NC	\$20.00
4	Daughters of the American Revolution	\$20.00
5	Ducks Unlimited	\$20.00
6	(Effective until June 30, 2006) First in Forestry	\$30.00
7	Harley Owners' Group	\$20.00
8	Litter Prevention	\$20.00
9	March of Dimes	\$20.00
10	<u>NC Trout Unlimited</u>	<u>\$20.00</u>
11	Omega Psi Phi Fraternity	\$20.00
12	Save the Sea Turtles	\$20.00
13	Scenic Rivers	\$20.00
14	School Technology	\$20.00
15	Soil and Water Conservation	\$20.00
16	Special Forces Association	\$20.00
17	Support Public Schools	\$20.00
18	Wildlife Resources	\$20.00
19	Zeta Phi Beta Sorority	\$20.00
20	Active Member of the National Guard	None
21	100% Disabled Veteran	None
22	Ex-Prisoner of War	None
23	Legion of Valor	None
24	Purple Heart Recipient	None
25	Silver Star Recipient	None
26	All Other Special Plates	\$10.00."

SECTION 4. G.S. 20-79.7(b) reads as rewritten:

"(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Cultural Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration plates listed in subsection (a) among the Special Registration Plate Account (SRPA), the Collegiate and Cultural Attraction Plate Account (CCAPA), the Natural Heritage Trust Fund (NHTF), which is established under G.S. 113-77.7, and the Parks and Recreation Trust Fund, which is established under G.S. 113-44.15, as follows:

<u>Special Plate</u>	<u>SRPA</u>	<u>CCAPA</u>	<u>NHTF</u>	<u>PRTF</u>
Animal Lovers	\$10	\$10	0	0
Audubon North Carolina	\$10	\$10	0	0
Be Active NC	\$10	\$10	0	0
Buffalo Soldiers	\$10	\$15	0	0
Crystal Coast	\$10	\$20	0	0
Daughters of the American				
Revolution	\$10	\$10	0	0
Ducks Unlimited	\$10	\$10	0	0
El Pueblo	\$10	\$20	0	0

1	First in Forestry	\$10	\$10	\$10	0
2	Goodness Grows	\$10	\$15	0	0
3	(Effective until June 30,				
4	2006) Harley Owners' Group	\$10	\$10	0	0
5	High School Insignia	\$10	\$15	0	0
6	Historical Attraction	\$10	\$20	0	0
7	HOMES4NC	\$10	\$20	0	0
8	In God We Trust	\$10	\$20	0	0
9	In-State Collegiate Insignia	\$10	\$15	0	0
10	Kids First	\$10	\$15	0	0
11	Litter Prevention	\$10	\$10	0	0
12	March of Dimes	\$10	\$10	0	0
13	NC Agribusiness	\$10	\$15	0	0
14	NC Coastal Federation	\$10	\$15	0	0
15	NC 4-H Development Fund	\$10	\$20	0	0
16	<u>NC Trout Unlimited</u>	<u>\$10</u>	<u>\$10</u>	<u>0</u>	<u>0</u>
17	Nurses	\$10	\$15	0	0
18	Olympic Games	\$10	\$15	0	0
19	Omega Psi Phi Fraternity	\$10	\$10	0	0
20	Out-of-state Collegiate Insignia	10	0	\$15	0
21	Personalized	\$10	0	\$15	\$5
22	(Effective until June 30,				
23	2006) Rocky Mountain Elk				
24	Foundation	\$10	\$15	0	0
25	Save the Sea Turtles	\$10	\$10	0	0
26	Scenic Rivers	\$10	\$10	0	0
27	School Technology	\$10	\$10	0	0
28	Soil and Water Conservation	\$10	\$10	0	0
29	Special Forces Association	\$10	\$10	0	0
30	Special Olympics	\$10	\$15	0	0
31	State Attraction	\$10	\$20	0	0
32	Stock Car Racing Theme	\$10	\$20	0	0
33	Support Public Schools	\$10	\$10	0	0
34	Surveyor Plate	\$10	\$15	0	0
35	The V Foundation for				
36	Cancer Research	\$10	\$15	0	0
37	University Health Systems of				
38	Eastern Carolina	\$10	\$15	0	0
39	Wildlife Resources	\$10	\$10	0	0
40	Zeta Phi Beta Sorority	\$10	\$10	0	0
41	All other Special Plates	\$10	0	0	0."

42 **SECTION 5.** G.S. 20-81.12 is amended by adding a new subsection to read:
 43 "(b39) NC Trout Unlimited. – The Division must receive 300 or more applications
 44 for an NC Trout Unlimited plate before the plate may be developed. The Division shall

1 transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account
2 derived from the sale of NC Trout Unlimited plates to North Carolina Trout Unlimited
3 for its programs."

4 **SECTION 6.** Chapter 145 of the General Statutes is amended by adding a
5 new section to read:

6 **"§ 145-25. State freshwater trout.**

7 The brook trout (*Salvelinus fontinalis*) is adopted as the official freshwater trout of
8 the State of North Carolina."

9 **SECTION 7.** This act is effective when it becomes law.

SENATE RULES AND OPERATIONS OF THE SENATE COMMITTEE

Thursday, July 28, 2005

Senate Chamber, Senator Rand Desk

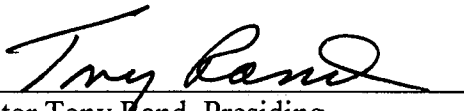
MINUTES

The Senate Rules and Operations of the Senate Committee met at 11:15 a.m. on July 28, 2005, at Senator Rand's Desk of the Senate Chamber. Seventeen members of the committee were present. Senator Tony Rand, presided.

Senator Hoyle moved that the proposed senate committee substitute for SB194 be adopted for purposes of discussion. Motion carried.

Senator Garrou, Sponsor of SB194, explained the committee substitute. Senator Albertson moved that the original bill (SB194) be given an unfavorable ¹and the proposed committee substitute be given a favorable. Motion carried. *Report*

The meeting adjourned at 11:25 a.m.



Senator Tony Rand, Presiding



Bonnie McNeil, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Thursday, July 28, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE
BILL**

S.B.	194	Blank Appropriations Bill-1.	
		Draft Number:	PCS75333
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

2

SENATE BILL 194

Rules and Operations of the Senate Committee Substitute Adopted 7/28/05

Short Title: No Erectile Dysfunction Drugs Under Medicaid.

(Public)

Sponsors:

Referred to:

February 23, 2005

A BILL TO BE ENTITLED

**AN ACT TO PROHIBIT THE EXPENDITURE OF MEDICAID FUNDS FOR THE
PURCHASE OR PROVISION OF MEDICATIONS FOR THE TREATMENT OF
ERECTILE DYSFUNCTION.**

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Health and Human Services, Division of Medical Assistance, shall expend no funds under the Medical Assistance Program for the purchase or provision of medications for the treatment of erectile dysfunction. The Department shall make all necessary system changes in the Medical Assistance Program to ensure compliance with this section. Not later than May 1, 2006, the Department of Health and Human Services, Division of Medical Assistance, shall report to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division on the implementation of this section.

SECTION 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Rules and Operations of the Senate

July 28, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rebecca Troutman	NCACC
Don Besson	Capital Advocates
Conn Cever	BPMHL
FRAN RESPO	NCRMA
John Rustin	NCFPC
Kate W. Price	NCASA
John Bowditch	ADA
Ed B...	Comm & Asso.
John M...	Spirit
Harry T. G...	NCLHW
John D...	DMA

VISITOR REGISTRATION SHEET

Rules and Operations of the Senate

July 28, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JOEL MANNING	EPRI - ASDC
Molly Ryan	NCSBA
Eben Polk	CWMTC
R. Paul Williams	NCHBA
Melissa Heard	NCS
Loanne Winner	NCSBA
K. Wright	BUS NR
David Longhorne	NS
K. Bolton	AC - T
John McAllister	Duke Energy
DAVID BARNES	Payson Sprawl

VISITOR REGISTRATION SHEET

Rules and Operations of the Senate

July 28, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Graham Long	Sen. Pittenger's Office
Andy Roemer	N.C. LMI
Michael Wagner	Fair Observer
~~John Smith~~	~~OSK~~
Gary Solomon	GLK
Roger Bon	Bone Assoc.
John Ayn	SBE/DPE
Ed Regan	NCRGEA
Michael Houser	NCAE
Sharon Durham	Charlotte (C)
Mark Whaley	UCNN

VISITOR REGISTRATION SHEET

Rules and Operations of the Senate

Name of Committee

July 28, 2005

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Gary Robertson

Ad

Don Simpson

Smith Order

WJ Horne

NCMS

RULES AND OPERATIONS OF THE SENATE

MINUTES

AUGUST 12, 2005

The Committee on Rules and Operations of the Senate met at 12:30 p.m. on Friday, August 12, 2005 in the 300-C Legislative Office Building Conference Room.

Senator Rand called the meeting to order and presented the committee with the first bill:

H.B. 62 ADJUTANT GENERAL CHANGE

Senator Thomas moved for a favorable report for H.B. 62. The bill was given a favorable report by the committee.

HJR 1615 HONORING THE LIFE AND MEMORY OF JOHN D. HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY

Senator Soles moved for a favorable report of HJR 1615. The bill was given a favorable report by the committee.

H.B 569 DV RECOMMENDATIONS

Senator Rand explained that this bill would be put into a Study Bill. However, there was an amendment presented on Page 3., Line 14 "deleting "2005" and substituting "2006". Senator Soles moved for the adoption of this bill and the committee gave it a favorable report, as amended.

H.B. 661 RESP. INDIVIDUALS LIST/EXPUNCTION PROCESS

Senator Rand presented the committee with a committee substitute for the above bill.

Senator Hoyle moved for the adoption of the committee substitute.

Rep. Glazier explained his bill saying that it was an agency bill and the corrections were minor and technical. They were satisfied with the committee substitute. It protects children and there is no opposition to the bill.

Senator Forrester moved for a favorable report for the committee substitute and it was given a favorable report by the committee.

HB 829 DISPLAY OFFICIAL GOVERNMENT FLAGS

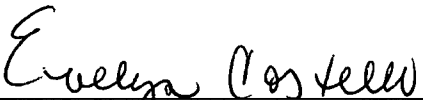
Senator Rand presented the committee with a committee substitute for HB 829 which changes the effective date to October 1, 2005.

Senator Hoyle moved for adoption of the committee substitute for HB 829.

The committee adjourned at 1:45 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Friday, August 12, 2005

Senator RAND,
submits the following with recommendations as to passage:

FAVORABLE

H.B.	62	Adjutant General Change.	
		Sequential Referral:	None
		Recommended Referral:	None
H.JR.	1615	Honor John Hall.	
		Sequential Referral:	None
		Recommended Referral:	None

FAVORABLE, AS AMENDED

H.B.(CS #2) 569	DV Recommendations.	
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	No

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 661	Resp. Individuals List/Expunction Process.	
	Draft Number:	PCS70555
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	No

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 829	Display of Official Government Flags.	
	Draft Number:	PCS30341
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	No

TOTAL REPORTED: 5

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

2

HOUSE JOINT RESOLUTION 1615
Committee Substitute Favorable 7/13/05

Sponsors:

Referred to:

May 10, 2005

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D.
2 HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY.

3 Whereas, John D. Hall was born on January 18, 1957, in Edgecombe County
4 to John Hall and Lois Marie Richardson Hall; and

5 Whereas, John D. Hall graduated from Scotland Neck High School in 1975
6 and furthered his education by taking courses at Lenoir Community College; and

7 Whereas, John D. Hall was the owner of WYAL, a gospel radio station based
8 in Scotland Neck, and was a member of the National Association of Black Owned
9 Broadcasters and the North Carolina Association of Broadcasters; and

10 Whereas, John D. Hall served as a member and vice-chair of the Halifax
11 County Board of Commissioners and a member of the Scotland Neck City Council,
12 North Carolina Association of County Commissioners, and North Carolina Association
13 of Black County Officials; and

14 Whereas, John D. Hall served with honor and distinction in the North
15 Carolina House of Representatives from 2000 to 2005; and

16 Whereas, during his tenure in the General Assembly, John D. Hall made
17 contributions as a member of numerous committees, including Aging, Appropriations,
18 and Occupational Safety and Health, and served as vice-chair of the Insurance
19 Committee and chair of the Alcoholic Beverage Control Committee; and

20 Whereas, John D. Hall was active in his community, serving as chair of the
21 Halifax County Department of Social Services and as a member of the Halifax County
22 Mental Health Board and the Choanoke Area Development Association; and

23 Whereas, John D. Hall was a faithful member of the Shiloh Missionary
24 Baptist Church in Scotland Neck, where he served as a trustee; and

25 Whereas, John D. Hall was named Omega Man of the Year and was
26 recognized in Who's Who Among Black Elected Officials and the International Who's
27 Who of Entrepreneurs; and

28 Whereas, John D. Hall died on March 17, 2005; and

29 Whereas, John D. Hall is survived by his sister, Georgette Hall; Now,
30 therefore,

1 Be it resolved by the House of Representatives, the Senate concurring:

2 **SECTION 1.** The General Assembly honors the memory of John D. Hall
3 and expresses the appreciation of this State and its citizens for his life and service.

4 **SECTION 2.** The General Assembly wishes to extend its sympathy to the
5 family and friends of John D. Hall for the loss of a beloved family member and friend.

6 **SECTION 3.** The Secretary of State shall transmit a certified copy of this
7 resolution to the family of John D. Hall.

8 **SECTION 4.** This resolution is effective upon ratification.

VISITOR REGISTRATION SHEET

RULES & OPERATIONS OF THE SENATE

AUGUST 12, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Aygn	SBE / DPI
Bicc Brooks	NCFPC
Chris Sinha	NCAG / Div. of Soc. Services
Sara Mims	NCDHHS / DSS
Caroline Armstrong	Wake Cty DHS / Foster Care
Lu-Ann Coe	CF SA
Angie Hauer	Marylin Taylor
Anne Wilkin	Att
Ed TURLINGTON	BPM HL

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 62

Short Title: Adjutant General Change.

(Public)

Sponsors: Representative Culpepper.

Referred to: Military, Veterans and Indian Affairs.

February 7, 2005

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES REGARDING THE ADJUTANT GENERAL.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127A-19 reads as rewritten:

"§ 127A-19. Adjutant General.

The military head of the militia shall be the Adjutant General who shall hold the rank of major general. The Adjutant General shall be appointed by the Governor in his capacity as commander in chief of the militia, in consultation with the Secretary of Crime Control and Public Safety, and shall serve at the pleasure of the Governor. No person shall be appointed as Adjutant General who has less than five years' commissioned service in an active status in any component of the armed forces of the United States. The Adjutant General, while holding such office, may be a member of the active national guard or naval militia.

Subject to the approval of the Governor and in consultation with the Secretary, Department of Crime Control and Public Safety, the Adjutant General may appoint a deputy adjutant general for Army National Guard, an assistant adjutant general for Army National Guard, and an assistant adjutant general for Air National Guard, each of whom may hold the rank of brigadier general and who shall serve at the pleasure of the Governor. ~~The assistant adjutant general for Army National Guard shall also serve in the military position of Brigadier General Line, Deputy, State Area Command (STARC) Commander.~~ The Adjutant General may also employ such staff members and other personnel as may be authorized by the Secretary and funded."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE JOINT RESOLUTION 1615
Committee Substitute Favorable 7/13/05

Sponsors:

Referred to:

May 10, 2005

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN D.
2 HALL, FORMER MEMBER OF THE GENERAL ASSEMBLY.

3 Whereas, John D. Hall was born on January 18, 1957, in Edgecombe County
4 to John Hall and Lois Marie Richardson Hall; and

5 Whereas, John D. Hall graduated from Scotland Neck High School in 1975
6 and furthered his education by taking courses at Lenoir Community College; and

7 Whereas, John D. Hall was the owner of WYAL, a gospel radio station based
8 in Scotland Neck, and was a member of the National Association of Black Owned
9 Broadcasters and the North Carolina Association of Broadcasters; and

10 Whereas, John D. Hall served as a member and vice-chair of the Halifax
11 County Board of Commissioners and a member of the Scotland Neck City Council,
12 North Carolina Association of County Commissioners, and North Carolina Association
13 of Black County Officials; and

14 Whereas, John D. Hall served with honor and distinction in the North
15 Carolina House of Representatives from 2000 to 2005; and

16 Whereas, during his tenure in the General Assembly, John D. Hall made
17 contributions as a member of numerous committees, including Aging, Appropriations,
18 and Occupational Safety and Health, and served as vice-chair of the Insurance
19 Committee and chair of the Alcoholic Beverage Control Committee; and

20 Whereas, John D. Hall was active in his community, serving as chair of the
21 Halifax County Department of Social Services and as a member of the Halifax County
22 Mental Health Board and the Choanoke Area Development Association; and

23 Whereas, John D. Hall was a faithful member of the Shiloh Missionary
24 Baptist Church in Scotland Neck, where he served as a trustee; and

25 Whereas, John D. Hall was named Omega Man of the Year and was
26 recognized in Who's Who Among Black Elected Officials and the International Who's
27 Who of Entrepreneurs; and

28 Whereas, John D. Hall died on March 17, 2005; and

29 Whereas, John D. Hall is survived by his sister, Georgette Hall; Now,
30 therefore,

1 Be it resolved by the House of Representatives, the Senate concurring:

2 **SECTION 1.** The General Assembly honors the memory of John D. Hall
3 and expresses the appreciation of this State and its citizens for his life and service.

4 **SECTION 2.** The General Assembly wishes to extend its sympathy to the
5 family and friends of John D. Hall for the loss of a beloved family member and friend.

6 **SECTION 3.** The Secretary of State shall transmit a certified copy of this
7 resolution to the family of John D. Hall.

8 **SECTION 4.** This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

3

HOUSE BILL 569
Committee Substitute Favorable 3/29/05
Committee Substitute #2 Favorable 5/11/05

Short Title: DV Recommendations.

(Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC
VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC
VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a
new Article to read:

"Article 30.

"Joint Legislative Committee on Domestic Violence.

**"§ 120-265. Creation and membership of Joint Legislative Committee on Domestic
Violence.**

The Joint Legislative Committee on Domestic Violence is established. The
Committee consists of 16 members as follows:

(1) Eight members of the Senate appointed by the President Pro Tempore
of the Senate; and

(2) Eight members of the House of Representatives appointed by the
Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the
General Assembly in each odd-numbered year, except the terms of the initial members,
which begin on appointment and end on the day of the convening of the 2007 General
Assembly. Members may complete a term of service on the Committee even if they do
not seek reelection or are not reelected to the General Assembly, but resignation or
removal from service in the General Assembly constitutes resignation or removal from
service on the Committee. A member continues to serve until his successor is appointed.
A vacancy shall be filled within 30 days by the officer who made the original
appointment.

"§ 120-266. Purposes and powers of Committee.

1 (a) The Joint Legislative Committee on Domestic Violence shall examine, on a
2 continuing basis, domestic violence issues in North Carolina in order to make ongoing
3 recommendations to the General Assembly on ways to reduce incidences of domestic
4 violence and to provide additional assistance to victims of domestic violence. In this
5 examination, the Committee shall:

- 6 (1) Study the budget, programs, and policies of the Domestic Violence
7 Commission to determine ways in which the General Assembly may
8 improve the effectiveness of the Commission;
- 9 (2) Study and evaluate the funding sources and needs of domestic violence
10 programs providing services to domestic violence victims and
11 programs providing treatment to domestic violence abusers;
- 12 (3) Study legal services funding for domestic violence victims and explore
13 additional sources of funding;
- 14 (4) Explore sources of additional funding for all domestic violence
15 programs, including visitation centers;
- 16 (5) Examine current programs and explore new programs to provide
17 effective services to domestic violence victims and treatment to
18 domestic violence abusers;
- 19 (6) Examine law enforcement and judicial responses to domestic violence;
- 20 (7) Review data collected on domestic violence cases pursuant to
21 G.S. 15A-1382.1;
- 22 (8) Study the effectiveness of the Crime Victims Rights Act as it relates to
23 domestic violence; and
- 24 (9) Conduct any other studies, evaluations, or assessments necessary for
25 the Committee to carry out its purpose.

26 (b) The Committee may make interim reports to the General Assembly on
27 matters for which it may report to a regular session of the General Assembly. A report
28 to the General Assembly may contain any legislation needed to implement a
29 recommendation of the Committee.

30 **"§ 120-267. Organization of the Committee.**

31 (a) The President Pro Tempore of the Senate and the Speaker of the House of
32 Representatives shall each designate a cochair of the Joint Legislative Committee on
33 Domestic Violence. The Committee shall meet at least once a quarter and may meet at
34 other times upon the joint call of the cochairs.

35 (b) A quorum of the Committee is nine members. No action may be taken except
36 by a majority vote at a meeting at which a quorum is present. While in the discharge of
37 its official duties, the Committee has the powers of a joint committee under G.S. 120-19
38 and G.S. 120-19.1 through G.S. 120-19.4.

39 (c) Members of the Committee receive subsistence and travel expenses as
40 provided in G.S. 120-3.1. The Committee may contract for consultants or hire
41 employees in accordance with G.S. 120-32.02. The Legislative Services Commission,
42 through the Legislative Services Officer, shall assign professional staff to assist the
43 Committee in its work. Upon the direction of the Legislative Services Commission, the
44 Supervisors of Clerks of the Senate and of the House of Representatives shall assign

1 clerical staff to the Committee. The expenses for clerical employees shall be borne by
2 the Committee.

3 (d) The Committee cochairs may establish subcommittees for the purpose of
4 making special studies pursuant to its duties and may appoint non-Commission
5 members to serve on each subcommittee as resource persons. Resource persons shall be
6 voting member of the subcommittee and shall receive subsistence and travel expenses in
7 accordance with G.S. 138-5 and G.S. 138-6."

8 **SECTION 2.** The Administrative Office of the Courts, in consultation with
9 the Department of Correction, Division of Community Corrections, shall study and
10 review programs in this State, and other states, that utilize Global Positioning Satellite
11 (GPS) technology to track criminal offenders. Based upon the study and review, the
12 Administrative Office of the Courts shall make written recommendations to the Joint
13 Legislative Committee on Domestic Violence and the Joint Legislative Corrections,
14 Crime Control, and Juvenile Justice Oversight Committee no later than July 1, 2005, for
15 a pilot GPS program as a condition for pretrial release pursuant to G.S. 15A-534.1. The
16 recommendations shall include whether the alleged victim of the charged offense should
17 have a receiver for immediate and direct notification of a GPS tracking violation by the
18 defendant.

19 **SECTION 3.** The Department of Correction, Division of Community
20 Corrections, shall make a written report no later than January 1, 2007, to the Joint
21 Legislative Committee on Domestic Violence and the Joint Legislative Corrections,
22 Crime Control, and Juvenile Justice Oversight Committee on measures the Division is
23 undertaking to address the issue of supervising domestic violence offenders.

24 **SECTION 4.** The Administrative Office of the Courts shall expand the
25 Family Court Model to additional jurisdictions of the State, as resources allow, shall
26 study the elements of the model that might be adopted without additional funding, and
27 implement those elements in jurisdictions where possible. The Administrative Office of
28 the Courts shall also study the automation of court records to allow queries on civil,
29 criminal, and juvenile matters.

30 The Administrative Office of the Courts shall report to the Joint Legislative
31 Committee on Domestic Violence and the North Carolina Courts Commission no later
32 than January 1, 2007, on the results of the studies, the recommendations of the
33 Administrative Office of the Courts, and any steps requiring legislative action to
34 implement the recommendations.

35 **SECTION 5.** This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 569

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

)

Sen.)

1 moves to amend the bill on page 3, line 14

2 () WHICH CHANGES THE TITLE

3 by deleting "2005," and substituting "2006,"

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

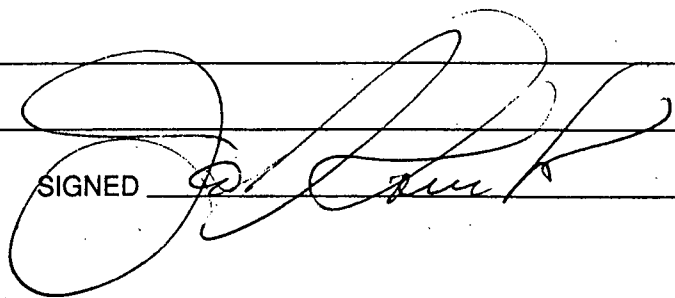
16 _____

17 _____

18 _____

19 _____

SIGNED



ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

4

HOUSE BILL 661
Committee Substitute Favorable 5/25/05
Third Edition Engrossed 6/1/05
Senate Mental Health & Youth Services Committee Substitute Adopted 7/12/05

Short Title: Resp. Individuals List/Expunction Process.

(Public)

Sponsors:

Referred to:

March 16, 2005

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR
4 ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS
5 REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND
6 ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 7B-101 is amended by adding the following new
9 subdivisions to read:

10 "§ 7B-101. Definitions.

11 As used in this Subchapter, unless the context clearly requires otherwise, the
12 following words have the listed meanings:

13 ...
14 (18a) Responsible individual. – An individual identified by the director as
15 the person who is responsible for rendering a juvenile abused or
16 seriously neglected.

17 ...
18 (21) Substantial evidence. – Relevant evidence a reasonable mind would
19 accept as adequate to support a conclusion.

20 (22) Working day. – Any day other than a Saturday, Sunday, or a legal
21 holiday when the courthouse is closed for transactions."

22 SECTION 2. G.S. 7B-311 reads as rewritten:

23 "§ 7B-311. Central registry; registry; responsible individuals list.

24 (a) The Department of Health and Human Services shall maintain a central
25 registry of abuse, neglect, and dependency cases and child fatalities that are the result of
26 alleged maltreatment that are reported under this Article in order to compile data for
27 appropriate study of the extent of abuse and neglect within the State and to identify

1 repeated abuses of the same juvenile or of other juveniles in the same family. This data
2 shall be furnished by county directors of social services to the Department of Health and
3 Human Services and shall be confidential, subject to ~~policies~~ rules adopted by the Social
4 Services Commission providing for its use for study and research and for other
5 appropriate disclosure. Data shall not be used at any hearing or court proceeding unless
6 based upon a final judgment of a court of law.

7 (b) The Department shall also maintain a list of responsible individuals identified
8 by county directors of social services as the result of investigative assessment responses.
9 The Department may provide information from this list to child caring institutions, child
10 placing agencies, group home facilities, and other providers of foster care, child care, or
11 adoption services that need to determine the fitness of individuals to care for or adopt
12 children.

13 (c) It is unlawful for any public official or public employee to knowingly and
14 willfully release information from either the central registry or the responsible
15 individuals list to a person who is not authorized to receive the information. It is
16 unlawful for any person who is authorized to receive information from the central
17 registry or the responsible individuals list to release that information to an unauthorized
18 person. It is unlawful for any person who is not authorized to receive information from
19 the central registry or the responsible individuals list to access or attempt to access that
20 information. A person who commits an offense described in this subsection is guilty of
21 a Class 3 misdemeanor.

22 (d) The Social Services Commission shall adopt rules regarding the operation of
23 the central registry and responsible individuals list, including:

- 24 (1) Procedures for filing data.
- 25 (2) Procedures for notifying a responsible individual of a determination of
26 abuse or serious neglect.
- 27 (3) Procedures for correcting and expunging information.
- 28 (4) Determining persons who are authorized to receive information from
29 the responsible individuals list.
- 30 (5) Releasing information from the responsible individuals list to
31 authorized requestors.
- 32 (6) Gathering statistical information.
- 33 (7) Keeping and maintaining information placed in the registry and on the
34 responsible individuals list.
- 35 (8) A definition of 'serious neglect'."

36 SECTION 3. Subchapter I of Chapter 7B of the General Statutes is amended
37 by adding a new Article to read:

38 "Article 3A.

39 "Expunction; Responsible Individuals List.

40 "§ 7B-312. Notification to individual responsible for abuse or substantial neglect.

41 (a) Within five working days after the completion of an investigative assessment
42 response that results in a determination of abuse or serious neglect, the director shall
43 notify the Department of the results of the assessment and shall give written notice to
44 the responsible individual of the determination.

1 (b) The director shall notify the responsible individual of the determination by
2 delivering the notice to the sheriff of the county in which the responsible individual is
3 believed to be located. The sheriff shall attempt to serve the notice upon the individual
4 by delivering the notice to the individual. The sheriff shall not deliver the notice to any
5 person other than the responsible individual. If the sheriff is not able to deliver the
6 notice to the responsible individual, the director shall send the notice to the responsible
7 individual by registered or certified mail, return receipt requested, and addressed to the
8 responsible individual. Only the responsible individual may receive the notice.

9 (c) The notice shall include all of the following:

- 10 (1) A statement informing the individual of the nature of the investigative
11 assessment response and whether the director determined abuse or
12 serious neglect or both.
- 13 (2) A statement summarizing the substantial evidence supporting the
14 director's determination without identifying the reporter or collateral
15 contacts.
- 16 (3) A statement informing the individual that the individual's name has
17 been placed on the responsible individuals list as provided in
18 G.S. 7B-311, and that the Department of Health and Human Services
19 may provide information from this list to child caring institutions,
20 child placing agencies, group home facilities, and other providers of
21 foster care, child care, or adoption services that need to determine the
22 fitness of individuals to care for or adopt children.
- 23 (4) A clear description of the actions the individual must take to have his
24 or her name removed from the responsible individuals list. The
25 description shall include information regarding how to request an
26 expunction by the director of the individual's name from the
27 responsible individuals list and procedures for seeking review by the
28 district attorney and for seeking judicial review of the director's
29 decision not to remove the individual's name from the list.

30 **"§ 7B-313. Requests for expunction; director review.**

31 (a) An individual who has been identified as a responsible individual as the result
32 of an investigative assessment response may, within 30 days after receipt of the notice
33 under G.S. 7B-312(c), request that the director who determined the abuse or serious
34 neglect and identified the individual as a responsible individual expunge the individual's
35 name from the responsible individuals list. A request for expunction under this
36 subsection shall be in writing, addressed to the director who determined the abuse or
37 serious neglect and identified the individual as a responsible individual, and delivered in
38 person or by certified mail, return receipt requested, within 30 days after receipt of
39 notice.

40 (b) Upon receipt of a timely request for expunction under subsection (a) of this
41 section, the director shall review all records, reports, and other information gathered
42 during the investigative assessment response. The purpose of the review is to determine
43 whether there is substantial evidence to support the determination and the placement of

1 the individual's name on the responsible individuals list. Within 15 working days of
2 receipt of the request for expunction, the director shall proceed as follows:

3 (1) If the director decides that there is not substantial evidence in the
4 records, reports, and other information gathered during the
5 investigative assessment response to support a determination of abuse
6 or serious neglect and to support the identification of the individual as
7 a responsible individual, the director shall notify the Department of
8 Health and Human Services to expunge the individual's name from the
9 responsible individuals list. The director shall also prepare a written
10 statement of the director's decision and send the statement to the
11 individual seeking expunction, by personal delivery or first-class mail.

12 (2) If the director decides that there is substantial evidence in the records,
13 reports, and other information gathered during the investigative
14 assessment response to support a determination of abuse or serious
15 neglect and to support the identification of the individual as a
16 responsible individual, the director may uphold or modify the
17 director's prior decision accordingly and refuse the request for an
18 expunction. The director shall prepare a written statement of the
19 director's decision including the reasons for the decision. The
20 statement shall clearly indicate that it is a final decision and include
21 information regarding the amount of time the individual has to request
22 a review by the district attorney or to file a petition for expunction with
23 the district court. The director shall send the statement to the
24 individual seeking expunction by personal delivery or first-class mail.
25 The director shall also include a second notice containing the
26 information required by G.S. 7B-312(c) and a copy of a petition for
27 expunction form.

28 (c) If the director does not provide a written response to a request for expunction
29 within 15 working days after its receipt, the failure shall be considered a refusal to
30 expunge the individual's name, and the individual may request a review of the decision
31 by the district attorney or file a petition for expunction with the district court.

32 (d) If the director modifies the prior determination, the director shall notify the
33 Department of Health and Human Services, which shall change its records upon receipt
34 of the notification.

35 (e) An individual whose request for expunction has been refused by a director
36 under this section may, within 30 days after receipt of the notice of refusal, request a
37 review of the director's decision by the district attorney under G.S. 7B-314 or file a
38 petition requesting expunction with the district court under G.S. 7B-315.

39 "§ 7B-314. District attorney review expunction request.

40 (a) Within 30 days of the receipt of notice of the director's refusal to expunge the
41 individual's name under G.S. 7B-313(b) or (c), the individual may request a review of
42 the director's decision by the district attorney of the prosecutorial district in which the
43 abuse or serious neglect report arose. The individual shall request a review under this
44 section by submitting a letter directed to the attention of the district attorney. The letter

1 shall contain the name, date of birth, address of the individual seeking expunction, and
2 the name of the juvenile who was the subject of the determination of abuse or serious
3 neglect. Failure to make a timely request to the district attorney to review the director's
4 decision shall constitute a waiver of the individual's right of review by the district
5 attorney, but shall not bar the individual from filing a petition for expunction under
6 G.S. 7B-315.

7 (b) The director shall provide the district attorney all the information the director
8 used in making the determination. The district attorney shall review the director's
9 decision to refuse to expunge the individual's name from the responsible individuals list,
10 and within 30 days' receipt of the request to review, make a determination of agreement
11 or disagreement with the director's decision.

12 (c) If the district attorney determines that there is not substantial evidence to
13 support a determination of abuse or serious neglect and to support the identification of
14 an individual as a responsible individual, the district attorney shall notify the individual
15 and the director in writing. The director shall notify the Department of Health and
16 Human Services within five working days of the district attorney's determination, and
17 the Department shall change its records upon receipt of the notification.

18 (d) If the district attorney determines that there is substantial evidence to support
19 a determination of abuse or serious neglect and to support the identification of an
20 individual as a responsible individual, the district attorney shall notify the director, and
21 the individual in writing.

22 **"§ 7B-315. Petition for expunction; district court.**

23 (a) Within 30 days of the receipt of notice of the director's decision under
24 G.S. 7B-313(b) or (c), or within 30 days from the date of a determination by the district
25 attorney under G.S. 7B-314, whichever is later, an individual may file a petition for
26 expunction with the district court of the county in which the abuse or serious neglect
27 report arose. The request shall be by a petition for expunction filed with the appropriate
28 clerk of court's office with a copy delivered in person or by certified mail, return receipt
29 requested, to the director. The petition for expunction shall contain the name, date of
30 birth, and address of the individual seeking expunction, the name of the juvenile who
31 was the subject of the determination of abuse or serious neglect, and facts that invoke
32 the jurisdiction of the court. Failure to timely file a petition for expunction constitutes a
33 waiver of the individual's right to file a petition for expunction and to a district court
34 hearing.

35 (b) The clerk of court shall maintain a separate docket for expunction actions and
36 upon receipt of a filed petition for expunction shall calendar the matter for hearing at a
37 session of district court hearing juvenile matters and send notice of the hearing to the
38 petitioner and to the director. Upon the request of a party, the court shall close the
39 hearing to all persons, except officers of the court, the parties, and their witnesses. At
40 the hearing, the director shall have the burden of proving by a preponderance of the
41 evidence the correctness of the director's decision determining abuse or serious neglect
42 and identifying the individual seeking expunction as a responsible individual. The
43 hearing shall be before a judge without a jury. The rules of evidence applicable in civil
44 cases shall apply. However, the court shall have discretion to permit the admission of

1 any reliable and relevant evidence if the general purposes of the rules of evidence and
2 the interests of justice will best be served by its admission.

3 (c) At the hearing, the following rights of the parties shall be preserved:

4 (1) The right to present sworn evidence, law, or rules that bear upon the
5 case.

6 (2) The right to represent themselves or obtain the services of an attorney
7 at their own expense.

8 (3) The right to subpoena witnesses, cross-examine witnesses of the other
9 party, and make a closing argument summarizing the party's view of
10 the case and the law.

11 (d) Within 30 days after completion of the hearing, the court shall enter a signed,
12 written order containing findings of fact and conclusions of law. A copy of the order
13 shall be served on each party or the party's attorney of record. If the court concludes that
14 the director has not established by a preponderance of the evidence the correctness of
15 the determination of abuse or serious neglect or the identification of the responsible
16 individual, the court shall reverse the director's decision and order the director to notify
17 the Department of Health and Human Services to expunge the individual's name from
18 the responsible individuals list. If the court concludes that sufficient evidence has not
19 been presented to support a determination of abuse, but there is sufficient evidence to
20 support a determination of serious neglect and the identification of the individual
21 seeking expunction as a responsible individual, the court shall modify the director's
22 decision and order the director to notify the Department of Health and Human Services
23 to change the entry on the responsible individuals list to that of neglect.

24 (e) Notwithstanding any time limitations contained in this section or the
25 provisions of G.S. 7B-316(a)(3) or (4), a district court may review a determination of
26 abuse or serious neglect at any time if the review serves the interests of justice or for
27 extraordinary circumstances.

28 (f) A party may appeal the district court's decision under G.S. 7A-27(c).
29 "§ 7B-316. Persons ineligible to request expunction; stay of expunction proceeding
30 pending juvenile court case.

31 (a) Any individual who has been identified as a responsible individual in an
32 abuse or serious neglect case is not entitled to challenge the placement of the
33 individual's name on the responsible individuals list if any of the following apply:

34 (1) The individual is criminally convicted as a result of the same incident.
35 The prosecutor shall inform the director of the result of the criminal
36 proceeding, and the director shall immediately notify the Department
37 of Health and Human Services. The Department shall consider this
38 information when determining whether the individual's name should
39 remain on or be expunged from the responsible individuals list.

40 (2) The individual is a respondent in a juvenile court proceeding regarding
41 abuse or neglect resulting from the same incident. The director shall
42 immediately notify the Department of Health and Human Services.
43 The Department shall consider this information when determining

whether the individual's name should remain on or be expunged from the responsible individuals list.

(3) That individual fails to make a timely request for expunction with the director who made the determination of abuse or serious neglect and identified the individual as a responsible individual.

(4) That individual fails to file a petition for expunction with the district court in a timely manner.

(5) That individual fails to keep the county department of social services informed of the individual's current address during any request for expunction so that the individual may receive notification of the director's decisions.

(b) If, prior to or during any proceeding provided for in this section, an individual seeking expunction is named as a respondent in a juvenile court case resulting from the same incident, the director, the district court judge, or the Court of Appeals shall stay any further proceedings for the expunction of that individual's name from the responsible individuals list until the juvenile court case is concluded or dismissed. If a juvenile court case resulting from the same determination of abuse or serious neglect is dismissed, or concludes without an adjudication of abuse or neglect, or with an adjudication that differs from the prior determination, the director shall notify the Department of Health and Human Services to expunge the individual's name from the responsible individuals list or modify the prior decision of the director accordingly."

SECTION 4. G.S. 7B-200(a) reads as rewritten:

"§ 7B-200. Jurisdiction.

(a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be abused, neglected, or dependent. This jurisdiction does not extend to cases involving adult defendants alleged to be guilty of abuse or neglect.

The court also has exclusive original jurisdiction of the following proceedings:

(1) Proceedings under the Interstate Compact on the Placement of Children set forth in Article 38 of this Chapter; ~~Chapter~~.

(2) Proceedings involving judicial consent for emergency surgical or medical treatment for a juvenile when the juvenile's parent, guardian, custodian, or other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court refuses to consent for treatment to be ~~rendered~~; rendered.

(3) Proceedings to determine whether a juvenile should be ~~emancipated~~; emancipated.

(4) Proceedings to terminate parental ~~rights~~; rights.

(5) Proceedings to review the placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and a county department of social ~~services~~; services.

(6) Proceedings in which a person is alleged to have obstructed or interfered with an investigation required by G.S. 7B-302; G.S. 7B-302.

1 (7) Proceedings involving consent for an abortion on an unemancipated
2 minor ~~pursuant to under~~ Article 1A, Part 2 of Chapter 90 of the
3 General Statutes; ~~and Statutes.~~

4 (8) Proceedings by an underage party seeking judicial authorization to
5 ~~marry, pursuant to marry under~~ Article 1 of Chapter 51 of the General
6 Statutes.

7 (9) Petitions for expunction of an individual's name from the responsible
8 individuals list under Article 3A of this Chapter."

9 SECTION 5. This act becomes effective October 1, 2005, and applies to
10 investigative assessment responses initiated by county departments of social services on
11 or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

D

HOUSE BILL 661

Committee Substitute Favorable 5/25/05

Third Edition Engrossed 6/1/05

Senate Mental Health & Youth Services Committee Substitute Adopted 7/12/05

PROPOSED SENATE COMMITTEE SUBSTITUTE H661-PCS70555-RC-90

Short Title: Resp. Individuals List/Expunction Process.

(Public)

Sponsors:

Referred to:

March 16, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LIST OF INDIVIDUALS RESPONSIBLE FOR ABUSE OR SERIOUS NEGLECT OF A JUVENILE UNDER THE LAWS REGULATING JUVENILE ABUSE, NEGLECT, AND DEPENDENCY AND ESTABLISHING A PROCESS FOR EXPUNCTION FROM THAT LIST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-101 is amended by adding the following new subdivisions to read:

"§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

...

(18a) Responsible individual. – An individual identified by the director as the person who is responsible for rendering a juvenile abused or seriously neglected.

...

(21) Substantial evidence. – Relevant evidence a reasonable mind would accept as adequate to support a conclusion.

(22) Working day. – Any day other than a Saturday, Sunday, or a legal holiday when the courthouse is closed for transactions."

SECTION 2. G.S. 7B-311 reads as rewritten:

"§ 7B-311. Central registry; registry; responsible individuals list.

(a) The Department of Health and Human Services shall maintain a central registry of abuse, neglect, and dependency cases and child fatalities that are the result of

1 alleged maltreatment that are reported under this Article in order to compile data for
2 appropriate study of the extent of abuse and neglect within the State and to identify
3 repeated abuses of the same juvenile or of other juveniles in the same family. This data
4 shall be furnished by county directors of social services to the Department of Health and
5 Human Services and shall be confidential, subject to ~~polieies~~ rules adopted by the Social
6 Services Commission providing for its use for study and research and for other
7 appropriate disclosure. Data shall not be used at any hearing or court proceeding unless
8 based upon a final judgment of a court of law.

9 (b) The Department shall also maintain a list of responsible individuals identified
10 by county directors of social services as the result of investigative assessment responses.
11 The Department may provide information from this list to child caring institutions, child
12 placing agencies, group home facilities, and other providers of foster care, child care, or
13 adoption services that need to determine the fitness of individuals to care for or adopt
14 children.

15 (c) It is unlawful for any public official or public employee to knowingly and
16 willfully release information from either the central registry or the responsible
17 individuals list to a person who is not authorized to receive the information. It is
18 unlawful for any person who is authorized to receive information from the central
19 registry or the responsible individuals list to release that information to an unauthorized
20 person. It is unlawful for any person who is not authorized to receive information from
21 the central registry or the responsible individuals list to access or attempt to access that
22 information. A person who commits an offense described in this subsection is guilty of
23 a Class 3 misdemeanor.

24 (d) The Social Services Commission shall adopt rules regarding the operation of
25 the central registry and responsible individuals list, including:

26 (1) Procedures for filing data.

27 (2) Procedures for notifying a responsible individual of a determination of
28 abuse or serious neglect.

29 (3) Procedures for correcting and expunging information.

30 (4) Determining persons who are authorized to receive information from
31 the responsible individuals list.

32 (5) Releasing information from the responsible individuals list to
33 authorized requestors.

34 (6) Gathering statistical information.

35 (7) Keeping and maintaining information placed in the registry and on the
36 responsible individuals list.

37 (8) A definition of 'serious neglect'."

38 **SECTION 3.** Subchapter I of Chapter 7B of the General Statutes is amended
39 by adding a new Article to read:

40 "Article 3A.

41 "Expunction; Responsible Individuals List.

42 "**§ 7B-312. Notification to individual responsible for abuse or substantial neglect.**

43 (a) Within five working days after the completion of an investigative assessment
44 response that results in a determination of abuse or serious neglect, the director shall

1 notify the Department of the results of the assessment and shall give personal written
2 notice to the responsible individual of the determination.

3 (b) If personal written notice is not obtained within 15 days of the determination
4 being made, the director shall send the notice to the responsible individual by registered
5 or certified mail, return receipt requested, and addressed to the responsible individual at
6 the individual's last known address. Only the responsible individual may receive the
7 notice.

8 (c) The notice shall include all of the following:

- 9 (1) A statement informing the individual of the nature of the investigative
10 assessment response and whether the director determined abuse or
11 serious neglect or both.
- 12 (2) A statement summarizing the substantial evidence supporting the
13 director's determination without identifying the reporter or collateral
14 contacts.
- 15 (3) A statement informing the individual that the individual's name has
16 been placed on the responsible individuals list as provided in
17 G.S. 7B-311, and that the Department of Health and Human Services
18 may provide information from this list to child caring institutions,
19 child placing agencies, group home facilities, and other providers of
20 foster care, child care, or adoption services that need to determine the
21 fitness of individuals to care for or adopt children.
- 22 (4) A clear description of the actions the individual must take to have his
23 or her name removed from the responsible individuals list. The
24 description shall include information regarding how to request an
25 expunction by the director of the individual's name from the
26 responsible individuals list and procedures for seeking review by the
27 district attorney and for seeking judicial review of the director's
28 decision not to remove the individual's name from the list.

29 **"§ 7B-313. Requests for expunction; director review.**

30 (a) An individual who has been identified as a responsible individual as the result
31 of an investigative assessment response may, within 30 days after receipt of the notice
32 under G.S. 7B-312(c), request that the director who determined the abuse or serious
33 neglect and identified the individual as a responsible individual expunge the individual's
34 name from the responsible individuals list. A request for expunction under this
35 subsection shall be in writing, addressed to the director who determined the abuse or
36 serious neglect and identified the individual as a responsible individual, and delivered in
37 person or by certified mail, return receipt requested, within 30 days after receipt of
38 notice.

39 (b) Upon receipt of a timely request for expunction under subsection (a) of this
40 section, the director shall review all records, reports, and other information gathered
41 during the investigative assessment response. The purpose of the review is to determine
42 whether there is substantial evidence to support the determination and the placement of
43 the individual's name on the responsible individuals list. Within 15 working days of
44 receipt of the request for expunction, the director shall proceed as follows:

(1) If the director decides that there is not substantial evidence in the records, reports, and other information gathered during the investigative assessment response to support a determination of abuse or serious neglect and to support the identification of the individual as a responsible individual, the director shall notify the Department of Health and Human Services to expunge the individual's name from the responsible individuals list. The director shall also prepare a written statement of the director's decision and send the statement to the individual seeking expunction, by personal delivery or first-class mail.

(2) If the director decides that there is substantial evidence in the records, reports, and other information gathered during the investigative assessment response to support a determination of abuse or serious neglect and to support the identification of the individual as a responsible individual, the director may uphold or modify the director's prior decision accordingly and refuse the request for an expunction. The director shall prepare a written statement of the director's decision including the reasons for the decision. The statement shall clearly indicate that it is a final decision and include information regarding the amount of time the individual has to request a review by the district attorney or to file a petition for expunction with the district court. The director shall send the statement to the individual seeking expunction by personal delivery or first-class mail. The director shall also include a second notice containing the information required by G.S. 7B-312(c) and a copy of a petition for expunction form.

(c) If the director does not provide a written response to a request for expunction within 15 working days after its receipt, the failure shall be considered a refusal to expunge the individual's name, and the individual may request a review of the decision by the district attorney or file a petition for expunction with the district court.

(d) If the director modifies the prior determination, the director shall notify the Department of Health and Human Services, which shall change its records upon receipt of the notification.

(e) An individual whose request for expunction has been refused by a director under this section may, within 30 days after receipt of the notice of refusal, request a review of the director's decision by the district attorney under G.S. 7B-314 or file a petition requesting expunction with the district court under G.S. 7B-315.

"§ 7B-314. District attorney review expunction request.

(a) Within 30 days of the receipt of notice of the director's refusal to expunge the individual's name under G.S. 7B-313(b) or (c), the individual may request a review of the director's decision by the district attorney of the prosecutorial district in which the abuse or serious neglect report arose. The district attorney may delegate the review of the director's decision to a designee within the district attorney's office. The individual shall request a review under this section by submitting a letter directed to the attention of the district attorney. The letter shall contain the name, date of birth, address of the

1 individual seeking expunction, and the name of the juvenile who was the subject of the
2 determination of abuse or serious neglect. Failure to make a timely request to the district
3 attorney to review the director's decision shall constitute a waiver of the individual's
4 right of review by the district attorney, but shall not bar the individual from filing a
5 petition for expunction under G.S. 7B-315.

6 (b) The director shall provide the district attorney all the information the director
7 used in making the determination. The district attorney shall review the director's
8 decision to refuse to expunge the individual's name from the responsible individuals list,
9 and within 30 days' receipt of the request to review, make a determination of agreement
10 or disagreement with the director's decision.

11 (c) If the district attorney determines that there is not substantial evidence to
12 support a determination of abuse or serious neglect and to support the identification of
13 an individual as a responsible individual, the district attorney shall notify the individual
14 and the director in writing. The director shall notify the Department of Health and
15 Human Services within five working days of the district attorney's determination, and
16 the Department shall change its records upon receipt of the notification.

17 (d) If the district attorney determines that there is substantial evidence to support
18 a determination of abuse or serious neglect and to support the identification of an
19 individual as a responsible individual, the district attorney shall notify the director, and
20 the individual in writing.

21 **"§ 7B-315. Petition for expunction; district court.**

22 (a) Within 30 days of the receipt of notice of the director's decision under
23 G.S. 7B-313(b) or (c), or within 30 days from the date of a determination by the district
24 attorney under G.S. 7B-314, whichever is later, an individual may file a petition for
25 expunction with the district court of the county in which the abuse or serious neglect
26 report arose. The request shall be by a petition for expunction filed with the appropriate
27 clerk of court's office with a copy delivered in person or by certified mail, return receipt
28 requested, to the director. The petition for expunction shall contain the name, date of
29 birth, and address of the individual seeking expunction, the name of the juvenile who
30 was the subject of the determination of abuse or serious neglect, and facts that invoke
31 the jurisdiction of the court. Failure to timely file a petition for expunction constitutes a
32 waiver of the individual's right to file a petition for expunction and to a district court
33 hearing.

34 (b) The clerk of court shall maintain a separate docket for expunction actions and
35 upon receipt of a filed petition for expunction shall calendar the matter for hearing at a
36 session of district court hearing juvenile matters and send notice of the hearing to the
37 petitioner and to the director. Upon the request of a party, the court shall close the
38 hearing to all persons, except officers of the court, the parties, and their witnesses. At
39 the hearing, the director shall have the burden of proving by a preponderance of the
40 evidence the correctness of the director's decision determining abuse or serious neglect
41 and identifying the individual seeking expunction as a responsible individual. The
42 hearing shall be before a judge without a jury. The rules of evidence applicable in civil
43 cases shall apply. However, the court shall have discretion to permit the admission of

1 any reliable and relevant evidence if the general purposes of the rules of evidence and
2 the interests of justice will best be served by its admission.

3 (c) At the hearing, the following rights of the parties shall be preserved:

4 (1) The right to present sworn evidence, law, or rules that bear upon the
5 case.

6 (2) The right to represent themselves or obtain the services of an attorney
7 at their own expense.

8 (3) The right to subpoena witnesses, cross-examine witnesses of the other
9 party, and make a closing argument summarizing the party's view of
10 the case and the law.

11 (d) Within 30 days after completion of the hearing, the court shall enter a signed,
12 written order containing findings of fact and conclusions of law. A copy of the order
13 shall be served on each party or the party's attorney of record. If the court concludes that
14 the director has not established by a preponderance of the evidence the correctness of
15 the determination of abuse or serious neglect or the identification of the responsible
16 individual, the court shall reverse the director's decision and order the director to notify
17 the Department of Health and Human Services to expunge the individual's name from
18 the responsible individuals list. If the court concludes that sufficient evidence has not
19 been presented to support a determination of abuse, but there is sufficient evidence to
20 support a determination of serious neglect and the identification of the individual
21 seeking expunction as a responsible individual, the court shall modify the director's
22 decision and order the director to notify the Department of Health and Human Services
23 to change the entry on the responsible individuals list to that of neglect.

24 (e) Notwithstanding any time limitations contained in this section or the
25 provisions of G.S. 7B-316(a)(3) or (4), a district court may review a determination of
26 abuse or serious neglect at any time if the review serves the interests of justice or for
27 extraordinary circumstances.

28 (f) A party may appeal the district court's decision under G.S. 7A-27(c).

29 **"§ 7B-316. Persons ineligible to request expunction; stay of expunction proceeding**
30 **pending juvenile court case.**

31 (a) Any individual who has been identified as a responsible individual in an
32 abuse or serious neglect case is not entitled to challenge the placement of the
33 individual's name on the responsible individuals list if any of the following apply:

34 (1) The individual is criminally convicted as a result of the same incident.
35 The district attorney shall inform the director of the result of the
36 criminal proceeding, and the director shall immediately notify the
37 Department of Health and Human Services. The Department shall
38 consider this information when determining whether the individual's
39 name should remain on or be expunged from the responsible
40 individuals list.

41 (2) The individual is a respondent in a juvenile court proceeding regarding
42 abuse or neglect resulting from the same incident. The director shall
43 immediately notify the Department of Health and Human Services.
44 The Department shall consider this information when determining

whether the individual's name should remain on or be expunged from the responsible individuals list.

(3) That individual fails to make a timely request for expunction with the director who made the determination of abuse or serious neglect and identified the individual as a responsible individual.

(4) That individual fails to file a petition for expunction with the district court in a timely manner.

(5) That individual fails to keep the county department of social services informed of the individual's current address during any request for expunction so that the individual may receive notification of the director's decisions.

(b) If, prior to or during any proceeding provided for in this section, an individual seeking expunction is named as a respondent in a juvenile court case resulting from the same incident, the director, the district attorney, the district court judge, or the Court of Appeals shall stay any further proceedings for the expunction of that individual's name from the responsible individuals list until the juvenile court case is concluded or dismissed. If a juvenile court case resulting from the same determination of abuse or serious neglect is dismissed, or concludes without an adjudication of abuse or neglect, or with an adjudication that differs from the prior determination, the director shall notify the Department of Health and Human Services to expunge the individual's name from the responsible individuals list or modify the prior decision of the director accordingly."

SECTION 4. G.S. 7B-200(a) reads as rewritten:

"§ 7B-200. Jurisdiction.

(a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be abused, neglected, or dependent. This jurisdiction does not extend to cases involving adult defendants alleged to be guilty of abuse or neglect.

The court also has exclusive original jurisdiction of the following proceedings:

(1) Proceedings under the Interstate Compact on the Placement of Children set forth in Article 38 of this ~~Chapter~~; Chapter.

(2) Proceedings involving judicial consent for emergency surgical or medical treatment for a juvenile when the juvenile's parent, guardian, custodian, or other person who has assumed the status and obligation of a parent without being awarded legal custody of the juvenile by a court refuses to consent for treatment to be ~~rendered~~; rendered.

(3) Proceedings to determine whether a juvenile should be ~~emancipated~~; emancipated.

(4) Proceedings to terminate parental ~~rights~~; rights.

(5) Proceedings to review the placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and a county department of social ~~services~~; services.

(6) Proceedings in which a person is alleged to have obstructed or interfered with an investigation required by ~~G.S. 7B-302~~; G.S. 7B-302.

1 (7) Proceedings involving consent for an abortion on an unemancipated
2 minor ~~pursuant to~~ under Article 1A, Part 2 of Chapter 90 of the
3 General Statutes; ~~and~~ Statutes.

4 (8) Proceedings by an underage party seeking judicial authorization to
5 ~~marry, pursuant to~~ marry under Article 1 of Chapter 51 of the General
6 Statutes.

7 (9) Petitions for expunction of an individual's name from the responsible
8 individuals list under Article 3A of this Chapter."

9 **SECTION 5.** This act becomes effective October 1, 2005, and applies to
10 investigative assessment responses initiated by county departments of social services on
11 or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE BILL 829
Committee Substitute Favorable 6/1/05

Short Title: Display of Official Governmental Flags.

(Public)

Sponsors:

Referred to:

March 22, 2005

1 A BILL TO BE ENTITLED
2 AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL
3 FLAGS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 144 of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 144-7.1. Display of official governmental flags; public restrictions.**

8 (a) A county, city, consolidated city-county, or unified government shall not
9 prohibit an official governmental flag from being flown or displayed if the official
10 governmental flag is flown or displayed:

11 (1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10,
12 as amended; and

13 (2) Upon private or public property with the consent of either the owner of
14 the property or of any person having lawful control of the property.

15 (b) Notwithstanding subsection (a) of this section, for the purpose of protecting
16 the public health, safety, and welfare, reasonable restrictions on flag size, number of
17 flags, location, and height of flagpoles are not prohibited provided that such restrictions
18 shall not discriminate against any official governmental flag in any manner.

19 (c) For purposes of this section, an 'official governmental flag' shall mean any of
20 the following:

21 (1) The flag of the United States of America.

22 (2) The flag of nations recognized by the United States of America.

23 (3) The flag of the State of North Carolina.

24 (4) The flag of any state or territory of the United States.

25 (5) The flag of political subdivision of any state or territory of the United
26 States."

27 SECTION 2. The title of Chapter 144 of the General Statutes reads as
28 rewritten:

"Chapter 144.

State Flag, Official Governmental Flags, Motto-Motto, And Colors."

SECTION 3. This act becomes effective October 1, 2005, but it applies to the construction of ordinances adopted or registered prior to its effective date.

RULES AND OPERATIONS OF THE SENATE

MINUTES

AUGUST 23, 2005

H.B. 1023 – NORTH CAROLINA STATE LOTTERY ACT

The Committee on Rules and Operations of the Senate met at 9:00 a.m. on August 23, 2005. Eleven members of the committee were present. Senator Rand presented the committee with HB 1524 – North Carolina State Lottery Act.

Senator Hoyle moved that the bill be given a favorable report. The committee voted to give the bill a favorable report.

H.B. 1524 – COMPETITIVE SELECTION/SUPPLEMENTAL INSURANCE

Senator Rand presented the committee with a proposed committee substitute for the bill.

Senator Dalton moved for the adoption of the proposed committee substitute.

Senator Rand explained that we have been working on this bill with the Treasurer's Office. This bill involves supplemental insurance.

Senator Rand recognized Mr. Michael Williamson of the Treasurer's Office, who explained the committee substitute.

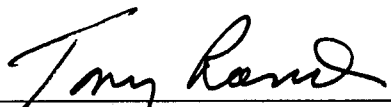
"For twenty years the Treasurers Office has been issuing supplemental insurance benefits to retirees for dental care and various health programs that are not covered through their individual programs. The retirees lose the supplemental insurance benefits upon retirement. The department has created programs in the past to provide supplemental benefits so that retirees are able to purchase these programs at cheaper rates than they can on the open the market. We are formalizing this program as the department has never had the statutory authority to do this so that we can furnish these supplemental benefits to 25,000 retirees."

Chris Evans, Staff Counsel, explained that the bill also contains 3 issues dealing with the Office of State Personnel to allow them to implement pilot projects and allow them to offer supplemental benefits through their existing flexible benefits program and allow for an incentive bonus committee to provide for projects dealing with incentive bonuses for state employees.

Senator Apodaca moved for a favorable report of the committee substitute for HB 1524 – Competitive Selection/Supplemental Insurance.

The committee voted to give the bill a 'favorable report'.

The meeting adjourned at 9:20 a.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Tuesday, August 23, 2005

Senator RAND,
submits the following with recommendations as to passage:

FAVORABLE

H.B.	1023	North Carolina State Lottery Act.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE BILL 1023
Committee Substitute Favorable 4/6/05

Short Title: North Carolina State Lottery Act.

(Public)

Sponsors:

Referred to:

March 31, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A STATE LOTTERY TO SUPPORT SCHOOL
3 CONSTRUCTION, TO FUND COLLEGE AND UNIVERSITY SCHOLARSHIPS,
4 AND TO GENERATE FUNDS TO FURTHER THE GOAL OF PROVIDING
5 ENHANCED EDUCATIONAL OPPORTUNITIES SO THAT ALL STUDENTS
6 IN THE PUBLIC SCHOOLS CAN ACHIEVE THEIR FULL POTENTIAL, AS
7 RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE
8 LOTTERY.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. The General Statutes are amended by adding a new Chapter to
11 read:

"Chapter 18C.

"North Carolina State Lottery.

"Article 1.

"General Provisions and Definitions.

16 "§ 18C-101. Citation.

17 This Chapter shall be known and may be cited as the North Carolina State Lottery
18 Act.

19 "§ 18C-102. Purpose and intent.

20 The General Assembly declares that the purpose of this Chapter is to establish a
21 State-operated lottery to generate funds for the public purposes described in this
22 Chapter. The net revenues generated by the lottery shall not supplant revenues already
23 expended or projected to be expended for those public purposes, and lottery net
24 revenues shall supplement rather than be used as substitute funds for the total amount of
25 money allocated for those public purposes.

26 "§ 18C-103. Definitions.

27 As used in this Chapter, unless the context requires otherwise:

28 (1) 'Commission' means the North Carolina State Lottery Commission.

29 (2) 'Commissioner' means a member of the Commission.

- (3) 'Director' means the person selected by the Commission to be the chief administrator of the North Carolina State Lottery.
- (4) 'Game' or 'lottery game' means any procedure or amusement authorized by the Commission where prizes are distributed among persons who have paid, or unconditionally agreed to pay, for tickets or shares that provide the opportunity to win those prizes.
- (5) 'Lottery' means any lottery game or series of games established and operated pursuant to this Chapter.
- (6) 'Lottery contractor' means a person other than a lottery retailer with whom the Commission has contracted for the purpose of providing goods or services to the Commission.
- (7) 'Person' means any natural person or corporation, limited liability company, trust, association, partnership, joint venture, subsidiary, or other business entity.
- (8) 'Retailer', 'lottery retailer', or 'lottery game retailer' means a person with whom the Commission has contracted to sell tickets or shares in lottery games.
- (9) 'Share' means any method of participation in a lottery game, other than by a ticket purchased on an equivalent basis with a ticket.
- (10) 'Ticket' means any tangible evidence authorized by the Commission to demonstrate participation in a lottery game.
- (11) 'Vendor' or 'lottery vendor' means any person who submits a bid, proposal, or offer to procure a contract for goods or services for the Commission.

"§§ 18C-104 through 18C-109: Reserved for future codification purposes.

"Article 2.

"North Carolina State Lottery Commission.

"§ 18C-110. Establishment of the North Carolina State Lottery Commission to be a self-supporting agency of the State.

There is created the North Carolina State Lottery Commission to establish and oversee the operation of a Lottery. The Commission shall be located in the Department of Commerce for budgetary purposes only; otherwise, the Commission shall be an independent, self-supporting, and revenue-raising agency of the State. The Commission shall reimburse other governmental entities that provide services to the Commission.

"§ 18C-111. Commission membership; appointment; selection of chair; vacancies; removal; meetings; compensation.

(a) The Commission shall consist of nine members, three of whom shall be appointed by the Governor, three of whom shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and three of whom shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. The Governor shall select the initial chair of the Commission from among its membership, who shall serve as chair for one year from the date of appointment. Thereafter, the Commission shall select a chair from among its membership to serve at the pleasure of the Commission.

(b) Of the initial appointees of the Governor, one member shall serve a term of one year, one member shall serve a term of two years, and one member shall serve a term of three years. Of the initial appointees of the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one member shall serve a term of one year, one member shall serve a term of two years, and one member shall serve a term of three years. Of the initial appointees of the General Assembly upon the recommendation of the Speaker of the House of Representatives, one member shall serve a term of one year, one member shall serve a term of two years, and one member shall serve a term of three years. All succeeding appointments shall be for terms of five years. Members shall not serve for more than two successive terms.

(c) Vacancies shall be filled by the appointing authority for the unexpired portion of the term in which they occur.

(d) The Commission shall meet at least quarterly upon the call of the chair. A majority of the total membership of the Commission shall constitute a quorum.

(e) Members of the Commission shall receive per diem, subsistence, and travel as provided in G.S. 138-5 and G.S. 138-6.

"§ 18C-112. Qualifications of Commissioners.

(a) Of the members of the Commission appointed by the Governor, at least one member shall have a minimum of five years' experience in law enforcement, and no more than two members shall be from the same political party as the Governor.

(b) Of the members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one member shall be a certified public accountant, and no more than two members shall be from the same political party as the President Pro Tempore of the Senate.

(c) Of the members of the Commission appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, one member shall have retail sales experience, and no more than two members shall be from the same political party as the Speaker of the House of Representatives.

(d) In making appointments to the Commission, the appointing authorities shall consider the composition of the State with regard to gender, ethnic, racial, and age composition.

"§ 18C-113. Meetings; records.

(a) Meetings of the Commission shall be subject to Article 33C of Chapter 143 of the General Statutes.

(b) Except as provided in this Article, records of the Commission shall be open and available to the public in accordance with Chapter 132 of the General Statutes.

(c) Personnel records of the Commission are subject to Article 7 of Chapter 126 of the General Statutes.

"§ 18C-114. Powers and duties of the Commission.

(a) The Commission shall have the following powers and duties:

(1) To specify the types of lottery games and gaming technology to be used in the Lottery.

(2) To prescribe the nature of lottery advertising.

- (3) To specify the number and value of prizes for winning tickets or shares in lottery games, including cash prizes, merchandise prizes, prizes consisting of deferred payments or annuities, and prizes of tickets or shares in the same lottery game or other lottery games.
- (4) To specify the rules of lottery games and the method for determining winners of lottery games.
- (5) To specify the retail sales price for tickets or shares for lottery games.
- (6) To establish a system to claim prizes, including determining the time periods within which prizes must be claimed, to verify the validity of tickets or shares claimed to win prizes, and to effect payment of those prizes.
- (7) To conduct a background investigation, including a criminal history record check, of applicants for the position of Director, which may include a search of the State and National Repositories of Criminal Histories based on the fingerprints of applicants.
- (8) To determine the salary of the Director and the terms and conditions for employment contracts for the Director.
- (9) To specify the manner of distribution, dissemination, or sale of lottery tickets or shares to lottery game retailers or directly to the public.
- (10) To determine the incentives, if any, for any lottery employees, lottery vendors, lottery contractors, or electronic computer terminal operators.
- (11) To approve and authorize the Director to enter into contracts with lottery game retailers upon terms and conditions as specified by the Commission.
- (12) To approve and authorize the Director to enter into agreements with other states to operate and promote multistate lotteries consistent with the purposes set forth in this Chapter.
- (13) Any other powers necessary for the Commission to carry out its responsibilities under this Chapter.

(b) The Commission may adopt rules to carry out its duties and responsibilities under this Chapter.

"§ 18C-115. Reports.

The Commission shall send quarterly and annual reports on the operations of the Commission to the Governor, State Treasurer, and to the General Assembly. The reports shall include complete statements of lottery revenues, prize disbursements, expenses, net revenues, and all other financial transactions involving lottery funds, including the occurrence of any audit.

"§ 18C-116. Audits.

The State Auditor shall conduct annual audits of all accounts and transactions of the Commission and any other special postaudits the State Auditor considers to be necessary.

"§§ 18C-117 through 18C-119: Reserved for future codification purposes.

"Article 3.

"North Carolina State Lottery Director.

1 **"§ 18C-120. Selection of the Director; powers and duties.**

2 (a) The Commission shall select a Director to operate and administer the Lottery
3 and to serve as the Secretary of the Commission. Except as to the provisions of Articles
4 6 and 7 of Chapter 126 of the General Statutes, the Director shall be exempt from the
5 State Personnel Act.

6 (b) The Director shall have the following powers and duties, under the
7 supervision of the Commission:

- 8 (1) To provide for the reporting of payment of lottery game prizes to State
9 and federal tax authorities and for the withholding of State and federal
10 income taxes from lottery game prizes as provided in State and federal
11 law.
- 12 (2) To conduct a background investigation, including a criminal history
13 record check, of applicants for employment with the Commission,
14 lottery retailers, and lottery contractors, which may include a search of
15 the State and National Repositories of Criminal Histories based on the
16 fingerprints of applicants.
- 17 (3) To set the salaries of all Commission employees, subject to the
18 approval of the Commission, and to employ all personnel of the
19 Commission. Except for the provisions of Articles 6 and 7 of Chapter
20 126 of the General Statutes, all employees of the Commission shall be
21 exempt from the State Personnel Act.
- 22 (4) To enter into contracts with lottery retailers and lottery contractors
23 upon approval by the Commission.
- 24 (5) To provide for the security and accuracy in the operation and
25 administration of the Commission and the Lottery, including
26 examining the background of all prospective employees, lottery
27 vendors, lottery contractors, and lottery retailers.
- 28 (6) To receive reports of alleged violations of the law relating to the
29 operation of the Lottery and report those violations to the appropriate
30 law enforcement authority.
- 31 (7) To confer with the Commission on the operation and administration of
32 the Lottery and make available for inspection by the Commission all
33 books, records, files, documents, and other information of the Lottery.
- 34 (8) To study the operation and administration of other lotteries and to
35 collect demographic and other information concerning the Lottery and
36 make recommendations to improve the operation and administration of
37 the Lottery to the Commission, to the Governor, and to the General
38 Assembly.
- 39 (9) To provide monthly financial reports to the Commission of all lottery
40 revenues, prize disbursements, expenses, net revenues, and all other
41 financial transactions involving lottery funds.
- 42 (10) To enter into agreements with other states to operate and promote
43 multistate lotteries consistent with the purposes set forth in this
44 Chapter and upon the approval of the Commission.

"§ 18C-121. Accountability; books and records.

The Director shall make and keep books and records that accurately and completely reflect each day's transactions, including the distribution of tickets or shares to lottery game retailers, receipt of funds, prize claims, prizes paid directly by the Commission, expenses, and all other financial transactions involving lottery funds necessary to permit preparation of financial statements that conform with generally accepted accounting principles.

"§ 18C-122. Independent audits.

(a) At the beginning of each calendar year, the Director shall engage an independent firm experienced in security procedures, including computer security and systems security, to conduct a comprehensive study and evaluation of all aspects of security in the operation of the Commission and of the Lottery. At a minimum, such a security assessment should include a review of network vulnerability, application vulnerability, application code review, wireless security, security policy and processes, security/privacy program management, technology infrastructure and security controls, security organization and governance, and operational effectiveness.

(b) The portion of the security audit report containing the overall evaluation of the Commission and of lottery games in terms of each aspect of security shall be presented to the Commission, to the Governor, and to the General Assembly.

(c) The portion of the security audit report containing specific recommendations shall be confidential, shall be presented only to the Director and to the Commission, and shall be exempt from Chapter 132 of the General Statutes. The Commission may hear the report of such an audit, discuss, and take action on any recommendations to address that audit under G.S. 143-318.11(a)(1).

(d) Biennially at the end of the fiscal year, the Director shall engage an independent auditing firm that has experience in evaluating the operation of lotteries to perform an audit of the Lottery. The results of this audit shall be presented to the Commission, to the Governor, and to the General Assembly.

"§§ 18C-123 through 18C-129: Reserved for future codification purposes.

"Article 4.**"Operation of Lottery.**

"§ 18C-130. Types of lottery games; lottery games and lottery advertising; certain disclosures and information to be provided.

(a) The Commission shall determine the type of lottery games that may be used in the Lottery. Games may include instant lotteries, online games, games played on computer terminals or other devices, and other games traditional to a lottery or that have been conducted by any other state government-operated lottery.

(b) In lottery games using tickets, each ticket in a particular game shall have printed on it a unique number distinguishing it from every other ticket in that lottery game and an abbreviated form of the game-play rules. In lottery games using tickets with preprinted winners, the overall estimated odds of winning prizes shall be printed on each ticket. No name or photograph of a current or former elected official shall appear on the tickets of any lottery game.

1 (c) In games using electronic computer terminals or other devices to play lottery
2 games, no coins or currency shall be dispensed to players from those electronic
3 computer terminals or devices.

4 (d) No games shall be based on the outcome of a particular sporting event or on
5 the results of a series of sporting events.

6 (e) The only advertising of the Lottery that shall be permitted is point-of-sale
7 advertising and advertising on the premises of lottery retailers. Lottery advertising shall
8 be designed and presented in a manner to minimize the appeal of lottery games to
9 minors. The use of cartoon characters or of false, misleading, or deceptive information
10 in lottery advertising is prohibited. All advertising promoting the sale of lottery tickets
11 or shares for a particular game shall include the actual or estimated overall odds of
12 winning the game.

13 (f) The Commission shall make available a detailed tabulation of the estimated
14 number of prizes of each particular prize denomination that are expected to be awarded
15 in each lottery game or the estimated odds of winning these prizes at the time that
16 lottery game is offered for sale to the public.

17 (g) The Commission shall, in consultation with the Department of Health and
18 Human Services, develop and provide information to the public about gambling
19 addiction and treatment.

20 **"§ 18C-131. Sales and sale price of tickets and shares; sales to minors prohibited.**

21 (a) The Commission may sell tickets and shares directly to the public, contract
22 with lottery game retailers to sell tickets and shares, or distribute tickets or shares
23 through any other method authorized by the Commission.

24 (b) No ticket or share in a lottery game shall be sold or resold for more than the
25 retail sales price established by the Commission.

26 (c) The minimum retail price of each ticket or share in any lottery game shall be
27 fifty cents (50¢). The minimum retail price shall not apply to any discounts or
28 promotions authorized by the Commission for a particular lottery game.

29 (d) It shall be unlawful for a person to sell a lottery ticket or share to a person
30 under the age of 18 years. No person under the age of 18 years shall purchase a lottery
31 ticket or share. A person who violates this subsection shall be guilty of a Class 1
32 misdemeanor.

33 (e) It shall be a defense for the person who sold a ticket or share in violation of
34 subsection (d) of this section if the person does either of the following:

35 (1) Shows that the purchaser produced a drivers license, a special
36 identification card issued under G.S. 20-37.7, a military identification
37 card, or a passport, showing the purchaser to be at least 18 years old
38 and bearing a physical description of the person named on the card that
39 reasonably describes the purchaser.

40 (2) Produces evidence of other facts that reasonably indicated at the time
41 of sale that the purchaser was at least 18 years old.

42 **"§ 18C-132. Procedures for drawings and claiming prizes; payment of prizes;**
43 **protection of information concerning certain prize winners.**

1 (a) If a lottery game uses a daily or less frequent drawing of winning numbers, a
2 drawing among entries, or a drawing among finalists, all of the following conditions
3 shall be met:

4 (1) The drawings shall be open to the public.

5 (2) The drawings shall be witnessed by an independent certified public
6 accountant.

7 (3) Any equipment used in the drawings shall be inspected by the
8 independent certified public accountant and an employee of the
9 Commission both before and after the drawings.

10 (4) Audio and visual records of the drawings and inspections shall be
11 made.

12 (b) If a valid claim is not made for a prize within the applicable period, the
13 unclaimed prize money may be used to increase prize payments for future games or may
14 be used for other purposes consistent with this Chapter. Prizes that remain unclaimed
15 after the period set by the Commission for claiming the prizes shall not be considered
16 abandoned property.

17 (c) After the expiration of the claim period for prizes for each lottery game, the
18 Commission shall make available a detailed tabulation of the total number of prizes of
19 each prize denomination that was actually claimed and paid directly by the
20 Commission.

21 (d) No prize shall be paid for a lottery ticket or share that is stolen, counterfeit,
22 altered, fraudulent, unissued, produced or issued in error, unreadable, not received or
23 recorded by the Commission by the applicable deadlines, lacking in captions that
24 conform and agree with the play symbols as appropriate to the lottery game involved, or
25 not in compliance with any additional specific rules and public or confidential
26 validation and security tests appropriate to the particular game involved.

27 (e) No particular prize in any lottery game shall be paid more than once. The
28 Director, Commission, and the State shall be discharged of all liability upon payment of
29 a prize.

30 (f) Winners of less than six hundred dollars (\$600.00) shall be permitted to claim
31 prizes from any of the following:

32 (1) The same lottery game retailer who sold the winning ticket or share.

33 (2) From any other lottery retailer.

34 (3) Directly from the Commission.

35 (g) Winners of six hundred dollars (\$600.00) or more shall claim prizes directly
36 from the Commission.

37 (h) The right of any person to a prize shall not be assignable. Payment of any
38 prize may be paid to the estate of a deceased prizewinner or to a person designated
39 pursuant to a court order.

40 (i) No ticket or share in a lottery game shall be purchased by, and no prize shall
41 be paid to, a member of the Commission, the Director, or employee of the Commission,
42 or to any spouse, parent, or child living in the same household as a person disqualified
43 by this subsection.

44 (j) No prize shall be paid to a person under the age of 18.

1 (k) If a prize winner submits to the Commission a copy of a protective order
2 without attachments, if any, issued to that person under G.S. 50B-3 or a lawful order of
3 any court of competent jurisdiction restricting the access or contact of one or more
4 persons with that prize winner or a current and valid Address Confidentiality Program
5 authorization card issued pursuant to the provisions of Chapter 15C of the General
6 Statutes, that prize winner's identifying information shall be treated as confidential
7 information under G.S. 132-1.2 as long as the protective order remains in effect or the
8 prize winner remains a certified program participant in the Address Confidentiality
9 Program. That prize winner's identifying information shall be available for inspection
10 by a law enforcement agency or by a person identified in a court order if inspection of
11 the address by that person is directed by that court order.

12 **"§ 18C-133. Lottery game-play rules and winner validation procedures.**

13 (a) By purchasing a ticket or share in a lottery game, a player agrees to abide by,
14 and be bound by, the game-play rules adopted by the Commission that apply to any
15 particular lottery game involved.

16 (b) All players acknowledge that the determination of whether the player is a
17 winner is subject to the game-play rules and the winner validation procedures and
18 confidential validation tests established by the Commission for the particular lottery
19 game involved.

20 **"§ 18C-134. Prize winners with outstanding debts to State agencies, delinquent**
21 **taxes, or past-due child support; offset.**

22 (a) Before paying a prize of six hundred dollars (\$600.00) or more to a person
23 who claims to have won the prize, the Commission shall submit the name of that person
24 to the Department of Revenue. The Department of Revenue shall, within 10 days after
25 receiving the name of the person, identify whether that person owes a debt to a State
26 agency as provided in the Setoff Debt Collection Act, Chapter 105A of the General
27 Statutes, and shall notify the Commission of the amount of the prize subject to debt
28 set-off. The Commission shall remit the amount identified by the Department of
29 Revenue to the Department, and shall pay any remaining funds from the prize to the
30 prizewinner.

31 (b) Except as provided in this section, the provisions of Chapter 105A of the
32 General Statutes apply to the funds identified by the Department of Revenue and
33 remitted by the Commission to the Department.

34 **"§§ 18C-135 through 18C-139: Reserved for future codification purposes.**

35 **"Article 5.**

36 **"Lottery Game Retailers.**

37 **"§ 18C-140. Contracting with lottery game retailers.**

38 The Commission may contract with lottery game retailers to sell tickets or shares for
39 lottery games upon such terms and conditions as it considers appropriate. No contract to
40 act as a lottery game retailer is assignable or transferable. All contracts with lottery
41 game retailers shall provide that the Director may terminate the contract if the lottery
42 game retailer knowingly violates a provision of this Chapter.

43 **"§ 18C-141. Selection of lottery game retailers.**

1 (a) The Director shall recommend to the Commission those persons with whom
2 to contract as lottery game retailers. To the extent practicable, the Director shall meet
3 the minority participation goals under Article 8 of Chapter 143 of the General Statutes.

4 (b) The Director may not recommend contracting with any of the following:

5 (1) A natural person under 21 years of age. This minimum age shall not
6 prohibit employees of a lottery game retailer who are under 21 years of
7 age from selling lottery tickets or shares during their employment.

8 (2) A person who would be engaged exclusively in the business of selling
9 lottery tickets or shares or operating electronic computer terminals or
10 other devices solely for entertainment.

11 (c) Upon approval of the Commission, the Director shall enter into a contract
12 with the person to sell tickets or shares upon such terms and conditions as the
13 Commission directs.

14 **"§ 18C-142. Compensation for lottery game retailers.**

15 The amount of compensation paid to lottery game retailers for their sales of lottery
16 tickets or shares shall be six percent (6%) of the retail price of the tickets or shares sold
17 for each lottery game. The Commission shall authorize an incentive bonus of up to one
18 percent (1%) of the retail price of the tickets or shares sold based on submission of
19 reports and remission of lottery revenues to the Commission on a timely basis.

20 **"§ 18C-143. Responsibilities of lottery game retailers.**

21 (a) A lottery game retailer shall comply with all provisions of this Article and the
22 contract with the Commission.

23 (b) A lottery game retailer shall sell no lottery tickets or shares unless the retailer
24 conspicuously displays a certificate of authority, signed by the Director, to sell lottery
25 tickets or shares.

26 (c) A lottery game retailer shall furnish an appropriate bond or letter of credit, if
27 so requested by the Director. The Commission may authorize the Director to purchase
28 blanket bonds covering the activities of any or all lottery game retailers.

29 (d) The Commission shall adopt rules to establish procedures governing how the
30 lottery game retailers:

31 (1) Account for all tickets or shares in their custody, including tickets and
32 shares sold.

33 (2) Account for the money collected from the sale of tickets and shares.

34 (3) Remit funds to the Commission, provided that all payments shall be in
35 the form of electronic fund transfers or other recorded financial
36 instruments as authorized by the Commission and approved by the
37 Director.

38 **"§§ 18C-144 through 18C-149: Reserved for future codification purposes.**

39 "Article 6.

40 "Lottery Vendors and Lottery Contractors.

41 **"§ 18C-150. Procurements.**

42 The Commission shall be exempt from Article 3 of Chapter 143 of the General
43 Statutes but may use the services of the Department of Administration in procuring
44 goods and services for the Commission.

"§ 18C-151. Contracts.

(a) Article 8 of Chapter 143 of the General Statutes shall apply to all contracts entered into by the Commission, including the provisions relating to minority participation goals, and the Commission shall be considered a political subdivision of the State for those purposes of contracting under Article 8 of Chapter 143 of the General Statutes. Contracts for the provision of services to the Commission shall be treated as a contract for the purchase of apparatus, supplies, materials, or equipment. The bonding requirements of G.S. 143-129(b) for construction contracts shall apply to all contracts of the Commission and may be waived at the discretion of the Commission.

(b) Upon the completion of the bidding process, a contract may be awarded to a lottery contractor with whom the Commission has previously contracted for the same purposes.

(c) Before a contract required to be let under G.S. 143-129 is awarded, the Director shall conduct an investigation of all of the following:

(1) The vendor to whom the contract is to be awarded.

(2) Any parent or subsidiary corporation of the vendor to whom the contract is to be awarded.

(3) All shareholders with a five percent (5%) or more interest in the vendor or parent or subsidiary corporation of the vendor to whom the contract is to be awarded.

(4) All officers and directors of the vendor or parent or subsidiary corporation of the vendor to whom the contract is to be awarded.

(d) The Commission may terminate the contract, without penalty, of a lottery contractor that fails to comply with the Commission's instruction to implement the recommendations of the State Auditor or an independent auditor in an audit conducted of Lottery security or operations.

"§ 18C-152. Investigation of lottery vendors.

(a) Lottery vendors shall cooperate with the Director in completing any investigation required under G.S. 18C-151(c), including any appropriate investigation authorizations needed to facilitate these investigations.

(b) The Commission shall adopt rules that provide for disclosures by lottery vendors to ensure that the vendors provide all the information necessary to allow for a full and complete evaluation by the Director and Commission of the competence, integrity, background, and character of the lottery vendors.

(c) All documents compiled by the Director in conducting the investigation of the lottery vendors shall be held as confidential information under Chapter 132.

"§§ 18C-153 through 18C-159: Reserved for future codification purposes.**"Article 7.****"North Carolina State Lottery Fund.****"§ 18C-160. North Carolina State Lottery Fund.**

An enterprise fund, to be known as the North Carolina State Lottery Fund, is created within the State treasury. The North Carolina State Lottery Fund is appropriated to the Commission and may be expended without further action of the General Assembly for the purposes of operating the Commission and the lottery games.

"§ 18C-161. Types of income to the North Carolina State Lottery Fund.

The following revenues shall be deposited in the North Carolina State Lottery Fund:

- (1) All proceeds from the sale of lottery tickets or shares.
- (2) The funds for initial start-up costs provided by the State.
- (3) All other funds credited or appropriated to the Commission from any source.
- (4) Interest earned by the North Carolina State Lottery Fund.

"§ 18C-162. Allocation of revenues.

(a) To the extent practicable, the Commission shall allocate revenues to the North Carolina State Lottery Fund in the following manner:

- (1) At least fifty percent (50%) of the total annual revenues, as described in this Chapter, shall be returned to the public in the form of prizes.
- (2) At least thirty-four percent (34%) of the total annual revenues, as described in this Chapter, shall be transferred as provided in G.S. 18C-164.
- (3) No more than sixteen percent (16%) of the total annual revenues, as described in this Chapter, shall be allocated for payment of expenses of the Lottery.

(b) Unclaimed prize money held by the Commission in the North Carolina State Lottery Fund may be used by the Commission to enhance prizes in other lottery games.

(c) To the extent that the expenses of the Commission are less than sixteen percent (16%) of total annual revenues, the Commission may allocate any surplus funds:

- (1) To increase prize payments; or
- (2) To the benefit of the public purposes as described in this Chapter.

"§ 18C-163. Expenses of the Lottery.

Expenses of the Lottery may include any of the following:

- (1) The costs incurred in operating and administering the Commission, including initial start-up costs.
- (2) The costs resulting from any contracts entered into for the purchase or lease of goods or services required by the Commission.
- (3) The compensation paid to lottery game retailers.
- (4) The costs of supplies, materials, tickets, independent studies and audits, data transmission, advertising, promotion, incentives, public relations, communications, bonding for lottery game retailers, printing, and distribution of tickets and shares.
- (5) The costs of reimbursing other governmental entities for services provided to the Commission.
- (6) The costs for any other goods and services needed to accomplish the purposes of this Chapter.

"§ 18C-164. Transfer of net revenues.

(a) The funds remaining in the North Carolina State Lottery Fund after receipt of all revenues to the Lottery Fund and after accrual of all obligations of the Commission

1 for prizes and expenses shall be considered to be the net revenues of the North Carolina
2 State Lottery Fund.

3 (b) On June 30 of each year, the Commission shall distribute the net revenue of
4 the North Carolina State Lottery Fund as follows:

5 (1) Fifty percent (50%) shall be transferred to the Public School Building
6 Capital Fund created in Article 38A of Chapter 115C of the General
7 Statutes and is appropriated for expenditure in accordance with that
8 Article. It is the purpose of this subdivision for counties to appropriate
9 funds generated under this subdivision to increase the level of county
10 spending for public school capital outlay purposes other than the
11 retirement of indebtedness. A county must continue to spend for public
12 school capital outlay purposes the same amount of money it would
13 have spent for those purposes if it had not received the monies
14 appropriated under this subdivision.

15 (2) Twenty-five percent (25%) shall be transferred to the State
16 Educational Assistance Authority and is appropriated to fund
17 scholarships pursuant to Article 35A of Chapter 115C of the General
18 Statutes.

19 (3) Twenty-five percent (25%) shall be transferred to a special revenue
20 fund to be established in the State treasury and to be known as the
21 Education Enhancement Fund. This fund shall be subject to
22 appropriation by the General Assembly and shall be used to further the
23 goal of providing enhanced educational opportunities so that all
24 students in the public schools can achieve their full potential.

25 **"§§ 18C-165 through 18C-169: Reserved for future codification purposes.**

26 **"Article 8.**

27 **"Miscellaneous.**

28 **"§ 18C-170. Preemption of local regulation.**

29 A county or municipality shall not enact any local law, ordinance, or regulation
30 relating to the Lottery, and this Chapter preempts all existing county or municipal laws,
31 ordinances, or regulations that would impose additional restrictions or requirements in
32 the operation of the Lottery. To the extent that this Chapter conflicts with any local act,
33 this Chapter prevails to the extent of the conflict.

34 **"§ 18C-171. Lawful activity.**

35 Other than this Chapter, any other State or local law, ordinance, or regulation
36 providing any penalty, disability, restriction, regulation, or prohibition for the
37 manufacture, transportation, storage, distribution, advertising, possession, or sale of any
38 lottery tickets or shares or for the operation of any lottery game shall not apply to the
39 operation of the Commission or lottery games established by this Chapter.

40 **"§§ 18C-172 through 18C-179: Reserved for future codification purposes.**

41 **SECTION 2.** Chapter 115C of the General Statutes is amended by adding a
42 new Article to read:

43 **"Article 35A.**

44 **"College Scholarships.**

1 **"§ 115C-499.1. Definitions.**

2 The following definitions apply to this Article:

- 3 (1) Academic year. – A period of time in which a student is expected to
4 complete the equivalent of at least two semesters' or three quarters'
5 academic work.
- 6 (2) Authority. – The State Education Assistance Authority created by
7 Article 23 of Chapter 116 of the General Statutes.
- 8 (3) Eligible postsecondary institution. – A school that is:
9 a. A constituent institution of The University of North Carolina as
10 defined in G.S. 116-2(4);
11 b. A community college as defined in G.S. 115D-2(2); or
12 c. A nonpublic postsecondary institution as defined in
13 G.S. 116-22(1) or 116-43.5(a)(1).
- 14 (4) Matriculated status. – Being recognized as a student in a defined
15 program of study leading to a degree, diploma, or certificate at an
16 eligible postsecondary institution.
- 17 (5) Scholarship. – A scholarship for education awarded under this Article.
- 18 (6) Title IV. – Title IV of the Higher Education Act of 1965, as amended,
19 20 U.S.C. § 1070, et seq.

20 **"§ 115C-499.2. Eligibility requirements for a scholarship.**

21 In order to be eligible to receive a scholarship under this Article, a student seeking a
22 degree, diploma, or certificate at an eligible postsecondary institution must meet all of
23 the following requirements:

- 24 (1) Only needy North Carolina students are eligible to receive
25 scholarships. For purposes of this subsection, "needy North Carolina
26 students" are those eligible students whose expected family
27 contribution under the federal methodology does not exceed five
28 thousand dollars (\$5,000).
- 29 (2) The student must meet all other eligibility requirements for the federal
30 Pell Grant, with the exception of the expected family contribution.
- 31 (3) The student must qualify as a legal resident of North Carolina and as a
32 resident for tuition purposes in accordance with definitions of
33 residency that may from time to time be adopted by the Board of
34 Governors and published in the residency manual of the Board of
35 Governors.
- 36 (4) The student must meet enrollment standards by being admitted,
37 enrolled, and classified as an undergraduate student in a matriculated
38 status at an eligible postsecondary institution.
- 39 (5) In order to continue to be eligible for a scholarship for the student's
40 second and subsequent academic years, the student must meet
41 achievement standards by maintaining satisfactory academic progress
42 in a course of study in accordance with the standards and practices
43 used for federal Title IV programs by the eligible postsecondary
44 institution in which the student is enrolled.

(6) A student may not receive a scholarship under this Article for more than four full academic years.

"§ 115C-499.3. Scholarship amounts; amounts dependent on net income available.

(a) Subject to the amount of net income available under G.S. 18C-164(b)(2), a scholarship awarded under this Article to a student at an eligible postsecondary institution shall be based upon the enrollment status and expected family contribution of the student and shall not exceed four thousand dollars (\$4,000) per academic year, including any federal Pell Grant, to be used for the costs of attendance as defined for federal Title IV programs.

(b) Subject to the maximum amounts provided in this section, the Authority shall have the power to determine the actual scholarship amounts disbursed to students in any given year based on the amount of net income available under G.S. 18C-164(b)(2). If the net income available is not sufficient to fully fund the scholarships to the maximum amount, all scholarships shall be reduced equally, to the extent practicable, so that every eligible applicant shall receive the same scholarship amount.

"§ 115C-499.4. Scholarship administration; reporting requirements.

(a) The scholarships provided for in this Article shall be administered by the Authority under rules adopted by the Authority in accordance with the provisions of this Article.

(b) The Authority shall report no later than June 1, 2008, and annually thereafter to the Joint Legislative Education Oversight Committee. The report shall contain, for the previous academic year, the amount of scholarship and grant money disbursed, the number of students eligible for the funds, the number of eligible students receiving the funds, and a breakdown of the eligible postsecondary institutions that received the funds."

SECTION 3.(a) G.S. 14-289 reads as rewritten:

"§ 14-289. Advertising lotteries.

Except as provided in Chapter 18C of the General Statutes or in connection with a lawful raffle as provided in Part 2 of this Article, if anyone by writing or printing or by circular or letter or in any other way, ~~advertise or publish~~ advertises or publishes an account of a lottery, whether within or without this State, stating how, when or where the same is to be or has been drawn, or what are the prizes therein or any of them, or the price of a ticket or any share or interest therein, or where or how it may be obtained, he shall be guilty of a Class 2 misdemeanor."

SECTION 3.(b) G.S. 14-290 reads as rewritten:

"§ 14-290. Dealing in lotteries.

Except as provided in Chapter 18C of the General Statutes or in connection with a lawful raffle as provided in Part 2 of this Article, if any person shall open, set on foot, carry on, promote, make or draw, publicly or privately, a lottery, by whatever name, style or title the same may be denominated or known; or if any person shall, by such way and means, expose or set to sale any house, real estate, goods, chattels, cash, written evidence of debt, certificates of claims or any other thing of value whatsoever, every person so offending shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed two thousand dollars (\$2,000). Any person who engages in

1 disposing of any species of property whatsoever, including money and evidences of
2 debt, or in any manner distributes gifts or prizes upon tickets, bottle crowns, bottle caps,
3 seals on containers, other devices or certificates sold for that purpose, shall be held
4 liable to prosecution under this section. Any person who shall have in his possession
5 any tickets, certificates or orders used in the operation of any lottery shall be held liable
6 under this section, and the mere possession of such tickets shall be prima facie evidence
7 of the violation of this section. This section shall not apply to the possession of a lottery
8 ticket or share for a lottery game being lawfully conducted in another state."

9 **SECTION 3.(c)** G.S. 14-291 reads as rewritten:

10 **"§ 14-291. Selling lottery tickets and acting as agent for lotteries.**

11 Except as provided in Chapter 18C of the General Statutes or in connection with a
12 lawful raffle as provided in Part 2 of this Article, if any person shall sell, barter or
13 otherwise dispose of any lottery ticket or order for any number of shares in any lottery,
14 or shall in anywise be concerned in such lottery, by acting as agent in the State for or on
15 behalf of any such lottery, to be drawn or paid either out of or within the State, such
16 person shall be guilty of a Class 2 misdemeanor."

17 **SECTION 3.(d)** G.S. 14-291.1 reads as rewritten:

18 **"§ 14-291.1. Selling 'numbers' tickets; possession prima facie evidence of violation.**

19 Except as provided in Chapter 18C of the General Statutes, in connection with a
20 lawful lottery conducted in another state, or in connection with a lawful raffle as
21 provided in Part 2 of this Article, if any person shall sell, barter or cause to be sold or
22 bartered, any ticket, token, certificate or order for any number or shares in any lottery,
23 commonly known as the numbers or butter and egg lottery, or lotteries of similar
24 character, to be drawn or paid within or without the State, such person shall be guilty of
25 a Class 2 misdemeanor. Any person who shall have in his possession any tickets,
26 tokens, certificates or orders used in the operation of any such lottery shall be guilty
27 under this section, and the possession of such tickets shall be prima facie evidence of
28 the violation of this section."

29 **SECTION 3.(e)** G.S. 14-292 reads as rewritten:

30 **"§ 14-292. Gambling.**

31 Except as provided in Chapter 18C of the General Statutes or in Part 2 of this
32 Article, any person or organization that operates any game of chance or any person who
33 plays at or bets on any game of chance at which any money, property or other thing of
34 value is bet, whether the same be in stake or not, shall be guilty of a Class 2
35 misdemeanor. This section shall not apply to a person who plays at or bets on any
36 lottery game being lawfully conducted in any state."

37 **SECTION 3.(f)** G.S. 14-293 reads as rewritten:

38 **"§ 14-293. Allowing gambling in houses of public entertainment; penalty.**

39 If-Except as provided in Chapter 18C of the General Statutes, if any keeper of an
40 ordinary or other house of entertainment, or of a house wherein alcoholic beverages are
41 retailed, shall knowingly suffer any game, at which money or property, or anything of
42 value, is bet, whether the same be in stake or not, to be played in any such house, or in
43 any part of the premises occupied therewith; or shall furnish persons so playing or
44 betting either on said premises or elsewhere with drink or other thing for their comfort

1 or subsistence during the time of play, he shall be guilty of a Class 2 misdemeanor. Any
2 person who shall be convicted under this section shall, upon such conviction, forfeit his
3 license to do any of the businesses mentioned in this section, and shall be forever
4 debarred from doing any of such businesses in this State. The court shall embody in its
5 judgment that such person has forfeited his license, and no board of county
6 commissioners, board of town commissioners or board of aldermen shall thereafter have
7 power or authority to grant to such convicted person or his agent a license to do any of
8 the businesses mentioned herein."

9 SECTION 3.(g) G.S. 14-299 reads as rewritten:

10 "**§ 14-299. Property exhibited by gamblers to be seized; disposition of same.**

11 All Except as provided in Chapter 18C of the General Statutes or in G.S. 14-292, all
12 moneys or other property or thing of value exhibited for the purpose of alluring persons
13 to bet on any game, or used in the conduct of any such game, including any motor
14 vehicle used in the conduct of a lottery within the purview of G.S. 14-291.1, shall be
15 liable to be seized by any court of competent jurisdiction or by any person acting under
16 its warrant. Moneys so seized shall be turned over to and paid to the treasurer of the
17 county wherein they are seized, and placed in the general fund of the county. Any
18 property seized which is used for and is suitable only for gambling shall be destroyed,
19 and all other property so seized shall be sold in the manner provided for the sale of
20 personal property by execution, and the proceeds derived from said sale shall (after
21 deducting the expenses of keeping the property and the costs of the sale and after
22 paying, according to their priorities all known prior, bona fide liens which were created
23 without the lienor having knowledge or notice that the motor vehicle or other property
24 was being used or to be used in connection with the conduct of such game or lottery) be
25 turned over and paid to the treasurer of the county wherein the property was seized, to
26 be placed by said treasurer in the general fund of the county."

27 SECTION 4. Chapter 14 of the General Statutes is amended by adding the
28 following new section to read:

29 "**§ 14-309.2. Part does not apply to the Lottery.**

30 The provisions of this Part shall not apply to the North Carolina State Lottery
31 established in Chapter 18C of the General Statutes."

32 SECTION 5. G.S. 66-58(b) reads as rewritten:

33 "(b) The provisions of subsection (a) of this section shall not apply to:

34 ...

35 (23) The North Carolina State Lottery Commission."

36 SECTION 6. Part 2 of Article 4 of Chapter 114 is amended by adding a new
37 section to read:

38 "**§ 114-19.16. Criminal record checks for the North Carolina State Lottery**
39 **Commission and its Director.**

40 The Department of Justice may provide to the North Carolina State Lottery
41 Commission and to its Director from the State and National Repositories of Criminal
42 Histories the criminal history of any prospective employee of the Commission and any
43 prospective lottery retailer or lottery contractor. The North Carolina State Lottery
44 Commission or its Director shall provide to the Department of Justice, along with the

1 request, the fingerprints of the prospective employee of the Commission, or of the
2 prospective lottery retailer or lottery contractor, a form signed by the prospective
3 employee of the Commission, or of the prospective lottery retailer or lottery contractor
4 consenting to the criminal record check and use of fingerprints and other identifying
5 information required by the State and National Repositories, and any additional
6 information required by the Department of Justice. The fingerprints of the prospective
7 employee of the Commission, or prospective lottery retailer or lottery contractor, shall
8 be forwarded to the State Bureau of Investigation for a search of the State's criminal
9 history record file, and the State Bureau of Investigation shall forward a set of
10 fingerprints to the Federal Bureau of Investigation for a national criminal history record
11 check. The North Carolina State Lottery Commission and its Director shall keep all
12 information obtained pursuant to this section confidential."

13 **SECTION 7.** G.S. 116B-54 is amended by adding a new subsection to read:

14 "(f) Prizes that remain unclaimed after the period set by the Commission for
15 claiming those prizes, as provided in G.S. 143D-145(a)(6), are not abandoned property."

16 **SECTION 8.** G.S. 120-123 is amended by adding a new subdivision at the
17 end to read:

18 "(78) The North Carolina State Lottery Commission, as established in
19 Chapter 18C of the General Statutes."

20 **SECTION 9.** G.S. 126-5(c1) reads as rewritten:

21 "(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions
22 of this Chapter shall not apply to:

- 23 (1) Constitutional officers of the State.
- 24 (2) Officers and employees of the Judicial Department.
- 25 (3) Officers and employees of the General Assembly.
- 26 (4) Members of boards, committees, commissions, councils, and advisory
27 councils compensated on a per diem basis.
- 28 (5) Officials or employees whose salaries are fixed by the General
29 Assembly, or by the Governor, or by the Governor and Council of
30 State, or by the Governor subject to the approval of the Council of
31 State.
- 32 (6) Employees of the Office of the Governor that the Governor, at any
33 time, in the Governor's discretion, exempts from the application of the
34 provisions of this Chapter by means of a letter to the State Personnel
35 Director designating these employees.
- 36 (7) Employees of the Office of the Lieutenant Governor, that the
37 Lieutenant Governor, at any time, in the Lieutenant Governor's
38 discretion, exempts from the application of the provisions of this
39 Chapter by means of a letter to the State Personnel Director
40 designating these employees.
- 41 (8) Instructional and research staff, physicians, and dentists of The
42 University of North Carolina.

- (9) Employees whose salaries are fixed under the authority vested in the Board of Governors of The University of North Carolina by the provisions of G.S. 116-11(4), 116-11(5), and 116-14.
- (10) Repealed by Session Laws 1991, c. 84, s. 1.
- (11) North Carolina School of Science and Mathematics' employees whose salaries are fixed in accordance with the provisions of G.S. 116-235(c)(1) and G.S. 116-235(c)(2).
- (12), (13) Repealed by Session Laws 2001-474, s. 15, effective November 29, 2001.
- (14) Employees of the North Carolina State Ports Authority.
- (15) Employees of the North Carolina Global TransPark Authority.
- (16) The executive director and one associate director of the North Carolina Center for Nursing established under Article 9F of Chapter 90 of the General Statutes.
- (17) Repealed by Session Laws 2004-129, s. 37, effective July 1, 2004.
- (18) Employees of the Tobacco Trust Fund Commission established in Article 75 of Chapter 143 of the General Statutes.
- (19) Employees of the Health and Wellness Trust Fund Commission established in Article 21 of Chapter 130A of the General Statutes.
- (20) Employees of the North Carolina Rural Redevelopment Authority created in Part 2D of Article 10 of Chapter 143B of the General Statutes.
- (21) Employees of the Clean Water Management Trust Fund.
- (22) Employees of the North Carolina Turnpike Authority.
- (23) The Executive Administrator and the Deputy Executive Administrator of the Teachers' and State Employees' Comprehensive Major Medical Plan.
- (24) The North Carolina State Lottery Director and employees of the North Carolina State Lottery."

SECTION 10. G.S. 147-69.2(a) reads as rewritten:

"(a) This section applies to funds held by the State Treasurer to the credit of:

- (1) The Teachers' and State Employees' Retirement System,
- (2) The Consolidated Judicial Retirement System,
- (3) The Teachers' and State Employees' Hospital and Medical Insurance Plan,
- (4) The General Assembly Medical and Hospital Care Plan,
- (5) The Disability Salary Continuation Plan,
- (6) The Firemen's and Rescue Workers' Pension Fund,
- (7) The Local Governmental Employees' Retirement System,
- (8) The Legislative Retirement System,
- (9) The Escheat Fund,
- (10) The Legislative Retirement Fund,
- (11) The State Education Assistance Authority,
- (12) The State Property Fire Insurance Fund,

- 1 (13) The Stock Workers' Compensation Fund,
2 (14) The Mutual Workers' Compensation Fund,
3 (15) The Public School Insurance Fund,
4 (16) The Liability Insurance Trust Fund,
5 (17) Trust funds of The University of North Carolina and its constituent
6 institutions deposited with the State Treasurer pursuant to
7 G.S. 116-36.1,
8 (17a) North Carolina Veterans Home Trust Fund,
9 (17b) North Carolina National Guard Pension Fund,
10 (17c) Retiree Health Premium Reserve Account, and
11 (17d) The Election ~~Fund~~ Fund,
12 (17e) The North Carolina State Lottery Fund, and
13 (18) Any other special fund created by or pursuant to law for purposes
14 other than meeting appropriations made pursuant to the Executive
15 Budget Act."

16 **SECTION 11.(a)** The Commission may adopt emergency rules pursuant to
17 G.S. 150B-21.1A with a reference to this section as the basis for the adoption of those
18 rules as emergency rules.

19 **SECTION 11.(b)** This section shall become effective when it becomes law
20 and shall expire June 30, 2007.

21 **SECTION 12.** The first security audit required under G.S. 18C-123(a) shall
22 be conducted at the beginning of the first calendar year after the effective date of this
23 act. The first audit required under G.S. 18C-123(d) shall be conducted at the end of the
24 first fiscal year after the effective date of this act.

25 **SECTION 13.** The Department of Health and Human Services shall study
26 the effects of the establishment and operation of the North Carolina State Lottery on the
27 incidence of gambling addiction in this State. The Department shall report the results of
28 its study, including any proposed legislation, to the Joint Legislative Health Care
29 Oversight Committee, the Senate Appropriations Committee on Health and Human
30 Services, the House of Representatives Appropriations Subcommittee on Health and
31 Human Services, and the Fiscal Research Division not later than January 1, 2007.

32 **SECTION 14.** Nothing in this act shall be construed to obligate the General
33 Assembly to appropriate funds to implement this act.

34 **SECTION 15.** The State Treasurer shall lend to the North Carolina State
35 Lottery Commission, at a rate of interest comparable to short-term rates in the private
36 capital market and with repayment terms satisfactory to both parties, sufficient funds to
37 cover initial operating expenses of the Commission, except that the total amount
38 borrowed by the Commission shall not exceed ten million dollars (\$10,000,000). The
39 borrowed funds shall be deposited in the North Carolina State Lottery Fund and shall be
40 available for expenditure for the purposes set forth in this act without further action by
41 the General Assembly. The Commission shall repay any funds lent to it pursuant to this
42 section within twenty-four months after the effective date of this act.

43 **SECTION 16.** Except as otherwise provided in this act, it is effective when
44 it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

D

HOUSE BILL 1524

Committee Substitute Favorable 5/23/05

Committee Substitute Favorable 6/1/05

PROPOSED SENATE COMMITTEE SUBSTITUTE H1524-CSSH-55 [v.3]

8/22/2005 5:18:08 PM

Short Title: Supplemental Insurance/Pers. Comm./SEIBP.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, TO AMEND THE POWERS AND DUTIES OF THE STATE PERSONNEL COMMISSION CONCERNING PILOT PROJECTS, AND TO MAKE VARIOUS OTHER AMENDMENTS TO STATE PERSONNEL LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 135 of the General Statutes is amended by adding a new Article to read:

"Article 7.

"Supplemental Insurance Products for Retirees.

"§ 135-120. Competitive selection of supplemental insurance products paid for by retirees.

(a) Duties of the Department of State Treasurer. – The Department of State Treasurer shall:

(1) Review insurance products currently offered through retirement benefit payment deduction to retirees from the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Legislative Retirement System, and the Consolidated Judicial Retirement System to determine if those products meet the needs and desires of retirees.

(2) Select the types of insurance products that reflect the needs and desires of retirees, giving appropriate consideration to the ability of products to transition with individuals from active employment into retirement.

1 (3) Competitively select insurance products of the types determined by the
2 Department of State Treasurer to reflect the needs and desires of
3 retirees.

4 (b) Retirement Benefit Payment Deductions. – The company or companies
5 selected by the Department of State Treasurer shall be permitted to sell through
6 retirement benefit payment deduction only the products specifically approved by the
7 Department of State Treasurer. The assignment by the Department of State Treasurer of
8 a retirement benefit payment deduction shall be for a period of not less than two years
9 unless the insurance company violates the terms of the written agreement specified in
10 this subsection. Subject to the provisions of subsection (d) of this section, the insurance
11 company awarded a retirement benefit payment deduction shall, pursuant to a written
12 agreement setting out the rights and duties of the insurance company, be afforded an
13 adequate opportunity to solicit retirees. The selected insurance company shall provide
14 information about retirement benefit payment deduction. The Department of State
15 Treasurer shall determine the format and medium the insurance company may use to
16 provide the information to retirees.

17 (c) Procedure for Selection of Supplemental Insurance Product Proposals. – The
18 following procedures shall apply to the selection of all supplemental insurance products
19 under this section:

20 (1) All supplemental insurance product proposals shall be sealed. The
21 Department of State Treasurer shall open all proposals in public, at
22 which time the proposals become public records open to public
23 inspection.

24 (2) After the public opening, a committee designated by the Department of
25 State Treasurer shall review the proposals and examine the cost,
26 coverage, and quality of the products, the reputation and capabilities of
27 the insurance companies submitting the proposals, and other
28 appropriate criteria. The committee shall determine which proposal, if
29 any, would meet the needs and desires of the retirees, and may reject
30 any or all proposals. Upon completion of its review, the committee
31 shall present its findings to the Board of Trustees and make
32 recommendations as to the awarding of a service contract. Upon
33 acceptance of the committee's findings and recommendations, the
34 Board of Trustees shall award a contract to make retirement benefit
35 deductions for supplemental insurance products to the company
36 submitting the proposal that best meets the needs and desires of the
37 retirees.

38 (3) A company may seek to modify or withdraw a proposal only after the
39 public opening and only on the basis that the proposal contains an
40 unintentional clerical error as opposed to an error in judgment. A
41 company seeking to modify or withdraw a proposal shall submit to the
42 Department of State Treasurer a written request, with facts and
43 evidence in support of its position, prior to the award of the retirement
44 benefit payment deduction slot, but not later than two days after the

public opening of the proposals. The Department of State Treasurer shall promptly review the request, examine the nature of the error, and determine whether to permit or deny the request.

(d) Confidentiality of Names and Addresses of Retired State and Local Employees. – The Department of State Treasurer shall provide the selected insurance company with the names and addresses of retirees in order for the company to provide information to retirees about purchasing their selected insurance product. The selected company shall keep the names and addresses of the retirees confidential and shall not provide the information to any third party or use the information to solicit retirees for insurance products other than those selected by the Department of State Treasurer. The insurance company shall provide retirees with each solicitation the option to elect not to receive any future solicitations by providing a preaddressed and postage prepaid card the retiree may return to the insurance company.

(e) Option to Continue Supplemental Insurance. – At the termination of any contract entered into under this section, or when retirement benefit payment deduction is no longer available for a product, the insurance company shall provide covered retirees the option to continue supplemental insurance on a direct billing basis. When retirement benefit payment deduction is no longer available, the insurance company may not terminate insurance products purchased under the retirement benefit payment deduction plan without the retiree's specific written consent solely because the premium is no longer deducted from retirement benefit payments."

SECTION 2.(a) G.S. 126-4 is amended by adding a new subdivision to read:
"§ 126-4. Powers and duties of State Personnel Commission.

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

- (1) Position classification plans which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.

...

- (19) Pilot projects for the purpose of determining whether the implementation of a change to an existing program, or the addition of a new program, will provide a measurable benefit to the State. This subdivision may not be construed to authorize the establishment of an incentive pay program.

a. Upon initial submission for approval by the Commission, each pilot project shall have the following:

1. Specific beginning and ending dates;
2. Specific goals and objectives;
3. Measurable outcomes; and
4. Approval from the Office of State Budget and Management for the flexibility to use any allowable and available funds required for implementation of the pilot project.

- b. The Commission shall approve each pilot project prior to pilot project implementation.
- c. Prior to implementation of the pilot project, the Office of State Personnel shall obtain from each pilot project participant a signed document describing the pilot project and any temporary effect the project will have upon the employee's position classification, compensation, and benefits. No employee shall be adversely impacted by participation in a pilot project.
- d. Upon completion of a pilot project, the Commission shall receive the following:
1. Information on the implementation of the pilot project;
 2. The goals and objectives at the onset of the project;
 3. Participant demographics;
 4. Project outcomes;
 5. Evaluation of the project based on the measured outcomes;
 6. Pilot project costs;
 7. Analysis on whether implementation of the pilot project on a statewide basis would provide a benefit to the State; and if the recommendation is that the project should be expanded statewide.
 8. Cost analysis on implementation of the pilot project on a statewide basis.
- e. Upon determination that a successful pilot project provides a measurable benefit to the State and merits expansion, the Commission may implement a new program, or modify an existing program within the limits of current statutory authority.

The policies and rules of the Commission shall not limit the power of any elected or appointed department head, in the department head's discretion and upon the department head's determination that it is in the best interest of the Department, to transfer, demote, or separate a State employee who is not a career State employee as defined by this Chapter."

SECTION 2.(b) Article 1 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-4.2. Funding for pilot projects.

State agencies, departments, and institutions, and The University of North Carolina shall have, with the concurrence of the Office of State Budget and Management, the flexibility to use any allowable and available funds to operate the pilot projects authorized in G.S. 126-4(19)."

SECTION 3.(a) G.S. 143-34.1(c) reads as rewritten:

"§ 143-34.1. Positions included in the State's payroll must be approved by the Director of Budget; payment of benefits and other salary-related items must be made from same source as salary; dependent care assistance program authorized; flexible compensation benefits authorized.

1 ...
2 (c) The Director of the Budget is authorized to provide eligible officers and
3 employees of State departments, institutions, and agencies not covered by the provisions
4 of G.S. 116-17.2 a program of dependent care assistance as available under Section 129
5 and related sections of the Internal Revenue Code of 1986, as amended. The Director of
6 the Budget may delegate to the Office of State Personnel the authority to administer a
7 plan under this subsection. that authorizes ~~authorize~~ State departments, institutions, and
8 agencies to enter into annual agreements with employees who elect to participate in the
9 program to provide for a reduction in salary. With the approval of the Director of the
10 Budget, savings in the employer's share of contributions under the Federal Insurance
11 Contributions Act on account of the reduction in salary may be used to pay some or all
12 of the administrative expenses of the program. Should the Director decide to contract
13 with a third party to administer the terms and conditions of a program of dependent care
14 assistance, he may select a contractor only upon a thorough and completely competitive
15 procurement process.

16 (d) Notwithstanding any other provisions of law relating to the salaries of
17 officers and employees of departments, institutions, and agencies of State government,
18 the Director of the Budget is authorized to provide a plan of flexible compensation to
19 eligible officers and employees of State departments, institutions, and agencies not
20 covered by the provisions of G.S. 116-17.2 for benefits available under Section 125 and
21 related sections of the Internal Revenue Code of 1986 as amended. This plan shall not
22 replace, substitute for, or duplicate any benefits provided to employees and officers
23 under Article 1A of Chapter 120 of the General Statutes and Articles 1, 3, 4, and 6 of
24 Chapter 135 of the General Statutes. The plan may, however, include offerings for
25 products and benefits that are supplemental or additional to these statutory benefits. In
26 providing a plan of flexible compensation, the Director of the Budget may delegate to
27 the Office of State Personnel the authority to administer a plan under this subsection.
28 that authorizes ~~authorize~~ State departments, institutions, and agencies to enter into
29 agreements with their employees for reductions in the salaries of employees electing to
30 participate in the plan of flexible compensation provided by this section. With the
31 approval of the Director of the Budget, savings in the employer's share of contributions
32 under the Federal Insurance Contributions Act on account of the reduction in salary may
33 be used to pay some or all of the administrative expenses of the program. Should the
34 Director of the Budget or the Office of State Personnel decide to contract with a third
35 party to administer the terms and conditions of a plan of flexible compensation as
36 provided by this section, it may select such a contractor only upon a thorough and
37 completely advertised competitive procurement process."

38 **SECTION 3.(b)** G.S. 116-17.2 reads as rewritten:

39 **"§ 116-17.2. Flexible Compensation Plan.**

40 Notwithstanding any other provisions of law relating to the salaries of employees of
41 The University of North Carolina, the Board of Governors of The University of North
42 Carolina is authorized to provide a plan of flexible compensation to eligible employees
43 of constituent institutions for benefits available under Section 125 and related sections
44 of the Internal Revenue Code of 1986 as amended. This plan shall not include those

benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the Board of Governors may delegate to the Office of State Personnel the authority to administer a plan under this subsection that authorizes ~~authorize~~ constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

SECTION 3.(c) G.S. 126-3 reads as rewritten:

"§ 126-3. **Office of State Personnel established and responsibilities outlined; administration and supervision; appointment, compensation and tenure of Director.**

...

(b) The Office shall be responsible for the following activities, and such other activities as specified in this Chapter:

...

(8) Developing criteria and standards to measure the level of compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards in agencies, departments, and institutions to which authority has been delegated for classification, salary administration and other decentralized programs, and determining through routine monitoring and periodic review process, that agencies, departments, and institutions are in compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards; and

(9) Implementing corrective actions in cases of ~~noncompliance~~ noncompliance;

(10) Administering a plan of dependent care assistance and flexible compensation at the request of the Director of the Budget and the Board of Governors of The University of North Carolina and pursuant to the requirements of G.S. 143.34.1 and G.S. 116-17.2; and

(11) Offering additional or supplemental products using the same process and committee members as those used to evaluate the products offered in subdivision (10) of this subsection. Appropriate consideration should be given to the ability of products to transition with individuals from active employment into retirement. The contracts for post-tax products shall include a conversion option for employees when they retire and companies shall provide retirees the option to continue

coverage on a direct billing basis. Employee Insurance Committees authorized pursuant to G.S. 58-31-60 may elect not to offer the products authorized in this subdivision."

SECTION 4.(a) Article 36A Chapter 143 of the General Statutes is repealed.

SECTION 4.(b) Chapter 126 of the General Statutes is amended by adding a new Article to read:

"Article 16.

"State Employee Incentive Bonus Program.

"§ 126-95. State Employee Incentive Bonus Program.

(a) It is the policy of the State to promote employee suggestions through the State Employee Incentive Bonus Program so that employees and groups of employees may be recognized and rewarded for adopted suggestions and the achievement of individual or group goals that improve their agencies and State governmental operations. The Office of State Personnel shall administer the State Employee Incentive Bonus Program and policy as approved by the State Personnel Commission.

(b) The following definitions apply in this section:

(1) Baseline reversion. – The two-year historical average of reversions by a State department, agency, or institution.

(2) Participating agency. – All State agencies, departments, and institutions and The University of North Carolina shall implement a State Employee Incentive Bonus Program that is not inconsistent with the policy approved by the State Personnel Commission.

(3) SEIBP. – Acronym for the State Employee Incentive Bonus Program.

(4) State employee. – Any of the following:

a. A person who is a contributing member of the Teachers' and State Employees' Retirement System of North Carolina, the Consolidated Judicial Retirement System of North Carolina, or the Optional Program.

b. A person who receives wages from the State as a part-time or temporary worker, but is not otherwise a contributing member of one of the retirement programs listed in sub-subdivision a. of this subdivision.

"§ 126-96. State employee incentive bonus.

(a) A State employee or team of State employees may receive an incentive bonus or bonuses in reward for suggestions or innovations resulting in monetary savings to the State, increased revenues to the State, or improved quality of services delivered to the public.

(b) The amount of savings generated by suggestions and innovations shall be determined after a 12-month period of implementation. No incentive bonus shall be paid prior to the expiration of 12 months, and payment may be delayed further as reasonably required to ensure that a complete cost implementation cycle is evaluated fully.

(c) Any savings are to be calculated using the actual expenditures for a program, activity, or service compared to the budgeted amount for the same, if an amount has been budgeted for the program, activity, or service. The savings calculation shall

1 include the amount of any reversions in excess of the baseline reversion. Any savings
2 realized through the State Employee Incentive Bonus Program shall be weighed against
3 continued service to the public and the assurance that there is not a negative impact on
4 State programs.

5 (d) If a suggestion or innovation affects a program, activity, or service for which
6 no separate budgeted amount has been made, the State Coordinator, in conjunction with
7 the agency evaluator or agency fiscal officer, or both for that suggestion or innovation,
8 shall determine the budgetary impact of the suggestion or innovation.

9 (e) Federal and local government funds and corporate and foundation grant funds
10 are excluded from the SEIBP.

11 (f) The Department of Administration shall establish the SEIBP reserve fund in
12 which all savings for all suggestions shall be deposited as earned. Each participating
13 agency shall be responsible for transferring savings to the SEIBP reserve fund. The
14 funds may be encumbered as needed to ensure payment to the General Fund, to the
15 suggester, and for distribution as required by G.S. 126-97. The Department of
16 Administration shall provide the SEIBP reserve fund summary at the close of each
17 fiscal year to the Office of State Personnel, the Office of State Budget and Management
18 and to the participating agencies. The Office of State Budget and Management shall
19 have oversight responsibility for ensuring that the required reversions and transfers are
20 made to the General Fund, and that all encumbered funds are accounted for and paid as
21 required by law.

22 (g) No distribution of suggester awards shall occur until reversion requirements
23 to the General Fund are met and distributions as required by G.S. 126-97 are satisfied
24 and verified by the Office of State Budget and Management. When all of the
25 requirements of G.S. 126-97 are fulfilled, the Department of Administration shall notify
26 the Office of State Personnel of the transfer to the suggester's agency funds required to
27 award the suggester. The Office of State Personnel shall authorize the agency to make
28 the suggester's award. The suggester's agency shall make the suggestion award and
29 ensure that all taxes and withholding requirements are met.

30 (h) Implementation costs may be prorated over a maximum of three years for
31 suggestions or innovations that are capital intensive, involve leading-edge technology,
32 or involve unconventional processes that require longer than 12 months for
33 implementation. The amount of the average annual savings minus the average annual
34 implementation cost shall be used as the basis for the agency to recommend a suggester
35 award. The State Review Committee shall consult the Office of State Budget and
36 Management to make the final award determination in these cases.

37 (i) There is established in the Department of Administration a nonreverting fund
38 to be administered by the Office of State Personnel for the training and education of
39 permanent State employees to address specific mission critical needs and objectives.
40 Funds shall be credited from the SEIBP to the fund as provided by this Article.

41 **"§ 126-97. Allocation of incentive bonus funds; nonmonetary recognition.**

42 (a) If a State employee's suggestion or innovation results in a monetary savings
43 or increased revenue to the State, the funds saved or increased shall be distributed

1 according to the following scale or subject to guidelines as set forth by the funding
2 source:

3 (1) Twenty percent (20%) of the annualized savings or increased
4 revenues, up to a maximum of twenty thousand dollars (\$20,000) for
5 any one State employee, to constitute gainsharing. If a team of State
6 employees is the suggester, the bonus provided in this subdivision
7 shall be divided equally among the team members, except that no team
8 member shall receive in excess of twenty thousand dollars (\$20,000),
9 nor shall the team receive an aggregate amount in excess of one
10 hundred thousand dollars (\$100,000). These funds shall not revert.

11 (2) Fifty percent (50%) allocated as follows:

12 a. Thirty percent (30%) to the implementing agency for
13 nonrecurring budget items to be used (i) by the implementing
14 agency to provide equipment, supplies, training, and limited but
15 appropriate recognition for the division, section, or group
16 responsible for the implementation of the cost-saving measure
17 and (ii) to meet other similar needs within the agency.

18 b. Ten percent (10%) to the Office of State Personnel for
19 augmenting funding for the management and administration of
20 the SEIBP. These funds shall not revert.

21 c. Ten percent (10%) to the State employee education and training
22 fund administered by the Office of State Personnel under G.S.
23 143-342.21(i). These funds shall not revert.

24 (3) The thirty percent (30%) remainder to the General Fund for
25 nonrecurring budget items.

26 (b) Of the pool of funds identified in subsection (a) of this section, only the
27 General Fund distribution shall be subject to reversion, under nonemergency budget
28 conditions. SEIBP funds arising from savings at The University of North Carolina, the
29 North Carolina Community Colleges System, the Highway Trust Fund, enterprise
30 funds, and receipt-supported organizations shall be exempt from the General Fund
31 reversion requirements under nonemergency budget conditions.

32 (c) The budget of a State agency shall not be reduced in the following fiscal year
33 by an amount similar to the monetary savings or increased revenues realized by the
34 State Employee Incentive Bonus Program. The agency budget shall be reduced in
35 subsequent years only if structural or organizational changes are made that warrant the
36 reductions, including the transfer of responsibility for an activity or service to another
37 agency or the elimination of some function of State government.

38 (d) If a suggestion or innovation results in improved quality of services to the
39 public or to other State agencies, departments, and institutions, but not in monetary
40 savings to the State, the suggester shall receive a nonmonetary award in the form of a
41 certificate, leave with pay, or other similar recognition.

42 (e) For suggestions approved in programs that are not funded in part or whole
43 through the General Fund, the State Review Committee shall ensure that the funds that

would otherwise be distributed to the General Fund are allocated to the appropriate funding source.

"§ 126-98. Suggestion and review process; role of agency coordinator and agency evaluator.

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin with the employee or team of employees submitting the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation and upon the approval of the agency head or their designee shall submit the suggestion to the State Review Committee established in G.S. 126-7.8.

(b) An agency coordinator shall be appointed by the head of each participating agency to serve as liaison between the agency, the suggester, the agency evaluator, and the SEIBP office. The duties of the agency coordinator shall include:

- (1) Serving as an information source and maintaining sufficient forms necessary to submit suggestions.
- (2) Presenting, in conjunction with the agency evaluator, the recommendation for an award to the State Review Committee.
- (3) Working in conjunction with the agency evaluator to process a particular suggestion or innovation within 180 days, except when there are extenuating circumstances.

An agency may have more than one coordinator if required to provide sufficient services to State employees.

(c) An agency evaluator shall be designated by the management of the implementing agency to evaluate one or more suggestions. The duties of an agency evaluator shall include:

- (1) Receiving from the agency coordinator and reviewing within 90 days, when possible, the feasibility and effectiveness of cost-saving or revenue-increasing measures suggested by State employees.
- (2) Being knowledgeable of the subject program, activity, or service.
- (3) Determining, in conjunction with the agency fiscal officer, the budgetary impact of a suggestion or innovation.
- (4) Judging impartially both the positive and negative effects of a suggestion or innovation on the current functions of the subject program, activity, or service.

(d) The State SEIBP Coordinator shall be appointed by the State Personnel Director and shall be responsible for general oversight and coordination of the State Employee Incentive Bonus Program. The State coordinator shall be a State employee reporting to the Office of State Personnel. The State coordinator shall be responsible for day-to-day SEIBP program management and administration of the technical aspects of the program. The State coordinator shall be an ex officio voting member of the State Review Committee.

"§ 126-99. Incentive Bonus Review Committee.

(a) The Incentive Bonus Review Committee, hereinafter "State Review Committee", shall consist of 11 members, as follows:

- (1) The State SEIBP Coordinator.
- (2) A representative of the Office of State Budget and Management.
- (3) Three representatives from cabinet agencies as appointed by the State Personnel Director.
- (4) A representative of The University of North Carolina.
- (5) A representative of the Department of Justice.
- (6) A representative of the Department of State Auditor.
- (7) One State employee appointed by the Speaker of the House of Representatives.
- (8) One State employee appointed by the President Pro Tempore of the Senate.
- (9) One State employee appointed by the Governor.

(b) The duties of the State Review Committee shall include:

- (1) Receiving from and reviewing suggestions and innovations submitted by the various agency coordinators.
- (2) Determining the impact of a suggestion or innovation on State government services by judging the monetary savings, increased revenues, or improved quality of services generated by a suggestion or innovation.
- (3) Recommending approval or rejection of suggestions and innovations submitted by the agencies ensuring that the State employee incentive bonus process does not result in a negative impact on services provided to taxpayers by State government.

(c) All administrative, management, clerical, and other functions and services required by the State Review Committee shall be supplied by the Office of State Personnel. The Office of State Personnel shall report annually to the Joint Legislative Commission on Governmental Operations on the administration of the State Employee Incentive Bonus Program.

"§ 126-100. Innovations deemed property of the State; effect of decisions regarding bonuses.

(a) Subject to G.S. 126-96(e), all suggestions or innovations submitted by State employees pursuant to this Article are the property of the State, and all related intellectual property rights shall be assigned to the State.

(b) Decisions regarding the proposed award of bonuses by the agency coordinator and the State Review Committee that are approved by the State Personnel Director or designee are final and are not subject to review under the contested case procedures of Chapter 150B of the General Statutes."

SECTION 5. This act is effective when it becomes law.



CHANGES TITLE

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1524

H1524-ASH-8 [v.1]

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

Page 1 of 1

Date 8/23/, 2005

Comm. Sub. [YES]
Amends Title [YES]
Fourth Edition

Senator Rand

- 1 moves to amend the bill on page 1, lines 3-5, by rewriting the lines to read
2 "INSURANCE PRODUCTS FOR RETIREES AND TO MAKE VARIOUS OTHER
3 AMENDMENTS TO STATE";
4
5 and on page 3, line 19, through page 4, line 35, by deleting Section 2.(a) and Section
6 2.(b) of the bill;
7
8 and by renumbering the remaining sections accordingly.

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

460

FAILED

TABLED

8-23-05
James Pruitt

ADOPTED

-FN
JA-EP

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1524

DATE 08/23/05

S. B. No. _____

Amendment No. 2

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE CSSH-55

Rep.) Stevens

(Sen.)

1 moves to amend the bill on page 8, lines 40-41

2 () WHICH CHANGES THE TITLE

3 by adding a new subsection to read:
4 between those lines

5 "(j) Elected officials and upper management
6 employees are not eligible for this Bonus
7 Program."

ADOPTED

SIGNED

[Signature]

ADOPTED

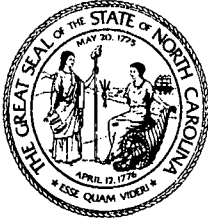
48-0

FAILED

TABLED

8-23-05 g. Pruitt

FN
TN-ED



HOUSE BILL 1524: Competitive Selection/Supplemental Insurance

BILL ANALYSIS

Committee:	House Pensions and Retirement	Date:	May 31, 2005
Introduced by:	Reps. Wilson, Bell, Coleman	Summary by:	Karen Cochrane-Brown
Version:	PCS to Second Edition		Committee Counsel
	H1524-CSRO-30[v.1]		

SUMMARY: *House Bill 1524 would provide statutory authorization to the Department of State Treasurer to select supplemental insurance products that may be offered to State retirees and the premiums deducted from the retirees' pension benefit payments. While there is no current explicit statutory authorization for this practice, the Department has been providing this service to retirees for about 20 years.*

The PCS clarifies the procedure by authorizing the Department of State Treasurer to designate a committee to review proposals and make findings and recommendations. The PCS also clarifies that the Board of Trustees of the Retirement System would make the final decision to award a contract.

CURRENT LAW: There is no current statutory authorization for the Department of State Treasurer to select supplemental insurance products and allow retirees to pay for the products by deductions from their retirement benefits payments. However, G.S. 58-31-60 authorizes the head of each State government employee payroll unit to offer payroll deduction for insurance products. The State also allows employees to purchase supplemental insurance through the Flex Plan.

BILL ANALYSIS: The bill creates a new Article 7 in Chapter 135. Much of the language is taken from G.S. 58-31-60. It also directs the Department of State Treasurer to review insurance products offered to retirees through retirement benefit payment deduction and determine if those products meet the needs of current retirees. It also directs the Department to select the types of insurance products that meet retiree needs and competitively select those products. The bill provides specific statutory authorization for the Department to deduct premiums for specified insurance products from retirees' retirement benefit payments.

The Department would solicit bid proposals through a sealed bid process. Once the bid period ended, the bids would be opened and would be public records. A committee designated by the Department would review the bids and make findings and recommendations to the Retirement System Board of Trustees. The Board of Trustees would award the contract to the insurer that met the needs and desires of the retirees. The contract with the insurer would be for not less than 2 years, and the insurer would be allowed to solicit retiree participation from current retirees.

The Department would provide the names and addresses of the retirees to the insurer, but the insurer would be prohibited from using the information to solicit business for any products that were not eligible to be paid for with retirement benefit payment deductions. A retiree could opt to stop receiving solicitations. When a contract with an insurance company expires, the company would be required to keep any retirees who chose to remain with the company.

House Bill 1524

Page 2

BACKGROUND: The Department currently has a program that implements many of the provisions of this bill. The program has been in place for over 20 years and currently allows about 25,000 retirees to purchase Dental and Vision insurance under a group policy and pay those premiums through deductions from their retirement benefit payments.

EFFECTIVE DATE: The act would become effective when the bill becomes law.

Kory Goldsmith, counsel to the House Insurance Committee, substantially contributed to this summary.

H1524e2-SMRO-CSRO-30v1

VISITOR REGISTRATION SHEET

RULES & OPERATIONS OF THE SENATE

23
AUGUST 12, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Molly Ryan	NCSBA
Ed TUR LINDAN	BPM HL
Don Bern	CA/PH
John H. [Signature]	NCFPC
Ma. Lemos	WCPBS
Barbara Cansler	BBCR
Jane Stevens	mus: g
Jon carr	Jordan Price
Steve Woodson	NC Farm Bureau
Brett Joyal	DST
Michael Williamson	DST

23 /

AUGUST 12, 2005

Date

3

[illegible]

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

D

HOUSE BILL 1524

Committee Substitute Favorable 5/23/05

Committee Substitute Favorable 6/1/05

PROPOSED SENATE COMMITTEE SUBSTITUTE H1524-CSSH-55 [v.3]

8/22/2005 5:18:08 PM

Short Title: Supplemental Insurance/Pers. Comm./SEIBP.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIREES, TO AMEND THE POWERS AND DUTIES OF THE STATE PERSONNEL COMMISSION CONCERNING PILOT PROJECTS, AND TO MAKE VARIOUS OTHER AMENDMENTS TO STATE PERSONNEL LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 135 of the General Statutes is amended by adding a new Article to read:

"Article 7.

"Supplemental Insurance Products for Retirees.

"§ 135-120. Competitive selection of supplemental insurance products paid for by retirees.

(a) Duties of the Department of State Treasurer. – The Department of State Treasurer shall:

(1) Review insurance products currently offered through retirement benefit payment deduction to retirees from the Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Legislative Retirement System, and the Consolidated Judicial Retirement System to determine if those products meet the needs and desires of retirees.

(2) Select the types of insurance products that reflect the needs and desires of retirees, giving appropriate consideration to the ability of products to transition with individuals from active employment into retirement.

1 (3) Competitively select insurance products of the types determined by the
2 Department of State Treasurer to reflect the needs and desires of
3 retirees.

4 (b) Retirement Benefit Payment Deductions. – The company or companies
5 selected by the Department of State Treasurer shall be permitted to sell through
6 retirement benefit payment deduction only the products specifically approved by the
7 Department of State Treasurer. The assignment by the Department of State Treasurer of
8 a retirement benefit payment deduction shall be for a period of not less than two years
9 unless the insurance company violates the terms of the written agreement specified in
10 this subsection. Subject to the provisions of subsection (d) of this section, the insurance
11 company awarded a retirement benefit payment deduction shall, pursuant to a written
12 agreement setting out the rights and duties of the insurance company, be afforded an
13 adequate opportunity to solicit retirees. The selected insurance company shall provide
14 information about retirement benefit payment deduction. The Department of State
15 Treasurer shall determine the format and medium the insurance company may use to
16 provide the information to retirees.

17 (c) Procedure for Selection of Supplemental Insurance Product Proposals. – The
18 following procedures shall apply to the selection of all supplemental insurance products
19 under this section:

20 (1) All supplemental insurance product proposals shall be sealed. The
21 Department of State Treasurer shall open all proposals in public, at
22 which time the proposals become public records open to public
23 inspection.

24 (2) After the public opening, a committee designated by the Department of
25 State Treasurer shall review the proposals and examine the cost,
26 coverage, and quality of the products, the reputation and capabilities of
27 the insurance companies submitting the proposals, and other
28 appropriate criteria. The committee shall determine which proposal, if
29 any, would meet the needs and desires of the retirees, and may reject
30 any or all proposals. Upon completion of its review, the committee
31 shall present its findings to the Board of Trustees and make
32 recommendations as to the awarding of a service contract. Upon
33 acceptance of the committee's findings and recommendations, the
34 Board of Trustees shall award a contract to make retirement benefit
35 deductions for supplemental insurance products to the company
36 submitting the proposal that best meets the needs and desires of the
37 retirees.

38 (3) A company may seek to modify or withdraw a proposal only after the
39 public opening and only on the basis that the proposal contains an
40 unintentional clerical error as opposed to an error in judgment. A
41 company seeking to modify or withdraw a proposal shall submit to the
42 Department of State Treasurer a written request, with facts and
43 evidence in support of its position, prior to the award of the retirement
44 benefit payment deduction slot, but not later than two days after the

public opening of the proposals. The Department of State Treasurer shall promptly review the request, examine the nature of the error, and determine whether to permit or deny the request.

(d) Confidentiality of Names and Addresses of Retired State and Local Employees. – The Department of State Treasurer shall provide the selected insurance company with the names and addresses of retirees in order for the company to provide information to retirees about purchasing their selected insurance product. The selected company shall keep the names and addresses of the retirees confidential and shall not provide the information to any third party or use the information to solicit retirees for insurance products other than those selected by the Department of State Treasurer. The insurance company shall provide retirees with each solicitation the option to elect not to receive any future solicitations by providing a preaddressed and postage prepaid card the retiree may return to the insurance company.

(e) Option to Continue Supplemental Insurance. – At the termination of any contract entered into under this section, or when retirement benefit payment deduction is no longer available for a product, the insurance company shall provide covered retirees the option to continue supplemental insurance on a direct billing basis. When retirement benefit payment deduction is no longer available, the insurance company may not terminate insurance products purchased under the retirement benefit payment deduction plan without the retiree's specific written consent solely because the premium is no longer deducted from retirement benefit payments."

SECTION 2.(a) G.S. 126-4 is amended by adding a new subdivision to read:

"§ 126-4. Powers and duties of State Personnel Commission.

Subject to the approval of the Governor, the State Personnel Commission shall establish policies and rules governing each of the following:

(1) Position classification plans which shall provide for the classification and reclassification of all positions subject to this Chapter according to the duties and responsibilities of the positions.

...

(19) Pilot projects for the purpose of determining whether the implementation of a change to an existing program, or the addition of a new program, will provide a measurable benefit to the State. This subdivision may not be construed to authorize the establishment of an incentive pay program.

a. Upon initial submission for approval by the Commission, each pilot project shall have the following:

1. Specific beginning and ending dates;
2. Specific goals and objectives;
3. Measurable outcomes; and
4. Approval from the Office of State Budget and Management for the flexibility to use any allowable and available funds required for implementation of the pilot project.

- b. The Commission shall approve each pilot project prior to pilot project implementation.
- c. Prior to implementation of the pilot project, the Office of State Personnel shall obtain from each pilot project participant a signed document describing the pilot project and any temporary effect the project will have upon the employee's position classification, compensation, and benefits. No employee shall be adversely impacted by participation in a pilot project.
- d. Upon completion of a pilot project, the Commission shall receive the following:
1. Information on the implementation of the pilot project;
 2. The goals and objectives at the onset of the project;
 3. Participant demographics;
 4. Project outcomes;
 5. Evaluation of the project based on the measured outcomes;
 6. Pilot project costs;
 7. Analysis on whether implementation of the pilot project on a statewide basis would provide a benefit to the State; and if the recommendation is that the project should be expanded statewide.
 8. Cost analysis on implementation of the pilot project on a statewide basis.
- e. Upon determination that a successful pilot project provides a measurable benefit to the State and merits expansion, the Commission may implement a new program, or modify an existing program within the limits of current statutory authority.

The policies and rules of the Commission shall not limit the power of any elected or appointed department head, in the department head's discretion and upon the department head's determination that it is in the best interest of the Department, to transfer, demote, or separate a State employee who is not a career State employee as defined by this Chapter."

SECTION 2.(b) Article 1 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-4.2. Funding for pilot projects.

State agencies, departments, and institutions, and The University of North Carolina shall have, with the concurrence of the Office of State Budget and Management, the flexibility to use any allowable and available funds to operate the pilot projects authorized in G.S. 126-4(19)."

SECTION 3.(a) G.S. 143-34.1(c) reads as rewritten:

"§ 143-34.1. Positions included in the State's payroll must be approved by the Director of Budget; payment of benefits and other salary-related items must be made from same source as salary; dependent care assistance program authorized; flexible compensation benefits authorized.

1 ...
2 (c) The Director of the Budget is authorized to provide eligible officers and
3 employees of State departments, institutions, and agencies not covered by the provisions
4 of G.S. 116-17.2 a program of dependent care assistance as available under Section 129
5 and related sections of the Internal Revenue Code of 1986, as amended. The Director of
6 the Budget may delegate to the Office of State Personnel the authority to administer a
7 plan under this subsection. that authorizes ~~authorize~~ State departments, institutions, and
8 agencies to enter into annual agreements with employees who elect to participate in the
9 program to provide for a reduction in salary. With the approval of the Director of the
10 Budget, savings in the employer's share of contributions under the Federal Insurance
11 Contributions Act on account of the reduction in salary may be used to pay some or all
12 of the administrative expenses of the program. Should the Director decide to contract
13 with a third party to administer the terms and conditions of a program of dependent care
14 assistance, he may select a contractor only upon a thorough and completely competitive
15 procurement process.

16 (d) Notwithstanding any other provisions of law relating to the salaries of
17 officers and employees of departments, institutions, and agencies of State government,
18 the Director of the Budget is authorized to provide a plan of flexible compensation to
19 eligible officers and employees of State departments, institutions, and agencies not
20 covered by the provisions of G.S. 116-17.2 for benefits available under Section 125 and
21 related sections of the Internal Revenue Code of 1986 as amended. This plan shall not
22 replace, substitute for, or duplicate any benefits provided to employees and officers
23 under Article 1A of Chapter 120 of the General Statutes and Articles 1, 3, 4, and 6 of
24 Chapter 135 of the General Statutes. The plan may, however, include offerings for
25 products and benefits that are supplemental or additional to these statutory benefits. In
26 providing a plan of flexible compensation, the Director of the Budget may delegate to
27 the Office of State Personnel the authority to administer a plan under this subsection.
28 that authorizes ~~authorize~~ State departments, institutions, and agencies to enter into
29 agreements with their employees for reductions in the salaries of employees electing to
30 participate in the plan of flexible compensation provided by this section. With the
31 approval of the Director of the Budget, savings in the employer's share of contributions
32 under the Federal Insurance Contributions Act on account of the reduction in salary may
33 be used to pay some or all of the administrative expenses of the program. Should the
34 Director of the Budget or the Office of State Personnel decide to contract with a third
35 party to administer the terms and conditions of a plan of flexible compensation as
36 provided by this section, it may select such a contractor only upon a thorough and
37 completely advertised competitive procurement process."

38 **SECTION 3.(b)** G.S. 116-17.2 reads as rewritten:

39 **"§ 116-17.2. Flexible Compensation Plan.**

40 Notwithstanding any other provisions of law relating to the salaries of employees of
41 The University of North Carolina, the Board of Governors of The University of North
42 Carolina is authorized to provide a plan of flexible compensation to eligible employees
43 of constituent institutions for benefits available under Section 125 and related sections
44 of the Internal Revenue Code of 1986 as amended. This plan shall not include those

benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the Board of Governors may delegate to the Office of State Personnel the authority to administer a plan under this subsection that authorizes ~~authorize~~ constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

SECTION 3.(c) G.S. 126-3 reads as rewritten:

"§ 126-3. **Office of State Personnel established and responsibilities outlined; administration and supervision; appointment, compensation and tenure of Director.**

...

(b) The Office shall be responsible for the following activities, and such other activities as specified in this Chapter:

...

- (8) Developing criteria and standards to measure the level of compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards in agencies, departments, and institutions to which authority has been delegated for classification, salary administration and other decentralized programs, and determining through routine monitoring and periodic review process, that agencies, departments, and institutions are in compliance or noncompliance with established Commission policies, rules, procedures, criteria, and standards; and
- (9) Implementing corrective actions in cases of ~~noncompliance~~ noncompliance;
- (10) Administering a plan of dependent care assistance and flexible compensation at the request of the Director of the Budget and the Board of Governors of The University of North Carolina and pursuant to the requirements of G.S. 143.34.1 and G.S. 116-17.2; and
- (11) Offering additional or supplemental products using the same process and committee members as those used to evaluate the products offered in subdivision (10) of this subsection. Appropriate consideration should be given to the ability of products to transition with individuals from active employment into retirement. The contracts for post-tax products shall include a conversion option for employees when they retire and companies shall provide retirees the option to continue

coverage on a direct billing basis. Employee Insurance Committees authorized pursuant to G.S. 58-31-60 may elect not to offer the products authorized in this subdivision."

SECTION 4.(a) Article 36A Chapter 143 of the General Statutes is repealed.

SECTION 4.(b) Chapter 126 of the General Statutes is amended by adding a new Article to read:

"Article 16.

"State Employee Incentive Bonus Program.

"§ 126-95. State Employee Incentive Bonus Program.

(a) It is the policy of the State to promote employee suggestions through the State Employee Incentive Bonus Program so that employees and groups of employees may be recognized and rewarded for adopted suggestions and the achievement of individual or group goals that improve their agencies and State governmental operations. The Office of State Personnel shall administer the State Employee Incentive Bonus Program and policy as approved by the State Personnel Commission.

(b) The following definitions apply in this section:

- (1) Baseline reversion. – The two-year historical average of reversions by a State department, agency, or institution.
- (2) Participating agency. – All State agencies, departments, and institutions and The University of North Carolina shall implement a State Employee Incentive Bonus Program that is not inconsistent with the policy approved by the State Personnel Commission.
- (3) SEIBP. – Acronym for the State Employee Incentive Bonus Program.
- (4) State employee. – Any of the following:
 - a. A person who is a contributing member of the Teachers' and State Employees' Retirement System of North Carolina, the Consolidated Judicial Retirement System of North Carolina, or the Optional Program.
 - b. A person who receives wages from the State as a part-time or temporary worker, but is not otherwise a contributing member of one of the retirement programs listed in sub-subdivision a. of this subdivision.

"§ 126-96. State employee incentive bonus.

(a) A State employee or team of State employees may receive an incentive bonus or bonuses in reward for suggestions or innovations resulting in monetary savings to the State, increased revenues to the State, or improved quality of services delivered to the public.

(b) The amount of savings generated by suggestions and innovations shall be determined after a 12-month period of implementation. No incentive bonus shall be paid prior to the expiration of 12 months, and payment may be delayed further as reasonably required to ensure that a complete cost implementation cycle is evaluated fully.

(c) Any savings are to be calculated using the actual expenditures for a program, activity, or service compared to the budgeted amount for the same, if an amount has been budgeted for the program, activity, or service. The savings calculation shall

1 include the amount of any reversions in excess of the baseline reversion. Any savings
2 realized through the State Employee Incentive Bonus Program shall be weighed against
3 continued service to the public and the assurance that there is not a negative impact on
4 State programs.

5 (d) If a suggestion or innovation affects a program, activity, or service for which
6 no separate budgeted amount has been made, the State Coordinator, in conjunction with
7 the agency evaluator or agency fiscal officer, or both for that suggestion or innovation,
8 shall determine the budgetary impact of the suggestion or innovation.

9 (e) Federal and local government funds and corporate and foundation grant funds
10 are excluded from the SEIBP.

11 (f) The Department of Administration shall establish the SEIBP reserve fund in
12 which all savings for all suggestions shall be deposited as earned. Each participating
13 agency shall be responsible for transferring savings to the SEIBP reserve fund. The
14 funds may be encumbered as needed to ensure payment to the General Fund, to the
15 suggester, and for distribution as required by G.S. 126-97. The Department of
16 Administration shall provide the SEIBP reserve fund summary at the close of each
17 fiscal year to the Office of State Personnel, the Office of State Budget and Management
18 and to the participating agencies. The Office of State Budget and Management shall
19 have oversight responsibility for ensuring that the required reversions and transfers are
20 made to the General Fund, and that all encumbered funds are accounted for and paid as
21 required by law.

22 (g) No distribution of suggester awards shall occur until reversion requirements
23 to the General Fund are met and distributions as required by G.S. 126-97 are satisfied
24 and verified by the Office of State Budget and Management. When all of the
25 requirements of G.S. 126-97 are fulfilled, the Department of Administration shall notify
26 the Office of State Personnel of the transfer to the suggester's agency funds required to
27 award the suggester. The Office of State Personnel shall authorize the agency to make
28 the suggester's award. The suggester's agency shall make the suggestion award and
29 ensure that all taxes and withholding requirements are met.

30 (h) Implementation costs may be prorated over a maximum of three years for
31 suggestions or innovations that are capital intensive, involve leading-edge technology,
32 or involve unconventional processes that require longer than 12 months for
33 implementation. The amount of the average annual savings minus the average annual
34 implementation cost shall be used as the basis for the agency to recommend a suggester
35 award. The State Review Committee shall consult the Office of State Budget and
36 Management to make the final award determination in these cases.

37 (i) There is established in the Department of Administration a nonreverting fund
38 to be administered by the Office of State Personnel for the training and education of
39 permanent State employees to address specific mission critical needs and objectives.
40 Funds shall be credited from the SEIBP to the fund as provided by this Article.

41 **"§ 126-97. Allocation of incentive bonus funds; nonmonetary recognition.**

42 (a) If a State employee's suggestion or innovation results in a monetary savings
43 or increased revenue to the State, the funds saved or increased shall be distributed

1 according to the following scale or subject to guidelines as set forth by the funding
2 source:

3 (1) Twenty percent (20%) of the annualized savings or increased
4 revenues, up to a maximum of twenty thousand dollars (\$20,000) for
5 any one State employee, to constitute gainsharing. If a team of State
6 employees is the suggester, the bonus provided in this subdivision
7 shall be divided equally among the team members, except that no team
8 member shall receive in excess of twenty thousand dollars (\$20,000),
9 nor shall the team receive an aggregate amount in excess of one
10 hundred thousand dollars (\$100,000). These funds shall not revert.

11 (2) Fifty percent (50%) allocated as follows:

12 a. Thirty percent (30%) to the implementing agency for
13 nonrecurring budget items to be used (i) by the implementing
14 agency to provide equipment, supplies, training, and limited but
15 appropriate recognition for the division, section, or group
16 responsible for the implementation of the cost-saving measure
17 and (ii) to meet other similar needs within the agency.

18 b. Ten percent (10%) to the Office of State Personnel for
19 augmenting funding for the management and administration of
20 the SEIBP. These funds shall not revert.

21 c. Ten percent (10%) to the State employee education and training
22 fund administered by the Office of State Personnel under G.S.
23 143-342.21(i). These funds shall not revert.

24 (3) The thirty percent (30%) remainder to the General Fund for
25 nonrecurring budget items.

26 (b) Of the pool of funds identified in subsection (a) of this section, only the
27 General Fund distribution shall be subject to reversion, under nonemergency budget
28 conditions. SEIBP funds arising from savings at The University of North Carolina, the
29 North Carolina Community Colleges System, the Highway Trust Fund, enterprise
30 funds, and receipt-supported organizations shall be exempt from the General Fund
31 reversion requirements under nonemergency budget conditions.

32 (c) The budget of a State agency shall not be reduced in the following fiscal year
33 by an amount similar to the monetary savings or increased revenues realized by the
34 State Employee Incentive Bonus Program. The agency budget shall be reduced in
35 subsequent years only if structural or organizational changes are made that warrant the
36 reductions, including the transfer of responsibility for an activity or service to another
37 agency or the elimination of some function of State government.

38 (d) If a suggestion or innovation results in improved quality of services to the
39 public or to other State agencies, departments, and institutions, but not in monetary
40 savings to the State, the suggester shall receive a nonmonetary award in the form of a
41 certificate, leave with pay, or other similar recognition.

42 (e) For suggestions approved in programs that are not funded in part or whole
43 through the General Fund, the State Review Committee shall ensure that the funds that

would otherwise be distributed to the General Fund are allocated to the appropriate funding source.

"§ 126-98. Suggestion and review process; role of agency coordinator and agency evaluator.

(a) The process for a State employee or team of State employees to submit a cost-saving or revenue-increasing proposal shall begin with the employee or team of employees submitting the suggestion or innovation to an agency coordinator. The agency coordinator, in conjunction with an agency evaluator, shall review the suggestion or innovation and upon the approval of the agency head or their designee shall submit the suggestion to the State Review Committee established in G.S. 126-7.8.

(b) An agency coordinator shall be appointed by the head of each participating agency to serve as liaison between the agency, the suggester, the agency evaluator, and the SEIBP office. The duties of the agency coordinator shall include:

- (1) Serving as an information source and maintaining sufficient forms necessary to submit suggestions.
- (2) Presenting, in conjunction with the agency evaluator, the recommendation for an award to the State Review Committee.
- (3) Working in conjunction with the agency evaluator to process a particular suggestion or innovation within 180 days, except when there are extenuating circumstances.

An agency may have more than one coordinator if required to provide sufficient services to State employees.

(c) An agency evaluator shall be designated by the management of the implementing agency to evaluate one or more suggestions. The duties of an agency evaluator shall include:

- (1) Receiving from the agency coordinator and reviewing within 90 days, when possible, the feasibility and effectiveness of cost-saving or revenue-increasing measures suggested by State employees.
- (2) Being knowledgeable of the subject program, activity, or service.
- (3) Determining, in conjunction with the agency fiscal officer, the budgetary impact of a suggestion or innovation.
- (4) Judging impartially both the positive and negative effects of a suggestion or innovation on the current functions of the subject program, activity, or service.

(d) The State SEIBP Coordinator shall be appointed by the State Personnel Director and shall be responsible for general oversight and coordination of the State Employee Incentive Bonus Program. The State coordinator shall be a State employee reporting to the Office of State Personnel. The State coordinator shall be responsible for day-to-day SEIBP program management and administration of the technical aspects of the program. The State coordinator shall be an ex officio voting member of the State Review Committee.

"§ 126-99. Incentive Bonus Review Committee.

(a) The Incentive Bonus Review Committee, hereinafter "State Review Committee", shall consist of 11 members, as follows:

- (1) The State SEIBP Coordinator.
 - (2) A representative of the Office of State Budget and Management.
 - (3) Three representatives from cabinet agencies as appointed by the State Personnel Director.
 - (4) A representative of The University of North Carolina.
 - (5) A representative of the Department of Justice.
 - (6) A representative of the Department of State Auditor.
 - (7) One State employee appointed by the Speaker of the House of Representatives.
 - (8) One State employee appointed by the President Pro Tempore of the Senate.
 - (9) One State employee appointed by the Governor.
 - (b) The duties of the State Review Committee shall include:
 - (1) Receiving from and reviewing suggestions and innovations submitted by the various agency coordinators.
 - (2) Determining the impact of a suggestion or innovation on State government services by judging the monetary savings, increased revenues, or improved quality of services generated by a suggestion or innovation.
 - (3) Recommending approval or rejection of suggestions and innovations submitted by the agencies ensuring that the State employee incentive bonus process does not result in a negative impact on services provided to taxpayers by State government.
 - (c) All administrative, management, clerical, and other functions and services required by the State Review Committee shall be supplied by the Office of State Personnel. The Office of State Personnel shall report annually to the Joint Legislative Commission on Governmental Operations on the administration of the State Employee Incentive Bonus Program.
- "§ 126-100. Innovations deemed property of the State; effect of decisions regarding bonuses.**
- (a) Subject to G.S. 126-96(e), all suggestions or innovations submitted by State employees pursuant to this Article are the property of the State, and all related intellectual property rights shall be assigned to the State.
 - (b) Decisions regarding the proposed award of bonuses by the agency coordinator and the State Review Committee that are approved by the State Personnel Director or designee are final and are not subject to review under the contested case procedures of Chapter 150B of the General Statutes."

SECTION 5. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

23
B

RULES & OPERATIONS OF THE SENATE

AUGUST 12, 2005

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE

CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Van Jay

Sunita Anderson

Harry Kaplan

NCLHW

Luccia Pullen

A Horney

James

JD, AL, PA

ALISH TILSON

NCTD

R. eddy Ch

R. eddy Ch (Chad) ...

(Chad) Barber

CAPP

Stephen Long

NCAH

Lisa M. ...

NCHBA

CP Media

NATZ

Michael House

NCAE

Lu. Anna Coe

CFST

RULES AND OPERATIONS OF THE SENATE

MINUTES

AUGUST 23, 2005

The committee on Rules and Operations of the Senate met at 7:00 p.m. at Senator Rand's chamber desk during a recess of the Senate. Sixteen senators were present.

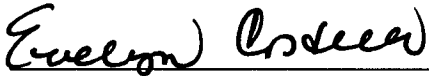
H.B. (CS#1) 1207 – 2005 SPEAKERS APPOINTMENTS

Senator Rand presented the committee with a proposed Senate Committee Substitute H.B. (CS#1) – 2005 Appointments. Senator Rand stated that this committee substitute incorporates the President Pro Tempore's appointments to various public offices in one bill.

Senator Hoyle moved for the adoption of the proposed Senate Committee for **H.B. (CS#1) 2005 Appointments**. The committee gave the proposed Senate Committee Substitute bill a favorable report.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Tuesday, August 23, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 1207	2005 Speaker's Appointments.	
	Draft Number:	PCS 10405
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

3

HOUSE BILL 1207

Committee Substitute Favorable 8/22/05

Third Edition Engrossed 8/22/05

Short Title: 2005 Speaker's Appointments.

(Public)

Sponsors:

Referred to:

April 13, 2005

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES AND TO AMEND THE APPOINTMENT OF THE
MEMBERSHIP OF THE EDENTON HISTORICAL COMMISSION.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain
appointments to public offices upon the recommendation of the Speaker of the House of
Representatives; and

Whereas, the Speaker of the House of Representatives has made
recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.1. Tracy Sturdivant of Wake County and Nan Cameron of New
Hanover County are appointed to the Acupuncture Licensing Board for terms expiring
on June 30, 2008.

SECTION 1.2. Winston T. Morgan of Wake County is appointed to the
North Carolina Appraisal Board for a term expiring on June 30, 2008.

SECTION 1.3. Jason J. Ramirez of Wake County, Dr. John Mangum of Lee
County, and Kevin D. Allran of Mecklenburg County are appointed to the North
Carolina Board of Athletic Trainer Examiners for terms expiring on July 31, 2008.

SECTION 1.4. Swayn G. Hamlet of Cumberland County is appointed to the
North Carolina Bridge Authority for a term expiring on June 30, 2009.

SECTION 1.5. David Fountain of Wake County is appointed to the North
Carolina Capital Facilities Finance Agency Board of Directors for a term expiring on
March 1, 2009.

SECTION 1.7. Ray N. Rouse, III, of Wayne County and Judi Grainger of
Wake County are appointed to the Centennial Authority for terms expiring on June 30,
2009.

1 **SECTION 1.8.** Mary S. Garrett of Craven County and Dawn Wallace of
2 Moore County are appointed to the Child Care Commission for terms expiring on June
3 30, 2007.

4 **SECTION 1.9.** Dennis L. Hall, Sr., of Cabarrus County is appointed to the
5 State Board of Chiropractic Examiners for a term expiring on June 30, 2007.

6 **SECTION 1.10.** John Peter Rascoe, III, of Chowan County and Robert D.
7 Howard of Columbus County are appointed to the Clean Water Management Trust Fund
8 Board of Trustees for terms expiring on June 30, 2009. The Honorable Charles Johnson
9 is appointed to the Clean Water Management Trust Fund Board of Trustees for a term
10 expiring on July 1, 2006, to fill the unexpired term of the Honorable Ronnie Smith.

11 **SECTION 1.11.** James Festerman of Rockingham County, Gary Mason of
12 Randolph County, Vernon Julius Bryant of Halifax County, and Kevin Wallace of
13 Wake County are appointed to the North Carolina Criminal Justice Education and
14 Training Standards Commission for terms expiring on June 30, 2007.

15 **SECTION 1.12.** Leslie C. Stanfield of New Hanover County is appointed to
16 the Criminal Justice Information Network Governing Board for a term expiring on June
17 30, 2009.

18 **SECTION 1.13.** Janet A. Roberts of Beaufort County is appointed to the
19 North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2008.

20 **SECTION 1.14.** Rebecca Brownlee of Wake County is appointed to the
21 Disciplinary Hearing Committee of the North Carolina State Bar for a term expiring on
22 June 30, 2006, to fill the unexpired term of the Honorable Betty Ann Knudsen. Michael
23 Houser of Wake County is appointed to the Disciplinary Hearing Committee of the
24 North Carolina State Bar for a term expiring on June 30, 2006, to fill the unexpired term
25 of Victor Parks.

26 **SECTION 1.15.** The Honorable Michael Sabiston of Montgomery County
27 and Maria Pinto of Pitt County are appointed to the Domestic Violence Commission for
28 terms beginning on September 1, 2005, and expiring on August 31, 2007.

29 **SECTION 1.16.** Representative Marvin W. Lucas of Cumberland County is
30 appointed to the Education Commission of the States for a term expiring on June 30,
31 2006.

32 **SECTION 1.17.** Herbert Crenshaw of Wake County is appointed to the
33 e-NC Authority Commission for a term expiring on December 31, 2006.

34 **SECTION 1.18.** John S. Curry of Buncombe County and Steven D. Weber
35 of Mecklenburg County are appointed to the Environmental Management Commission
36 for terms expiring on June 30, 2007.

37 **SECTION 1.19.** George S. Parrott of Wake County is appointed to the North
38 Carolina Board of Funeral Service for a term expiring on June 30, 2008.

39 **SECTION 1.20.** R. Gene Braswell of Wayne County is appointed to the
40 Board of Directors of the North Carolina Global TransPark Authority for a term
41 expiring on June 30, 2009.

42 **SECTION 1.21.** Gerald W. Canipe of Cumberland County is appointed to the
43 North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2009.

1 **SECTION 1.22.** William C. Lackey, Jr., of Mecklenburg County, Mark
2 McGoldrick of Mecklenburg County, Matthew B. Harrell of Surry County, and William
3 Fitzgerald of Scotland County are appointed to the North Carolina Housing Finance
4 Agency for terms expiring on June 30, 2007.

5 **SECTION 1.23.** Debbie Batts of Wilson County, Robert P. Taylor of
6 Cumberland County, and Tzena Keyes of Buncombe County are appointed to the North
7 Carolina Interpreter and Transliterator Licensing Board for terms expiring on June 30,
8 2008.

9 **SECTION 1.24.** Representative Arthur Williams of Beaufort County, Karen
10 Anne McCall of Durham County, and the Honorable Norman A. Mitchell, Sr., of
11 Mecklenburg County are appointed to the Justus-Warren Heart Disease and Stroke
12 Prevention Task Force for terms expiring on June 30, 2007.

13 **SECTION 1.25.** Cecil Luther Dills of Jackson County is appointed to the
14 License to Give Trust Fund Commission for a term expiring on December 31, 2006, to
15 fill the unexpired term of K. Dean Shatley.

16 **SECTION 1.26.** David Huskins of Burke County is appointed to the Local
17 Government Commission for a term expiring on June 30, 2009.

18 **SECTION 1.27.** Dennis N. Green of Mecklenburg County is appointed to
19 the North Carolina Locksmith Licensing Board for a term expiring on December 31,
20 2008.

21 **SECTION 1.28.** W. Ann Forbes of Wake County is appointed to the
22 Commission for Mental Health, Developmental Disabilities, and Substance Abuse
23 Services for a term expiring on June 30, 2008.

24 **SECTION 1.29.** Joyce Omer of Moore County is appointed to the Board of
25 Trustees of the North Carolina Museum of Art for a term expiring on June 30, 2007.

26 **SECTION 1.30.** Alan Briggs of Wake County is appointed to the Natural
27 Heritage Trust Fund Board of Trustees for a term expiring on December 31, 2011.

28 **SECTION 1.31.** John E. Schrote of Currituck County, Joe Landino of
29 Tyrrell County, and William Askew, Jr., of Northampton County are appointed to the
30 Northeastern North Carolina Regional Economic Development Commission for terms
31 expiring on June 30, 2007.

32 **SECTION 1.32.** Gwendolyn F. Stewart of Forsyth County and Stacy
33 Flannery of Johnston County are appointed to the North Carolina Center for Nursing
34 Board of Directors for terms expiring on June 30, 2008.

35 **SECTION 1.33.** Patricia Gayle Floyd of Beaufort County and Dr. Evelyn
36 Pet Pruden of Wilson County are appointed to the North Carolina Nursing Scholars
37 Commission for terms expiring on June 30, 2009.

38 **SECTION 1.34.** John Ronald Kincaid of Montgomery County is appointed
39 to the North Carolina Parks and Recreation Authority for a term expiring on July 1,
40 2008.

41 **SECTION 1.35.** Sue Russell of Orange County, Robert Shinn of Cabarrus
42 County, and James R. Horton of Martin County are appointed to the Board of Directors
43 of the North Carolina Partnership for Children, Inc., for terms beginning on January 1,
44 2006, and expiring on December 31, 2008.

1 **SECTION 1.36.** Jeffrey Cooper of Martin County, Shirley Diffie Lowder of
2 Stanly County, Richard G. Greb of Wake County, Laura Thompson-Quinn of Wake
3 County, Denise Little of Catawba County, Carl Dobson of Buncombe County, and the
4 Honorable Ruth Cook of Wake County are appointed to the Governor's Advocacy
5 Council for Persons with Disabilities for terms expiring on June 30, 2007.

6 **SECTION 1.37.** Lloyd Williams, Jr., of Cleveland County, Thomas S. Blue
7 of Moore County, Bennie Gupton of Franklin County, Ralph Heath of Wake County,
8 and Waheedul Haq of Wake County are appointed to the Petroleum Underground
9 Storage Tank Funds Council for terms expiring on June 30, 2007.

10 **SECTION 1.38.** James C. Stevens of Carteret County is appointed to the
11 Private Protective Services Board for a term expiring on June 30, 2008.

12 **SECTION 1.39.** The Honorable Wade F. Wilmoth of Watauga County is
13 appointed to the Property Tax Commission for a term expiring on June 30, 2007.

14 **SECTION 1.40.** Gene Hoots of Mecklenburg County is appointed to the
15 Board of Trustees of The North Carolina Public Employee Deferred Compensation Plan
16 for a term expiring on June 30, 2007.

17 **SECTION 1.41.** The Honorable James H. Edwards of Caldwell County is
18 appointed to the North Carolina Agency for Public Telecommunications for a term
19 expiring on June 30, 2007.

20 **SECTION 1.42.** John L. Atkins, III, of Durham County is appointed to the
21 North Carolina Railroad Company Board of Directors for a term expiring on June 30,
22 2009.

23 **SECTION 1.43.** Melvin "Skip" Alston of Guilford County is appointed to
24 the North Carolina Real Estate Commission for a term expiring on July 31, 2008.

25 **SECTION 1.44.** Thomas E. Brooks of Wake County, Walter E. Daniels of
26 Durham County, and Rolf Blizzard of Wake County are appointed to the Roanoke
27 Island Commission for terms expiring on September 30, 2007.

28 **SECTION 1.45.** The Honorable John L. Tart of Wayne County, Jennie
29 Jarrell Hayman of Wake County, and Dana Simpson of Wake County are appointed to
30 the Rules Review Commission for terms expiring on June 30, 2007.

31 **SECTION 1.46.** Gilbert Baccus, Jr., of Perquimans County is appointed to
32 the Seafood Industrial Park Authority for a term expiring on June 30, 2007.

33 **SECTION 1.47.** Jameson Wells of Mecklenburg County is appointed to the
34 North Carolina Board of Science and Technology for a term expiring on June 30, 2007.

35 **SECTION 1.48.** Sheriff Stephen Bunn of Bladen County is appointed to the
36 North Carolina Sheriffs' Education and Training Standards Commission for a term
37 expiring on June 30, 2007.

38 **SECTION 1.49.** Anthony G. Copeland of Montgomery County is appointed
39 to the North Carolina Board for Licensing of Soil Scientists for a term expiring on June
40 30, 2008.

41 **SECTION 1.50.** Kermit D. Williamson of Sampson County, James L. F.
42 Smith of Pender County, and Roger F. Hall of Robeson County are appointed to the
43 Southeastern North Carolina Regional Economic Development Commission for terms
44 expiring on June 30, 2009.

1 **SECTION 1.51.** John Marvin Thompson of Wake County is appointed to
2 the State Building Commission for a term expiring on June 30, 2008.

3 **SECTION 1.52.** K. Dean Shatley of Buncombe County is appointed to the
4 State Personnel Commission for a term expiring on June 30, 2010, to fill the unexpired
5 term of James B. Bryan, III.

6 **SECTION 1.53.** Jesse Smith Capel, Jr., of Montgomery County is appointed
7 to the North Carolina State Ports Authority for a term expiring on June 30, 2007.

8 **SECTION 1.54.** Tony H. Jarrett of Guilford County, James H. Pou Bailey,
9 Jr., of Carteret County, Kenneth A. Johnson of Pender County, and Trip Smithdeal of
10 Davie County are appointed to the Commission on State Property for terms expiring on
11 August 14, 2007.

12 **SECTION 1.55.** Harriett McDowell of Columbus County and Tricia A.
13 Cotham of Mecklenburg County are appointed to the North Carolina Teacher Academy
14 Board of Trustees for terms expiring on June 30, 2007. Linda Hardison of Moore
15 County and Tina Beacham of Pitt County are appointed to the North Carolina Teacher
16 Academy Board of Trustees for terms expiring on June 30, 2009.

17 **SECTION 1.56.** Trudy Mitchell of Wake County is appointed to the Board
18 of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan
19 for a term expiring on June 30, 2007.

20 **SECTION 1.57.** Edward S. Goode, Jr., of Mecklenburg County is appointed
21 to the Board of Trustees of the Teachers' and State Employees' Retirement System for a
22 term expiring on June 30, 2007.

23 **SECTION 1.58.** The Honorable Cheryle G. Cheek of Brunswick County and
24 Sheryn S. Northey of Polk County are appointed to the North Carolina Center for the
25 Advancement of Teaching Board of Trustees for terms expiring on June 30, 2009.

26 **SECTION 1.59.** Stephanie Lemon of Guilford County is appointed to the
27 North Carolina Teaching Fellows Commission for a term expiring on June 30, 2009.

28 **SECTION 1.60.** Janet Baldwin of Wake County is appointed to the State
29 Board of Therapeutic Recreation Certification for a term expiring on June 30, 2008.

30 **SECTION 1.61.** James Treadaway, Jr., of Catawba County is appointed to
31 the Board of Trustees of the University of North Carolina Center for Public Television
32 for a term expiring on June 30, 2007.

33 **SECTION 1.62.** Representative E. Nelson Cole of Rockingham County is
34 appointed to the Virginia-North Carolina Interstate High-Speed Rail Compact to serve
35 at the pleasure of the appointing authority.

36 **SECTION 1.63.** J. Craig Madison of Buncombe County, Mike Fulenwider
37 of Burke County, and George Couch of Polk County are appointed to the Western North
38 Carolina Regional Economic Development Commission for terms expiring on June 30,
39 2009.

40 **SECTION 1.64.** Cameron M. Harris of Mecklenburg County, Durwood S.
41 Laughinghouse of Wake County, Charles W. Bennett of Mecklenburg County, and
42 Edward Wadsworth Wood of New Hanover County are appointed to the North Carolina
43 Wildlife Resources Commission for terms expiring on June 30, 2007.

44 **SECTION 2.** G.S. 143B-98 reads as rewritten:

1 "§ 143B-98. Edenton Historical Commission – members; selection; compensation;
2 quorum.

3 The Edenton Historical Commission shall consist of 33 members, ~~18-22~~ appointed
4 by the Governor to serve at his pleasure, ~~12 elected by the Commission from time to~~
5 ~~time according to the procedure it adopts, members appointed by the Governor four~~
6 appointed by the President Pro Tempore of the Senate, four appointed by the Speaker of
7 the House of Representatives, and, ex officio, the Mayor of the Town of Edenton, the
8 Chairman of the Board of Commissioners of Chowan County, and the Secretary of
9 Cultural Resources or his designee.

10 All the present members of the Commission may continue to serve, at the pleasure
11 of the Governor, until the end of his present term of office. The Commission shall elect
12 its own officers, and the members of the Commission shall serve without pay and
13 without expense allowance from State funds. The Commission shall determine its
14 requirements for a quorum."

15 **SECTION 3.** Members of the Edenton Historical Commission appointed by
16 the Governor as of July 1, 2005, shall continue to serve at the pleasure of the Governor.
17 Members of the Edenton Historical Commission elected by the Commission as of July
18 1, 2005, shall no longer serve unless subsequently appointed.

19 **SECTION 4.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

D

**HOUSE BILL 1207
Committee Substitute Favorable 8/22/05
Third Edition Engrossed 8/22/05
PROPOSED SENATE COMMITTEE SUBSTITUTE H1207-PCS10405-LG-28**

Short Title: 2005 Appointments.

(Public)

Sponsors:

Referred to:

April 13, 2005

A BILL TO BE ENTITLED
AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE
SENATE, TO MAKE TECHNICAL CHANGES TO VARIOUS TERMS, AND TO
AMEND THE APPOINTMENT OF THE MEMBERSHIP OF THE EDENTON
HISTORICAL COMMISSION.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain
appointments to public offices upon the recommendation of the Speaker of the House of
Representatives and the President Pro Tempore of the Senate; and

Whereas, the Speaker of the House of Representatives and President Pro
Tempore of the Senate have made recommendations; Now, therefore,
The General Assembly of North Carolina enacts:

PART I. SPEAKER'S RECOMMENDATIONS

SECTION 1.1. Tracy Sturdivant of Wake County and Nan Cameron of New
Hanover County are appointed to the Acupuncture Licensing Board for terms expiring
on June 30, 2008.

SECTION 1.2. Winston T. Morgan of Wake County is appointed to the
North Carolina Appraisal Board for a term expiring on June 30, 2008.

SECTION 1.3. Jason J. Ramirez of Wake County, Dr. John Mangum of Lee
County, and Kevin D. Allran of Mecklenburg County are appointed to the North
Carolina Board of Athletic Trainer Examiners for terms expiring on July 31, 2008.

SECTION 1.4. Swayn G. Hamlet of Cumberland County is appointed to the
North Carolina Bridge Authority for a term expiring on June 30, 2009.

1 **SECTION 1.5.** David Fountain of Wake County is appointed to the North
2 Carolina Capital Facilities Finance Agency Board of Directors for a term expiring on
3 March 1, 2009.

4 **SECTION 1.7.** Ray N. Rouse, III, of Wayne County and Judi Grainger of
5 Wake County are appointed to the Centennial Authority for terms expiring on June 30,
6 2009.

7 **SECTION 1.8.** Mary S. Garrett of Craven County and Dawn Wallace of
8 Moore County are appointed to the Child Care Commission for terms expiring on June
9 30, 2007.

10 **SECTION 1.9.** Dennis L. Hall, Sr., of Cabarrus County is appointed to the
11 State Board of Chiropractic Examiners for a term expiring on June 30, 2007.

12 **SECTION 1.10.** John Peter Rascoe, III, of Chowan County and Robert D.
13 Howard of Columbus County are appointed to the Clean Water Management Trust Fund
14 Board of Trustees for terms expiring on June 30, 2009. The Honorable Charles Johnson
15 is appointed to the Clean Water Management Trust Fund Board of Trustees for a term
16 expiring on July 1, 2006, to fill the unexpired term of the Honorable Ronnie Smith.

17 **SECTION 1.11.** James Festerman of Rockingham County, Gary Mason of
18 Randolph County, Vernon Julius Bryant of Halifax County, and Kevin Wallace of
19 Wake County are appointed to the North Carolina Criminal Justice Education and
20 Training Standards Commission for terms expiring on June 30, 2007.

21 **SECTION 1.12.** Leslie C. Stanfield of New Hanover County is appointed to
22 the Criminal Justice Information Network Governing Board for a term expiring on June
23 30, 2009.

24 **SECTION 1.13.** Janet A. Roberts of Beaufort County is appointed to the
25 North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2008.

26 **SECTION 1.14.** Rebecca Brownlee of Wake County is appointed to the
27 Disciplinary Hearing Committee of the North Carolina State Bar for a term expiring on
28 June 30, 2006, to fill the unexpired term of the Honorable Betty Ann Knudsen. Michael
29 Houser of Wake County is appointed to the Disciplinary Hearing Committee of the
30 North Carolina State Bar for a term expiring on June 30, 2006, to fill the unexpired term
31 of Victor Parks.

32 **SECTION 1.15.** The Honorable Michael Sabiston of Montgomery County
33 and Maria Pinto of Pitt County are appointed to the Domestic Violence Commission for
34 terms beginning on September 1, 2005, and expiring on August 31, 2007.

35 **SECTION 1.16.** Representative Marvin W. Lucas of Cumberland County is
36 appointed to the Education Commission of the States for a term expiring on June 30,
37 2006.

38 **SECTION 1.17.** Herbert Crenshaw of Wake County is appointed to the
39 e-NC Authority Commission for a term expiring on December 31, 2006.

40 **SECTION 1.18.** John S. Curry of Buncombe County and Steven D. Weber
41 of Mecklenburg County are appointed to the Environmental Management Commission
42 for terms expiring on June 30, 2007.

43 **SECTION 1.19.** George S. Parrott of Wake County is appointed to the North
44 Carolina Board of Funeral Service for a term expiring on June 30, 2008.

1 **SECTION 1.20.** R. Gene Braswell of Wayne County is appointed to the
2 Board of Directors of the North Carolina Global TransPark Authority for a term
3 expiring on June 30, 2009.

4 **SECTION 1.21.** Gerald W. Canipe of Cumberland County is appointed to
5 the North Carolina Home Inspector Licensure Board for a term expiring on July 1,
6 2009.

7 **SECTION 1.22.** William C. Lackey, Jr., of Mecklenburg County, Mark
8 McGoldrick of Mecklenburg County, Matthew B. Harrell of Surry County, and William
9 Fitzgerald of Scotland County are appointed to the North Carolina Housing Finance
10 Agency for terms expiring on June 30, 2007.

11 **SECTION 1.23.** Debbie Batts of Wilson County, Robert P. Taylor of
12 Cumberland County, and Tzena Keyes of Buncombe County are appointed to the North
13 Carolina Interpreter and Transliterator Licensing Board for terms expiring on June 30,
14 2008.

15 **SECTION 1.24.** Representative Arthur Williams of Beaufort County, Karen
16 Anne McCall of Durham County, and the Honorable Norman A. Mitchell, Sr., of
17 Mecklenburg County are appointed to the Justus-Warren Heart Disease and Stroke
18 Prevention Task Force for terms expiring on June 30, 2007.

19 **SECTION 1.25.** Cecil Luther Dills of Jackson County is appointed to the
20 License to Give Trust Fund Commission for a term expiring on December 31, 2006, to
21 fill the unexpired term of K. Dean Shatley.

22 **SECTION 1.26.** David Huskins of McDowell County is appointed to the
23 Local Government Commission for a term expiring on June 30, 2009.

24 **SECTION 1.27.** Dennis N. Green of Mecklenburg County is appointed to
25 the North Carolina Locksmith Licensing Board for a term expiring on December 31,
26 2008.

27 **SECTION 1.28.** W. Ann Forbes of Wake County is appointed to the
28 Commission for Mental Health, Developmental Disabilities, and Substance Abuse
29 Services for a term expiring on June 30, 2008.

30 **SECTION 1.29.** Joyce Omer of Moore County is appointed to the Board of
31 Trustees of the North Carolina Museum of Art for a term expiring on June 30, 2007.

32 **SECTION 1.30.** Alan Briggs of Wake County is appointed to the Natural
33 Heritage Trust Fund Board of Trustees for a term expiring on December 31, 2011.

34 **SECTION 1.31.** John E. Schrote of Currituck County, Joe Landino of
35 Tyrrell County, and William Askew, Jr., of Northampton County are appointed to the
36 Northeastern North Carolina Regional Economic Development Commission for terms
37 expiring on June 30, 2007.

38 **SECTION 1.32.** Gwendolyn F. Stewart of Forsyth County and Stacy
39 Flannery of Johnston County are appointed to the North Carolina Center for Nursing
40 Board of Directors for terms expiring on June 30, 2008.

41 **SECTION 1.33.** Patricia Gayle Floyd of Beaufort County and Dr. Evelyn
42 Pet Pruden of Wilson County are appointed to the North Carolina Nursing Scholars
43 Commission for terms expiring on June 30, 2009.

1 **SECTION 1.34.** John Ronald Kincaid of Montgomery County is appointed
2 to the North Carolina Parks and Recreation Authority for a term expiring on July 1,
3 2008.

4 **SECTION 1.35.** Sue Russell of Orange County, Robert Shinn of Cabarrus
5 County, and James R. Horton of Martin County are appointed to the Board of Directors
6 of the North Carolina Partnership for Children, Inc., for terms beginning on January 1,
7 2006, and expiring on December 31, 2008.

8 **SECTION 1.36.** Jeffrey Cooper of Martin County, Shirley Diffie Lowder of
9 Stanly County, Richard G. Greb of Wake County, Laura Thompson-Quinn of Wake
10 County, Denise Little of Catawba County, Carl Dobson of Buncombe County, and the
11 Honorable Ruth Cook of Wake County are appointed to the Governor's Advocacy
12 Council for Persons with Disabilities for terms expiring on June 30, 2007.

13 **SECTION 1.37.** Lloyd Williams, Jr., of Cleveland County, Thomas S. Blue
14 of Moore County, Bennie Gupton of Franklin County, Ralph Heath of Wake County,
15 and Waheedul Haq of Wake County are appointed to the Petroleum Underground
16 Storage Tank Funds Council for terms expiring on June 30, 2007.

17 **SECTION 1.38.** James C. Stevens of Carteret County is appointed to the
18 Private Protective Services Board for a term expiring on June 30, 2008.

19 **SECTION 1.39.** The Honorable Wade F. Wilmoth of Watauga County is
20 appointed to the Property Tax Commission for a term expiring on June 30, 2007.

21 **SECTION 1.40.** Gene Hoots of Mecklenburg County is appointed to the
22 Board of Trustees of The North Carolina Public Employee Deferred Compensation Plan
23 for a term expiring on June 30, 2007.

24 **SECTION 1.41.** The Honorable James H. Edwards of Caldwell County is
25 appointed to the North Carolina Agency for Public Telecommunications for a term
26 expiring on June 30, 2007.

27 **SECTION 1.42.** John L. Atkins, III, of Durham County is appointed to the
28 North Carolina Railroad Company Board of Directors for a term expiring on June 30,
29 2009.

30 **SECTION 1.43.** Melvin "Skip" Alston of Guilford County is appointed to
31 the North Carolina Real Estate Commission for a term expiring on July 31, 2008.

32 **SECTION 1.44.** Thomas E. Brooks of Wake County, Walter E. Daniels of
33 Durham County, and Rolf Blizzard of Wake County are appointed to the Roanoke
34 Island Commission for terms expiring on September 30, 2007.

35 **SECTION 1.45.** The Honorable John L. Tart of Wayne County, Jennie
36 Jarrell Hayman of Wake County, and Dana Simpson of Wake County are appointed to
37 the Rules Review Commission for terms expiring on June 30, 2007.

38 **SECTION 1.46.** Gilbert Baccus, Jr., of Perquimans County is appointed to
39 the Seafood Industrial Park Authority for a term expiring on June 30, 2007.

40 **SECTION 1.47.** Jameson Wells of Mecklenburg County is appointed to the
41 North Carolina Board of Science and Technology for a term expiring on June 30, 2007.

42 **SECTION 1.48.** Sheriff Stephen Bunn of Bladen County is appointed to the
43 North Carolina Sheriffs' Education and Training Standards Commission for a term
44 expiring on June 30, 2007.

1 **SECTION 1.49.** Anthony G. Copeland of Montgomery County is appointed
2 to the North Carolina Board for Licensing of Soil Scientists for a term expiring on June
3 30, 2008.

4 **SECTION 1.50.** Kermit D. Williamson of Sampson County, James L. F.
5 Smith of Pender County, and Roger F. Hall of Robeson County are appointed to the
6 Southeastern North Carolina Regional Economic Development Commission for terms
7 expiring on June 30, 2009.

8 **SECTION 1.51.** John Marvin Thompson of Wake County is appointed to
9 the State Building Commission for a term expiring on June 30, 2008.

10 **SECTION 1.52.** K. Dean Shatley of Buncombe County is appointed to the
11 State Personnel Commission for a term expiring on June 30, 2010, to fill the unexpired
12 term of James B. Bryan, III.

13 **SECTION 1.53.** Jesse Smith Capel, Jr., of Montgomery County is appointed
14 to the North Carolina State Ports Authority for a term expiring on June 30, 2007.

15 **SECTION 1.54.** Tony H. Jarrett of Guilford County, James H. Pou Bailey,
16 Jr., of Carteret County, Kenneth A. Johnson of Pender County, and Trip Smithdeal of
17 Davie County are appointed to the Commission on State Property for terms expiring on
18 August 14, 2007.

19 **SECTION 1.55.** Harriett McDowell of Columbus County and Tricia A.
20 Cotham of Mecklenburg County are appointed to the North Carolina Teacher Academy
21 Board of Trustees for terms expiring on June 30, 2007. Linda Hardison of Moore
22 County and Tina Beacham of Pitt County are appointed to the North Carolina Teacher
23 Academy Board of Trustees for terms expiring on June 30, 2009.

24 **SECTION 1.56.** Trudy Mitchell of Wake County is appointed to the Board
25 of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan
26 for a term expiring on June 30, 2007.

27 **SECTION 1.57.** Edward S. Goode, Jr., of Mecklenburg County is appointed
28 to the Board of Trustees of the Teachers' and State Employees' Retirement System for a
29 term expiring on June 30, 2007.

30 **SECTION 1.58.** The Honorable Cheryle G. Cheek of Brunswick County and
31 Sheryn S. Northey of Polk County are appointed to the North Carolina Center for the
32 Advancement of Teaching Board of Trustees for terms expiring on June 30, 2009.

33 **SECTION 1.59.** Stephanie Lemon of Guilford County is appointed to the
34 North Carolina Teaching Fellows Commission for a term expiring on June 30, 2009.

35 **SECTION 1.60.** Janet Baldwin of Wake County is appointed to the State
36 Board of Therapeutic Recreation Certification for a term expiring on June 30, 2008.

37 **SECTION 1.61.** James Treadaway, Jr., of Catawba County is appointed to
38 the Board of Trustees of the University of North Carolina Center for Public Television
39 for a term expiring on June 30, 2007.

40 **SECTION 1.62.** Representative E. Nelson Cole of Rockingham County is
41 appointed to the Virginia-North Carolina Interstate High-Speed Rail Compact to serve
42 at the pleasure of the appointing authority.

43 **SECTION 1.63.** J. Craig Madison of Buncombe County, Mike Fulenwider
44 of Burke County, and George Couch of Polk County are appointed to the Western North

1 Carolina Regional Economic Development Commission for terms expiring on June 30,
2 2009.

3 **SECTION 1.64.** Cameron M. Harris of Mecklenburg County, Durwood S.
4 Laughinghouse of Wake County, Charles W. Bennett of Mecklenburg County, and
5 Edward Wadsworth Wood of New Hanover County are appointed to the North Carolina
6 Wildlife Resources Commission for terms expiring on June 30, 2007.

7
8 **PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS**

9 **SECTION 2.1.** Ralph Brown of Iredell County is appointed to the Alarm
10 Systems Licensing Board for a term expiring on June 30, 2008.

11 **SECTION 2.2.** Henry Faircloth of Sampson County is appointed to the
12 North Carolina Appraisal Board for a term expiring on June 30, 2008.

13 **SECTION 2.3.** Dr. Paul Rush of Scotland County is appointed to the North
14 Carolina Board of Athletic Trainer Examiners for a term expiring on June 30, 2008.

15 **SECTION 2.3A.** Gene Gregory of Currituck County is appointed to the
16 North Carolina Bridge Authority for a term expiring on June 30, 2009.

17 **SECTION 2.4.** Dennis Walter of Cumberland County is appointed to the
18 North Carolina Capital Facilities Finance Agency for a term expiring on March 1, 2008.

19 **SECTION 2.5.** Dickie Powell of Bunswick County is appointed to the North
20 Carolina Cemetery Commission for a term expiring on June 30, 2009.

21 **SECTION 2.6.** Penny Davis of Rutherford County and Carol Eatman of
22 Nash County are appointed to the Child Care Commission for terms expiring on June
23 30, 2007.

24 **SECTION 2.7.(a)** Dr. Steve Willen of Guilford County is appointed to the
25 State Board of Chiropractic Examiners for a term expiring on June 30, 2007.

26 **SECTION 2.7.(b)** G.S. 90-139(b) reads as rewritten:

27 "(b) All Board members serving on June 30, 1981, shall be eligible to complete
28 their respective terms. No member appointed to the Board on or after July 1, 1981, shall
29 serve more than two complete consecutive terms, except that each member shall serve
30 until his successor is chosen and qualifies. The initial appointment of the General
31 Assembly upon the recommendation of the President of the Senate shall be for a term to
32 expire June 30, 1986, and the initial appointment of the General Assembly upon the
33 recommendation of the Speaker of the House of Representatives shall be for a term to
34 expire June 30, 1985, subsequent appointments upon the recommendation of the
35 President Pro Tempore of the Senate shall be for terms of three years, subsequent
36 appointments upon the recommendation of the Speaker of the House of Representatives
37 shall be for terms of two years."

38 **SECTION 2.8.** Bill Hollan of Forsyth County is appointed to the Clean
39 Water Management Trust Fund Board of Trustees for a term expiring on June 30, 2008.
40 Dickson McLean of Robeson County and Yevonne Brannon of Wake County are
41 appointed to the Clean Water Management Trust Fund for terms expiring on June 30,
42 2009.

43 **SECTION 2.9.** Elizabeth S. Grant of Wake County is appointed to the North
44 Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2008.

1 **SECTION 2.10.** Section 1.16 of S.L. 2004-158 reads as rewritten:

2 **"SECTION 1.16.** Joyce Cutler of Beaufort County is appointed to the Crime
3 Victims Compensation Commission for a term expiring on ~~June 30, 2005~~June 30,
4 2009."

5 **SECTION 2.11.** Wade Anders of Cumberland County, Terry Waterfield of
6 Pasquotank County, Robert C. Lewis of Wake County, and Bonnie Boyette of Nash
7 County are appointed to the North Carolina Criminal Justice Education and Training
8 Standards Commission for terms expiring on June 30, 2008.

9 **SECTION 2.12.** Richard McLean of Columbus County, T. Craig Wright of
10 Harnett County, and Doug Logan of Granville County are appointed to the Criminal
11 Justice Information Network Governing Board for terms expiring on June 30, 2009.

12 **SECTION 2.13.** Dr. Joye Willcox of Wake County is appointed to the North
13 Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2008.

14 **SECTION 2.14.** Diann Seigle of Wake County is appointed to the Dispute
15 Resolution Commission for a term beginning on October 1, 2005, and expiring on
16 September 30, 2008.

17 **SECTION 2.15.** Barbara Arnold of Wayne County, Jan Capps of Durham
18 County, Lynn Bryant of Dare County, and Betsy Wells of Cleveland County are
19 appointed to the Domestic Violence Commission for terms beginning on September 1,
20 2005, and expiring on August 31, 2007.

21 **SECTION 2.16.** Margaret Wingate of Mecklenburg County is appointed to
22 the North Carolina Board of Electrolysis Examiners for a term beginning on September
23 1, 2005, and expiring on August 31, 2008.

24 **SECTION 2.17.** Section 1.22 of S.L. 2004-158 reads as rewritten:

25 **"SECTION 1.22.** Dr. Steven Edward Landau of Johnston County is appointed to
26 the Emergency Medical Services Advisory Council for a term expiring on ~~June 30,~~
27 ~~2005~~December 31, 2008."

28 **SECTION 2.18.** Jon Hamm of Wake County is appointed to the e-NC
29 Authority Commission for a term expiring on December 31, 2006.

30 **SECTION 2.19.** Freddie Harrill of Cleveland County, John Gessaman of
31 Nash County, and Forrest Westfall of Yancey County are appointed to the
32 Environmental Management Commission for terms expiring on June 30, 2007.

33 **SECTION 2.20.** Richard Joyner of Edgecombe County is appointed to the
34 North Carolina State Board of Fee-Based Practicing Pastoral Counselors for a term
35 beginning on October 1, 2005, and expiring on September 30, 2009.

36 **SECTION 2.21.** William Winn of Gates County is appointed to the State
37 Fire and Rescue Commission for a term expiring on June 30, 2007.

38 **SECTION 2.22.** Windell Daniels of New Hanover County is appointed to
39 the North Carolina Board of Funeral Service for a term expiring on December 31, 2008.

40 **SECTION 2.23.** Linda Guzman of Orange County and Thomasine Kennedy
41 of Duplin County are appointed to the Governor's Advocacy Council for Persons with
42 Disabilities for terms expiring on June 30, 2007.

1 **SECTION 2.24.** Paul Wiles of Forsyth County is appointed to the North
2 Carolina Health Insurance Innovations Commission for a term expiring on September
3 22, 2007, and shall serve as cochair of the Commission during his term.

4 **SECTION 2.25.** Dean Carpenter of Gaston County, Sam Ewell of Wake
5 County, and John White of Dare County are appointed to the North Carolina Housing
6 Finance Agency Board of Directors for terms expiring on June 30, 2009.

7 **SECTION 2.26.** Rita Thuot of Gaston County, The Honorable Vivian Jones
8 of Wake County, Pamela White of Guilford County, Jeanne Tedrow of Wake County,
9 and Jeffrey Null of Cumberland County are appointed to the North Carolina Housing
10 Partnership for terms beginning on September 1, 2005, and expiring on August 31,
11 2008.

12 **SECTION 2.27.** Paul Brooks of Robeson County is appointed to the North
13 Carolina State Commission of Indian Affairs for a term expiring on June 30, 2007.

14 **SECTION 2.28.** Kathryn Ahlport of Guilford County, Jesse Basnight of
15 Orange County, Marian Duncan of Columbus County, The Honorable Bill Purcell of
16 Scotland County, and Carolyn Tracy of Cumberland County are appointed to the
17 Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on
18 June 30, 2007. The Honorable Katie Dorsett of Guilford County is appointed to the
19 Justus-Warren Heart Disease and Stroke Prevention Task Force for a term expiring on
20 June 30, 2007, to fill the unexpired term of The Honorable Eric Reeves.

21 **SECTION 2.29.** Lloyd Jordan of Pitt County, William J. Faircloth of
22 Mecklenburg County, and Rommie Tillman Ray of Nash County are appointed to the
23 License to Give Trust Fund Commission for terms expiring on April 30, 2007.

24 **SECTION 2.30.** Marcus King of Wake County is appointed to the Local
25 Government Commission for a term expiring on June 30, 2009.

26 **SECTION 2.31.** Laura Busse of Wake County and Gregory Wright of
27 Cumberland County are appointed to the North Carolina Locksmith Licensing Board for
28 terms expiring on December 31, 2008.

29 **SECTION 2.32.** Bernard Sullivan of Gaston County and Stephen Buie of
30 Buncombe County are appointed to the Commission for Mental Health, Developmental
31 Disabilities, and Substance Abuse Services for terms expiring on June 30, 2007.

32 **SECTION 2.33.** Elizabeth Hobgood Wellons of Johnston County and
33 Patricia Jackson of Nash County are appointed to the Board of Trustees of the North
34 Carolina Museum of Art for terms expiring on June 30, 2007.

35 **SECTION 2.33A.** Lois Winstead of Person County is appointed to the
36 Natural Heritage Trust Fund Board of Trustees for a term expiring on December 31,
37 2009. Portia Haws of Warren County is appointed to the Natural Heritage Trust Fund
38 Board of Trustees for a term expiring on December 31, 2011.

39 **SECTION 2.34.** The Honorable Robert B. Spivey of Bertie County, Ray
40 Hollowell of Dare County, Ernie Bowden of Dare County, Elsie Pugh of Camden
41 County, and The Honorable Gene Rogers are appointed to the Northeastern North
42 Carolina Regional Economic Development Commission for terms expiring on June 30,
43 2007.

1 **SECTION 2.35.** Donna Whitley of Pitt County is appointed to the North
2 Carolina Center for Nursing Board of Directors for a term expiring on June 30, 2006.
3 Robert Morrison of Randolph County is appointed to the North Carolina Center for
4 Nursing Board of Directors for a term expiring on June 30, 2007. Marc Chapel of
5 Mecklenburg County is appointed to the North Carolina Center for Nursing Board of
6 Directors for a term expiring on June 30, 2008.

7 **SECTION 2.36.** Dr. Virginia Adams of New Hanover County and Kathy
8 Weeks of Harnett County are appointed to the North Carolina Nursing Scholars
9 Commission for terms expiring on June 30, 2009.

10 **SECTION 2.37.** Edwin Holbrook of Cleveland County, Cynthia Tart of
11 Brunswick County, and Cody Grasty of Haywood County are appointed to the North
12 Carolina Parks and Recreation Authority for terms expiring on July 1, 2008.

13 **SECTION 2.38.** Tannis Nelson of New Hanover County, Jay Burrus of Dare
14 County, and Rance Henderson of Burke County are appointed to the Board of Directors
15 of the North Carolina Partnership for Children, Inc., for terms expiring on December 31,
16 2007.

17 **SECTION 2.39.** William Witherspoon of Wake County, Douglas Howey of
18 Wake County, Tom Mehder of Mecklenburg County, Michael Hare of Perquimans
19 County, and Anne Coan of Wake County are appointed to the Petroleum Underground
20 Storage Tank Fund Council for terms expiring on June 30, 2007.

21 **SECTION 2.40.** Richard Allen of Anson County and Ronald Burris of
22 Stanly County are appointed to the Private Protective Services Board for terms expiring
23 on June 30, 2008.

24 **SECTION 2.41.** Richard Burton of Durham County is appointed to the
25 Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan
26 for a term expiring on June 30, 2007.

27 **SECTION 2.42.** Ashley Thrift of Forsyth County is appointed to the Board
28 of Trustees for the University of North Carolina Center for Public Television for a term
29 expiring on June 30, 2007.

30 **SECTION 2.43.** Tom Morrow of Wake County and Anthony Copeland of
31 Wake County are appointed to the North Carolina Agency for Public
32 Telecommunications for terms expiring on June 30, 2007.

33 **SECTION 2.44.** John Pike of Wayne County is appointed to the North
34 Carolina Railroad Board of Directors for a term expiring on June 30, 2009.

35 **SECTION 2.45.** Marsha Jordan of Lincoln County is appointed to the North
36 Carolina Real Estate Commission for a term expiring on July 31, 2008.

37 **SECTION 2.46.** Tod Clissold of Dare County, Moncie Daniels of Dare
38 County, and Barry Wicker of Dare County are appointed to the Roanoke Island
39 Commission for terms expiring on June 30, 2007.

40 **SECTION 2.47.** David Twiddy of Pasquotank County, Thomas Hilliard of
41 Wake County, Robert Saunders of Wake County, Jeffrey Gray of Wake County, and
42 Jim Funderburke of Gaston County are appointed to the Rules Review Commission for
43 terms expiring on June 30, 2007.

1 **SECTION 2.48.** Russell Lee Stetson of Dare County is appointed to the
2 North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2007.

3 **SECTION 2.49.** Hih Song Kim of Brooklyn, New York, is appointed to the
4 Board of Trustees of the North Carolina School of Science and Mathematics for a term
5 expiring on June 30, 2009.

6 **SECTION 2.50.** Kirk Alan Preiss of Wake County is appointed to the North
7 Carolina Board of Science and Technology for a term expiring on June 30, 2007.

8 **SECTION 2.51.** Edward Hearn of Wake County is appointed to the North
9 Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2008.

10 **SECTION 2.52.** The Honorable Rodney Midgett of Dare County is
11 appointed to the North Carolina Sheriffs' Education and Training Standards
12 Commission for a term expiring on June 30, 2007.

13 **SECTION 2.53.** Jane Smith of Robeson County, William Robinette of
14 Richmond County, and William Phipps of Columbus County are appointed to the
15 Southeastern North Carolina Regional Economic Development Commission for terms
16 expiring on June 30, 2009.

17 **SECTION 2.54.** Dewitt Hardee of Johnston County is appointed to the
18 Southern Dairy Compact Commission for a term expiring on June 30, 2009.

19 **SECTION 2.55.** Stephen Criscenzo of Wake County is appointed to the
20 State Building Commission for a term expiring on June 30, 2008.

21 **SECTION 2.56.** Section 1.26 of S.L. 2004-158 reads as rewritten:

22 **"SECTION 1.36.** Jane Griffin of Martin County is appointed to the State Judicial
23 Council for a term expiring on ~~December 31, 2005~~ December 31, 2006."

24 **SECTION 2.57.** Section 1.48 of S.L. 2004-158 reads as rewritten:

25 **"SECTION 1.48.** Robin Adams Anderson of Wake County is appointed to the State
26 Personnel Commission for a term expiring on ~~June 30, 2009~~ June 30, 2010."

27 **SECTION 2.58.** Derryl Garner of Carteret County is appointed to the North
28 Carolina State Ports Authority for a term expiring on June 30, 2007.

29 **SECTION 2.59.** Robert Patterson of Mecklenburg County, Gary Gore of
30 Guilford County, Stan Williams of Wake County, and Bill Hollman of Wake County
31 are appointed to the Commission on State Property for terms expiring on August 14,
32 2007.

33 **SECTION 2.60.** Section 1.69 of S.L. 2004-158 reads as rewritten:

34 **"SECTION 1.69.** David Turpin of Wake County is appointed to the North Carolina
35 Substance Abuse Professional Certification Board for a term expiring on ~~June 30,~~
36 ~~2005~~ June 30, 2006."

37 **SECTION 2.61.** Anna Austin of Buncombe County, Linda Austin of
38 Durham County, and Lonnie Beam of Gaston County are appointed to the North
39 Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2009.

40 **SECTION 2.62.** Dr. Joseph Jenkins of Cumberland County is appointed to
41 the Board of Trustees of the Teachers' and State Employees' Comprehensive Major
42 Medical Plan for a term expiring on June 30, 2007.

1 **SECTION 2.63.** John Cilley of Catawba County is appointed to the Board of
2 Trustees of the Teachers' and State Employees' Retirement System for a term expiring
3 on June 30, 2007.

4 **SECTION 2.64.** Kenneth Wells of Dare County and Grace Edwards of
5 Gaston County are appointed to the North Carolina Center for the Advancement of
6 Teaching Board of Trustees for a term expiring on June 30, 2009.

7 **SECTION 2.65.** Leroy Walker of Durham County is appointed to the North
8 Carolina Teaching Fellows Commission for a term expiring on June 30, 2009.

9 **SECTION 2.66.** Ray West of Chatham County is appointed to the State
10 Board of Therapeutic Recreation Certification for a term expiring on June 30, 2007.

11 **SECTION 2.67.** Lanny Wilson of New Hanover County is appointed to the
12 North Carolina Turnpike Authority for a term expiring on January 14, 2009.

13 **SECTION 2.68.** The Honorable Clark Jenkins of Edgecombe County and
14 The Honorable Fletcher Hartsell of Cabarrus County are appointed to the
15 Virginia-North Carolina High-Speed Rail Compact Commission to serve at the pleasure
16 of the President Pro Tempore of the Senate.

17 **SECTION 2.69.** Michael Floyd of Mecklenburg County and Elmer Newman
18 of Surry County are appointed to the Well Contractors Certification Board for terms
19 expiring on June 30, 2009. Belinda Ferree of Randolph County is appointed to the Well
20 Contractors Certification Board for a term expiring on June 30, 2006, to fill the
21 unexpired term of Wilson Martin.

22 **SECTION 2.70.** William Forsyth of Cherokee County, Sharon Decker of
23 Rutherford County, and The Honorable Joe Sam Queen of Haywood County are
24 appointed to the Western North Carolina Regional Economic Development Commission
25 for terms expiring on June 30, 2009.

26 **SECTION 2.71.** John Pechmann of Cumberland County, Bobby Purcell of
27 Wake County, Russell Hull of Pasquotank County, and Eugene Price of Wayne County
28 are appointed to the Wildlife Resources Commission for terms expiring on April 24,
29 2007.

30 **SECTION 2.72.** Betty Dobson of Iredell County and Robert Cherry of
31 Edgecombe County are appointed to the Wireless 911 Board for terms expiring on June
32 30, 2009.

33 34 **PART III. EDENTON HISTORICAL COMMISSION**

35 **SECTION 3.1.(a)** G.S. 143B-98 reads as rewritten:

36 **"§ 143B-98. Edenton Historical Commission – members;-selection; compensation;
37 quorum.**

38 The Edenton Historical Commission shall consist of 33 members, ~~18-22~~ appointed
39 by the Governor to serve at his pleasure, ~~12-elected by the Commission from time to~~
40 ~~time according to the procedure it adopts, members appointed by the Governor four~~
41 appointed by the President Pro Tempore of the Senate, four appointed by the Speaker of
42 the House of Representatives, and, ex officio, the Mayor of the Town of Edenton, the
43 Chairman of the Board of Commissioners of Chowan County, and the Secretary of
44 Cultural Resources or his designee.

1 All the present members of the Commission may continue to serve, at the pleasure
2 of the Governor, until the end of his present term of office. The Commission shall elect
3 its own officers, and the members of the Commission shall serve without pay and
4 without expense allowance from State funds. The Commission shall determine its
5 requirements for a quorum."

6 **SECTION 3.1.(b)** Members of the Edenton Historical Commission
7 appointed by the Governor as of July 1, 2005, shall continue to serve at the pleasure of
8 the Governor. Members of the Edenton Historical Commission elected by the
9 Commission as of July 1, 2005, shall no longer serve unless subsequently appointed.

10
11 **PART IV. EFFECTIVE DATE**

12 **SECTION 4.1.** The headings to the parts and sections of this act are a
13 convenience to the reader and are for reference only.

14 **SECTION 4.2.** This act is effective when it becomes law.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Tuesday, August 23, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #2) **1524** Competitive Selection/Supplemental Insurance.

Draft Number:	PCS 30377
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2005

H

3

HOUSE BILL 1524

Committee Substitute Favorable 5/23/05

Committee Substitute #2 Favorable 6/1/05

Short Title: Competitive Selection/Supplemental Insurance.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF SUPPLEMENTAL
INSURANCE PRODUCTS FOR RETIREES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 135 of the General Statutes is amended by adding a
new Article to read:

"Article 7.

"Supplemental Insurance Products for Retirees.

**"§ 135-120. Competitive selection of supplemental insurance products paid for by
retirees.**

(a) Duties of the Department of State Treasurer. – The Department of State
Treasurer shall:

(1) Review insurance products currently offered through retirement
benefit payment deduction to retirees from the Teachers' and State
Employees' Retirement System, the Local Governmental Employees'
Retirement System, the Legislative Retirement System, and the
Consolidated Judicial Retirement System to determine if those
products meet the needs and desires of retirees.

(2) Select the types of insurance products that reflect the needs and desires
of retirees.

(3) Competitively select insurance products of the types determined by the
Department of State Treasurer to reflect the needs and desires of
retirees.

(b) Retirement Benefit Payment Deductions. – The company or companies
selected by the Department of State Treasurer shall be permitted to sell through
retirement benefit payment deduction only the products specifically approved by the
Department of State Treasurer. The assignment by the Department of State Treasurer of
a retirement benefit payment deduction shall be for a period of not less than two years

1 unless the insurance company violates the terms of the written agreement specified in
2 this subsection. Subject to the provisions of subsection (d) of this section, the insurance
3 company awarded a retirement benefit payment deduction shall, pursuant to a written
4 agreement setting out the rights and duties of the insurance company, be afforded an
5 adequate opportunity to solicit retirees. The selected insurance company shall provide
6 information about retirement benefit payment deduction. The Department of State
7 Treasurer shall determine the format and medium the insurance company may use to
8 provide the information to retirees.

9 (c) Procedure for Selection of Supplemental Insurance Product Proposals. – The
10 following procedures shall apply to the selection of all supplemental insurance products
11 under this section:

12 (1) All supplemental insurance product proposals shall be sealed. The
13 Department of State Treasurer shall open all proposals in public, at
14 which time the proposals become public records open to public
15 inspection.

16 (2) After the public opening, a committee designated by the Department of
17 State Treasurer shall review the proposals and examine the cost,
18 coverage, and quality of the products, the reputation and capabilities of
19 the insurance companies submitting the proposals, and other
20 appropriate criteria. The committee shall determine which proposal, if
21 any, would meet the needs and desires of the retirees, and may reject
22 any or all proposals. Upon completion of its review, the committee
23 shall present its findings to the Board of Trustees and make
24 recommendations as to the awarding of a service contract. Upon
25 acceptance of the committee's findings and recommendations, the
26 Board of Trustees shall award a contract to make retirement benefit
27 deductions for supplemental insurance products to the company
28 submitting the proposal that best meets the needs and desires of the
29 retirees.

30 (3) A company may seek to modify or withdraw a proposal only after the
31 public opening and only on the basis that the proposal contains an
32 unintentional clerical error as opposed to an error in judgment. A
33 company seeking to modify or withdraw a proposal shall submit to the
34 Department of State Treasurer a written request, with facts and
35 evidence in support of its position, prior to the award of the retirement
36 benefit payment deduction slot, but not later than two days after the
37 public opening of the proposals. The Department of State Treasurer
38 shall promptly review the request, examine the nature of the error, and
39 determine whether to permit or deny the request.

40 (d) Confidentiality of Names and Addresses of Retired State and Local
41 Employees. – The Department of State Treasurer shall provide the selected insurance
42 company with the names and addresses of retirees in order for the company to provide
43 information to retirees about purchasing their selected insurance product. The selected
44 company shall keep the names and addresses of the retirees confidential and shall not

1 provide the information to any third party or use the information to solicit retirees for
2 insurance products other than those selected by the Department of State Treasurer. The
3 insurance company shall provide retirees with each solicitation the option to elect not to
4 receive any future solicitations by providing a preaddressed and postage prepaid card
5 the retiree may return to the insurance company.

6 (e) Option to Continue Supplemental Insurance. – At the termination of any
7 contract entered into under this section, or when retirement benefit payment deduction
8 is no longer available for a product, the insurance company shall provide covered
9 retirees the option to continue supplemental insurance on a direct billing basis. When
10 retirement benefit payment deduction is no longer available, the insurance company
11 may not terminate insurance products purchased under the retirement benefit payment
12 deduction plan without the retiree's specific written consent solely because the premium
13 is no longer deducted from retirement benefit payments."

14 **SECTION 2.** This act is effective when it becomes law.

SENATE RULES AND OPERATIONS OF THE SENATE COMMITTEE

Wednesday, August 24, 2005 at 5:20 a.m.

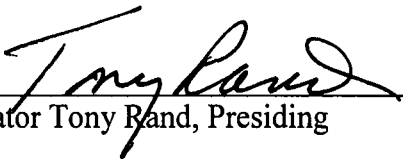
Senate Chamber, Senator Rand's Desk

MINUTES

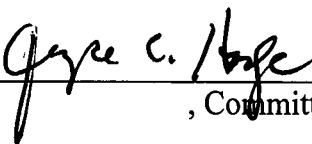
The Senate Rules and Operations of the Senate Committee met at 5:20 a.m. on August 24, 2005, in the Senate Chamber at Senator Rand's Desk. Fourteen members of the committee were present. Senator Rand presided.

Senator Hoyle moved the adoption of the Senate Proposed Committee Substitute for House Bill 413, Global Education for Students/Study. After Committee discussion, Senator Hoyle moved a favorable report for Proposed Senate Committee substitute for House Bill 413 and an unfavorable report for House Bill 413, Committee Substitute #1. The motion carried by unanimous voice vote.

The meeting adjourned at 5:25 a.m.



Senator Tony Rand, Presiding



, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Wednesday, August 24, 2005

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 413	Global Education for Students/Study.	
	Draft Number:	PCS 60549
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

RULES AND OPERATIONS OF THE SENATE

MINUTES

AUGUST 30, 2005

The Committee on Rules and Operations of the Senate met at 1:00 p.m. at Senator Rand's chamber desk during a recess of the Senate. Fourteen members of the committee were present.

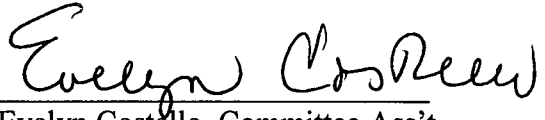
Senator Rand stated that a Senate Committee Substitute for House Bill 577 dealing with auctioneer licensing was needed. The bill had inadvertently gone to the Governor for his signature.

Senator Soles explained that the bill had been in the Commerce Committee and made it to the floor on August 11th. Senator Soles moved to send it back to committee, but somehow it got marked as having passed and sent to Governor Easley.

The proposed **Senate Committee Substitute for HB 577 – Repeal Erroneously Enacted Law** would rectify the mistake and the bill will be sent to the House for a concurrence vote.

Senator Apodaca moved for adoption of the Senate Committee Substitute and that the bill be given a favorable report. The committee voted to give the bill a favorable report.


Senator Tony Rand, Chairman


Evelyn Costello, Committee Ass't.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE BILL 577
Committee Substitute Favorable 5/31/05

Short Title: Amend Umstead Act/Comm. Coll. Facilities.

(Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING LIMITED USE OF COMMUNITY COLLEGE
FACILITIES BY PRIVATE COMPANIES THAT HAVE LOANED OR
DONATED INSTRUCTIONAL EQUIPMENT TO THE COLLEGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-58(c) is amended by adding a new subdivision to read:

"(c) The provisions of subsection (a) shall not prohibit:

...

(3c) The use of community college facilities by a private business enterprise that has loaned or donated instructional equipment to the college to demonstrate that equipment to customers. This use of college facilities shall be in accordance with policies adopted by the board of trustees of the college."

SECTION 2. G.S. 115D-20(12) reads as rewritten:

"(12) Notwithstanding the provisions of this Chapter, a community college may permit the use of its personnel or facilities, in support of or by a private business enterprise located on a community college campus or in the service area of a community college for the specific purposes ~~services in support of economic development that are set out in G.S. 66-58(c)(3a)~~. G.S. 66-58(c)(3a) and G.S. 66-58(c)(3c). The board of trustees of a community college must specifically approve any use of facilities or personnel under this subdivision. The State Board shall adopt rules to implement ~~the provisions of this subdivision and G.S. 66-58(c)(3a)~~ this subdivision, G.S. 66-58(c)(3a), and G.S. 66-58(c)(3c)."

SECTION 3. The State Board of Community Colleges shall report annually to the Joint Legislative Education Oversight Committee on the use of community college facilities by private businesses.

SECTION 4. This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

D

**HOUSE BILL 577
Committee Substitute Favorable 5/31/05
PROPOSED SENATE COMMITTEE SUBSTITUTE H577-PCS50506-LB-104**

Short Title: Repeal Erroneously Enacted Law.

(Public)

Sponsors:

Referred to:

March 10, 2005

- 1 A BILL TO BE ENTITLED
2 AN ACT REPEALING AN ERRONEOUSLY ENACTED LAW.
3 The General Assembly of North Carolina enacts:
4 **SECTION 1.** Effective August 26, 2005, the date it became law, S.L.
5 2005-330 is repealed.
6 **SECTION 2.** This act is effective when it becomes law.

RULES AND OPERATIONS OF THE SENATE

MINUTES

AUGUST 30, 2005

The Committee on Rules and Operations of the Senate met at 1:00 p.m. at Senator Rand's chamber desk during a recess of the Senate. Fourteen members of the committee were present.

Senator Rand stated that a Senate Committee Substitute for House Bill 577 dealing with auctioneer licensing was needed. The bill had inadvertently gone to the Governor for his signature.

Senator Soles explained that the bill had been in the Commerce Committee and made it to the floor on August 11th. Senator Soles moved to send it back to committee, but somehow it got marked as having passed and sent to Governor Easley.

The proposed **Senate Committee Substitute for HB 577 – Repeal Erroneously Enacted Law** would rectify the mistake and the bill will be sent to the House for a concurrence vote.

Senator Apodaca moved for adoption of the Senate Committee Substitute and that the bill be given a favorable report. The committee voted to give the bill a favorable report.

Senator Tony Rand, Chairman

Evelyn Costello, Committee Ass't.

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE 2005-
2006

Sen. Anthony E. Rand – Chairman	300 C LOB	733-9892
Sen. Walter Dalton – Vice Chairman	523 LOB	715-3038
Sen. Tom Apodaca	1127 LB	733-5745
Sen. Charles Albertson	525 LOB	733-5705
Sen. Phillip Berger	1121 LB	733-5708
Sen. Pete Bland	300 E LOB	733-6275
Sen. Andrew Brock	1101 LB	715-0690
Sen. Peter Brunstetter	1117 LB	733-7850
Sen. Daniel Clodfelter	408 LOB	715-8331
Sen. Katie Dorsett	2106 LB	715-3042
Sen. James Forrester	1129 LB	715-3050
Sen. David Hoyle	300 A LOB	733-5734
Sen. Eleanor Kinnaird	2115 LB	733-5804
Sen. Martin Nesbitt	300 B LOB	733-5707
Sen. Robert Pittenger	521 LOB	733-5655
Sen. R. C. Soles	2022 LB	733-5963
Sen. A. B. Swindell	629 LOB	715-3030

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

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May 10, 2006

H.B. 458 Extend Sunset/Animal Disease Prevention
Unfavorable as to Bill, Favorable as to Senate
Committee Substitute Bill

June 6, 2006

S.B. (HCS #1) 329 Partnership for Children/Bd. Appt.
Favorable as to Concurrence

June 12, 2006

H.B. (CS#1) 657 Broker Compensation Transparency.-AB
Unfavorable as to Committee Substitute Bill No. 1,
but favorable as to Senate Committee Substitute Bill

June 12, 2006

SJR 1832 Military Funeral/Unlawful Protest
Favorable Report

HJR 1870 General Contractors/Extend License Validity
Favorable Report

HJR 1982 Auth. Res./Employers' Protest Filing Period
Favorable Report

HJR 2038 Identity Theft
Favorable Report

HJR 2341 No Prayer For Judgment/Bus Stop Arm Violation
Favorable Report

HJR 2852 Protect Military Veterans from Identity Theft
Favorable Report

June 28, 2006

S.B. 1295 Junk Faxes
Favorable Report, Referral to Judiciary II

HJR 1818 Prohibit Various Lending Subterfuges
Favorable Report

June 28, 2006 (con'td)

S.R. 2061

Senate Heraldry Adopted

July 19, 2006

S.B. 264

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Unfavorable as to Bill, but Favorable as to Committee
Substitute Bill

July 20, 2006

H.B. (CS#1) 1059

Public School Health Curriculum
Unfavorable as to Committee Substitute Bill No. 1,
but Favorable as to Senate Committee Substitute Bill

July 27, 2006

H.B. 1723

The Studies Act of 2006
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Bill No. 1, but Favorable as to Senate
Committee Substitute Bill No. 2

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Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0007	Saunders	URBAN MOBILITY NEEDS STUDY COMMITTEE.	*S Conf Com Appointed	03-03-05	04-18-05
H0022	Wright	ZONING/WILMINGTON PERMITTED USES.	*S Re-ref Com On Rules and Operations of the Senate	06-22-05	
H0062=	Culpepper	ADJUTANT GENERAL CHANGE.	SR Ch. SL 2005-314	03-24-05	08-12-05
H0092=	Adams	UNC/BOG STUDENT MEMBER VOTE.	S Ref To Com On Rules and Operations of the Senate	05-19-05	
H0140=	Haire	FRANKLIN 150TH ANNIVERSARY.	S Ref To Com On Rules and Operations of the Senate	05-31-05	
H0197	Farmer-Butterfie	HONOR JOHN W. JONES.	SR Ch. Res 2005-47	05-24-05	08-02-05
H0198	Farmer-Butterfie	HONOR FITCH FAMILY.	*SR Ch. Res 2005-40	05-10-05	07-11-05
H0252	Setzer	HIGHWAY PATROL ANNIVERSARY.	S Ref To Com On Rules and Operations of the Senate	04-04-05	
\$ H0320	B. Allen	MODIFY 2005 APPROPRIATIONS ACT	*SR Ch. SL 2005-345	03-07-05	08-10-05
H0413	Tolson	THE STUDIES ACT OF 2005	*S Re-ref Com On Rules, Calendar, and Operations of the House	08-24-05	08-24-05
H0458=	Hill	BAN VIDEO POKER/ALL BUT RESERVATIONS	*S Ref To Com On Rules, Calendar, and Operations of the House	05-09-06	05-10-06
H0511	Rhodes	CORNELIUS' 100TH ANNIVERSARY.	*S Ref To Com On Rules and Operations of the Senate	03-23-05	
\$ H0569	Sherrill	DV RECOMMENDATIONS.	*SR Ch. SL 2005-356	05-18-05	08-12-05
H0577	Yongue	REPEAL ERRONEOUSLY ENACTED LAW	*S Re-ref Com On Rules, Calendar, and Operations of the House	07-06-05	08-30-05
H0578	Wray	HONOR REVEREND SHERLEY W. EDWARDS.	SR Ch. Res 2005-37	03-29-05	06-28-05
H0657	Holliman	REVISE INSURANCE RATE DEVIATIONS	*S Failed Concur In Com Sub	05-30-06	06-12-06
H0661	Glazier	RESP. INDIVIDUALS LIST/EXPUNCTION PROCESS.	*SR Ch. SL 2005-399	08-11-05	08-12-05
H0706	Yongue	FACILITATE HIRING OF TEACHERS.	*S Re-ref Com On Rules, Calendar, and Operations of the House	04-07-05	08-11-05
H0744	Coates	HONOR JACKIE TORRANCE.	SR Ch. Res 2005-31	04-20-05	05-11-05
H0774	Owens	DISMAL SWAMP CANAL 200TH.	SR Ch. Res 2005-33	05-11-05	05-23-05
H0826	Gibson	ANSONVILLE WEEDED LOT	S Re-ref Com On	05-16-05	07-07-06

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

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Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		ORDINANCE.	Judiciary I		
H0829	Capps	DISPLAY OF OFFICIAL GOVERNMENT FLAGS.	*SR Ch. SL 2005-360	07-19-05	08-12-05
H0841	Tucker	WARSAW 150TH ANNIVERSARY.	SR Ch. Res 2005-46	04-12-05	07-27-05
H0930	Ross	HONOR GARNER'S 100TH.	SR Ch. Res 2005-26	04-18-05	04-25-05
H0933	Wilkins	HONOR CAROLYN AND DOROTHY MCNAIRY.	SR Ch. Res 2005-44	04-12-05	07-28-05
H0966	Miller	CANDIDATE SPECIFIC COMMUNICATIONS.	*S Pres. To Gov. 7/27/2006	05-18-05	07-07-06
H1019	Ray	TROUTMAN 100TH.	SR Ch. Res 2006-4	05-26-05	06-13-06
\$ H1023	Owens	NORTH CAROLINA STATE LOTTERY ACT.	*SR Ch. SL 2005-344	04-07-05	08-30-05
H1059	Wright	STATE HEALTH PLAN CHANGES.	*S Pres. To Gov. 7/28/2006	07-10-06	07-20-06
H1084	Bordsen	EXPUNGE NONVIOLENT FELONIES/YOUNG OFFENDERS.	*S Ref To Com On Rules and Operations of the Senate	07-11-05	
H1103	Folwell	HONOR FRANK RHODES.	SR Ch. Res 2006-23	04-05-05	07-20-06
H1118	B. Allen	HONOR JUNE CAMPBELL.	*SR Ch. Res 2005-24	04-11-05	04-12-05
H1178	Hackney	HONOR TAR HEELS.	S Ref To Com On Rules and Operations of the Senate	04-12-05	
H1194	Weiss	PHYSICAL THERAPISTS/ PROFESSIONAL CORPORATIONS.	*S Re-ref Com On Health Care	05-09-05	05-30-06
H1207	Culpepper	2005 APPOINTMENTS.	*SR Ch. SL 2005-421	08-23-05	08-23-05
H1269	Culpepper	CHOWAN OCCUPANCY TAX CHANGES.	*SR Ch. SL 2006-129	05-09-06	07-05-06
H1280	Pate	DOT REPORT/FEDERAL RAIL ASSISTANCE TO NC.	*SR Ch. SL 2005-222	05-16-05	07-06-05
H1323=	Glazier	ESTABLISH NC INNOCENCE INQUIRY COMMISSION.	*S Pres. To Gov. 7/27/2006	05-17-06	07-05-06
H1343	Nye	DENTAL INTERN PERMITS.	*SR Ch. SL 2006-41	06-01-05	06-07-06
H1353	LaRoque	MUNI ELECTRIC SERVICE CUSTOMERS/LENIOR COUNTY.	*S Re-ref Com On Rules and Operations of the Senate	07-05-05	
H1524	Wilson	SUPPLEMENTAL INSURANCE/PERS. COMM./ SEIBP	*S Re-ref Com On Rules, Calendar, and Operations of the House	06-06-05	08-23-05
H1579	Womble	HONOR CLARENCE GAINES.	SR Ch. Res 2005-36	05-18-05	06-02-05
H1582	Saunders	CONFIRM ROBERT K. KOGER/UTILITIES COMMISSION.	*SR Ch. Res 2005-38	05-17-05	06-13-05
H1609	Pate	HONOR WILLIAM HIATT.	SR Ch. Res 2005-35	05-24-05	05-31-05
\$ H1610	Wilkins	INCORPORATE ROUGEMONT	*S Re-ref Com On Rules and Operations of the Senate	06-15-06	
H1615	Ed Jones	HONOR JOHN HALL.	*SR Ch. Res 2005-50	07-19-05	08-12-05
H1650	Rapp	HAYWOOD CC 40TH	SR Ch. Res 2005-49	06-06-05	08-10-05

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		ANNIVERSARY.			
723	Crawford	THE STUDIES ACT OF 2006	*S Pres. To Gov. 7/28/2006	08-23-05	08-24-05
\$ H1723	Crawford	THE STUDIES ACT OF 2006	*S Pres. To Gov. 7/28/2006	08-24-05	07-27-06
H1776	Haire	JACKSON COUNTY AIRPORT AUTHORITY CONTRACTS.	*SR Ch. SL 2005-203	06-23-05	07-14-05
H1786	Glazier	HONOR TOWN OF GODWIN.	*S Ref To Com On Rules and Operations of the Senate	07-13-05	
H1789	Weiss	HONOR JIM LAMBETH.	SR Ch. Res 2005-45	07-26-05	07-27-05
H1795	Culpepper	SET JOINT SESSION TO CONFIRM GOV'S SBE APPT'S.	SR Ch. Res 2005-52	08-22-05	08-23-05
H1818	Howard	PROHIBIT VARIOUS LENDING SUBTERFUGES.	SR Ch. Res 2006-16	06-05-06	06-28-06
H1870	Goforth	GEN. CONTRACTORS/ EXTEND LICENSE VALIDITY.	SR Ch. Res 2006-5	06-05-06	06-13-06
H1897	Kiser	HONOR WBT BRIARHOPPERS.	S Ref To Com On Rules and Operations of the Senate	07-11-06	
H1941	Cleveland	BRONZE STAR SPECIAL PLATE CHANGES.	S Ref To Com On Rules and Operations of the Senate	07-05-06	
H1951	Dickson	PROPERTY TAX DUE DATE CHANGE.	S Ref To Com On Rules and Operations of the Senate	05-30-06	
H1982	Wainwright	AUTH. RES./EMPLOYERS' PROTEST FILING PERIOD.	*SR Ch. Res 2006-6	05-30-06	06-13-06
H2038	Folwell	IDENTITY THEFT.	SR Ch. Res 2006-7	06-07-06	06-13-06
H2146	Crawford	BUTNER PUBLIC SAFETY/ LEA COOP. AND ASSIST.	S Ref To Com On Rules and Operations of the Senate	05-30-06	
H2311=	Barnhart	KANNAPOLIS' 100TH ANNIVERSARY.	SR Ch. Res 2006-17	05-26-06	06-30-06
H2341	Folwell	NO PRAYER FOR JUDGMENT/BUS STOP ARM VIOLATION.	SR Ch. Res 2006-8	06-07-06	06-13-06
H2515	Folwell	EVERY CHILD READY TO LEARN.	S Ref To Com On Rules and Operations of the Senate	06-07-06	
H2643	Haire	CHEROKEE TRIBAL COURT CONVICTIONS RECOGNIZED.	S Ref To Com On Rules and Operations of the Senate	06-05-06	
H2759	Wright	GENERIC DRUGS-MEDICAID.	S Ref To Com On Rules and Operations of the	06-05-06	

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852	Goforth	PROTECT MILITARY VETERANS FROM IDENTITY THEFT.	SR Ch. Res 2006-9	06-05-06	06-13-06
S0004	Tony Rand	ACCESS TO NCGA COMPUTER.	S Ref To Com On Rules and Operations of the Senate	01-27-05	
S0017=	Katie G. Dorsett	GREENSBORO SIT-IN MOVEMENT/45TH ANNIVERSARY.	S Re-ref Com On Rules and Operations of the Senate	02-02-05	
S0020	Eleanor Kinnaird	ORANGE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0021	Eleanor Kinnaird	ORANGE COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0022	Eleanor Kinnaird	ORANGE COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0023	Eleanor Kinnaird	PERSON COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0024	Eleanor Kinnaird	PERSON COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0025	Eleanor Kinnaird	PERSON COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-01-05	
S0026	David W. Hoyle	GASTON COUNTY LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	02-02-05	
S0027	David W. Hoyle	GASTON COUNTY LOCAL ACT-5.	S Ref To Com On Rules and Operations of the Senate	02-02-05	
S0028	David W. Hoyle	GASTON COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-02-05	
S0029	David W. Hoyle	GASTON COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-02-05	
S0030	David W. Hoyle	GASTON COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-02-05	

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S0046	Andrew C. Brock	ROWAN COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-03-05	
S0047=	Stan Bingham	ADOPT STATE BARBECUE FESTIVAL.	S Ref To Com On Rules and Operations of the Senate	02-03-05	
S0048	Andrew C. Brock	ROWAN COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-03-05	
S0049	Andrew C. Brock	DAVIE COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-03-05	
S0050	Andrew C. Brock	DAVIE COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-03-05	
S0051	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-03-05	
S0052	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-03-05	
S0053	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-03-05	
S0057	W. Edward (Eddie)	HONOR IRAQI VOTERS AND OUR TROOPS.	S Adopted	02-03-05	02-15-05
S0058	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0059	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0060	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0062	William R. Purce	GIBSON CHARTER AMENDMENTS.	*SR Ch. SL 2005-61	02-07-05	04-11-05
S0063	William R. Purce	25TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0064	William R. Purce	25TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-07-05	

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Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S0065	William R. Purce	25TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0067	Clark Jenkins	HONOR GEORGE HENRY WHITE.	S Adopted	02-07-05	02-08-05
S0069	Stan Bingham	MIDWAY INCORPORATED.	S Ref To Com On Rules and Operations of the Senate	02-07-05	
S0071	Tony Rand	STATE OF THE STATE ADDRESS/INVITING GOVERNOR.	SR Ch. Res 2005-6	02-08-05	02-16-05
S0074	Charlie S. Danne	MECKLENBURG COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0075	Charlie S. Danne	CHARLOTTE LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0076	Charlie S. Danne	MECKLENBURG COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0077	Charlie S. Danne	MECKLENBURG COUNTY LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0078	Charlie S. Danne	CHARLOTTE LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0079	Charlie S. Danne	CHARLOTTE LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0085	R. C. Soles, Jr.	BRUNSWICK COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0086	R. C. Soles, Jr.	COLUMBUS COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0087	R. C. Soles, Jr.	PENDER COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0088	R. C. Soles, Jr.	BENT TREE PLANTATION HOA MV REGULATION.	*SR Ch. SL 2005-147	02-09-05	05-17-05
S0089	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-09-05	
S0090	R. C. Soles, Jr.	8TH SENATORIAL	S Ref To Com On	02-09-05	

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		DISTRICT LOCAL ACT-3.		Rules and Operations of the Senate		
S0091	John A. Garwood	WILKES COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-09-05	
S0092	John A. Garwood	WATAUGA DIST. U OCC. TAX/FORCE ACCOUNT LIMIT.	*SR	Ch. SL 2005-197	02-09-05	04-21-05
S0093	John A. Garwood	ALEXANDER COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-09-05	
S0094	John A. Garwood	ASHE COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-09-05	
\$ S0095	Katie G. Dorsett	NC A&T STATE UNIV. RESEARCH/EXTENSION FUNDS.	*S	Re-ref Com On Appropriations/ Base Budget	02-09-05	04-26-05
S0096	Katie G. Dorsett	28TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-09-05	
S0097	Katie G. Dorsett	28TH SENATORIAL DISTRICT LOCAL ACT-3.	S	Ref To Com On Rules and Operations of the Senate	02-09-05	
S0099	Eleanor Kinnaired	PUBLIC LAWS - 1.	S	Ref To Com On Rules and Operations of the Senate	02-10-05	
S0100	Eleanor Kinnaired	PUBLIC LAWS - 2.	S	Ref To Com On Rules and Operations of the Senate	02-10-05	
S0107	Austin M. Allran	CATAWBA COUNTY LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	02-10-05	
S0108	Austin M. Allran	CATAWBA COUNTY LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-10-05	
S0110	Fred Smith	12TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	02-10-05	
S0111	Fred Smith	12TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-10-05	
S0112	Fred Smith	12TH SENATORIAL DISTRICT LOCAL ACT-3.	S	Ref To Com On Rules and Operations of the	02-10-05	

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116	William R. Purce	VENUS FLYTRAP OFFICIAL CARNIVOROUS PLANT.	*SR Ch. SL 2005-74	02-14-05	04-26-05
S0127	Walter H. Dalton	46TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-15-05	
S0128	Walter H. Dalton	ADOPT OFFICIAL STATE DANCES.	*SR Ch. SL 2005-218	02-15-05	04-26-05
S0131	A. B Swindell	WILSON COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-15-05	
S0132	A. B Swindell	NASH COUNTY LOCAL ACT- 2.	S Ref To Com On Rules and Operations of the Senate	02-15-05	
S0134	Harry Brown	CONOVER PRIVATE SALE.	*SR Ch. SL 2006-165	02-16-05	04-18-05
S0135	Harry Brown	JONES SCHOOL BOARD VACANCIES.	*S Ref To Com On Local Government II	02-16-05	04-18-05
S0136	Harry Brown	6TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0137	Harry Brown	6TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
141	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0142	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0143	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0147=	John H. Kerr III	ESTABLISH LIBERTY DAY.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0151	Clark Jenkins	3RD SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0152	Clark Jenkins	3RD SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-16-05	
S0161	Philip E. Berger	HONORING CHARLIE POOLE, MUSICIAN.	SR Ch. Res 2005-21	02-16-05	04-06-05

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S0163=	Doug Berger	RECOGNIZE TRIBAL GOVERNMENTS.	S	Re-ref Com On Rules and Operations of the Senate	04-26-05	
S0165	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-17-05	
S0169	Walter H. Dalton	HONOR DON GIBSON & EARL SCRUGGS.	S	Ref To Com On Rules and Operations of the Senate	02-21-05	
S0171=	Walter H. Dalton	ACADEMIC PERFORMANCE AND ATHLETICS ISSUES.	*S	Ref To Com On Rules and Operations of the Senate	05-09-06	
S0174	Hamilton C. Hort	FORSYTH COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-21-05	
S0175	Hamilton C. Hort	PUBLIC LAWS - 1.	S	Re-ref Com On State and Local Government	02-21-05	05-03-05
S0184	Robert Lee Hollo	CITY OF ROANOKE RAPIDS LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-23-05	
\$ S0191	Kay R. Hagan	CONTINUE BUDGET AUTHORITY.	*SR	Ch. SL 2005-246	02-23-05	08-04-05
S0192	Kay R. Hagan	UNC CONSTRUCTION PROJECTS.	*S	Ref To Com On Rules, Calendar, and Operations of the House	02-23-05	07-07-06
S0194	Linda Garrou	NO ERECTILE DYSFUNCTION DRUGS UNDER MEDICAID.	*S	Ref To Com On Health	02-23-05	07-28-05
S0195	Linda Garrou	BLANK APPROPRIATIONS BILL-2.	S	Ref To Com On Rules and Operations of the Senate	02-23-05	
S0197	Linda Garrou	BLANK APPROPRIATIONS BILL-1.	S	Ref To Com On Rules and Operations of the Senate	02-23-05	
\$ S0198	Linda Garrou	REVISE 2006 BUDGET ACT.	*S	Pres. To Gov. 7/28/2006	02-23-05	07-19-06
S0202	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Re-ref Com On Finance	02-24-05	05-24-05
S0203	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Re-ref Com On Appropriations/ Base Budget	02-24-05	03-30-05
S0205	Malcolm Graham	HONOR FRED ALEXANDER.	SR	Ch. Res 2005-9	02-24-05	02-28-05
S0206	Charles W. Alber	SALEMBURG BOUNDARY VALIDATION.	*SR	Ch. SL 2005-84	02-24-05	04-13-05
S0207	John A. Garwood	ASHE COUNTY LOCAL ACT.	S	Ref To Com On Rules and	02-24-05	

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			Operations of the Senate		
S0215	Martin L. Nesbit	ASHEVILLE WATER AUTHORITY.	S Ref To Com On	02-24-05	
			Rules and Operations of the Senate		
S0218	Walter H. Dalton	BLANK APPROPRIATIONS BILL-1.	S Ref To Com On	02-24-05	
			Rules and Operations of the Senate		
S0219	Walter H. Dalton	BLANK APPROPRIATIONS BILL-2.	S Ref To Com On	02-24-05	
			Rules and Operations of the Senate		
S0230	Charles W. Alber	DUPLIN COUNTY LOCAL ACT.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0231	Charles W. Alber	DUPLIN COUNTY LOCAL ACT-1.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0232	Charles W. Alber	LENOIR COUNTY LOCAL ACT-1.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0233	Charles W. Alber	LENOIR COUNTY LOCAL ACT-2.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0234	Charles W. Alber	SAMPSON COUNTY LOCAL ACT-1.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0235	Charles W. Alber	SAMPSON COUNTY LOCAL ACT-2.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0236	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0237	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0238	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On	02-28-05	
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S0239	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On	02-28-05	
			Rules and Operations of the Senate		
S0240	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-5.	S Ref To Com On	02-28-05	
			Rules and		

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			Operations of the Senate		
0241	Keith Presnell	47TH SENATORIAL DISTRICT LOCAL ACT-6.	S Ref To Com On Rules and Operations of the Senate	02-28-05	
S0243	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Appropriations/Base Budget	03-01-05	03-29-05
S0244	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0245	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0246	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-4.	S Re-ref Com On Finance	03-01-05	05-17-05
S0247	John Snow	REGULATION OF HELIPORTS.	*S Re-ref Com On Judiciary III	03-01-05	05-17-05
S0248	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-6.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0249	Tom Apodaca	ASHEVILLE SATELLITE ANNEXATIONS.	*SR Ch. SL 2005-85	03-01-05	05-05-05
S0250	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
0251	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0252	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0253	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-5.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0255	John H. Kerr III	FINANCE LAW CHANGES 1.	S Re-ref Com On Commerce	03-01-05	06-23-05
S0256	John H. Kerr III	FINANCE LAW CHANGES 2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0257	John H. Kerr III	FINANCE LAW CHANGES 3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0258	John H. Kerr III	5TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the	03-01-05	

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S0259	John H. Kerr III	5TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0260	John H. Kerr III	5TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
\$ S0261	Tony Rand	APPROPRIATIONS FOR FY 2005-2006 - 2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0262	Tony Rand	MARRIAGE BY DISTRICT COURT JUDGE.	*SR Ch. SL 2005-56	03-01-05	04-19-05
S0263	Tony Rand	AMEND PUBLIC LAWS - 2.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0264	Tony Rand	PRO TEM APPOINTMENTS BILL - 2.	*SR Ch. SL 2006-170	03-01-05	07-19-06
S0265	Tony Rand	19TH SENATORIAL DISTRICT LOCAL ACT - 3.	S Ref To Com On Rules and Operations of the Senate	03-01-05	
S0267	William R. Purce	PUBLIC LAWS - 1.	S Re-ref Com On Appropriations/ Base Budget	03-01-05	04-18-05
S0268	William R. Purce	ANIMAL EXHIBITION SANITATION/"AEDIN'S LAW".	*SR Ch. SL 2005-191	03-01-05	05-25-05
S0269	William R. Purce	CHILD NUTRITION STANDARDS.	*S Ref To Com On Education	03-01-05	04-26-05
S0271	Julia Boseman	WILMINGTON RED LIGHT CAMERA PROCEEDS.	*S Ref To Com On Local Government II	03-02-05	05-11-05
S0272	Julia Boseman	9TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0273	Julia Boseman	9TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
\$ S0275	W. Edward (Eddie	BLANK APPROPRIATIONS BILL.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0276	W. Edward (Eddie	35TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0278	Jim Jacumin	FOOTHILLS AIRPORT AUTHORITY LAND ACQUISITION.	*SR Ch. SL 2005-171	03-02-05	05-11-05
S0279	Jim Jacumin	44TH SENATORIAL	S Ref To Com On	03-02-05	

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		DISTRICT LOCAL ACT-2.		Rules and Operations of the Senate		
S0280	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-3.	S	Ref To Com On	03-02-05	
S0281	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-2.	S	Re-ref Com On	03-02-05	05-26-05
S0282	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-3.	S	Ref To Com On	03-02-05	
S0283	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-4.	S	Ref To Com On	03-02-05	
S0284	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT-2.	S	Ref To Com On	03-02-05	
S0285	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT-3.	S	Ref To Com On	03-02-05	
S0286	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT-4.	S	Ref To Com On	03-02-05	
S0287	Philip E. Berger	26TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On	03-02-05	
S0288	Philip E. Berger	GUILFORD LOCAL ACT.	S	Ref To Com On	03-02-05	
S0289	Philip E. Berger	CHATHAM SCHOOL ELECTIONS.	*SR	Ch. SL 2005-309	03-02-05	05-26-05
S0292	David W. Hoyle	43RD SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On	03-02-05	
S0293	David W. Hoyle	43RD SENATORIAL DISTRICT LOCAL ACT-3.	S	Ref To Com On	03-02-05	
S0295	Linda Garrou	FORSYTH COUNTY LOCAL ACT-1.	S	Ref To Com On	03-02-05	
S0296	Linda Garrou	FORSYTH COUNTY LOCAL ACT-2.	S	Ref To Com On	03-02-05	

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S0303	Janet Cowell	16TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Finance	03-02-05	04-13-05
S0304	Janet Cowell	16TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0305	Larry Shaw	HONOR FOUNDERS/SIGMA GAMMA RHO SORORITY.	*SR Ch. Res 2005-41	03-02-05	07-13-05
\$ S0306	Larry Shaw	BLANK APPROPRIATIONS BILL-2.	S Ref To Com On Rules and Operations of the Senate	03-02-05	
S0310	Daniel G. Clodfe	CITY OF CHARLOTTE LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0311	Daniel G. Clodfe	MECKLENBURG COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0312	Daniel G. Clodfe	CHARLOTTE-MECKLENBURG SCHOOL SYSTEM.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0313	Daniel G. Clodfe	CHARLOTTE-MECK TRANSPORTATION FUNDING.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0314	Daniel G. Clodfe	CHARLOTTE TRANSIT OPERATIONS.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0315	Daniel G. Clodfe	CHARLOTTE CULTURAL FACILITIES.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0323	Daniel G. Clodfe	26TH JUDICIAL DISTRICT.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0329	Tony Rand	PARTNERSHIP FOR CHILDREN/BD. APPT.	*SR Ch. SL 2006-20	05-09-06	06-06-06
S0333	A. B Swindell	GLOBAL EDUCATION FOR STUDENTS/STUDY.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0335	Malcolm Graham	CORNELIUS CHARTER AMENDMENT.	*SR Ch. SL 2005-188	03-03-05	04-14-05
S0336	Malcolm Graham	40TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0337	Malcolm Graham	40TH SENATORIAL DISTRICT LOCAL ACT-3.	S Re-ref Com On Appropriations/ Base Budget	03-03-05	04-14-05
S0338	Robert Lee Hollo	AHOSKIE OVERGROWN	*SR Ch. SL 2005-202	03-03-05	06-01-05

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		VEGETATION ORDINANCE.				
S0339	Robert Lee Hollo	OMNIBUS OCCUPANCY TAXES-III	*S	Re-ref Com On Finance	03-03-05	05-09-05
S0340	Robert Lee Hollo	WELDON PRIVATE SALE/ROANOKE RAPIDS CONSTRUCT.	*SR	Ch. SL 2005-174	03-03-05	05-24-05
S0343	David W. Hoyle	ELECTRICITY FRANCHISE TAX DISTRIBUTION.	*S	Ref To Com On Public Utilities	03-03-05	05-24-05
S0344	David W. Hoyle	2005 ECONOMIC GROWTH AND TAX RELIEF ACT.	*S	Re-ref Com On Finance	03-03-05	07-07-05
S0349	John A. Garwood	TOWN OF BOONE LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0351	John A. Garwood	WATAUGA COUNTY LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0357	Philip E. Berger	GUILFORD COUNTY LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0358	Philip E. Berger	ROCKINGHAM LOCAL ACT-2.	S	Re-ref Com On Finance	03-03-05	06-21-05
S0359	Martin L. Nesbit	CITY OF ASHEVILLE LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0360	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0361	Martin L. Nesbit	TOWN OF BLACK MOUNTAIN LOCAL ACT.	S	Re-ref Com On Finance	03-03-05	05-26-05
S0365	Malcolm Graham	CITY OF CHARLOTTE LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0366	Malcolm Graham	CITY OF CHARLOTTE LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0369	Doug Berger	OMNIBUS OCCUPANCY TAXES.	*SR	Ch. SL 2005-233	03-03-05	05-12-05
S0370	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Re-ref Com On Finance	03-03-05	05-31-05
S0371	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-3.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0372	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-4.	S	Ref To Com On Rules and Operations of the Senate	03-03-05	
S0373	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-5.	S	Ref To Com On Rules and	03-03-05	

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			Operations of the Senate		
874	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-6.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0375	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-7.	S Ref To Com On Rules and Operations of the Senate	03-03-05	
S0376	A. B Swindell	WILSON COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0377	A. B Swindell	NASH COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0381	James Forrester	41ST SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0386	Fletcher L. Hart	CABARRUS FIRE DISTRICTS.	*SR Ch. SL 2006-1	03-07-05	05-25-05
S0387	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0398	Kay R. Hagan	27TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0399	Kay R. Hagan	THE 27TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0400	Kay R. Hagan	27TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0401=	Eleanor Kinnaird	UNC/BOG STUDENT MEMBER VOTE.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0403	A. B Swindell	CITY OF WILSON LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0404	A. B Swindell	CITY OF ROCKY MOUNT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0410	Hugh Webster	24TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-07-05	

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S0411	Hugh Webster	24TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0412	Hugh Webster	24TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0415	Julia Boseman	BLANK BILL-UNC-W.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0417	Julia Boseman	AMEND LAWS ON CAPE FEAR COMMUNITY COLLEGE.	S Ref To Com On Rules and Operations of the Senate	03-07-05	
S0424	Julia Boseman	STATE DRUG PURCHASING PROGRAM.	S Ref To Com On Rules and Operations of the Senate	03-09-05	
S0431	Bob Atwater	CHATHAM COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-09-05	
S0432	Bob Atwater	CHATHAM COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-09-05	
S0433	Bob Atwater	LEE COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-09-05	
S0434	Bob Atwater	LEE COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-09-05	
S0435	Bob Atwater	DURHAM COUNTY PUBLIC-PRIVATE PARTNERSHIPS.	*SR Ch. SL 2005-172	03-09-05	05-31-05
S0436	Bob Atwater	DURHAM COUNTY LOCAL ACT-1.	S Re-ref Com On Finance	03-09-05	06-15-05
S0437	Bob Atwater	DURHAM COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-09-05	
S0441=	John A. Garwood	ASHE CO./ WIND-POWERED GENERATION.	S Re-ref Com On Rules and Operations of the Senate	06-02-05	
S0447	Scott Thomas	2ND SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-10-05	
S0448	Scott Thomas	2ND SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-10-05	

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S0453	Jim Jacumin	PUBLIC LAWS - 1.	S	Ref To Com On Rules and Operations of the Senate	03-10-05	
S0454	Jim Jacumin	PUBLIC LAWS - 2.	S	Ref To Com On Rules and Operations of the Senate	03-10-05	
S0467=	Malcolm Graham	CORNELIUS' 100TH ANNIVERSARY.	S	Ref To Com On Rules and Operations of the Senate	03-10-05	
S0469	Julia Boseman	NEW HANOVER COUNTY LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	03-10-05	
S0470	Julia Boseman	NEW HANOVER COUNTY LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	03-10-05	
S0471	Julia Boseman	NEW HANOVER COUNTY LOCAL ACT-3.	S	Ref To Com On Rules and Operations of the Senate	03-10-05	
S0478	Walter H. Dalton	LRC STUDY WAYS TO ASSIST SMALL BUS./ HLTH INS.	S	Ref To Com On Rules and Operations of the Senate	03-10-05	
\$ S0491	Doug Berger	BUTNER WATER/SEWER TRANSF/PUB SAFETY.	*SR	Ch. SL 2006-159	03-15-05	05-02-05
S0494	David W. Hoyle	REGULATE TELECOMMUNICATIONS SERVICES.	*SR	Ch. SL 2005-95	03-15-05	05-12-05
S0512	Daniel G. Clodfe	ELECTRIC SERVICE CONFLICTS.	*SR	Ch. SL 2005-150	03-15-05	05-11-05
S0525	Daniel G. Clodfe	NASCAR HALL OF FAME FINANCING.	*SR	Ch. SL 2005-68	03-15-05	05-11-05
S0543	Jim Jacumin	STUDY FURNITURE TECHNOLOGY CENTER.	S	Ref To Com On Rules and Operations of the Senate	03-15-05	
S0548=	James Forrester	ADJUTANT GENERAL CHANGE.	S	Ref To Com On Rules and Operations of the Senate	03-15-05	
S0553	Jeanne H. Lucas	AMEND THE PUBLIC SCHOOL LAWS - 1.	S	Ref To Com On Rules and Operations of the Senate	03-15-05	
S0554	Jeanne H. Lucas	AMEND THE PUBLIC SCHOOL LAWS - 2.	S	Ref To Com On Rules and Operations of the Senate	03-15-05	
S0555	Jeanne H. Lucas	AMEND THE PUBLIC SCHOOL LAWS - 3.	S	Ref To Com On Rules and Operations of the	03-15-05	

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			Senate		
573	Bob Atwater	STUDY N.C. NATIONAL GUARD PENSION FUND.	S Ref To Com On Rules and Operations of the Senate	03-16-05	
S0602=	Clark Jenkins	TECHNICAL CORRECTIONS ACT-2 - 2005.	*S Pres. To Gov. 7/ 27/2006	04-19-05	05-31-05
S0611=	Clark Jenkins	DEBARMENT OF DOT CONTRACTORS.-AB	S Re-ref Com On Rules and Operations of the Senate	04-19-05	
\$ S0616	Charlie S. Danne	CURRITUCK PROPERTY CONVEYANCE.	*S Re-ref Com On Rules and Operations of the Senate	03-17-05	04-27-05
\$ S0616	Charlie S. Danne	CURRITUCK PROPERTY CONVEYANCE.	*S Re-ref Com On Rules and Operations of the Senate	04-27-05	
S0617	Charlie S. Danne	AMEND PUBLIC LAWS - 2.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0618	Charlie S. Danne	AMEND PUBLIC LAWS - 3.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0619	Charlie S. Danne	AMEND PUBLIC LAWS - 4.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
623	Jim Jacumin	REVENUE LAWS PROPERTY TAX STUDY.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0660	William R. Purce	ANATOMIC PATHOLOGY SERVICES.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0672	Martin L. Nesbit	OPPORTUNITIES FOR ECONOMIC GROWTH.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0674=	Martin L. Nesbit	RAIL SERVICE STUDY COMMISSION.	S Ref To Com On Rules and Operations of the Senate	03-17-05	
S0691	Tony Rand	PRO TEM APPOINTMENTS BILL - 1.	S Ref To Com On Rules and Operations of the Senate	03-21-05	
S0786	David W. Hoyle	STUDY BANKING LAWS.	S Ref To Com On Rules and Operations of the Senate	03-23-05	
S0790	Philip E. Berger	STUDY SOUND	S Ref To Com On	03-23-05	

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		MANAGEMENT PROGRAM FOR FORESTLAND.		Rules and Operations of the Senate.		
S0807	Fletcher L. Hart	GOVERNMENT PERFORMANCE AUDIT.	*S	Ref To Com On Appropriations	03-23-05	07-12-06
S0815	Daniel G. Clodfe	TRAVEL AND TOURISM INCENTIVE GRANTS.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0816	Daniel G. Clodfe	COUNTY ADMINISTRATORS DEVELOPMENT AROUND CITY.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0824	Walter H. Dalton	REVISE MORTGAGE LENDING ACT.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0826	Walter H. Dalton	LOCAL GOVERNMENT HOLD HARMLESS.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0831	Fred Smith	SAFE TRANSPORTATION FOR SCHOOL STUDENTS.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0840	John H. Kerr III	IMPROVE REVIEW OF DISPUTED TAX MATTERS.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0841	John H. Kerr III	TRANSPORTER PLATES.	S	Re-ref Com On Finance	03-23-05	05-12-05
S0858	Daniel G. Clodfe	JOINT LEGISLATIVE GROWTH STRATEGIES COMN.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
\$ S0869	Doug Berger	BLANK APPROPRIATIONS - 1.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
\$ S0870	Doug Berger	BLANK APPROPRIATIONS - 2.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0878=	Linda Garrou	STUDY RAISING THE COMPULSORY ATTENDANCE AGE.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0888	Tony Rand	VARIOUS STATE PERSONNEL LAW CHANGES.	S	Re-ref Com On Rules and Operations of the Senate	05-05-05	
S0889	Tony Rand	BLANK BILL-OPEN DISCOVERY.	S	Ref To Com On Rules and Operations of the Senate	03-23-05	
S0891	Tony Rand	TRANSFER OF INMATES.	S	Ref To Com On	03-23-05	

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				Rules and Operations of the Senate		
S0892	Tony Rand	TRAFFICKING OF ILLEGAL HANDGUNS COMMISSION.	S	Ref To Com On	03-23-05	
				Rules and Operations of the Senate		
S0898	Harry Brown	STUDY OF WORKFORCE PREPARATION IN SCHOOLS.	*S	Re-ref Com On	03-23-05	05-26-05
				Rules and Operations of the Senate		
S0898	Harry Brown	STUDY OF WORKFORCE PREPARATION IN SCHOOLS.	*S	Re-ref Com On	06-28-05	
				Rules and Operations of the Senate		
S0900	Martin L. Nesbit	NC CENTER FOR NURSING.	S	Ref To Com On	03-23-05	
				Rules and Operations of the Senate		
\$ S0901	David F. Weinste	EQUINE INDUSTRY STUDY COMMISSION.	S	Ref To Com On	03-23-05	
				Rules and Operations of the Senate		
S0903	David F. Weinste	AMEND INTEREST RATE LAWS.	S	Ref To Com On	03-23-05	
				Rules and Operations of the Senate		
S0912	Kay R. Hagan	PHASE OUT VIDEO POKER/ EXCEPT BY COMPACT.	*SR	Ch. SL 2006-6	03-24-05	05-17-05
S0914	Daniel G. Clodfe	AMEND PUBLIC LAWS - 1.	S	Ref To Com On	03-24-05	
				Rules and Operations of the Senate		
S0915	Daniel G. Clodfe	AMEND PUBLIC LAWS - 2.	S	Ref To Com On	03-24-05	
				Rules and Operations of the Senate		
S0916	Daniel G. Clodfe	STUDY STATE BUSINESS TAXATION.	S	Ref To Com On	03-24-05	
				Rules and Operations of the Senate		
S0944	Scott Thomas	PUBLIC LAWS - 1.	S	Re-ref Com On	03-24-05	04-27-05
				Appropriations/ Base Budget		
S0945	Scott Thomas	PUBLIC LAWS - 2.	S	Ref To Com On	03-24-05	
				Rules and Operations of the Senate		
S0946	Scott Thomas	PUBLIC LAWS - 3.	S	Ref To Com On	03-24-05	
				Rules and Operations of the Senate		
S0959	Jeanne H. Lucas	TEACHER ASSISTANT SALARY SCHEDULE.	S	Ref To Com On	03-24-05	
				Rules and Operations of the Senate		

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S0964	Walter H. Dalton	ECONOMIC DEVELOPMENT.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0969	Doug Berger	AMEND WORKERS' COMP. ACT -3.	S Re-ref Com On Commerce	03-24-05	04-27-05
\$ S0973	Fred Smith	NC ARTS COUNCIL FUNDS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0982	Janet Cowell	UNFIT DWELLING STUDY.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0993	Scott Thomas	BLANK BILL- ENVIRONMENTAL LAWS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0996	Janet Cowell	PERSONAL INFORMATION PRIVACY STUDY.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S0999	Charles W. Alber	AMEND ENVIRONMENTAL LAWS -3.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
\$ S1002=	Scott Thomas	MARITIME MUSEUM FUNDS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1010	Kay R. Hagan	STUDY SALARY INC. OF MATH & SCIENCE TEACHERS.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1033	Don East	LRC/STUDY ENGINES OF MOTOR FLEET.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1036	Clark Jenkins	WORKERS' COMP./ TRUCKING.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1041	Daniel G. Clodfe	STUDY NO-FAULT FOR ELDERLY/DISABLED CARE.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1046	Daniel G. Clodfe	INFRASTRUCTURE FOUNDATION FOR 21ST CENTURY NC.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1062	W. Edward (Eddie	HIGHWAYS DISTRIBUTION FORMULA MODIFIED.	S Re-ref Com On Rules and Operations of the Senate	04-19-05	
S1063	W. Edward (Eddie	PROHIBIT HIGHWAY TRUST FUND TRANSFERS.	S Ref To Com On Rules and	03-24-05	

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			Operations of the Senate		
064	W. Edward (Eddie)	TERRI SCHIAVO ACT.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1068	Tony Rand	MEDICAID CONSOLIDATION.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1112	Doug Berger	AMEND WORKERS' COMP. ACT -2.	S Re-ref Com On Commerce	03-24-05	04-27-05
S1115	Charles W. Alber	AMEND ENVIRONMENTAL LAWS-2.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
\$ S1117=	Tony Rand	2005 MILITARY SUPPORT ACT.	*SR Ch. SL 2005-445	04-26-05	05-12-05
S1133	Charles W. Alber	AMEND NATURAL RESOURCE LAWS-1.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1134=	Charles W. Alber	GLOBAL WARMING/CLIMATE CHANGE.	*SR Ch. SL 2005-442	04-28-05	05-24-05
S1147	Tony Rand	BLANK BILL - FOUNDATION EMPLOYEES.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1151	Doug Berger	AMEND WORKERS' COMP. ACT -1.	S Re-ref Com On Commerce	03-24-05	04-27-05
1154	Charles W. Alber	AMEND NATURAL RESOURCE LAWS-2.	S Ref To Com On Rules and Operations of the Senate	03-24-05	
S1155	Charles W. Alber	AMEND AGRICULTURAL LAWS -2.	S Re-ref Com On Agriculture/Environment/Natural Resources	03-24-05	05-26-05
S1156	Charles W. Alber	DAIRY STABILIZATION AND GROWTH PRGM.	*SR Ch. SL 2006-139	03-24-05	05-09-05
S1164=	R. C. Soles, Jr.	HONORING TABOR CITY/100 TH ANNIVERSARY.	SR Ch. Res 2005-42	03-28-05	07-06-05
S1165=	Richard Stevens	HONOR TOWN OF GARNER/100TH ANNIVERSARY.	S Ref To Com On Rules, Calendar, and Operations of the House	03-28-05	04-12-05
S1166	Tony Rand	JOINT SESSION/HONOR VETERANS/INVITE GOVERNOR.	SR Ch. Res 2005-20	04-04-05	04-05-05
S1168	Andrew C. Brock	SOLDIERS OF WW II.	S Ref To Com On Rules, Calendar, and Operations of the House	04-07-05	08-23-05
S1173	Jim Jacumin	HONOR RED GIBSON.	SR Ch. Res 2005-30	05-04-05	05-11-05
S1176	Larry Shaw	HONOR FOUNDERS/SIGMA GAMMA RHO SORORITY.	S Ref To Com On Rules and	07-12-05	

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			Operations of the Senate		
81	Tony Rand	CONFIRM ST. BD. OF ED. MEMBERS.	S Re-ref Com On	08-23-05	
			Operations of the Senate		
S1182	Tony Rand	ADJOURNMENT.	S Re-ref Com On	08-23-05	
			Operations of the Senate		
S1216	Julia Boseman	DSS DISCLOSURE OF INFORMATION/ABUSE/NEGLECT.	*S Pres. To Gov. 7/26/2006	05-10-06	05-25-06
			Operations of the Senate		
S1221	Richard Stevens	LOTTERY FUNDS.	S Ref To Com On	05-10-06	
			Operations of the Senate		
S1222	Robert Pittenger	RESTRICT EMINENT DOMAIN.	S Ref To Com On	05-10-06	
			Operations of the Senate		
S1223	Robert Pittenger	SECURITY AND IMMIGRATION COMPLIANCE.	S Ref To Com On	05-10-06	
			Operations of the Senate		
S1226	Fletcher L. Hart	CABARRUS COUNTY LOCAL ACT.	S Ref To Com On	05-10-06	
			Operations of the Senate		
S1227	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	05-10-06	
			Operations of the Senate		
S1228=	James Forrester	DEFENSE OF MARRIAGE.	S Ref To Com On	05-10-06	
			Operations of the Senate		
S1229	James Forrester	EMINENT DOMAIN.	S Ref To Com On	05-10-06	
			Operations of the Senate		
S1246	Fred Smith	REPEAL EYE EXAM REQUIREMENT.	S Ref To Com On	05-11-06	
			Operations of the Senate		
S1258	David W. Hoyle	REPEAL NOTARY RENEWAL REQUIREMENTS.	S Ref To Com On	05-11-06	
			Operations of the Senate		
S1269	Robert Lee Hollo	ENABLING/GATES LAND TRANSFER TAX.	S Ref To Com On	05-11-06	
			Operations of the Senate		
S1282	Fletcher L. Hart	ENABLING/OFFER CONDEMNED LAND TO CONDEMNEE.	S Ref To Com On	05-11-06	
			Operations of the		

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				Senate		
S1284	R. C. Soles, Jr.	LAW ENFORCEMENT USE OF ATVS.	*S	Re-ref Com On Finance	05-11-06	06-27-06
S1290	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	05-11-06	
S1291	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	05-11-06	
S1295	Katie G. Dorsett	JUNK FAXES.	*S	Pres. To Gov. 7/27/2006	05-11-06	06-28-06
S1304	R. C. Soles, Jr.	18TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	05-11-06	
S1305	R. C. Soles, Jr.	18TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	05-11-06	
S1306	R. C. Soles, Jr.	18TH SENATORIAL DISTRICT LOCAL ACT - 3.	S	Ref To Com On Rules and Operations of the Senate	05-11-06	
S1307	R. C. Soles, Jr.	18TH SENATORIAL DISTRICT LOCAL ACT - 4.	S	Ref To Com On Rules and Operations of the Senate	05-11-06	
S1308	R. C. Soles, Jr.	18TH SENATORIAL DISTRICT LOCAL ACT-5.	S	Ref To Com On Rules and Operations of the Senate	05-11-06	
S1309	R. C. Soles, Jr.	18TH SENATORIAL DISTRICT LOCAL ACT-6.	S	Ref To Com On Rules and Operations of the Senate	05-11-06	
S1321	Julia Boseman	RESTRICT EMINENT DOMAIN.	S	Ref To Com On Rules and Operations of the Senate	05-15-06	
S1322	Robert Lee Hollo	AMBULANCES AUTH RES.	S	Ref To Com On Rules and Operations of the Senate	05-15-06	
S1323	Fred Smith	TAXPAYER PROTECT ACT.	S	Ref To Com On Rules and Operations of the Senate	05-15-06	
S1324	Fred Smith	EMINENT DOMAIN RESTRICTED.	S	Ref To Com On Rules and Operations of the Senate	05-15-06	
S1332	Stan Bingham	ENABLING/REQUIRE ODOMETER DISCLOSURE BY SELLERS.	S	Ref To Com On Rules and Operations of the	05-15-06	

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				Senate		
333	Stan Bingham	REQUIRE ODOMETER DISCLOSURE BY SELLERS.	S	Ref To Com On Rules and Operations of the Senate	05-15-06	
S1352	Charles W. Alber	WATERFRONT ACCESS STUDY COMMITTEE.	*S	Re-ref Com On Rules, Calendar, and Operations of the House	05-15-06	06-13-06
S1352	Charles W. Alber	WATERFRONT ACCESS STUDY COMMITTEE.	*S	Re-ref Com On Rules, Calendar, and Operations of the House	06-19-06	06-21-06
S1356	Fletcher L. Hart	OFFER CONDEMNED LAND TO CONDEMNEE.	S	Ref To Com On Rules and Operations of the Senate	05-15-06	
S1357	Robert Lee Hollo	AMBULANCES/NO NONEMERGENCY SERVICE LIMITS.	S	Ref To Com On Rules and Operations of the Senate	05-16-06	
S1359	Jeanne H. Lucas	CHARTER SCHOOL RETIREMENT ELECTION.	S	Ref To Com On Rules and Operations of the Senate	05-16-06	
S1361	W. Edward (Eddie	UNION COUNTY LOCAL ACT-1.	S	Re-ref Com On State and Local Government	05-16-06	06-15-06
S1362	W. Edward (Eddie	MECKLENBURG COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	05-16-06	
S1363	W. Edward (Eddie	UNION COUNTY LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	05-16-06	
S1420	Vernon Malone	ENABLING/MEDICAL CARE COMMISSION/MEMBERSHIP.	S	Ref To Com On Rules and Operations of the Senate	05-17-06	
S1421	Vernon Malone	MEDICAL CARE COMMISSION/MEMBERSHIP.	S	Ref To Com On Rules and Operations of the Senate	05-17-06	
S1422	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Re-ref Com On State and Local Government	05-17-06	06-28-06
S1423	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	05-17-06	
S1424	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-3.	S	Ref To Com On Rules and Operations of the Senate	05-17-06	
S1425	R. C. Soles, Jr.	8TH SENATORIAL	S	Ref To Com On	05-17-06	

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		DISTRICT LOCAL ACT-4.	Rules and Operations of the Senate		
S1426	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-5.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1427	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-6.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1443	Philip E. Berger	ROCKINGHAM COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1444	Philip E. Berger	ROCKINGHAM COUNTY AIRPORT AUTHORITY.	*SR Ch. SL 2006-119	05-17-06	06-28-06
S1445	Philip E. Berger	GUILFORD COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1446	Philip E. Berger	INCREASED SECURITY FOR DRIVERS LICENSES.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1448	Julia Boseman	ENABLING/HANDICAPPED PLACARD AND PLATE REQTS.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1449	Julia Boseman	HANDICAPPED PLACARD AND PLATE REQUIREMENTS.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1462	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1463	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1464	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	05-17-06	
S1488=	Martin L. Nesbit	STUDY BUILDING CODE ISSUES.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1490=	Martin L. Nesbit	LIABILITY PROTECTION FOR STATE MED ASST TEAMS.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1495=	Martin L. Nesbit	ENHANCE EMBARGO AUTH/ PROTECT FOOD SUPPLY.	S Ref To Com On Rules and Operations of the	05-18-06	

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500	Tom Apodaca	LOTTERY FUNDS.	S Senate Ref To Com On Rules and Operations of the Senate	05-18-06	
S1503	Robert Lee Hollo	LOTTERY EMERGENCY SCHOOL REPAIRS/ RENOVATIONS.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1504	Eleanor Kinnaird	23RD SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1505	Eleanor Kinnaird	23RD SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1507	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1519	Austin M. Allran	CATAWBA COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1520	Austin M. Allran	CITY OF HICKORY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1521	Austin M. Allran	42ND SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1568	Linda Garrou	USE OF EXISTING PLANS FOR STATE CONSTRUCTION.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1571	Eleanor Kinnaird	ENABLING/STUDY POST- ADOPTION CONTACTS.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1572	Stan Bingham	STUDY BENEFICIAL USES OF INDUSTRIAL HEMP.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1591	Charles W. Alber	EXTEND CLIMATE CHANGE COMMISSION.	SR Ch. SL 2006-73	05-18-06	06-13-06
S1601	Robert Pittenger	ENABLING/MED. MALPRACT. ACT./HIGHER FILING FEES.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1602	Robert Pittenger	MED. MALPRACTICE ACTIONS/HIGHER FILING FEES.	S Ref To Com On Rules and Operations of the Senate	05-18-06	
S1607	James Forrester	IREDELL COUNTY LOCAL	S Ref To Com On	05-18-06	

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		ACT.	Rules and Operations of the Senate		
S1611	John Snow	SHERIFF'S ACCESS RX INFO.	S Ref To Com On	05-18-06	
S1612	John Snow	RECORD CONVICTIONS FROM CHEROKEE TRIBAL COURT.	S Ref To Com On	05-18-06	
S1613	John Snow	METHADONE DISTRIBUTION/2ND DEGREE MURDER.	S Ref To Com On	05-18-06	
S1627	James Forrester	SECURITY AND IMMIGRATION COMPLIANCE.	S Ref To Com On	05-18-06	
S1628	Richard Stevens	WAKE COUNTY LOCAL ACT.	S Ref To Com On	05-18-06	
S1644	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On	05-18-06	
S1645	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	05-18-06	
S1646	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On	05-18-06	
S1653	William R. Purce	MEDICAL CARE COMMN MSHIP/HOSPICE.	S Ref To Com On	05-18-06	
S1659=	Fletcher L. Hart	KANNAPOLIS' 100TH ANNIVERSARY.	S Ref To Com On	05-18-06	
S1664	Don East	YADKIN COUNTY LOCAL ACT.	S Ref To Com On	05-18-06	
S1673	Clark Jenkins	PERMIT AIRSPACE ENCROACHMENT.	S Ref To Com On	05-18-06	
S1677	Eleanor Kinnaird	23RD SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On	05-18-06	
S1678	Eleanor Kinnaird	23RD SENATORIAL	S Ref To Com On	05-18-06	

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		DISTRICT LOCAL ACT-4.	Rules and Operations of the Senate		
S1699	William R. Purce	ENABLING/MEDICAL CARE COMMN MSHIP/HOSPICE.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1730	John A. Garwood	ASHE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1731	John A. Garwood	ALEXANDER COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1732	John A. Garwood	WATAUGA COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1733	John A. Garwood	WILKES COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1738=	Walter H. Dalton	LONG-TERM DISABILITY AMENDMENT.	*SR Ch. SL 2006-74	05-23-06	06-05-06
S1743	Charlie S. Danne	38TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1744	Charlie S. Danne	38TH SENATORIAL DISTRICT LOCAL ACT-3.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1745	Charlie S. Danne	38TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1746	Charlie S. Danne	38TH SENATORIAL DISTRICT LOCAL ACT-4.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1748	Charlie S. Danne	38TH SENATORIAL DISTRICT LOCAL ACT-5.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1749	Charlie S. Danne	38TH SENATORIAL DISTRICT LOCAL ACT-6.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1750	Fred Smith	JOHNSTON COUNTY LOCAL ACT.	S Re-ref Com On Finance	05-23-06	06-20-06
S1754	Andrew C. Brock	DAVIE COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	05-23-06	
S1755	Andrew C. Brock	DAVIE COUNTY LOCAL	S Ref To Com On	05-23-06	

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		ACT-2.		Rules and Operations of the Senate		
S1756	Andrew C. Brock	ROWAN COUNTY LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	05-23-06	
S1757	Andrew C. Brock	ROWAN COUNTY LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	05-23-06	
S1767	Janet Cowell	EXPAND DIX OVERSIGHT.	S	Ref To Com On Rules and Operations of the Senate	05-23-06	
\$ S1827	Clark Jenkins	ESTABLISH STUDY COMMISSION ON DAY CARE/FUNDS.	S	Ref To Com On Rules and Operations of the Senate	05-24-06	
S1832	Jim Jacumin	MILITARY FUNERAL/ UNLAWFUL PROTEST.	SR	Ch. Res 2006-19	05-24-06	06-13-06
S1833	Jim Jacumin	DISORDERLY CONDUCT/ FUNERAL/MILITARY SERVICES.	*SR	Ch. SL 2006-169	05-24-06	07-05-06
S1844	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	05-24-06	
S1845	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	05-24-06	
S1853	W. Edward (Eddie	COUNTY CAPITAL FUNDING FOR CHARTER SCHOOLS.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
\$ S1856	W. Edward (Eddie	TERRI SCHIAVO ACT.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
\$ S1858	Vernon Malone	DIX STUDY COMMISSION/ FUNDS FOR APPRAISAL.	S	Ref to Rules and Operations of the Senate. If fav, re-ref to Appropriations/ Base Budget	05-25-06	
S1862	Vernon Malone	LIMIT NUTRIENT OFFSET PAYMENTS.	*S	Pres. To Gov. 7/ 27/2006	05-25-06	06-13-06
S1864	William B. Mille	EXEMPTIONS FOR ACCREDITED BOARDING KENNELS.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1868	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	

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S1869	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1870	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-3.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1871	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-4.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1872	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-5.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1873	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-6.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1874	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-7.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1875	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-8.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1882	Julia Boseman	REPEAL PRIOR ACTS.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1883	Julia Boseman	REPEAL PRIOR ACTS.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1884	Julia Boseman	REPEAL PRIOR ACT/ CHIROPRACTOR PMTS.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1913	Robert Lee Hollo	4TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1925	Jerry W. Tillman	LAW OFFICER RECORD CLANDESTINE DRUG LABS.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1946	Eleanor Kinnaird	ASSAULT HANDICAPPED/ INCREASE PENALTY.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	
S1947	Eleanor Kinnaird	ASSAULT HANDICAPPED/ INCREASE PENALTY.	S	Ref To Com On Rules and Operations of the Senate	05-25-06	

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\$ S1959	James Forrester	STUDY/BUSES TO DEPORT ILLEGAL ALIENS.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S1977	Philip E. Berger	NOTIFICATION TO BE SENT TO INS.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S1978	Philip E. Berger	SUNSET STATE BAR SURCHARGE.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S1979	Philip E. Berger	NOTIFICATION TO BE SENT TO INS.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
\$ S2007=	Bob Atwater	LRC/STUDY SICK LEAVE BANK AND FAMILY LEAVE.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S2013	W. Edward (Eddie)	TELEWISE LEGISLATIVE SESSION.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S2018	David F. Weinste	ED REGIONAL PARTNERSHIP ACCOUNTABILITY.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S2019	Keith Presnell	LEGISLATIVE CONSTITUTIONAL AMENDMENTS.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S2031=	Tony Rand	PUBLIC SCHOOL FACILITIES BOND ACT OF 2006.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
\$ S2036	Tony Rand	STRENGTHEN ELEVATOR SAFETY LAWS/FUNDS.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S2049	Martin L. Nesbit	ENABLING/THE BRUCE STEVENS SOLICITATION ACT.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S2050	Martin L. Nesbit	THE BRUCE STEVENS SOLICITATION ACT.	S Ref To Com On Rules and Operations of the Senate	05-26-06	
S2057	Jeanne H. Lucas	HONOR J.C. SCARBOROUGH, SR.	SR Ch. Res 2006-18	06-14-06	06-30-06
S2058	Tony Rand	HONOR VETERANS/FLAG DAY.	S Re-ref Com On Rules and Operations of the Senate	06-14-06	
S2060	Katie G. Dorsett	HONOR JOEY CHEEK.	SR Ch. Res 2006-14	06-20-06	06-20-06
S2061	Tony Rand	SENATE HERALDRY.	S Adopted	06-20-06	06-28-06

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

North Carolina General Assembly
Through Senate Committee on
Rules and Operations of the Senate

Date: 08/03/2006
Time: 11:39
Page: 034 of 034
Leg. Day: H-174/S-176

2005-2006 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S2062	Neal Hunt	HONORING CAROLINA HURRICANES.	S	Ref To Com On Rules and Operations of the Senate	06-21-06	
S2063	Janet Cowell	HONOR CANES.	S	Ref To Com On Rules and Operations of the Senate	06-22-06	

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

MINUTES

May 10, 2006

The Committee on Rules and Operations of the Senate met at 10:00 a.m. on Tuesday, May 10, 2006. Eight members of the committee were present.

HB:458 – EXTEND SUNSET/ANIMAL DISEASE PREVENTION

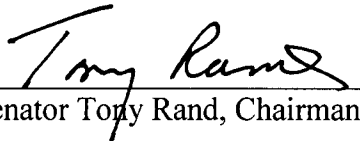
Senatotr Rand presented the committee with a Committee Substitute for HB 458.

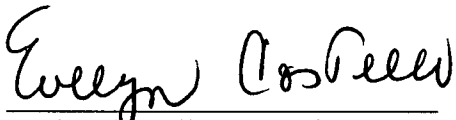
Senator Apodaca moved for the adoption of the Committee Substitute – BAN VIDEO POKER/ALL BUT RESERVATIONS.

Mr. Hal Pell of the Research Staff explained the committee substitute. "It would ban the possession or operation of video gaming equipment except by a federally recognized Indian Tribe that is authorized to conduct video gaming by the Indian Regulatory Gaming Act and a valid Tribal-State Compact".

Senator Albertson moved for the adoption of the Committee Substitute and the committee voted unanimously to adopt the Committee Substitute for H.B. 458- BAN VIDEO POKER/ALL BUT RESERVATIONS.

The meeting adjourned at 10:30 a.m.


Senator Tony Rand, Chairman


Evelyn Costello, Committee Ass't

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Wednesday, May 10, 2006

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE
SUBSTITUTE BILL**

H.B.	458	Extend Sunset/Animal Disease Prevention.	
		Draft Number:	PCS30428
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 458*

Short Title: Extend Sunset/Animal Disease Prevention. (Public)

Sponsors: Representatives Hill; and Pate.

Referred to: Agriculture.

March 3, 2005

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT
STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO
PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH
DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11 of S.L. 2001-12, as amended by S.L. 2003-6, reads
as rewritten:

"**SECTION 11.** This act is effective when it becomes law and expires ~~1 October~~
~~2005. October 1, 2009.~~"

SECTION 2. This act becomes effective October 1, 2005.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

D

**HOUSE BILL 458*
PROPOSED SENATE COMMITTEE SUBSTITUTE H458-PCS30428-RK-53**

Short Title: Ban Video Poker/All But Reservations.

(Public)

Sponsors:

Referred to:

March 3, 2005

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE POSSESSION OR OPERATION OF VIDEO GAMING MACHINES EXCEPT BY A FEDERALLY RECOGNIZED INDIAN TRIBE AS AUTHORIZED BY THE INDIAN GAMING REGULATORY ACT AND A VALID TRIBAL-STATE COMPACT.

Whereas, the State of North Carolina desires to clearly set forth its policy against commercial forms of gaming; and

Whereas, the State of North Carolina desires to recognize the unique relationship between it and the federally recognized Indian tribe within the State; and

Whereas, the State of North Carolina desires to make it clear that it does not consider the activities of the Eastern Band of Cherokee Indians conducted pursuant to the Compact between the State and the Eastern Band of Cherokee Indians to be commercial gaming because the Federal Indian Gaming Regulatory Act restricts the use of proceeds from gaming operations conducted by federally recognized Indian tribes to governmental services and activities that further the self-determination of the tribe; and

Whereas, the State of North Carolina desires to reaffirm that all activities conducted pursuant to such Compact or any amendment thereto are not commercial gaming and that same are lawful and not against the public policy of the State of North Carolina; and

Whereas, the State of North Carolina recognizes the tribe's substantial capital investment in reliance on the Compact, the payments made by the tribe pursuant to the Compact, and the creation of jobs and other positive impacts the tribe's activities have brought to the entire economy of Western North Carolina; and

Whereas, the State, through this legislation, intends to make it clear that the State will honor its commitments under the Compact and amendments, to further express its legislative intent to fully recognize the rights of the tribe in its special sovereign governmental authority to conduct gaming on tribal lands, and to express the intent of the State to recognize as lawful, on tribal lands, all gaming activities conducted

by the tribe pursuant to the approved Tribal-State Compact as the same may from time to time be amended by the tribe and the State; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-306.1 is repealed.

SECTION 2. Part 1 of Article 37 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-306.1A. Types of machines and devices prohibited by law; penalties.

(a) Ban on Machines. – It shall be unlawful for any person to operate, allow to be operated, place into operation, or keep in that person's possession for the purpose of operation any video gaming machine as defined in subsection (b) of this section, except for the exemption for a federally recognized Indian tribe under subsection (e) of this section for whom it shall be lawful to operate and possess machines as listed in subsection (b) of this section if conducted in accordance with an approved Class III Tribal-State Compact applicable to that tribe, as provided in G.S. 147-12(14) and G.S. 71A-8.

(b) Definitions. – As used in this section, a video gaming machine means a slot machine as defined in G.S. 14-306(a) and other forms of electrical, mechanical, or computer games such as, by way of illustration:

- (1) A video poker game or any other kind of video playing card game.
- (2) A video bingo game.
- (3) A video craps game.
- (4) A video keno game.
- (5) A video lotto game.
- (6) Eight liner.
- (7) Pot-of-gold.
- (8) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

For the purpose of this section, a video gaming machine is a video machine which requires deposit of any coin or token, or use of any credit card, debit card, or any other method that requires payment to activate play of any of the games listed in this subsection. The enumeration of games in the list in this subsection does not authorize the possession or operation of such game if it is otherwise prohibited by law.

For the purpose of this section, a video gaming machine includes those that are within the scope of the exclusion provided in G.S. 14-306(b)(2) unless conducted in accordance with an approved Class III Tribal-State Compact applicable to that tribe as provided in G.S. 147-12(14) and G.S. 71A-8. For the purpose of this section, a video gaming machine does not include those that are within the scope of the exclusion provided in G.S. 14-306(b)(1).

(c) Exemption for Certain Machines. – This section shall not apply to assemblers, repairers, manufacturers, sellers, lessors, or transporters of video gaming machines who assemble, repair, manufacture, sell, lease or transport them for use out-of- state as long as the machines, while located in this State, cannot be used to play the prohibited games and does not apply to those who assemble, repair, manufacture,

1 sell, or lease such machines for use only by a federally recognized Indian tribe if such
2 machines may be lawfully used on Indian land under the Indian Gaming Regulatory
3 Act.

4 (d) Ban on Warehousing. – It is unlawful to warehouse any video gaming
5 machine except in conjunction with the activities permitted under subsection (c) of this
6 section.

7 (e) Exemption for Activities Under IGRA. – Notwithstanding any other
8 prohibitions in State law, the form of Class III gaming otherwise prohibited by
9 subsections (a) through (d) of this section may be legally conducted on Indian lands
10 which are held in trust by the United States government for and on behalf of federally
11 recognized Indian tribes if conducted in accordance with an approved Class III
12 Tribal-State Gaming Compact applicable to that tribe as provided in G.S. 147-12(14)
13 and G.S. 71A-8."

14 **SECTION 3.** G.S. 14-306.2 reads as rewritten:

15 **"§ 14-306.2. Violation of ~~G.S. 14-306.1~~ G.S. 14-306.1A a violation of the ABC laws.**

16 A violation of ~~G.S. 14-306.1~~ G.S. 14-306.1A is a violation of the gambling statutes
17 for the purposes of G.S. 18B-1005(a)(3)."

18 **SECTION 4.** G.S. 147-12(14) reads as rewritten:

19 "(14) ~~To~~ Notwithstanding subsections (a) through (d) of G.S. 14-306.1A, to
20 negotiate and enter into Class III Tribal-State gaming compacts, and
21 amendments thereto, on behalf of the State-State, consistent with State
22 law (G.S. 14-306.1A(e) and G.S. 71A-8) and the Indian Gaming
23 Regulatory Act, Public Law 100-497, as necessary to allow a federally
24 recognized Indian tribe to operate gaming activities—activities,
25 including those games allowed pursuant to G.S. 14-306.1A(e), in this
26 State as permitted under federal law. The Governor is authorized to
27 execute and enter into Class III Tribal-State gaming compacts, and
28 amendments thereto, on behalf of the State, and his official signature
29 shall render the agreement binding upon the State; provided that the
30 compact or amendments thereto have previously been reported to the
31 Joint Legislative Commission on Governmental Operations for its
32 comment and review."

33 **SECTION 5.** G.S. 71A-8 reads as rewritten:

34 **"§ 71A-8. Authorization for federally recognized Indian tribes.**

35 In recognition of the governmental relationship between the State, federally
36 recognized Indian tribes and the United States, a federally recognized Indian tribe may
37 conduct games consistent with the Indian Gaming Regulatory Act, Public Law 100-497,
38 that are in accordance with a valid Tribal-State compact executed by the Governor
39 pursuant to G.S. 147-12(14) and approved by the U.S. Department of Interior under the
40 Indian Gaming Regulatory Act, and such ~~games-games, including those permitted under~~
41 ~~G.S. 14-306.1A(e), shall not be unlawful or be lawful and not against the public policy~~
42 ~~of the State if the State permits such gaming for any purpose by any person,~~
43 ~~organization, or entity. if conducted by a federally recognized Indian tribe on federal~~

1 Indian Trust Lands within the State in accordance with a Tribal-State Gaming Compact
2 applicable to that tribe as provided in G.S. 147-12(14) and G.S. 71A-8."

3 **SECTION 6.** Effective with respect to offenses committed on or after
4 December 1, 2006, G.S. 14-309(b) is repealed.

5 **SECTION 7.** G.S. 105-256(d)(1) is repealed, but that repeal does not affect
6 reports for activities prior to December 1, 2006.

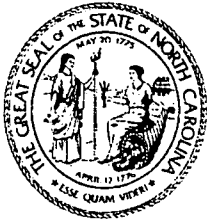
7 **SECTION 8.** G.S. 14-309 reads as rewritten:

8 **"§ 14-309. Violation made criminal.**

9 (a) Any person who violates any provision of G.S. 14-304 through 14-309 is
10 guilty of a Class 1 misdemeanor for the first offense, and is guilty of a Class I felony for
11 a second offense and a Class H felony for a third or subsequent offense.

12 (b) Notwithstanding the provisions of subsection (a) of this section, any person
13 violating the provisions of ~~G.S. 14-306.1~~ G.S. 14-306.1A involving the operation of five
14 or more machines prohibited by that section is guilty of a Class G felony."

15 **SECTION 9.** This act becomes effective December 1, 2006, and applies to
16 offenses committed on or after that date but also applies to compacts and amendments
17 thereto executed before that date. If a court of competent jurisdiction in this State issues
18 a stay to prohibit possession or operation of video gaming machines by a federally
19 recognized Indian tribe, as authorized by a valid Tribal-State Compact, because that
20 activity is not allowed on non-Indian lands pursuant to this act, this act is suspended and
21 shall not have the force of law until such time as the stay is dissolved or a final order is
22 entered. If a court of competent jurisdiction in this State issues a final order that
23 prohibits the possession or operation of video gaming machines by a federally
24 recognized Indian tribe, as authorized by a valid Tribal-State Compact, because that
25 activity is not allowed on non-Indian lands, this act is void.



HOUSE BILL 458 PCS: Ban Video Poker.

BILL ANALYSIS

Committee: Senate Rules Committee
Date: May 10, 2006
Version: PCS H458

Introduced by:
Summary by: Hal Pell
Staff Attorney

SUMMARY: *This proposed committee substitute would ban the possession or operation of video gaming equipment, except by a federally recognized Indian Tribe that is authorized to conduct video gaming by the Indian Regulatory Gaming Act and a valid Tribal-State Compact.*

CURRENT LAW: It is unlawful for any person to operate, allow to be operated, place into operation, or keep in that person's possession, a slot machine or device. (G.S. 14-306.1). However, the legislation, passed in 2000, allowed for operation of machines that were

- Lawfully in operation, and available for play, within this State on or before June 30, 2000; and
- Listed in this State by January 31, 2000 for ad valorem taxation for the 2000-2001 tax year.

Certain video gaming machines (e.g., pinball, computer) that are played for amusement, or involve the use of skill and dexterity, or to make scores, are not prohibited if the games:

1. Do not issue any receipt or other form of record which can be redeemed for cash, cash equivalent, prizes, or award free replays, or
2. In operation, limit to eight the number of credits or replays that can be played at one time, and provide coupons that allow exchange for prizes that do not exceed ten dollars (\$10).

BILL ANALYSIS:

Section 1: The act repeals the current provision, G.S. 14-306.1, which prohibits the possession and operation of video gaming machines.

Section 2: Enacts G.S. 14-306.1A, banning the possession or operation of video gaming machines.

- Subparagraph (a). Sets forth the prohibition on operation, allowance, placement into operation, or possessing for the purpose of operation any video gaming machine, as described in subparagraph (b). Allows for an exception for an Indian tribe operating and possessing video gaming machines, if conducted in accordance with an approved Class III Tribal-State Compact applicable to that tribe.
- Subparagraph (b). Defines video gaming machines as those defined in G.S. 14-306(a) and provides illustrations of types of games that are prohibited. Video games described at G.S. 14-306(b)(2) are also prohibited, unless operated pursuant to a Class III Tribal-State Compact. The act would not prohibit video gaming machines described at G.S. 14-306(b)(1):

[Machines that] Do not emit, issue, display, print out, or otherwise record any receipt, paper, coupon, token, or other form of record which is capable of being redeemed, exchanged, or repurchased for cash, cash equivalent, or prizes, or award free replays.

(over)

HOUSE BILL 458 PCS

Page 2

- Subparagraph (c). Exempts assemblers, repairers, manufacturers, and transporters of video games that are for out-of-state use, or for lawful use on Indian land. The video games cannot be played while in-state.
- Subparagraph (d). It is unlawful to warehouse video games, except for the activities set forth in Subparagraph (c).
- Subparagraph (e). Clarifies that the statute does not apply to tribe activities conducted pursuant to an approved Class III Tribal-State Gaming Compact, applicable to that tribe, as provided by State law.

Section 3: Makes a technical correction to the statute that makes a violation of the slot machine law a violation of the ABC laws. An ABC permittee is prohibited from allowing gambling on licensed premises.

Section 4: The games allowed by a Compact may include those that are otherwise prohibited by State law, but specifically allowed on Indian lands. It also requires any proposed compact or amendment to be reported to the Joint Legislative Commission on Governmental Operations for comment and review.

Section 5: Amends the statute declaring that it is not a violation of public policy for federally recognized Indian tribes to conduct games that are authorized by a valid Tribal-State Compact. The authorized games may include those that are allowed by State law on Indian lands, pursuant to the exception contained in the law banning video games.

Section 6: Repeals the penalty provision relating to the statute repealed by Section 1 of the act.

Section 7: Repeals the video gaming report requirement (by the Secretary of Revenue) for activities subsequent to December 1, 2006.

Section 8: Technical amendment to the statute that aggravates the penalty for having five or more prohibited machines. The penalties for violations of the act are as follows:

- First Offense: Class 1 misdemeanor
- Second Offense: Class I felony
- Third or Subsequent Offense: Class H felony

Section 9: The act becomes effective December 1, 2006, and applies to offenses committed on or after that date. The act applies to compacts and amendments executed prior to December 1, 2006. The act is suspended if a court stays the possession and operation of video gaming equipment on Indian land because such gaming is not allowed elsewhere. The act is void if a final Order is entered that prohibits the possession and operation of video gaming equipment on Indian land because such gaming is not allowed elsewhere.

VISITOR REGISTRATION SHEET

RULES & OPERATIONS OF THE SENATE

May 10, 2006

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
KLB	AOT
M Butler	N + R
John McHugh	Gov Office
DAVID BARNES	Paymer Spruill
Gregory Thompson	NFIB
Elizabeth Dalton	NCPMA
Fran Preston	NCPMA
Lynn Bomer	N&O
John Tetters	Bry/Kramer
Not signed	Insider
John K. ...	NCFPC
Thompson	Bone + Assoc
John Almy	Almy Assoc

VISITOR REGISTRATION SHEET

RULES & OPERATIONS OF THE SENATE

May 10, 2006

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

PATRICK BUFFKIN

ALLEY ASSOL.

Perdy S. Ho

Robert S. Child & Assoc

Elizabeth Sch

Siem Cuij

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

MINUTES

JUNE 6, 2006

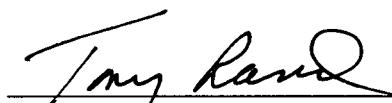
The Committee on Rules and Operations of the Senate met on June 6, 2006 at 11:00 a.m. in Room 300-C. Seven members of the committee were present. Senator Rand presided.

**SENATE BILL 329 – PARTNERSHIP FOR CHILDREN/BD.APPT.
HOUSE COMMITTEE SUBSTITUTE**

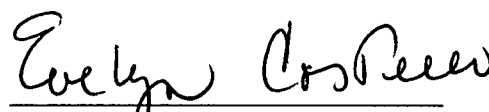
Senator Rand explained that the bill had passed the Senate and House during the last session and was returned to the Senate for concurrence of the House Committee substitute. The Senate adjourned the 2005 Session before they could concur on the House Committee Substitute. Hence, the bill was now before the Rules Committee.

Senator Forrester moved for a favorable report on House Committee Substitute for Senate Bill 329. The committee so gave the bill a favorable report.

The meeting adjourned at 11:15 a.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Tuesday, June 06, 2006

Senator RAND,
submits the following with recommendations as to passage:

FAVORABLE AS TO CONCURRENCE

S.B.(HCS #1) 329	Partnership for Children/Bd. Appt.	
	Sequential Referral:	None
	Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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2

**SENATE BILL 329
House Committee Substitute Favorable 8/30/05**

Short Title: Partnership for Children/Bd. Appt.

(Public)

Sponsors:

Referred to:

March 3, 2005

A BILL TO BE ENTITLED

AN ACT TO APPOINT MEMBERS OF THE PUBLIC TO THE BOARD OF DIRECTORS OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE RECOMMENDATION OF THE MAJORITY AND MINORITY LEADERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 143B-168.12(a)(1)j. authorizes the General Assembly to appoint a member of the public to the Board of Directors of the North Carolina Partnership for Children, Inc., upon recommendation of the Majority Leader of the Senate; and

Whereas, the Majority Leader of the Senate recommends that the General Assembly appoint Charles Morris from Cumberland County to this position; and

Whereas, G.S. 143B-168.12(a)(1)k. authorizes the General Assembly to appoint a member of the public to the Board of Directors of the North Carolina Partnership for Children, Inc., upon recommendation of the Majority Leader of the House of Representatives; and

Whereas, the Majority Leader of the House of Representatives recommends that the General Assembly appoint Mary B. Harris of Chatham County to this position; and

Whereas, G.S. 143B-168.12(a)(1)l. authorizes the General Assembly to appoint a member of the public to the Board of Directors of the North Carolina Partnership for Children, Inc., upon recommendation of the Minority Leader of the Senate; and

Whereas, the Minority Leader of the Senate recommends that the General Assembly appoint Samuel Scott Page of Rockingham County to this position; and

Whereas, G.S. 143B-168.12(a)(1)m. authorizes the General Assembly to appoint a member of the public to the Board of Directors of the North Carolina Partnership for Children, Inc., upon recommendation of the Minority Leader of the House of Representatives; and

1 Whereas, the Minority Leader of the House of Representatives recommends
2 that the General Assembly appoint Richard Perkins of Rowan County to this position;
3 Now, therefore,

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Charles Morris from Cumberland County is appointed to
6 the Board of Directors of the North Carolina Partnership for Children, Inc., upon the
7 recommendation of the Majority Leader of the Senate for a term beginning January 2,
8 2005, and ending January 1, 2008.

9 **SECTION 1.(b)** Mary B. Harris of Chatham County is appointed to the
10 Board of Directors of the North Carolina Partnership for Children, Inc., upon the
11 recommendation of the Majority Leader of the House of Representatives for a term
12 beginning January 2, 2005, and ending January 1, 2008.

13 **SECTION 1.(c)** Samuel Scott Page of Rockingham County is appointed to
14 the Board of Directors of the North Carolina Partnership for Children, Inc., upon the
15 recommendation of the Minority Leader of the Senate for a term beginning January 2,
16 2005, and ending January 1, 2008.

17 **SECTION 1.(d)** Richard Perkins of Rowan County is appointed to the
18 Board of Directors of the North Carolina Partnership for Children, Inc., upon the
19 recommendation of the Minority Leader of the House of Representatives for a term
20 beginning January 2, 2005, and ending January 1, 2008.

21 **SECTION 2.** This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

RULES & OPERATIONS OF THE SENATE

JUNE 6, 2006

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Boz Savitt

NC Child Care Coalition

Patrick Byrnes

ALLEY ASSOC, INC.

Clare Hunter

Gov. office

John McCoy

Gov. office

Lee Hodges

KCH

John Kent

NCFPC

Giles Perry

NCGA staff

A. SOLARI

NC PC - SMART START

Wendy Ray

NCGA staff

Marcus Downes

NC State Health Plan

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

MINUTES

JUNE 12, 2006

The Committee on Rules and Operations of the Senate met on Monday, June 12, 2006 at 5:00 p.m. in Room 414 of the Legislative Office Building. Thirteen members of the committee were present. Senator Rand presided.

HOUSE BILL 657 – BROKER COMP. TRANSPARENCY.-AB COMMITTEE SUBSTITUTE

Senator Rand presented the committee with a proposed Senate Committee Substitute for House Bill 657 – Revise Insurance Rate Deviations.

Senator Dalton moved for the adoption of the proposed Senate Committee Substitute.

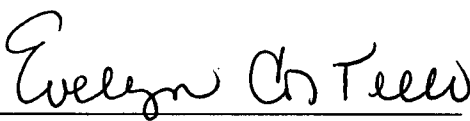
Mr. Joe Stewart of the Insurance Federation of North Carolina spoke in favor of the bill stating that it would offer discounts to insurers that qualify.

Senator Pittenger moved for a favorable report for the Senate Committee Substitute for House Committee Substitute for House Bill 657 - Revise Insurance Rate Deviations. The committee gave the bill a favorable report.

The meeting adjourned at 5:45 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

CORRECTED REPORT

Monday, June 12, 2006

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS
TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 657	Broker Compensation Transparency.-AB
	Draft Number: PCS 70774
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

March 16, 2005

H 657. PRODUCER COMP. TRANSPARENCY AND BROKER DUTY. TO REQUIRE INSURANCE PRODUCERS TO DISCLOSE COMPENSATION ARRANGEMENTS TO CUSTOMERS AND TO CLARIFY THAT AN INSURANCE BROKER MUST SERVE THE INTEREST OF THE CUSTOMER FIRST. Adds new GS 58-33-86 providing that insurance producers (and affiliates) who are compensated by customers for placement of insurance or for representing the customer must disclose to the customer the amount of compensation, if any, that the producer will receive from the insurer or from a third party for the placement, or, where applicable, that the producer is a representative of the insurer. The insurance producer must obtain the customer's written acknowledgment of the disclosure. Adds new GS 58-33-19, providing that an insurance broker has a fiduciary duty to protect the best interests of the broker's customers. Effective January 1, 2006.

Intro. by Holliman.

Ref. to Insurance

GS 58

May 25, 2005

H 657. BROKER COMP. TRANSPARENCY. Intro. 3/16/05. House committee substitute makes the following changes to 1st edition. Reorganizes proposed GS 58-33-86, specifies that it applies to brokers and their affiliates rather than to insurance producers and their affiliates, and provides exceptions relating to specified underwriting associations and to excess or surplus lines insurance. Deletes proposed GS 58-33-19 regarding fiduciary duty of broker. Makes technical and conforming changes.

June 12, 2006

H 657. REVISE INSURANCE RATE DEVIATIONS (NEW). Filed 3/15/05. Senate committee substitute deletes all provisions of the 2nd edition and replaces it with *AN ACT TO REVISE THE LAW GOVERNING INSURANCE RATE DEVIATIONS*. Amends GS 58-36-30(a) to prohibit an insurer from issuing an insurance policy that does not conform to the rates, rating plans, classifications, schedules, rules and standards made and filed by the Bureau, as approved by the Commissioner of Insurance (was, made and filed by the Bureau). Conforms language of section to reflect this change. Provides that once an insurer has filed a proposed deviation from those requirements with the Bureau and the Commissioner, the insurer may deviate if the resulting premium by coverage does not exceed the premium that would have been determined using the rates, rating plans, classifications, schedules, rules and standards promulgated by the Bureau. Deletes requirement that deviations be approved by the Commissioner. Also deletes requirement that before an insurer may terminate a deviation (1) the deviation must be in effect for at least six months, and (2) the insurer must notify the Commissioner at least 15 days prior to the effective date of termination.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

3

HOUSE BILL 657*

Committee Substitute Favorable 5/25/05

Senate Rules and Operations of the Senate Committee Substitute Adopted 6/12/06

Short Title: Revise Insurance Rate Deviations.

(Public)

Sponsors:

Referred to:

March 16, 2005

A BILL TO BE ENTITLED

AN ACT TO REVISE THE LAW GOVERNING INSURANCE RATE DEVIATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-36-30(a) reads as rewritten:

"(a) Except as permitted by G.S. 58-36-100 for workers' compensation loss costs filings, no insurer and no officer, agent, or representative of an insurer shall knowingly issue or deliver or knowingly permit the issuance or delivery of any policy of insurance in this State that does not conform to the rates, rating plans, classifications, schedules, rules and standards made and filed by the ~~Bureau~~. Bureau, as approved by the Commissioner. An insurer may deviate from ~~the rates promulgated by the Bureau~~ such rates, rating plans, classifications, schedules, rules, and standards if the insurer has filed the proposed deviation with the Bureau and the Commissioner, if the resulting premium by coverage does not exceed the premium that would have been determined using the rates, rating plans, classifications, schedules, rules, and standards promulgated by the Bureau and if the proposed deviation is based on sound actuarial principles, and if the ~~proposed deviation is approved by the Commissioner. Amendments to deviations are subject to the same requirements as initial filings. An insurer may terminate a deviation only if the deviation has been in effect for a period of six months before the effective date of the termination and the insurer notifies the Commissioner of the termination no later than 15 days before the effective date of the termination.~~ principles."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE BILL 657*
Committee Substitute Favorable 5/25/05

Short Title: Broker Comp. Transparency.-AB

(Public)

Sponsors:

Referred to:

March 16, 2005

A BILL TO BE ENTITLED
AN ACT TO REQUIRE INSURANCE BROKERS TO DISCLOSE COMPENSATION
ARRANGEMENTS TO CUSTOMERS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 33 of Chapter 58 of the General Statutes is amended by
adding a new section to read:

"§ 58-33-86. Broker compensation consent and disclosure.

(a) No broker that receives compensation directly from the customer shall also
accept or receive any compensation from an insurer or other third party for the initial
placement of insurance for a customer unless the broker has, prior to the customer's
purchase of insurance, complied with all of the following:

(1) Disclosed to the customer the amount of compensation the broker will
receive from the insurer or other third party for the placement. If the
amount of compensation is not known and cannot be determined at the
time of disclosure, the broker shall disclose the specific method for
calculating the compensation and, if possible, a reasonable estimate of
the amount that will be received.

(2) Obtained the customer's written consent that the compensation will be
received by the broker. In the case of a purchase over the telephone or
by electronic means for which written consent cannot reasonably be
obtained, the broker shall document the customer's consent.

(b) This section does not apply to any of the following:

(1) A person licensed as an insurance producer who acts only as an
intermediary between an insurer and the customer's producer,
including a managing general agent, a sales manager, or a wholesale
broker.

(2) A reinsurance intermediary.

(3) An agent of a company which is a member of the North Carolina Insurance Underwriting Association placing or binding coverage with the Association for a customer.

(4) An agent of a company which is a member of the North Carolina Joint Underwriting Association placing or binding coverage with the Association for a customer.

(5) The placement of insurance in excess or surplus lines.

(c) For purposes of this section:

(1) "Affiliate" has the same meaning as in G.S. 58-19-5(1).

(2) "Broker" has the same meaning as in G.S. 58-33-10(3) and includes an affiliate of a broker.

(3) "Compensation from an insurer or other third party" means payments, commissions, fees, awards, overrides, bonuses, contingent commissions, loans, stock options, gifts, prizes, or any other form of valuable consideration, whether or not payable pursuant to a written agreement.

(4) "Customer" shall not include a person who is merely either a participant or beneficiary of an employee benefit plan, or covered by a group or blanket insurance policy or group annuity contract sold, solicited, or negotiated by the broker."

SECTION 2. This act becomes effective January 1, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 657*
Committee Substitute Favorable 5/25/05
PROPOSED SENATE COMMITTEE SUBSTITUTE H657-PCS70774-LT-30

Short Title: Revise Insurance Rate Deviations.

(Public)

Sponsors:

Referred to:

March 16, 2005

A BILL TO BE ENTITLED

AN ACT TO REVISE THE LAW GOVERNING INSURANCE RATE DEVIATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-36-30(a) reads as rewritten:

"(a) Except as permitted by G.S. 58-36-100 for workers' compensation loss costs filings, no insurer and no officer, agent, or representative of an insurer shall knowingly issue or deliver or knowingly permit the issuance or delivery of any policy of insurance in this State that does not conform to the rates, rating plans, classifications, schedules, rules and standards made and filed by the ~~Bureau~~. Bureau, as approved by the Commissioner. An insurer may deviate from ~~the rates promulgated by the Bureau~~ such rates, rating plans, classifications, schedules, rules, and standards if the insurer has filed the proposed deviation with the Bureau and the Commissioner, if the resulting premium by coverage does not exceed the premium that would have been determined using the rates, rating plans, classifications, schedules, rules, and standards promulgated by the Bureau and if the proposed deviation is based on sound actuarial principles, and if the ~~proposed deviation is approved by the Commissioner. Amendments to deviations are subject to the same requirements as initial filings. An insurer may terminate a deviation only if the deviation has been in effect for a period of six months before the effective date of the termination and the insurer notifies the Commissioner of the termination no later than 15 days before the effective date of the termination.~~ principles."

SECTION 2. This act is effective when it becomes law.

MINUTES

RULES AND OPERATION S OF THE SENATE

JUNE 12, 2006

The Committee on Rules and Operations of the Senate met on Monday, June 12, 2006 at 5:00 p.m. in Room 414. Thirteen members of the committee were present. Senator Tony Rand presided.

Senator Rand presented the committee with 1 Senate and 5 House Joint Resolutions. These Resolutions were necessary in order for bills to be introduced on the issues stated in the resolutions.

SJR 1832 – MILITARY FUNERAL/UNLAWFUL PROTEST –

Senator Jacumin explained the resolution and the committee moved for a favorable report of SJR 1832.

HJR 1870 – GENERAL CONTRACTORS/EXTEND LICENSE VALIDITY

Representative Goforth explained the resolution .

Senator Forrester moved for a favorable report of this resolution and the committee gave HJR 1870 a favorable report.

HJR 1982 – AUTH. RES./EMPLOYERS' PROTEST FILING PERIOD

Representative explained SJR 1982. Senator Bland moved for a favorable report and the committee gave HJR 1982 a favorable report.

HJR 2038 – IDENTITY THEFT

Representative Folwell explained the resolution and Senator Apodaca moved for a favorable report. The committee gave HJR 2038 a favorable report.

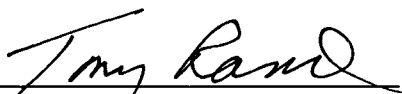
HJR 2341 – NO PRAYER FOR JUDGMENT/BUS STOP ARM VIOLATION

Representative Folwell explained the resolution. Senator Apodaca moved for a favorable report. The committee gave HJR 2341 a favorable report.

HJR 2852 – PROTECT MILITARY VETERANS FROM IDENTITY THEFT

Representative Goforth explained the resolution. Senator Soles moved for a favorable report. The committee gave HJR 2852 a favorable report.

The meeting adjourned at 6:00 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Tuesday, June 13, 2006

Senator RAND,
submits the following with recommendations as to passage:

FAVORABLE

S.JR.	1832	Military Funeral/Unlawful Protest. Sequential Referral: None Recommended Referral: None
H.JR.	1870	Gen. Contractors/Extend License Validity. Sequential Referral: None Recommended Referral: None
H.JR.	1982	Auth. Res./Employers' Protest Filing Period. Sequential Referral: None Recommended Referral: None
H.JR.	2038	Identity Theft. Sequential Referral: None Recommended Referral: None
H.JR.	2341	No Prayer for Judgment/Bus Stop Arm Violation. Sequential Referral: None Recommended Referral: None
H.JR.	2852	Protect Military Veterans from Identity Theft. Sequential Referral: None Recommended Referral: None

TOTAL REPORTED: 6

Committee Clerk Comments:

*On calendar***Judy Tardiff (Sen. Rand)**

From: Joyce Hodge (Senate LA Director)**Sent:** Friday, June 09, 2006 11:31 AM**Subject:** Rules and Operation of the Senate - Amended Notice 06-12-2006

Principal Clerk

Reading Clerk

Corrected: HJR 2038 and HJR 2341 Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Rules and Operations of the Senate** will meet at the following time:

DAY	DATE	TIME	ROOM
Monday	June 12, 2006	5:00 p.m.	414 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SJR 1832	Military Funeral/Unlawful Protest.	Senator Jacumin
HB 657	Broker Compensation Transparency.- AB	Representative Holliman
HJR 1870	Gen. Contractors/Extend License Validity.	Representative Goforth
HJR 1982	Auth. Res./Employers' Protest Filing Period.	Representative Wainwright
HJR 2852	Protect Military Veterans from Identity Theft.	Representative Goforth
HJR 2038	Identity Theft.	Representative Folwell Representative Jones
HJR 2341	No Prayer for Judgment/Bus Stop Arm Violation.	Representative Folwell

Senator Tony Rand, Chair

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

1

SENATE JOINT RESOLUTION 1832

Sponsors: Senators Jacumin; Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Brown, Dorsett, Goodall, Hagan, Hartsell, Hoyle, Hunt, Lucas, Malone, Nesbitt, Pittenger, Presnell, Purcell, Smith, Soles, Swindell, Tillman, Webster, and Weinstein.

Referred to: Rules and Operations of the Senate.

May 24, 2006

1 A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY,
2 REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT
3 TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL OR
4 MEMORIAL SERVICE.

5 Be it resolved by the Senate, the House of Representatives concurring:

6 **SECTION 1.** The 2005 General Assembly, Regular Session 2006, may
7 consider "A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISORDERLY
8 CONDUCT AT A MILITARY FUNERAL OR MEMORIAL SERVICE."

9 **SECTION 2.** This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE JOINT RESOLUTION 1870

Sponsors: Representative Goforth.

Referred to: Rules, Calendar, and Operations of the House.

May 11, 2006

1 A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY,
2 REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT
3 ALLOWING THE STATE LICENSING BOARD OF GENERAL
4 CONTRACTORS TO EXTEND THE PERIOD IN WHICH A LICENSE
5 REMAINS IN EFFECT AFTER A PERSON LICENSED ON BEHALF OF A
6 FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH THAT FIRM
7 OR CORPORATION.

8 Be it resolved by the House of Representatives, the Senate concurring:

9 **SECTION 1.** The 2005 General Assembly, Regular Session 2006, may
10 consider "A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE
11 LICENSING BOARD OF GENERAL CONTRACTORS TO EXTEND THE PERIOD
12 IN WHICH A LICENSE REMAINS IN EFFECT AFTER A PERSON LICENSED ON
13 BEHALF OF A FIRM OR CORPORATION CEASES TO BE ASSOCIATED WITH
14 THAT FIRM OR CORPORATION."

15 **SECTION 2.** This resolution is effective upon ratification.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE JOINT RESOLUTION 1982

Sponsors: Representatives Wainwright; and Pierce.

Referred to: Rules, Calendar, and Operations of the House.

May 16, 2006

1 A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, 2006
2 REGULAR SESSION, TO CONSIDER "A BILL TO BE ENTITLED AN ACT
3 RELATING TO THE FILING PERIOD FOR EMPLOYERS TO PROTEST
4 UNEMPLOYMENT INSURANCE CLAIMS."

5 Be it resolved by the House of Representatives, the Senate concurring:

6 **SECTION 1.** The 2005 General Assembly, Regular Session 2006, may
7 consider "A BILL TO BE ENTITLED AN ACT RELATING TO THE FILING
8 PERIOD FOR EMPLOYERS TO PROTEST UNEMPLOYMENT INSURANCE
9 CLAIMS."

10 **SECTION 2.** This resolution is effective upon ratification.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE JOINT RESOLUTION 2038

Sponsors: Representatives Folwell, Ed Jones (Primary Sponsors); Adams,
Blackwood, Lewis, and McGee.

Referred to: Rules, Calendar, and Operations of the House.

May 17, 2006

1 A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY,
2 REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT
3 TO PROTECT THE IDENTITY OF INDIVIDUALS BY REQUIRING
4 FINGERPRINTS AND PHOTOGRAPHS BE TAKEN FOR MOTOR VEHICLE
5 VIOLATIONS OF FAILING TO PRODUCE A LICENSE OR LEARNER'S
6 PERMIT TO ANY LAW ENFORCEMENT OFFICER REQUESTING IT FOR
7 LAWFUL PURPOSES PURSUANT TO G.S. 20-29, AND VIOLATIONS OF THE
8 DRIVERS LICENSE AND LEARNER'S PERMIT PROVISIONS IN G.S. 20-30.

9 Be it resolved by the House of Representatives, the Senate concurring:

10 **SECTION 1.** The 2005 General Assembly, Regular Session 2006, may
11 consider "A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF
12 INDIVIDUALS BY REQUIRING FINGERPRINTS AND PHOTOGRAPHS BE
13 TAKEN FOR MOTOR VEHICLE VIOLATIONS OF FAILING TO PRODUCE A
14 LICENSE OR LEARNER'S PERMIT TO ANY LAW ENFORCEMENT OFFICER
15 REQUESTING IT FOR LAWFUL PURPOSES PURSUANT TO G.S. 20-29, AND
16 VIOLATIONS OF THE DRIVERS LICENSE AND LEARNER'S PERMIT
17 PROVISIONS IN G.S. 20-30."

18 **SECTION 2.** This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE JOINT RESOLUTION 2341

Sponsors: Representatives Folwell; Faison, Howard, Lewis, McGee, Pate, and Vinson.

Referred to: Rules, Calendar, and Operations of the House.

May 23, 2006

1 A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY,
2 REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT
3 TO PREVENT A PERSON CONVICTED OF PASSING A STOPPED SCHOOL
4 BUS FROM RECEIVING A PRAYER FOR JUDGMENT.

5 Be it resolved by the House of Representatives, the Senate concurring:

6 **SECTION 1.** The 2005 General Assembly, Regular Session 2006, may
7 consider "A BILL TO BE ENTITLED AN ACT TO PREVENT A PERSON
8 CONVICTED OF PASSING A STOPPED SCHOOL BUS FROM RECEIVING A
9 PRAYER FOR JUDGMENT."

10 **SECTION 2.** This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE JOINT RESOLUTION 2852

Sponsors: Representatives Goforth; Faison, Glazier, Harrison, Lucas, and Pate.

Referred to: Rules, Calendar, and Operations of the House.

May 30, 2006

1 A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY,
2 REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT
3 TO PROTECT MILITARY VETERANS FROM IDENTIFY THEFT.

4 Be it resolved by the House of Representatives, the Senate concurring:

5 **SECTION 1.** The 2005 General Assembly, Regular Session 2006, may
6 consider "A BILL TO BE ENTITLED AN ACT TO PROTECT MILITARY
7 VETERANS FROM IDENTIFY THEFT."

8 **SECTION 2.** This resolution is effective upon ratification.

MINUTES

RULES AND OPERATIONS OF THE SENATE

JUNE 28, 2006

The Committee on Rules and Operations of the Senate met on June 28th, 2006 in the Room 300-C Conference Room of the Legislative Office Building at 3:00 p.m. Eleven members of the committee were present. Senator Rand presided.

S.B. – 1295 - JUNK FAXES

Senator Rand presented the committee with SB 1295 – JUNK FAXES. and recognized Senator Dorsett to explain the bill. Senator Dorsett explained that the bill prohibits any person or entity to use a telephone fax machine, computer or other device to send an unsolicited advertisement to a fax machine if either the sender or the recipient is in North Carolina.

Discussion followed as to whether the actions for violation could also be handled by Small Claims Court. The committee thought it could.

Senator Soles moved that the bill be referred to Judiciary II for clarification of the penalties.

The committee seconded this motion and the bill was given a favorable report with a referral to Judiciary II.

HJR 1818 – A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY, REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS LENDING SUBTERFUGES.

Senator Rand presented this House Joint Resolution stating this was a resolution to enable the introducers to file this bill as stated in the rules.

Senator Forrester moved for the adoption of House Joint Resolution 1818 and the committee gave it a favorable report.

SR 2061 – A SENATE RESOLUTION ADOPTING AN OFFICIAL COAT OF ARMS AND SEAL.

Senator Rand presented the committee with Senate Resolution 2061 which adopts the official coat of arms of the North Carolina Senate and the official seal of the North Carolina Senate.

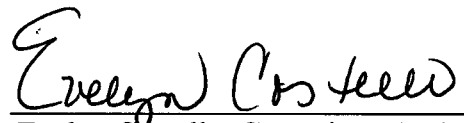
Page 2.
Minutes – July 28, 2006

Senator Apodaca moved for the adoption of Senate Resolution 2061 and the committee gave the Senate Resolution a favorable report.

The committee adjourned at 3:45 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Wednesday, June 28, 2006

Senator RAND,
submits the following with recommendations as to passage:

FAVORABLE

S.B.	1295	Junk Faxes.	
		Sequential Referral:	None
		Recommended Referral:	Judiciary II
H.JR.	1818	Prohibit Various Lending Subterfuges.	
		Sequential Referral:	None
		Recommended Referral:	None

ADOPTION

S.R.	2061	Senate Heraldry.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 3

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 1295

Short Title: Junk Faxes.

(Public)

Sponsors: Senators Dorsett; Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Blake, Bland, Clodfelter, Dalton, Dannelly, East, Forrester, Garrou, Garwood, Goodall, Graham, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Lucas, Malone, Nesbitt, Presnell, Purcell, Stevens, Swindell, Tillman, and Weinstein.

Referred to: Rules and Operations of the Senate.

May 11, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE PROTECTIONS FOR CONSUMERS WHO RECEIVE
3 UNSOLICITED FACSIMILES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 75 of the General Statutes is amended by adding a
6 new Article to read:

7 "Article 5.

8 "Unsolicited Facsimiles.

9 "§ 75-115. The following definitions apply in this Article:

10 (1) Established business relationship. – A prior or existing relationship
11 formed by a voluntary two-way communication between a person or
12 entity and a residential or business subscriber, with or without an
13 exchange of consideration, on the basis of an inquiry, application,
14 purchase, membership, or transaction by the residential or business
15 subscriber regarding products or services offered by the person or
16 entity, and the relationship has not been previously terminated by
17 either party.

18 (2) Telephone facsimile machine. – Equipment that has the capacity to do
19 either or both of the following:

20 a. Transcribe text or images or both from paper into an electronic
21 signal and to transmit that signal over a regular telephone line.

22 b. Transcribe text or images or both from an electronic signal
23 received over a regular telephone line onto paper.

24 (3) Unsolicited advertisement. – Any material advertising the commercial
25 availability or quality of any property, goods, or services that is

transmitted to any person or entity without that person's or entity's prior express invitation or permission. Prior express invitation or permission may be obtained for a specific or unlimited number of advertisements and may be obtained for a specific or unlimited period of time.

"§ 75-116. Prohibition of unsolicited facsimiles; exception.

(a) No person or entity, if either the person or entity or the recipient is located within the State of North Carolina, shall (i) use any telephone facsimile machine, computer, or other device to send or (ii) cause another person or entity to use a telephone facsimile machine to send an unsolicited advertisement to a telephone facsimile machine.

(b) This section shall not apply to a person or entity that has an established business relationship with the recipient of the facsimile. However, the person or entity who sends an unsolicited advertisement under this subsection shall provide a notice in the unsolicited advertisement that: (i) is clear and conspicuous and on the first page of the unsolicited advertisement; (ii) states that the recipient may make a request to the sender to "do not send" any future unsolicited advertisements to a telephone facsimile machine and that the sender's failure to comply with the request is unlawful; and (iii) includes a toll-free domestic telephone number or facsimile machine number that the recipient may call at any time on any day of the week to transmit a request to "do not send" future facsimiles.

"§ 75-117. Facsimiles to contain identifying material.

(a) It shall be a violation of this Article for any person or entity, if either the person or entity or the recipient is located in the State of North Carolina, to do either of the following:

(1) Initiate any communication using a telephone facsimile machine that does not clearly mark in a margin at the top or bottom of each transmitted page or on the first page of each transmission the date and time sent; an identification of the business, other entity, or person sending the message, and the telephone number of the sending machine or of the business, other entity, or person.

(2) Use a computer or other electronic device to send any message via a telephone facsimile machine unless it is clearly marked in a margin at the top or bottom of each transmitted page of the message or on the first page of the transmission the date and time it is sent, the identification of the business, other entity, or person sending the message, and the telephone number of the sending machine or of the business, other entity, or person.

(b) This section shall not apply to a facsimile sent by or on behalf of a professional or trade association that is a tax-exempt nonprofit organization and in furtherance of the association's tax-exempt purpose to a member of the association if all of the following conditions are met:

(1) The member voluntarily provided the association the facsimile number to which the facsimile was sent.

(2) The facsimile is not primarily for the purpose of advertising the commercial availability or quality of any property, goods, or services of one or more third parties.

(3) The member who is sent the facsimile has not requested that the association stop sending facsimiles for the purpose of advertising the commercial availability or quality of any property, goods, or services of one or more third parties.

"§ 75-118. Enforcement.

(a) A person or entity who receives an unsolicited advertisement in violation of this Article may bring any of the following actions in civil court:

(1) An action to enjoin further violations of this Article by the person or entity who sent the unsolicited advertisement.

(2) An action to recover five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the second violation, and five thousand dollars (\$5,000) for the third and any other violation that occurs within two years of the first violation.

(b) In an action brought pursuant to this Article, the court may award a prevailing plaintiff reasonable attorneys' fees if the court finds the defendant willfully engaged in the act or practice, and the court may award reasonable attorneys' fees to a prevailing defendant if the court finds that the plaintiff knew, or should have known, that the action was frivolous and malicious.

(c) Actions brought by a person or entity pursuant to this section shall be tried in the county where the plaintiff resides at the time of the commencement of the action.

(d) This section shall not be construed to alter or restrict any remedy a person may have under federal law, including the Junk Fax Prevention Act of 2005, against a person or entity who sends an unsolicited advertisement."

SECTION 2. This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE JOINT RESOLUTION 1818

Sponsors: Representatives Howard; and McGee.

Referred to: Rules, Calendar, and Operations of the House.

May 10, 2006

1 A JOINT RESOLUTION AUTHORIZING THE 2005 GENERAL ASSEMBLY,
2 REGULAR SESSION 2006, TO CONSIDER A BILL TO BE ENTITLED AN ACT
3 TO CLARIFY THE APPLICATION OF THE NORTH CAROLINA CONSUMER
4 FINANCE ACT TO VARIOUS LENDING SUBTERFUGES.

5 Be it resolved by the House of Representatives, the Senate concurring:

6 **SECTION 1.** The 2005 General Assembly, Regular Session 2006, may
7 consider "A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION
8 OF THE NORTH CAROLINA CONSUMER FINANCE ACT TO VARIOUS
9 LENDING SUBTERFUGES."

10 **SECTION 2.** This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

D

SENATE RESOLUTION DRSR65605-LG-853 (05/30)

SB 2061

Sponsors: Senator Rand.

Referred to:

1 A SENATE RESOLUTION ADOPTING AN OFFICIAL COAT OF ARMS AND
2 SEAL.

3 Be it resolved by the Senate:

4 SECTION 1. The coat of arms designed by The Honorable C.E.A.
5 Cheesman, Rouge Dragon Pursuivant of the College of Arms, London is hereby ratified
6 and adopted as the official coat of arms of the North Carolina Senate.

7 SECTION 2. The seal designed by Mr. Cheesman is hereby ratified and
8 adopted as the official seal of the North Carolina Senate.

9 SECTION 3. True and correct full-color copies of the coat of arms and the
10 seal shall be filed in the Legislative Library and posted on the North Carolina General
11 Assembly's Internet Web site.

12 SECTION 4. This resolution is effective upon adoption.

VISITOR REGISTRATION SHEET

RULES & OPERATIONS OF THE SENATE

JUNE 12, 2006

Name of Committee

Date 28

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tommy Steun	over PC
Jerry Hartman	over PC
Frank Hays	N.C. M.B.I.
Amanda Wood	NC State Club
Alice Barlana	NCEL
John McHenry	GOVERNANCE
Patrick T. BHK	ALLEY AGGOL
John Rust	NCFPC
Rick Zechini	NC ASSN. of Realtors
Elizabeth Dalton	NCEMGT
Andy Ellen	NCEMGT

VISITOR REGISTRATION SHEET

RULES & OPERATIONS OF THE SENATE

JUNE 12, 2006

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Frank W. Falger	Helms Mulliss Wicker
Wayne Goodwin	DoD
Tom Long	NCDC
Jamie Rount	JDAL PA
Cam Crow	BPM HL
Jim Elliott	IFNC
Nick Fontana	Young Maerz & Henderson
Robert Wilson	S.O.S.
Stephanie Beegat	ESC/NC
Steve Woodson	NC Fern Bureau
Amanda Ward	Sierra Club

VISITOR REGISTRATION SHEET

RULES & OPERATIONS OF THE SENATE

JUNE 12, 2006

Name of Committee

Date 28

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mr. [Signature]

NSA

MINUTES

RULES AND OPERATIONS OF THE SENATE

JULY 19, 2006

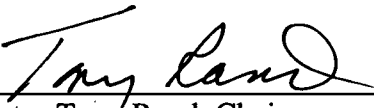
The Committee on Rules and Operations of the Senate met on July 19, 2006 at Senator Rand's Senate Chamber Desk at 3:00 p.m. Nine members of the committee were present. Senator Rand presided and presented the committee with a committee substitute for Senate Bill 264 Pro Temp Appointments Bill – 2. This bill appoints persons to various public offices upon the recommendation of the President Pro Tempore of the Senate and to make a correction in a term..

SENATE BILL 264 – PRO TEM APPOINTMENTS BILL – 2

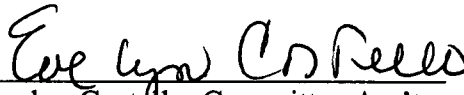
Senator Brock moved to bring the proposed Senate Committee Substitute for the above bill before the committee

Senator Apodaca moved for the adoption of the proposed Senate Committee Substitute for Senate Bill 264 – Pro Tem Appointments Bill – 2. The committee voted to give the bill a favorable report.

The committee adjourned at 3:15. p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Wednesday, July 19, 2006

Senator RAND,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

S.B.	264	Pro Tem Appointments Bill - 2.	
		Draft Number:	PCS 15438
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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D

SENATE BILL 264
PROPOSED COMMITTEE SUBSTITUTE S264-PCS15438-LG-35

Short Title: Pro Tem Appointments Bill - 2.

(Public)

Sponsors:

Referred to:

March 1, 2005

A BILL TO BE ENTITLED
AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE
AND TO MAKE A CORRECTION IN A TERM.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate; and

Whereas, the President Pro Tempore of the Senate has made recommendations; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Ken Morehead of Durham County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2009.

SECTION 2.(a) James R. Britt of Duplin County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2008, to fill the unexpired term of Deborah Johnson.

SECTION 2.(b) Frank Timberlake of Wake County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2009.

SECTION 3. Gladys Brooks of Buncombe County is appointed to the Board of Directors of the North Carolina Arboretum for a term expiring on June 30, 2010.

SECTION 4. Effective July 1, 2005, Michelle E. Piette of Wake County and Robert J. Casmus of Rowan County are appointed to the North Carolina Board of Athletic Trainer Examiners for terms expiring on June 30, 2008.

SECTION 5. Margaret Ann Biddle of Wake County and Beth Rector of Columbus County are appointed to the Child Care Commission for terms expiring on June 30, 2008.

SECTION 6. Jerry Wright of Currituck County and Claudette Weston of Forsyth County are appointed to the Clean Water Management Trust Fund Board of Trustees for terms expiring on July 1, 2010.

1 **SECTION 7.** Valoree Eikinas of Wake County and Deborah Simpson of
2 Cumberland County are appointed to the North Carolina Code Officials Qualification
3 Board for terms expiring on June 30, 2010.

4 **SECTION 8.** Julianne Territo Stewart of Wake County is appointed to the
5 North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2009.

6 **SECTION 9.** R. Mitchell Tyler of Columbus County is appointed to the
7 Disciplinary Hearing Committee of the North Carolina State Bar for a term expiring on
8 June 30, 2009.

9 **SECTION 10.** Effective September 1, 2006, the Honorable Julia Boseman
10 of New Hanover County, the Honorable Valerie Asbell of Hertford County, Laura
11 Powell of Rutherford County, John Guard of Pitt County, and Patricia Melville of New
12 Hanover County are appointed to the Domestic Violence Commission for terms
13 expiring on August 31, 2008.

14 **SECTION 11.** Effective January 1, 2006, Stephen M. Taylor of Dare County
15 is appointed to the North Carolina Emergency Medical Services Advisory Council for a
16 term expiring on December 31, 2009.

17 **SECTION 12.** Effective January 1, 2007, Jon Hamm of Wake County is
18 appointed to the e-NC Authority Commission for a term expiring on December 31,
19 2007.

20 **SECTION 13.** Effective October 1, 2006, John Arey of Mecklenburg
21 County is appointed to the North Carolina State Board of Examiners of Fee-Based
22 Practicing Pastoral Counselors for a term expiring on September 30, 2010.

23 **SECTION 14.** Effective July 24, 2006, Talmadge Jones of Dare County is
24 appointed to the North Carolina Home Inspector Licensure Board for a term expiring on
25 June 30, 2010.

26 **SECTION 15.** Lorene Roberson of Nash County, Kathleen Beetham of
27 Wake County, and James Sewell of Wake County are appointed to the North Carolina
28 Interpreter and Transliterator Licensing Board for terms expiring on June 30, 2009.

29 **SECTION 16.** Ken Burkel of Forsyth County is appointed to the License to
30 Give Trust Fund Commission for a term expiring on April 7, 2007, to fill the unexpired
31 term of Rommie Ray.

32 **SECTION 17.** Effective January 1, 2007, Ronald Cox of Wake County is
33 appointed to the North Carolina Locksmith Licensing Board for a term expiring on
34 December 31, 2009.

35 **SECTION 18.** Effective October 1, 2006, Michael F. Perkins of Wake
36 County is appointed to the North Carolina Manufactured Housing Board for a term
37 expiring on September 30, 2009.

38 **SECTION 19.** Nancy Toner Weinberger of Franklin County and Laura
39 Allen of Rutherford County are appointed to the North Carolina Board of Massage and
40 Bodywork Therapy for terms expiring on June 30, 2009.

41 **SECTION 20.(a)** Dr. Richard Brunstetter of Forsyth County is appointed to
42 the Commission for Mental Health, Developmental Disabilities, and Substance Abuse
43 Services for a term expiring on June 30, 2007, to fill the unexpired term of Dr. Stephen
44 Buie.

1 **SECTION 20.(b)** Tom Ryba of Wake County is appointed to the
2 Commission for Mental Health, Developmental Disabilities, and Substance Abuse
3 Services for a term expiring on June 30, 2009.

4 **SECTION 21.** Judy Seamon of Carteret County is appointed to the North
5 Carolina Center for Nursing Board of Directors for a term expiring on June 30, 2009.

6 **SECTION 22.** Cody Grasty of Haywood County is appointed to the North
7 Carolina Parks and Recreation Authority for a term expiring on June 30, 2009.

8 **SECTION 23.** Steve Johnson of Wake County, James Davis of Hoke
9 County, and Berkley Blanks of Guilford County are appointed to the Private Protective
10 Services Board for terms expiring on June 30, 2009.

11 **SECTION 24.** Effective January 1, 2007, the Honorable Stan Bingham of
12 Davidson County and Suzanne Clifton of Wake County are appointed to the North
13 Carolina Professional Employer Organization Advisory Council for terms expiring on
14 December 31, 2009.

15 **SECTION 25.** Effective November 1, 2006, Ralph D. Webb of Pitt County
16 and Dr. Karl Karlson of Forsyth County are appointed to the North Carolina Respiratory
17 Care Board for terms expiring on October 31, 2009.

18 **SECTION 26.** William Kealy, Bobby Owens, and Joann Williams all of
19 Dare County are appointed to the Roanoke Island Commission for terms expiring on
20 June 30, 2008.

21 **SECTION 27.** Terry Turner of New Hanover County is appointed to the
22 State Building Commission for a term expiring on June 30, 2009.

23 **SECTION 28.(a)** Grainger R. Barrett of Cumberland County is appointed to
24 the State Judicial Council for a term expiring on December 31, 2008, to fill the
25 unexpired term of Robert Ray.

26 **SECTION 28.(b)** Effective January 1, 2007, Jane Griffin of Martin County
27 is appointed to the State Judicial Council for a term expiring on December 31, 2010.

28 **SECTION 29.** Laura Wilson of New Hanover County is appointed to the
29 North Carolina State Ports Authority for a term expiring on June 30, 2008.

30 **SECTION 30.** Effective August 15, 2006, Walter Lee Crouch, Jr. of New
31 Hanover County, John Bridgeman of Gaston County, I. Jarvis Martin of Durham
32 County, and Frank Traywick of Gaston County are appointed to the Commission on
33 State Property for terms expiring on August 14, 2008.

34 **SECTION 31.** William Tesh of Guilford County is appointed to the
35 Structural Pest Control Committee for a term expiring on June 30, 2010.

36 **SECTION 32.** David Turpin of Wake County is appointed to the North
37 Carolina Substance Abuse Professional Practice Board for a term expiring on June 30,
38 2010.

39 **SECTION 33.** Pam Silberman of Durham County and Marion Sullivan of
40 Orange County are appointed to the Board of Trustees of the Teachers' and State
41 Employees' Comprehensive Major Medical Plan for terms expiring on June 30, 2008.

42 **SECTION 34.** Dr. Mike Davidson of Wake County is appointed to the
43 North Carolina Veterinary Medical Board for a term expiring on June 30, 2011.

1 **SECTION 35.** Belinda Ferree of Randolph County is appointed to the Well
2 Contractors Certification Commission for a term expiring on June 30, 2009.

3 **SECTION 36.** Dell Murphy of Duplin County is appointed to the North
4 Carolina Wildlife Resources Commission for a term expiring on April 24, 2007, to fill
5 the unexpired term of John Pecchman.

6 **SECTION 37.** Christi Lynn Derreberry of Mecklenburg County, Slayton
7 Stewart of Wilkesboro, and David Corn of Yadkin County are appointed to the Wireless
8 911 Board for terms expiring on June 30, 2010.

9 **SECTION 38.** Section 2.3 of S.L. 2005-421 reads as rewritten:

10 **"SECTION 2.3.** Dr. Paul Rush of Scotland County is appointed to the North
11 Carolina Board of Athletic Trainer Examiners for a term expiring on June 30,
12 2008.2007."

13 **SECTION 39.** Unless otherwise specified, all appointments made by this act
14 are for terms to begin upon ratification of this act.

15 **SECTION 40.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

1

SENATE BILL 264

Short Title: Pro Tem Appointments Bill - 2.

(Public)

Sponsors: Senator Rand.

Referred to: Rules and Operations of the Senate.

March 1, 2005

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE
SENATE.

The General Assembly of North Carolina enacts:

Whereas, G.S. 120-121 authorizes the General Assembly to make certain
appointments to public offices upon the recommendation of the President Pro Tempore
of the Senate; and

Whereas, the President Pro Tempore of the Senate has made
recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Unless otherwise provided for in this act, appointments are for
terms to begin July 1, 2005.

SECTION 2. This act is effective when it becomes law.

MINUTES

RULES AND OPERATIONS OF THE SENATE

JULY 20, 2006

The Committee on Rules and Operations of the Senate met on Thursday, July 20, 2006 at 3:30 p.m. in the Senate Chamber at Senator Tony Rand's desk. Ten members of the committee were present. Senator Rand presided and presented the committee with a Senate Committee Substitute for House Bill 1059 - State Health Plan Changes.

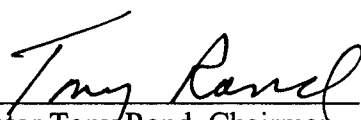
H.B. 1059 – STATE HEALTH PLAN CHANGES

Senator Hoyle moved for the adoption of the proposed Senate Committee Substitute for the above bill. The committee voted to adopt the committee substitute for discussion.

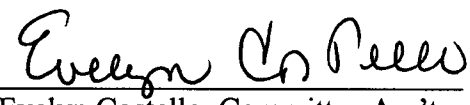
Senator Rand introduced Mark Trogon of the fiscal staff to explain the committee substitute to members of the committee. A copy of the changes in the committee substitute as covered by Mark Trogon are attached to these minutes and marked Exhibit A and made a part thereof.

Senator Hoyle moved for the adoption of the proposed Senate Committee Substitute for House Bill 1059 – State Health Plan Changes and the committee gave the bill a favorable report.

The meeting adjourned at 4:00 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Thursday, July 20, 2006

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #1) 1059 Public School Health Curriculum.

Draft Number:	PCS 60863
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

July 20, 2006

H 1059. STATE HEALTH PLAN CHANGES (NEW). Filed 3/30/05. Senate committee substitute deletes all provisions of 3rd edition and replaces it with *AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN.* Makes the following changes concerning the Teachers' and State Employees' Comprehensive Major Medical Plan (the Plan). (1) Authorizes the Executive Director and the Board of Trustees of the Plan to authorize coverage for over-the-counter medications as recommended by the Plan's pharmacy and therapeutics committee. Requires that the Administrator and the Board ensure that recommended medications are analyzed for medical effectiveness and safety, and that the analysis address the financial impact on the Plan. Also authorizes the Administrator and Board to impose a co-payment for packaged over-the-counter medications and to adopt policies placing annual coverage limits on over-the-counter medications. Requires that proposed policies and co-payments be submitted to the Committee on Employee Hospital and Medical Benefits for review prior to implementation. Also provides that the Administrator and the Board may offer incentives to Plan members to encourage Plan members to make lifestyle or behavior changes to reduce costs to the Plan.

(2) Amends GS 135-40.5(g) to provide that the Plan will pay \$25.00 for each "preferred" branded prescription and \$40.00 for each "preferred" branded prescription with a generic equivalent drug. (3) Enacts new GS 135-40.6A(b)(12) to authorize the Administrator and the Board to require prior medical approvals for bone anchored hearing aids. (4) Authorizes the Administrator and the Board to use up to \$794,278 in available funds to create 13 new full-time positions to improve Plan efficiency and cost-effectiveness. (5) Enacts new GS 135-39.5B(c) to clarify that enrollment in an optional hospital and medical benefits program (including a PPO) under GS 135-39.5B(b) does not constitute enrollment in the Plan.

(6) Amends GS 135-40.13A (Plan subrogation rights) to also give the Plan subrogation rights to recover provider expenses and to clarify that the Plan's subrogation rights extend to expenses related to an injury caused by a liable third party. Enacts new GS 135-40.13A(d) to limit the Plan's lien to 50% of the total damages recovered from a third party, exclusive of the Plan member's reasonable costs of collection. The Plan's determination as to the reasonable costs of collection is not a "final agency decision" for purposes of a contested case under GS Chapter 150B. Provides that notice of the Plan's lien or right to recovery is presumed when a Plan member is represented by an attorney, and to require that the Plan member's attorney disburse proceeds pursuant to the section. Makes conforming change to GS 28A-18-2(a). Amendments to GS 135-40.13A and GS 28A-18-2(a) apply to plan payments made by the Plan after July 20, 2004, for which reimbursement is sought on or after the effective date of act.

(7) Enacts new GS 135-39.5(28) to authorize participation in the Plan by no more than eight local government employers, including those employers participating as of June 30, 2006, and to give the Administrator and the Board the discretion to select those employers.

Except as otherwise noted, effective July 1, 2006.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

3

**HOUSE BILL 1059
Committee Substitute Favorable 5/31/05
Third Edition Engrossed 6/1/05**

Short Title: Public School Health Curriculum. (Public)

Sponsors:

Referred to:

March 31, 2005

**A BILL TO BE ENTITLED
AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN THE
GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A SCHOOL
HEALTH EDUCATION PROGRAM.**

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-81(e1)(1) reads as rewritten:

"§ 115C-81. Basic Education Program.

...

(e1) School Health Education Program to Be Developed and Administered.

- (1) A comprehensive school health education program shall be developed and taught to pupils of the public schools of this State from kindergarten through ninth grade. This program includes age-appropriate instruction in the following subject areas, regardless of whether this instruction is described as, or incorporated into a description of, "family life education", "family health education", "health education", "family living", "health", "healthful living curriculum", or "self-esteem":
- a. Mental and emotional health;
 - b. Drug and alcohol abuse prevention;
 - c. Nutrition;
 - d. Dental health;
 - e. Environmental health;
 - f. Family living;
 - g. Consumer health;
 - h. Disease control;
 - i. Growth and development;
 - j. First aid and emergency care, including the teaching of cardiopulmonary resuscitation (CPR) and the Heimlich maneuver by using hands-on training with mannequins so that students become proficient in order to pass a test approved by the American Heart

Association, or American Red Cross;

- k. Preventing sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS) virus infection~~, HIV/AIDS, and other communicable diseases;
- l. Abstinence until marriage education; and
- m. Bicycle safety.

As used in this subsection, "HIV/AIDS" means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome."

SECTION 1.(b) G.S. 115C-81(e1)(3), (4), and (5) read as rewritten:

"(3) The State Board of Education shall develop objectives for instruction in the prevention of sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS) virus infection~~, HIV/AIDS, that ~~includes~~include emphasis on the importance of parental involvement, abstinence from sex until marriage, and avoiding intravenous drug use. Any program developed under this subdivision shall present techniques and strategies to deal with peer pressure and to offer positive reinforcement and shall teach reasons, skills, and strategies for remaining or becoming abstinent from sexual activity; for appropriate grade levels and classes, shall teach that abstinence from sexual activity until marriage is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted ~~diseases~~, diseases when transmitted through sexual contact, and other associated health and emotional problems, and that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding diseases transmitted by sexual contact, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, shall teach how alcohol and drug use lower inhibitions, which may lead to risky sexual behavior, and shall teach the positive benefits of abstinence until marriage and the risks of premarital sexual activity. ~~Any instruction concerning the causes of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), in cases where homosexual acts are a significant means of transmission, shall include the current legal status of those acts.~~

- (4) The State Board of Education shall evaluate abstinence until marriage curricula and their learning materials and shall develop and maintain a recommended list of one or more approved abstinence until marriage curricula. The State Board may develop an abstinence until marriage program to include on the recommended list. The State Board of Education shall not select or develop a program for inclusion on the recommended list that does not include the positive benefits of abstinence until marriage and the risks of premarital sexual activity as the primary focus. The State Board shall include on the recommended list only programs that include, in appropriate grades and classes, instruction that:
 - a. Teaches that abstinence from sexual activity outside of marriage is the expected standard for all school-age children;
 - b. Presents techniques and strategies to deal with peer pressure and offering positive reinforcement;
 - c. Presents reasons, skills, and strategies for remaining or becoming abstinent from sexual activity;

- d. Teaches that abstinence from sexual activity is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases when transmitted through sexual contact, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, and other associated health and emotional problems;
 - e. Teaches that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS;
 - f. Teaches the positive benefits of abstinence until marriage and the risks of premarital sexual activity;
 - g. Provides opportunities that allow for interaction between the parent or legal guardian and the student; ~~and~~
 - h. Provides factually accurate biological or pathological information that is related to the human reproductive system.
- (5) The State Board of Education shall make available to all local school administrative units for review by the parents and legal guardians of students enrolled at that unit any State-developed objectives for instruction, any approved textbooks, the list of reviewed materials, and any other State-developed or approved materials that pertain to or are intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, to the avoidance of out-of-wedlock pregnancy, or to the abstinence until marriage curriculum. The review period shall extend for at least 60 days before use."

SECTION 1.(c) G.S. 115C-81(e1)(7) and (8) read as rewritten:

- "(7) Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy, (ii) an abstinence until marriage program, or (iii) a comprehensive sex education program, whether developed by the State or by the local board of education, the parents and legal guardians of those students shall be given an opportunity to review the objectives and materials. Local boards of education shall adopt policies to provide opportunities either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students' participation in any or all of these programs.
- (8) Students may receive information about where to obtain contraceptives and abortion referral services only in accordance with a local board's policy regarding parental consent. Any instruction concerning the use of contraceptives or prophylactics shall provide accurate statistical information on their effectiveness and failure rates for preventing pregnancy and sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, in actual use among adolescent populations and shall explain clearly the difference between risk reduction and risk elimination through abstinence. The Department of Health and Human Resources shall

provide the most current available information at the beginning of each school year."

SECTION 2. This act is effective when it becomes law and applies beginning with the 2006-2007 school year.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1059
Committee Substitute Favorable 5/31/05
Third Edition Engrossed 6/1/05
PROPOSED SENATE COMMITTEE SUBSTITUTE H1059-PCS60863-LN-95

Short Title: State Health Plan Changes.

(Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; TO CLARIFY ENROLLMENT IN THE PPO OPTIONAL PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 3 OF CHAPTER 135 OF THE GENERAL STATUTES; AND TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PERMIT A CERTAIN NUMBER OF LOCAL GOVERNMENTS OPTIONAL COVERAGE UNDER THE PLAN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Cost-Saving Initiatives. – Coverage of Over-the-Counter Medications. – Notwithstanding any other provision of law to the contrary, the Executive Administrator and Board of Trustees may authorize coverage for over-the-counter medications as recommended by the Plan's pharmacy and therapeutics committee. In approving for coverage one or more over-the-counter medications, the Executive Administrator and Board of Trustees shall ensure that each recommended over-the-counter medication has been analyzed to ensure medical effectiveness and Plan member safety. The analysis shall also address the financial impact on the Plan. The Executive Administrator and Board of Trustees may impose a co-payment to be paid by each covered individual for each packaged over-the-counter medication. The Executive Administrator and Board of Trustees may adopt policies establishing limits on the amount of coverage available for over-the-counter medications for each covered individual over a 12-month period. Prior to implementing policy and co-payment changes authorized under this section, the Executive Administrator and Board of

1 Trustees shall submit the proposed policies and co-payments to the Committee on
2 Employee Hospital and Medical Benefits for its review.

3 **SECTION 1.(b) Incentive Programs.** – For the purposes of helping Plan
4 members to achieve and maintain a healthy lifestyle without impairing patient care, and
5 to increase cost effectiveness in Plan coverage, the Executive Administrator and Board
6 of Trustees may adopt programs offering incentives to Plan members to encourage
7 changes in member behavior or lifestyle designed to improve member health and
8 promote cost-efficiency in the Plan. Participation in one or more incentive programs is
9 voluntary on the part of the Plan member. Before adopting an incentive program, the
10 Executive Administrator and Board of Trustees shall conduct an impact analysis on the
11 proposed incentive program to determine (i) whether the program is likely to result in
12 significant member satisfaction, (ii) that it will not adversely affect quality of care, and
13 (iii) whether it is likely to result in significant cost savings to the Plan. The impact
14 analysis may be conducted by a committee of the Plan, in conjunction with the Plan's
15 consulting actuary, provided that the Plan's medical director participates in the analysis.
16 An approved incentive plan may provide for a waiver of deductibles, co-payments, and
17 coinsurance required under this Article in order to determine the effectiveness of the
18 incentive program in promoting healthy lifestyles for members and increasing
19 cost-effectiveness to the Plan. The Executive Administrator and Board of Trustees shall,
20 before implementing incentive programs authorized under this section, submit the
21 proposed programs to the Committee on Employee Hospital and Medical Benefits for
22 review.

23 **SECTION 2.(a) Technical Changes.** – G.S. 135-40.5(g) reads as rewritten:

24 "(g) **Prescription Drugs.** – The Plan's allowable charges for prescription legend
25 drugs to be used outside of a hospital or skilled nursing facility are to be determined by
26 the Plan's Executive Administrator and Board of Trustees. The Plan will pay allowable
27 charges for each outpatient prescription drug less a copayment to be paid by each
28 covered individual equal to the following amounts: pharmacy charges up to ten dollars
29 (\$10.00) for each generic prescription, twenty five dollars (\$25.00) for each preferred
30 branded prescription, and forty dollars (\$40.00) for each preferred branded prescription
31 with a generic equivalent drug, and fifty dollars (\$50.00) for each each nonpreferred
32 branded or generic ~~prescription not on a formulary used by the Plan~~ prescription.

33 Allowable charges shall not be greater than a pharmacy's usual and customary
34 charge to the general public for a particular prescription. Prescriptions shall be for no
35 more than a 34-day supply for the purposes of the copayments paid by each covered
36 individual. By accepting the copayments and any remaining allowable charges provided
37 by this subsection, pharmacies shall not balance bill an individual covered by the Plan.
38 A prescription legend drug is defined as an article the label of which, under the Federal
39 Food, Drug, and Cosmetic Act, is required to bear the legend: "Caution: Federal Law
40 Prohibits Dispensing Without Prescription." Such articles may not be sold to or
41 purchased by the public without a prescription order. Benefits are provided for insulin
42 even though a prescription is not required. The Plan may use a pharmacy benefit
43 manager to help manage the Plan's outpatient prescription drug coverage. In managing
44 the Plan's outpatient prescription drug benefits, the Plan and its pharmacy benefit

1 manager shall not provide coverage for erectile dysfunction, growth hormone,
2 antiwrinkle, weight loss, and hair growth drugs unless such coverage is medically
3 necessary to the health of the member. The Plan and its pharmacy benefit manager shall
4 not provide coverage for growth hormone and weight loss drugs and antifungal drugs
5 for the treatment of nail fungus and botulinum toxin without approval in advance by the
6 pharmacy benefit manager. Any formulary used by the Plan's Executive Administrator
7 and pharmacy benefit manager shall be an open formulary. Plan members shall not be
8 assessed more than two thousand five hundred dollars (\$2,500) per person per fiscal
9 year in copayments required by this subsection."

10 **SECTION 2.(b)** Prior Approval. – G.S. 135-40.6A(b) is amended by adding
11 the following new subdivision to read:

12 ...

13 "(b) The Executive Administrator and Board of Trustees may establish procedures
14 to require prior medical approvals for the following services:

15 ...

16 (12) Bone Anchored Hearing Aids (BAHA) surgically implanted for the
17 treatment of hearing loss."

18 **SECTION 3.** Personnel. – For the purpose of improving efficiency and
19 cost-effectiveness of Plan operations, the Executive Administrator and Board of
20 Trustees of the North Carolina State Health Plan may create 13 new full-time positions,
21 10 of which shall be subject to the State Personnel Act under G.S. 126-5, and three of
22 which shall be exempt from the State Personnel Act under G.S. 126-5(c). The Executive
23 Administrator and Board of Trustees may use up to seven hundred ninety-four thousand
24 two hundred seventy-eight dollars (\$794,278) of available funds to support these
25 positions.

26 **SECTION 4.** Enrollment Clarification. – G.S. 135-39.5B is amended by
27 adding the following new subsection to read:

28 "(c) Enrollment in an optional program established pursuant to subsection (b) of
29 this section shall not constitute enrollment in the comprehensive major medical plan as
30 established in Part 3 of this Article."

31 **SECTION 5.(a)** G.S. 135-40.13A reads as rewritten:

32 **"§ 135-40.13A. Liability of third person; right of subrogation; right of first**
33 **recovery.**

34 ~~(a) Whenever the Plan pays benefits for hospital, surgical, medical, or~~
35 ~~prescription drug expenses, with respect to any Plan member, the Plan shall be~~
36 ~~subrogated, to the extent of any payments under the Plan, to all of the Plan member's~~
37 ~~rights of recovery against liable third parties, regardless of the entity or individual from~~
38 ~~whom recovery may be due. The Plan shall have the right of subrogation upon all of the~~
39 ~~Plan member's right to recover from a liable third party for payment made under the~~
40 ~~Plan, for all medical expenses, including provider, hospital, surgical, or prescription~~
41 ~~drug expenses, to the extent those payments are related to an injury caused by a liable~~
42 ~~third party. The Plan member shall do nothing to prejudice these rights. The Plan has~~
43 ~~the right to first recovery on any amounts so recovered, whether by the Plan or the Plan~~
44 ~~member, and whether recovered by litigation, arbitration, mediation, settlement, or~~

1 otherwise. Notwithstanding any other provision of law to the contrary, the recovery
2 limitation set forth in G.S. 28A-18-2 shall not apply to the Plan's right of subrogation of
3 Plan members.

4 (b) If the Plan is precluded from exercising its right of subrogation, it may
5 exercise its rights of recovery ~~to the extent allowed by law pursuant to~~
6 G.S. 135-40.13(g). If the Plan recovers damages from a liable third party in excess of
7 the claims paid, any excess will be paid to the member, less a proportionate share of the
8 costs of collection.

9 (c) In the event a Plan member recovers any amounts from a liable third party to
10 which the Plan is entitled under this section, the Plan may recover the amounts directly
11 from the Plan member. The Plan has a lien, for not more than the value of claims paid
12 related to the liability of the third party, on any damages subsequently recovered against
13 the liable third party. If the Plan member fails to pursue the remedy against a liable third
14 party, the Plan is subrogated to the rights of the Plan member and is entitled to enforce
15 liability in the Plan's own name or in the name of the Plan member for the amount paid
16 by the Plan.

17 (d) In no event shall the Plan's lien exceed fifty percent (50%) of the total
18 damages recovered by the Plan member, exclusive of the Plan member's reasonable
19 costs of collection as determined by the Plan in the Plan's sole discretion. The decision
20 by the Plan as to the reasonable cost of collection is conclusive and is not a "final
21 agency decision" for purposes of a contested case under Chapter 150B of the General
22 Statutes. Notice of the Plan's lien or right to recovery shall be presumed when a Plan
23 member is represented by an attorney, and the attorney shall disburse proceeds pursuant
24 to this section."

25 **SECTION 5.(b)** G.S. 28A-18-2(a) reads as rewritten:

26 "(a) When the death of a person is caused by a wrongful act, neglect or default of
27 another, such as would, if the injured person had lived, have entitled him to an action
28 for damages therefor, the person or corporation that would have been so liable, and his
29 or their personal representatives or collectors, shall be liable to an action for damages, to
30 be brought by the personal representative or collector of the decedent; and this
31 notwithstanding the death, and although the wrongful act, neglect or default, causing the
32 death, amounts in law to a felony. The personal representative or collector of the
33 decedent who pursues an action under this section may pay from the assets of the estate
34 the reasonable and necessary expenses, not including attorneys' fees, incurred in
35 pursuing the action. At the termination of the action, any amount recovered shall be
36 applied first to the reimbursement of the estate for the expenses incurred in pursuing the
37 action, then to the payment of attorneys' fees, and shall then be distributed as provided
38 in this section. The amount recovered in such action is not liable to be applied as assets,
39 in the payment of debts or legacies, except as to burial expenses of the deceased, and
40 reasonable hospital and medical expenses not exceeding four thousand five hundred
41 dollars (\$4,500) incident to the injury resulting in death, except that the amount applied
42 for hospital and medical expenses shall not exceed fifty percent (50%) of the amount of
43 damages recovered after deducting attorneys' fees, but shall be disposed of as provided
44 in the Intestate Succession Act. The limitations on recovery for hospital and medical

1 expenses under this subsection do not apply to subrogation rights exercised pursuant to
2 G.S. 135-40.13A. All claims filed for such services shall be approved by the clerk of the
3 superior court and any party adversely affected by any decision of said clerk as to said
4 claim may appeal to the superior court in term time."

5 **SECTION 5.(c)** This section is effective when it becomes law and applies to
6 payments made by the Plan after July 20, 2004, for which reimbursement is sought on
7 or after the effective date. Subsection (b) of this section applies to wrongful deaths
8 occurring on or after the effective date of this act.

9 **SECTION 6.** G.S. 135-39.5 is amended by adding the following new
10 subdivision to read:

11 **"§ 135-39.5. Powers and duties of the Executive Administrator and Board of**
12 **Trustees.**

13 The Executive Administrator and Board of Trustees of the Teachers' and State
14 Employees' Comprehensive Major Medical Plan shall have the following powers and
15 duties:

16 ...

17 (28) To authorize participation in the Plan by an employer, as defined for
18 local government employers in G.S. 128-21(11), that elects to provide benefits for its
19 employees and retired employees and their eligible spouses and dependents, and that
20 meets the requirements of G.S. 135-40.1(6), as amended by Section 31.26 of S.L.
21 2004-124, except that at any given point in time, there shall be not more than eight
22 employers, as defined for local government employers in G.S. 128-21(11), participating
23 in the Plan. The Executive Administrator and Board of Trustees shall have discretion in
24 selecting local government employers to participate in the Plan. In admitting local
25 government employers into the Plan, the Executive Administrator and Board of Trustees
26 shall ensure compliance with the requirements of the Employee Retirement Income
27 Security Act of 1974 (ERISA), as amended, 29 U.S.C. § 1003(b)."

28 **SECTION 7. Effective Date.** – Sections 1, 2, 3, 4, and 6 of this act become
29 effective July 1, 2006. Section 1 of this act expires July 1, 2009. The limit on the
30 number of local government employers that may participate in the Plan under
31 G.S. 135-39.5(28), as enacted in Section 6 of this act, shall include those local
32 government employers participating in the Plan on June 30, 2006. The remainder of this
33 act is effective when it becomes law and applies to actions to exercise rights of recovery
34 under G.S. 135-40.13 or G.S. 135-40.13A commenced on or after that date.

MINUTES
RULES AND OPERATION SOF THE SENATE

JULY 27, 2006

The Committee on Rules and Operations of the Senate met on Thursday, July 27, 2006 at 6:00 p.m. around Senator Tony Rand's chamber desk. Fourteen members of the committee were present. Senator Rand presented the committee with a proposed Senate Committee Substitute for House Bill 1723.

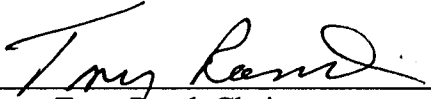
HOUSE BILL 1723 – THE STUDIES ACT OF 2006

Senator Dalton moved for the adoption of the proposed Senate Committee Substitute for H.B. 1723 – The Studies Act of 2006.

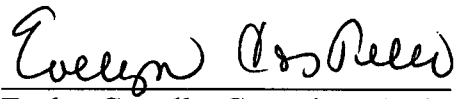
Senator Phil Berger asked about the Legal Defense Fund legislation which was not in the bill. Senator Rand replied that a Select Committee would be appointed to study this issue.

Senator Albertson moved for a favorable report for H.B 1723 - The Studies Act of 2006. The committed voted to give the bill a favorable report.

The meeting adjourned at 6:15 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator Tony Rand, Chair**

Thursday, July 27, 2006

Senator RAND,
submits the following with recommendations as to passage:

**UNFAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 1, BUT
FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 2**

H.B.(SCS #1) 1723 THE STUDIES ACT OF 2005

Draft Number:	PCS 60882
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE BILL 1723
Committee Substitute Favorable 7/28/05
Third Edition Engrossed 8/11/05
Senate Rules and Operations of the Senate Committee Substitute Adopted 8/24/05
PROPOSED SENATE COMMITTEE SUBSTITUTE H1723-PCS60882-RQ-79

Short Title: The Studies Act of 2006.

(Public)

Sponsors:

Referred to:

May 12, 2005

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH
COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND
COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND
COMMISSIONS.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known as "The Studies Act of 2006."

PART II. LEGISLATIVE RESEARCH COMMISSION

SECTION 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor are listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 2005 Regular Session or 2006 Regular Session of the 2005 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The following groupings are for reference only:

(1) Government Regulatory Issues:

a. Banking laws (S.B. 786 – Hoyle)

(2) Transportation Issues:

a. Ban cell phone use while driving (H.B. 1104 – McAllister)

- b. Exemptions from safety and emissions inspections (S.B. 530 – Dalton)
- c. Environmental review, permitting, and mitigation process in the construction or expansion of State highways (H.B. 1761 – Dollar)
- (3) Consumer Issues:
 - a. Credit report identity theft (H.B. 546 – Adams)
 - b. Personal information privacy (S.B. 996 – Cowell)
 - c. Mortgage payoffs (Hunt)
 - d. Motor vehicle repair (S.B. 952 – Lucas, Bingham, Kinnaird)
- (4) Insurance Issues:
 - a. Assist small business health insurance (S.B. 478 – Dalton)
 - b. High-risk insurance (H.B. 180 – Setzer)
 - c. Additional sureties for public construction contracts (H.B. 2793 – Parmon, Womble, Michaux)
- (5) Criminal Law Issues:
 - a. Exclusionary rule/good faith exception (H.B. 1439 – Stam)
 - b. Habitual felon statutes (H.B. 1308 – Michaux)
 - c. Minority incarceration (H.B. 49)
 - d. The provisions and penalties of G.S. 20-138.3, driving by a person less than 21 years old after consuming alcohol or drugs (Dickson)
 - e. Racial bias and the death penalty (H.B. 2833 – Earle)
- (6) State/Local Government Employee Issues:
 - a. Beneficiary designation and dependent survivors of members of the Teachers' and State Employees' Retirement System (Dorsett)
 - b. State employee mediation and length of backlog of appeals process (Rand)
 - c. Mediation of State employee grievances (H.B. 716 – Coleman)
 - d. Severance pay changes (H.B. 703 – Crawford)
 - e. State employee demonstration projects (H.B. 730 – Crawford, Sherrill)
 - f. Prospective elimination of SPA longevity pay (H.B. 731 – Crawford)
 - g. Flexible benefits program centralized under OSP (H.B. 751 – Crawford, Holliman)
 - h. Sick leave bank and family leave (H.B. 2746 – Insko)
- (7) Labor, Employment, and Economic Development Issues:
 - a. North Carolina National Guard Pension Fund (S.B. 573 – Atwater)
 - b. Validity of statistics provided by the Industrial Commission (Berger of Franklin)

- c. Industrial Commission's monitoring of filing of forms (Berger of Franklin)
- d. Streamline forms required by Industrial Commission (Berger of Franklin)
- e. UI claims/shorten employer response time (Shaw)
- f. Loss of workers' compensation for fraud (S.B. 863 – Berger of Franklin)
- g. Workers' compensation and injuries to extremities (S.B. 864 – Berger of Franklin)
- h. Employee work incentives under the Workers' Compensation Act (S.B. 865 – Berger of Franklin)
- i. Increase cap on award for loss of organ under the Workers' Compensation Act (S.B. 866 – Berger of Franklin)
- j. Small business improvement (S.B. 664 – Dalton)
- k. Amendments to Workers' Compensation Act (Holliman)
- l. Salaries of nonprofit directors and executives (Owens)
- (8) Health and Human Services Issues:
 - a. Men's health
 - b. Peanut allergies/restaurant postings (H.B. 920 – Alexander)
 - c. Naturopathic registration (Kinnaid)
 - d. Cost control of medical services for persons in local confinement facilities (Wilkins, Wright)
 - e. Treatment services funding/drug treatment courts (Insko)
- (9) Other:
 - a. Trafficking of persons (H.J.R. 1461 – Alexander; Kinnaid)
 - b. Nanotechnology (H.B. 641 – Faison)
 - c. Public building contract laws (H.B. 1547 – Parmon)
 - d. Unfit dwellings (S.B. 982 – Cowell)
 - e. Exempt builders' inventories from property tax increases (S.B. 508 – Dalton)
 - f. Liabilities of general contractors to subcontractors (Rand)
 - g. Construction indemnity agreement issues (Rand)
 - h. System of care common identifiers (Kinnaid)
 - i. Manufactured homes/good faith evictions (H.B. 1243 – Fisher)
 - j. Refusal rights-forced public partition sales (H.B. 1309 – Michaux)
 - k. Victim restitution (Holliman)
 - l. Agency internal auditors (Tucker)
 - m. Tax policy changes
 - n. Video conferencing (Haire)
 - o. Recovery of costs in civil cases (H.B. 2070 – Glazier)
 - p. Erroneous paternity judgments (H.B. 2143 – Moore)
 - q. Membership of the Wildlife Resources Commission (Williams)
 - r. Annexation (Glazier)

- s. Construction cost threshold requirement for a general contractor's license (H.B. 2612 – Earle, Weiss, Glazier)
- t. Credit enhancement services (H.B. 2836 – Earle, Barnhart, Grady, Saunders)
- u. West regional facility maintenance (Church)
- v. Hepatitis C (H.B. 2832 – Earle)
- w. Impact of ethics legislation on local elected officials (Coleman)
- x. Real estate resale dealers (H.B. 725 – Ross, Howard, Goforth, Clodfelter)
- y. Tax reevaluation (Nesbitt)
- z. Homestead exemption (Nesbitt)
- aa. Equine industry (H.B. 1826 – Cole; S.B. 901 – Weinstein)

SECTION 2.1.(a) Superior Court Discovery (H.B. 1211 – Sutton, Rand) – The Commission may study State disclosure requirements in superior court discovery. If it undertakes the study, the Commission shall consider:

- (1) The issue of identities of informants who furnished information leading to a search warrant against the defendant.
- (2) The issue of personal information of the victim.
- (3) The "work product" provision of G.S. 15A-904.
- (4) Open discovery in noncapital postconviction cases.
- (5) Any other related issues.

The Commission may make its final report to the 2007 General Assembly upon its convening.

SECTION 2.1.(b) Impact of Regulation on the Cost of Housing (Hoyle) – The Commission may study the impact of State and local government regulation on the cost of housing and recommend ways to reduce or eliminate conflicting, duplicative, outdated, or unnecessary regulations, including the consolidation or elimination of governmental agencies and programs.

SECTION 2.1.(c) Transferring the Deferred Compensation Program (Rand) – The Commission may study the feasibility of transferring the Public Employee Deferred Compensation Program established under G.S. 143B-426.24 from the Department of Administration to the Department of the State Treasurer.

SECTION 2.1.(d) Consumer Credit Counseling (Dorsett) – The Commission may study State and federal laws, rules, and policies pertaining to consumer credit counseling and debt management and may make recommendations for reforming relevant North Carolina civil, criminal, and administrative law, regulations, and policies. The Commission may examine the appropriateness of consumer protection provisions and standards for providers of services, and the adequacy of enforcement tools and practices.

SECTION 2.1.(e) Impact of Undocumented Immigrants (Justice) – The Commission may study the effects of undocumented immigrants on the State. The Commission may consider the following issues:

- (1) Impacts on the State's health care, education, and social services systems.

(2) Impacts on the criminal justice system and corrections.

(3) Impacts on the State's economy, including the fiscal ramifications of compliance with federal laws requiring the provision of specific services to undocumented immigrants.

(4) Impacts on the economic and workforce development, including the provision of and the need for low-cost labor for agriculture, construction, tourism, and other industries.

(5) Any other relevant issues.

SECTION 2.1.(f) Pharmacy Benefits Manager Regulation (H.B. 1374) – The Commission may study issues regarding the regulation of pharmacy benefit management.

SECTION 2.1.(g) Local Governmental Employees Retirement System – The Commission may study issues related to establishing a higher option within the Local Governmental Employees Retirement System. The Commission may consider the following issues:

(1) Whether the higher option should include all local governmental employees.

(2) Whether the higher option would be voluntary and require each individual governing body to approve it for employee participation.

(3) Whether there should be a deadline or sunset provision for a local government to adopt the higher option.

(4) Whether "buy back credit" provisions for the time period an employee is in the lower option are feasible.

(5) Any other relevant issues the Commission deems necessary to the study.

SECTION 2.1.(h) Chapter 24 Exemptions (Brubaker) – The Commission may study issues related to authorizing the Commissioner of Banks to permit affiliates of licensees under G.S. 53-176 to be exempt from certain provisions of Chapter 24 of the General Statutes.

SECTION 2.1.(i) Effectiveness of the State Purchasing and Contract System – The Commission may study the effectiveness of the State purchasing and contract system including its accessibility and impact on the State's small businesses and the participation of minority contractors.

SECTION 2.1.(j) Red Light Camera Clear Proceeds (Goodwin) – The Commission may study the impact of the various decisions of the North Carolina courts on the definition of clear proceeds as it relates to the funding and operation of traffic control photographic systems by cities and towns in the State. The Commission may recommend to the General Assembly statutory changes that define clear proceeds in a manner that allows their use for the continued operation of these traffic control systems.

SECTION 2.1.(k) Adequate Public Facilities Ordinances (Rand) – The Commission may study issues related to the adoption of adequate public facilities ordinances by local governments. For the purposes of the study, an adequate public facilities ordinance is any ordinance, policy, guideline, or procedure adopted by a local government that ties or conditions development approval to the availability and

adequacy of public facilities and services. In particular, the Commission shall study the extent to which such ordinances increase the cost of housing and affect State and local tax revenues, employment, and economic development.

SECTION 2.1.(l) For-Profit Recycling Businesses (Rand) – The Commission may study issues related to developing strategies to protect the State's citizens from being misled into unknowingly donating goods to for-profit recycling businesses when they are attempting to aid charitable nonprofit organizations.

SECTION 2.1.(m) Post-Adoption Contact (S.B. 209 – Kinnaird) – The Commission may study the topic of post-adoption contacts and communication between an adopted child and a birth relative. In conducting the study, the Commission may consider the following:

- (1) The need to establish laws for post-adoption contacts or communication between an adopted child and a birth relative.
- (2) What constitutes post-adoption contacts and communication.
- (3) Any effect post-adoption contacts and communication would have on existing adoption laws.
- (4) The criteria for establishing post-adoption contacts and communication and the contents of any such agreement.
- (5) Any other information the Commission deems relevant.

SECTION 2.1.(n) Sick Leave Bank and Family Leave (S.B. 2007 – Atwater) – The Commission may study the feasibility of the State providing family leave for employees and State policies relating to the voluntary sick leave bank for public school employees. In conducting the study, the Commission may consider the following:

- (1) Evaluate the status of the State's voluntary sick leave bank for public school employees.
- (2) Consider the efficacy of changes in policy designed to make the current sick leave bank more "employee friendly."
- (3) Study sick leave banks and other shared leave programs in other states.
- (4) Evaluate the need for a sick leave bank for teachers and State employees beyond the current voluntary program.
- (5) Study the feasibility of the State providing family leave for employees including paid leave to care for a newborn, newly adopted, or foster child and paid leave due to a serious personal or family member's health problem. In the course of the study, the Commission shall consider laws from other states regarding (i) family leave, (ii) temporary disability insurance programs that provide family leave, (iii) family leave insurance programs, and (iv) consider additional sources of sick days for the sick leave bank.
- (6) Review any other matter that the Commission finds relevant to its charge.

SECTION 2.1.(o) Effectiveness of the State Purchasing and Contract System (Rand) – The Commission may study the effectiveness of the State purchasing and

1 contract system including its accessibility and impact on the State's small businesses
2 and the participation of minority contractors.

3 **SECTION 2.1.(p)** Requirements for Issuance of Building Permits for
4 On-Site Business Installation or Repair of Electrical Equipment – The Commission may
5 study the requirements of current law, G.S. 153A-357 and G.S. 160A-417, concerning
6 issuance of building permits for on-site business installation or repair of electrical
7 equipment. The Commission shall examine whether permits should be waived for
8 installation and repair of electrical equipment by businesses on their own property, if the
9 property is not intended for lease or sale, and if the business employs electricians or
10 mechanics for the purpose of installing or repairing its own electrical equipment.

11 **SECTION 2.1.(q)** Legislative Efficiency and Operations (Graham) – The
12 Commission may study the issues surrounding legislative efficiency and operations.
13 The study shall include the feasibility of organizational sessions, session limits, term
14 limits, and legislative pay.

15 **SECTION 2.2.** For each Legislative Research Commission committee
16 created during the 2005-2007 biennium, the cochairs of the Legislative Research
17 Commission shall appoint the committee membership.

18 **SECTION 2.3.** For each of the topics the Legislative Research Commission
19 decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may
20 report its findings, together with any recommended legislation, to the 2007 General
21 Assembly upon its convening.

22 **SECTION 2.4.** From the funds available to the General Assembly, the
23 Legislative Services Commission may allocate additional monies to fund the work of
24 the Legislative Research Commission.

25 26 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT** 27 **COMMITTEE STUDIES**

28
29 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may
30 study the topics listed in this Part and report its findings, together with any
31 recommended legislation, to the 2007 General Assembly upon its convening.

32 **SECTION 3.2.** Geriatric Care Providers (H.B. 183 – Nye, Clary) – The
33 Committee may study methods to increase the number of geriatric care providers in the
34 State.

35 **SECTION 3.3.** Medical Cost Savings (S.B. 581 – Forrester) – The
36 Committee may study a variety of approaches to find medical cost savings and to ensure
37 quality of medical care provided to the citizens of the State.

38 **SECTION 3.4.** Regulation of Nurse Practitioner Practice (Nesbitt) – The
39 Committee may study the following:

- 40 (1) Issues surrounding the practice parameters of advanced practice
41 registered nurses (APRNs).
- 42 (2) Relationship between APRNs and physicians.
- 43 (3) Whether APRNs should be regulated through the North Carolina
44 Board of Nursing or the North Carolina Medical Board.

(4) Any other issue the Commission considers relevant.

SECTION 3.5. Community Health Centers (Kerr) – The Committee may study the need for community health centers, including federally qualified health centers, health centers that meet the criteria for federally qualified health centers, and State-designated rural health centers and public health departments. The Committee shall also study the need for and funding of free clinics, such as W.A.T.C.H. in North Carolina. In conducting the study, the Committee shall examine a range of approaches in depth, including, but not limited to, the following:

- (1) Increasing access to preventative and primary care services by uninsured or medically indigent patients in existing or new health center locations.
- (2) Establishing community health center services in counties where no such services exist.
- (3) Creating new services or augmenting existing services provided to uninsured or medically indigent patients, including primary care and preventative medical services, dental services, pharmacy, and behavioral health.
- (4) Increasing capacity necessary to serve the uninsured by enhancing or replacing facilities, equipment, or technologies.

SECTION 3.6. Hospital Systems (Rand) – The Committee may study issues related to the conversion of county-owned hospitals to private not-for-profit hospitals and the merger and acquisition of health care systems. The Committee shall consider the following issues:

- (1) Long-term financial implications.
- (2) Quality of care.
- (3) An analysis of the effects of preferred provider organizations.
- (4) The implications of government regulations.
- (5) The implications of government paid medical services.

SECTION 3.7. Prescription Drug Cost Management Office (S.B. 424 – Boseman, Atwater) – The Committee may study the feasibility of establishing an Office for Prescription Drug Cost Management ("Office") in the Department of Administration or other appropriate State agency to manage the cost of prescription drugs incurred by State agencies and programs that cover or provide prescription drugs. The responsibilities of the Office shall include negotiating prescription drug price discounts with participating pharmaceutical manufacturers and pharmacists for prescription drugs paid for, in whole or in part, with State funds. As used in this section, "State agency" includes the Teachers' and State Employees' Comprehensive Major Medical Plan. In conducting the study, the Committee shall consider the following:

- (1) The estimated amount that each State agency pays annually for prescription drugs, including any discounts or rebates currently in effect.
- (2) Current contractual obligations of State agencies to pay for prescription drug coverage or purchase.

- (3) Incentives for prescription drug manufacturers and pharmacists to participate in the State prescription drug cost management program.
- (4) Formularies or other methods of containing prescription drug costs currently in effect for State agencies and programs.
- (5) Necessity for and feasibility of interfacing the implementation of the prescription drug cost management program with information management systems currently used by State agencies.
- (6) Experiences of other states in attempting to control prescription drug costs through multistate compacts, bulk purchasing, or negotiated discounts.
- (7) Timeline and funds needed for the establishment of the Office for Prescription Drug Cost Management and implementation of a prescription drug management program.
- (8) Other matters the Committee deems necessary for its study.

SECTION 3.8. Occupational Therapy Licensure Revisions (H.B. 287 – Nye, England, Barnhart, Womble) – The Committee may study the amendment of certain laws relating to the North Carolina Occupational Therapy Act.

SECTION 3.9. Alternatives to State Health Plan for The University of North Carolina (H.B. 775 – Earle, Insko; Kinnaird) – The Committee may study the alternatives to the State Health Plan for The University of North Carolina.

SECTION 3.10. Smoking in Public Places (Holliman) – The Committee may study the issue of smoking in public places. As a part of its study, the Committee may:

- (1) Consider a proposal to ban smoking in all State controlled buildings, and granting local governments the authority to do the same in their buildings.
- (2) Consider a proposal to ban smoking in the workplace.
- (3) Consider repeal of State law that does not allow counties and cities to enact smoking ordinances more restrictive than State law.
- (4) Examine the health factors associated with secondhand smoke and its effect on persons exposed to it.
- (5) Examine whether the practice of separate areas for smoking and nonsmoking is adequate to protect nonsmokers from secondhand smoke.
- (6) Consider whether that should be any exceptions to new smoking restrictions.
- (7) Examine the effects on health and to the economy similar legislation has had in other states.
- (8) Consult with interested parties, such as doctors, the American Lung Association, the Cancer Society, and similar organizations, and invite their participation in the Committee's work as experts.

SECTION 3.11. Rural Health Care Access and Needs (H.B. 797 –Pierce) – The Committee may study, in consultation with the Department of Health and Human Services, Office of Research, Demonstrations, and Rural Health Development, the

1 health care needs in rural areas of the State and other health professional shortage areas
2 of the State without inpatient services and with a high percentage of uninsured residents.

3
4 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT**
5 **COMMITTEE STUDIES**
6

7 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee
8 may study the topics listed in this Part and report its findings, together with any
9 recommended legislation, to the 2007 General Assembly upon its convening.

10 **SECTION 4.2.** Utility Relocation (H.B. 667 – Cole) – The Committee may
11 study the use of incentives, disincentives, and other contractual measures by the
12 Department of Transportation to expedite relocation of public utilities for highway
13 construction projects.

14 **SECTION 4.3.** Nonbetterments (Almond, McComas) – The Committee may
15 study issues related to nonbetterments.

16 **SECTION 4.4.** Dedicated Funding Sources for Public Transit (Coates) –
17 The Committee may study the feasibility of a dedicated funding source for public transit
18 and alternative forms of transportation.

19
20 **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE**
21 **STUDIES**
22

23 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may
24 study the topics listed in this Part and report its findings, together with any
25 recommended legislation, to the 2007 General Assembly upon its convening.

26 **SECTION 5.2.** Changes in Education Districts (H.B. 1505 – Yongue,
27 Preston, Johnson, Carney) – The Committee may study issues related to population
28 changes in education districts.

29 **SECTION 5.3.** Raising the Compulsory School Attendance Age (H.B. 1079
30 – Parmon, Glazer, Womble, McLawhorn; S.B. 878 – Garrou) – The Committee may
31 study issues related to raising the compulsory school attendance age.

32 **SECTION 5.4.** Child Nutrition Services (H.B. 696 – Inkso) – The
33 Committee may study the impact of indirect costs associated with the child nutrition
34 services program.

35 **SECTION 5.5.** Class Size Funding Formula for Children With Special
36 Needs (H.B. 693 – Glazier, Parmon) – The Committee may study the need to weight the
37 class-size funding formula to accommodate the learning needs of special populations of
38 children.

39 **SECTION 5.6.** Track Students Throughout Education (H.B. 640) – The
40 Committee may study the feasibility of tracking students throughout their education.

41 **SECTION 5.7.** Impact of Student Mobility on Academic Performance (H.B.
42 388 – Folwell; S.B. 171 – Dalton) – The Committee may study the impact of student
43 mobility on academic performance.

1 **SECTION 5.8.** Appropriate Education for Suspended Students (H.B. 1747 –
2 Preston, Bell, Parmon, Stam) – The Committee may study the issues concerning
3 appropriate education for suspended students.

4 **SECTION 5.9.** Corporal Punishment Policies (H.B. 1462 – Alexander) –
5 The Committee may study policies related to corporal punishment.

6 **SECTION 5.10.** Strategies for Targeting Educational Programs and
7 Resources (Swindell, Lucas, Garrou) – The Committee shall study strategies for
8 targeting educational programs and resources to improve K-12 education for all
9 students. In the course of the study, the Committee shall do all of the following:

10 (1) Review existing funding formulas to ensure that resources are targeted
11 where they are most needed and, if necessary, propose modifications
12 to these formulas. This review shall include an analysis of local ability
13 to pay based on measures of local wealth and local willingness to pay
14 for K-12 education.

15 (2) Review existing initiatives and curricula, for early childhood through
16 high school, and recommend ways to reduce duplicative efforts and
17 make better use of finite resources.

18 (3) Explore local actions and efforts to supplement State educational
19 resources.

20 (4) Examine how other states work with local governments to ensure
21 adequate resources are available for the operational and capital needs
22 of the public schools.

23 **SECTION 5.11.** Workforce Preparation in the Public Schools (S.B. 898 –
24 Brown) – The Committee may study workforce preparation in the public schools.

25 **SECTION 5.12.** Community College Tuition Reciprocity (S.B. 779 – Snow)
26 – The Committee may study issues relating to community college tuition reciprocity
27 with other states.

28 **SECTION 5.13.** Information Requirements for School
29 Admission/Assignment (H.B. 1480 – Folwell) – The Committee may study information
30 requirements for school admission and assignment.

31 **SECTION 5.14.** Joint Education Leadership Team for Disadvantaged
32 Students (Carney, Yongue; Clodfelter) – The Committee may study establishing a Joint
33 Education Leadership Team for Disadvantaged Students.

34 **SECTION 5.15.** Education Facility Financing (H.B. 1272 – Yongue) – The
35 Committee may study issues related to education facility financing.

36 **SECTION 5.16.** School Psychologists (Swindell) – The Committee may
37 study issues related to the compensation of school psychologists, including annual
38 salary supplements for licensed school psychologists who are employed by local school
39 administrative units and certified by the National School Psychology Certification
40 Board or other equivalent national certifying organization.

41 **SECTION 5.17.** Civics Education (H.B. 2469 – Glazier) The Committee
42 may study issues related to civics education.

43 **SECTION 5.18.** Local School Construction Financing (H.B. 2189 –Yongue)
44 The Committee may study issues related to local school construction financing.

1 **SECTION 5.19.** Teacher Assistant Salary Schedule (H.B. 2842 –
2 McLawhorn) The Committee may study issues related to the teacher assistant salary
3 schedule.

4 **SECTION 5.20.** Tax on Lottery Winnings/Community College Equipment
5 (H. B. 1991 – Yongue, Tolson, Jeffus) – The Committee may study issues related to
6 earmarking the tax collected on lottery winnings for community college equipment.

7 **SECTION 5.21.** Sales Tax Exemption for Local School Units (H.B. 2460 –
8 Yongue, Carney, England, and Gibson) – The Committee may study issues related to
9 providing for an exemption from the sales and use tax for local school administrative
10 units.

11 **SECTION 5.22.** High School Graduation/Drop out Rate (Parmon, Weiss) –
12 The Committee may study issues related to high school graduation and drop out rates.

13 **SECTION 5.23.** Sound Basic Education (Lucas) – The Committee may
14 study strategies and resources that contribute to the opportunity for North Carolina
15 students to obtain a sound basic education.

16 17 **PART VI. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES**

18
19 **SECTION 6.1.** The Joint Legislative Utility Review Committee may study
20 the topics listed in this Part and report its findings, together with any recommended
21 legislation, to the 2007 General Assembly upon its convening.

22 **SECTION 6.2.** Article 1 of Chapter 62A (H.B. 1638 – Saunders, Brubaker)
23 – The Committee may study the following issues related to Article 1 of Chapter 62A of
24 the General Statutes:

- 25 (1) Mechanisms for increased accountability for the collection and
26 spending of 911 charges by local governments.
- 27 (2) Modification of what constitutes an authorized expenditure from a
28 local Emergency Telephone System Fund.
- 29 (3) Whether to adopt a Statewide uniform 911 charge.
- 30 (4) Whether to create a State Emergency Telephone Fund and a formula
31 for distributing those moneys to local governments.
- 32 (5) Whether to designate the Community College System as the preferred
33 provider of training for public safety answering point staff.
- 34 (6) Any other issues related to the Article the Committee determines are
35 relevant.

36 37 **PART VII. REVENUE LAWS STUDY COMMITTEE STUDIES**

38
39 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics
40 listed in this Part and report its findings, together with any recommended legislation, to
41 the 2007 General Assembly upon its convening.

42 **SECTION 7.2.** Property Taxes (S.B. 623 – Jacumin) – The Committee may
43 study the valuation of partially improved, undeveloped lots in subdivisions.

1 **SECTION 7.3.** Administrative and Judicial Review of Tax Cases (S.B. 840
2 – Kerr) – The Committee may study the administrative and judicial review of tax cases.

3 **SECTION 7.4.** State Business Taxation (S.B. 916 – Clodfelter) – The
4 Committee may study reforming and simplifying State taxation of business enterprises.

5 **SECTION 7.5.** Sound Management Program for Forestland (S.B. 790 –
6 Berger of Rockingham) – The Committee may study the need for providing owners of
7 forestland more flexibility in demonstrating that their forestland is operated under a
8 sound management program in order to qualify for present-use value property tax status.

9 **SECTION 7.6.** Tax Refund Donation for Prostate Cancer (S.B. 643 – Hoyle)
10 – The Committee may study allowing taxpayers to contribute income tax refunds for
11 prostate cancer research.

12 **SECTION 7.7.** Housing Authority Tax Exemptions (Ross, Malone, Cowell)
13 – The Committee may study housing authority tax exemption issues.

14 **SECTION 7.8.** Tax Refund Contributions to Charitable Causes (Atwater) –
15 The Committee may study the issue of providing space on individual income tax forms
16 for taxpayers to make a contribution of all or part of their refunds to support various
17 charitable causes. The study shall specifically include the following issues:

- 18 (1) A method for determining which causes shall be eligible to receive
19 contributions of refunds and an efficient mechanism for distributing
20 funds collected from contributions of refunds.
- 21 (2) A consideration of whether taxpayers should be able to contribute their
22 refunds to specific charitable causes or to a fund from which
23 contributions are distributed equally among all eligible causes.
- 24 (3) The administrative or fiscal burdens placed on the State for serving as
25 a collection agent for contributions of refunds.
- 26 (4) The effect on rates of compliance with tax laws of expanding the tax
27 forms to accommodate contributions of refunds.

28 **SECTION 7.9.** Income Tax Refund Contribution Election (Coleman) – The
29 Committee may study the feasibility of creating additional income tax refund
30 contribution elections, also known as tax "check-offs". The study shall specifically
31 address:

- 32 (1) The amount of funds raised by any proposed refund contribution
33 election.
- 34 (2) Experience of other states in creating similar refund contribution
35 elections.
- 36 (3) Practical issues in creating new refund contribution elections.
- 37 (4) Pros and cons of any proposed refund contribution election.
- 38 (5) Any related issue.

39 **SECTION 7.10** Intermodal Rail Facility (Clodfelter, Gibson) – The
40 Committee may study the issue of creation of an intermodal rail facility in the State. As
41 a part of its study, the Committee shall examine all of the following:

- 42 (1) The multiple logistical benefits of the project, as a way to utilize and
43 enhance the current intermodal port, highways, and rail transportation
44 system of the State and region.

- (2) Improvements to traffic flow, transportation, safety, and air quality that the project will provide.
- (3) Economic benefits of the project, including increased State tax revenue and job creation resulting from the facility.
- (4) The funding contributions of private and public entities for the facility, and the current gap in needed funding for the project.
- (5) Solutions to the funding gap in order to expedite construction of the facility and insure the many benefits of the project to the citizens of the State are realized.

The Committee shall complete its study, propose a funding solution for this project, and report its findings to the General Assembly by January 1, 2007.

SECTION 7.11 Sales and Income Taxes. (H.B. 1649 –LaRoque) – The Committee may study issues related to comprehensive reform and simplification of the existing State tax structure.

PART VIII. ENVIRONMENTAL REVIEW COMMISSION STUDIES

SECTION 8.1. The Environmental Review Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2007 General Assembly upon its convening.

SECTION 8.2. Mercury Reduction and Education (H.B. 1531 – Harrison, Bordsen, Martin, Fisher) – The Commission may study measures to reduce the quantity of mercury that is released into the environment, that impacts natural resources, and that harms the public health of the citizens of the State, including prohibitions on the sale of certain mercury-containing products, prohibitions on the use of mercury in primary and secondary education, labeling of certain mercury-containing products, State purchase of products that contain no mercury, and public education on the hazards of mercury release and proper methods of mercury disposal. If the Environmental Review Commission undertakes this study, it may refer to the mercury reduction and education measures set out in the First Edition of House Bill 1531, as introduced to the 2005 General Assembly, and mercury reduction and education measures adopted by other states.

SECTION 8.3.(a) Abandoned Mobile Home (Haire) The Commission may study issues related to abandoned manufactured homes. The Commission may specifically study: the impacts that abandoned manufactured homes have with regard to public health and safety, the environment, and the State's scenic resources; removal and transportation issues related to abandoned manufactured homes; solid waste disposal issues related to abandoned manufactured homes, including costs of disposal, removal of hazardous substances, and opportunities for reuse and recyclability of components of deconstructed homes; design of local government programs and regional approaches for the proper disposal of abandoned manufactured homes; and the feasibility and advisability of imposing an advance disposal tax on the sale of new and used manufactured homes to fund deconstruction of abandoned manufactured homes.

SECTION 8.3.(b) Subcommittee. – In order to facilitate the conduct of this study, the Cochairs of the Environmental Review Commission may establish a subcommittee of the Commission. The subcommittee of the Commission may include nonlegislative members who have special knowledge, interest, or expertise in various aspects of manufactured homes, solid waste management, local government, affordable housing issues, and tax collection matters, appointed in consultation with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. At a minimum, the Cochairs shall appoint four members at large, who may be members of the Commission, in addition to the following members:

- (1) The Executive Director of the North Carolina Association of County Commissioners, or the Director's designee.
- (2) The Executive Director of the North Carolina League of Municipalities, or the Director's designee.
- (3) The President of the North Carolina Tax Collector's Association, or the President's designee.
- (4) The Director of the Division of Waste Management of the Department of Environment and Natural Resources, or the Director's designee.
- (5) The Director of the Division of Pollution Prevention and Environmental Assistance of the Department of Environment and Natural Resources, or the Director's designee.
- (6) The Executive Director of the North Carolina Manufactured Housing Institute, or the Director's designee.
- (7) The Executive Director of the Community Reinvestment Association of North Carolina, or the Director's designee.
- (8) Secretary of the Department of Revenue, or the Secretary's designee.
- (9) A manufacturer designated by the North Carolina Manufactured Housing Institute.
- (10) A retail representative designated by the North Carolina Manufactured Housing Institute.

PART IX. JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT COMMITTEE STUDIES

SECTION 9.1. The Joint Legislative Growth Strategies Oversight Committee may study the issues of extraterritorial operations of municipal public enterprises (S.B. 858 – Clodfelter).

SECTION 9.2. Section 3.3 of S.L. 2001-491 reads as rewritten:

"SECTION 3.3. This Part becomes effective January 15, 2002, and expires January 16, ~~2005-2007~~. Prior to its expiration on January 16, ~~2005-2007~~, the Committee shall report to the General Assembly on its activities conducted pursuant to this Part."

PART X. HOUSE SELECT STUDY COMMISSION ON A MANDATORY COST-OF-LIVING INCREASE FOR RETIREES OF THE TEACHERS' AND

1 **STATE EMPLOYEES' RETIREMENT SYSTEM (H.B. 1653 – B. Allen, Coleman,**
2 **Farmer-Butterfield, Faison)**

3
4 **SECTION 10.1.** There is established the House Select Study Commission
5 on a Mandatory Cost-of-Living Increase for Retirees of the Teachers' and State
6 Employees' Retirement System.

7 **SECTION 10.2.** The Speaker of the House of Representatives shall appoint
8 10 members of the House of Representatives to serve as members of the House Select
9 Study Commission on a Mandatory Cost-of-Living Increase for Retirees of the
10 Teachers' and State Employees' Retirement System. All 10 members of the Commission
11 shall be members of the House of Representatives at the time of appointment. One
12 member shall have served within the last two years as a chair, cochair, or vice-chair of
13 the House of Representatives Committee on Pensions and Retirement. The Speaker of
14 the House of Representatives shall designate a chair of the Commission.

15 **SECTION 10.3.** The Commission shall study the cost and feasibility of an
16 automatic annual retirement allowance increase that equals the prior year ratio of the
17 unadjusted 12-month (December to December) Consumer Price Index for All Urban
18 Consumers. The Commission shall consider the benefit to retirees, the cost and actuarial
19 soundness of a mandatory increase, and shall determine whether a mandatory increase
20 adheres to sound retirement and pension policy. In conducting the study, the
21 Commission shall obtain an actuarial analysis and appropriate input from the
22 Retirement Systems Division of the Department of State Treasurer.

23 **SECTION 10.4.** The Commission may contract for consultant services as
24 provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission,
25 the Legislative Services Officer shall assign professional and clerical staff to assist in
26 the work of the Commission. Clerical staff shall be furnished to the Commission
27 through the offices of the House of Representatives. The Commission may meet in the
28 Legislative Building or the Legislative Office Building upon the approval of the
29 Legislative Services Commission. Members of the Commission shall receive per diem,
30 subsistence, and travel allowances in accordance with G.S. 120-3.1. The appointing
31 authority shall fill vacancies.

32 The Commission, while in the discharge of its official duties, may exercise all
33 the powers provided under the provisions of G.S. 120-19, and G.S. 120-19.1 through
34 G.S. 120-19.4, including the power to request all officers, agents, agencies, and
35 departments of the State to provide any information, data, or documents within their
36 possession, ascertainable from their records, or otherwise available to them and the
37 power to subpoena witnesses.

38 **SECTION 10.5.** The Commission shall submit a final written report of its
39 findings and recommendations on or before the convening of the 2007 General
40 Assembly. All reports shall be filed with the Speaker of the House of Representatives
41 and the Legislative Librarian. Upon filing its final report, the Commission shall
42 terminate.

1 **SECTION 10.6.** Of the funds appropriated to the General Assembly, the
2 Legislative Services Commission shall allocate funds for the expenses of the
3 Commission established by this Part.

4
5 **PART XI. DEPARTMENT OF TRANSPORTATION STUDY OF VOLUNTARY**
6 **DISABILITY DESIGNATION ON DRIVERS LICENSES.**

7
8 **SECTION 11.** The Division of Motor Vehicles of the Department of
9 Transportation shall study a method to implement a voluntary disability designation on
10 drivers licenses, State-issued identification cards, and vehicle registration. The method
11 should allow persons with developmental disabilities or their families, or both, to
12 request the placement of a designation indicating the disability or the possible presence
13 in their vehicle of a person with a disability. The Division shall report to the General
14 Assembly, no later than June 1, 2007, on the method developed and the schedule for
15 implementation of the designation.

16
17 **PART XII. HOUSE TASK FORCE TO REVIEW AND RESOLVE CONFLICT**
18 **IN NORTH CAROLINA LAW OVER THE RECOVERY OF COSTS IN CIVIL**
19 **CASES. (H.B. 2070 – Glazier)**

20
21 **SECTION 12.1.** A House of Representatives Task Force on the Recovery of
22 Costs in Civil Cases is established to review and recommend a resolution to the conflict
23 in North Carolina law regarding the recovery of costs in a civil case. Specifically, the
24 Task Force on the Recovery of Costs in Civil Cases shall study the conflict that exists
25 between G.S. 6-20 and G.S. 7A-305, and the appellate cases interpreting those statutes,
26 and recommend revisions to one or both statutes to resolve that conflict.

27 **SECTION 12.2.** The Speaker of the House of Representatives shall appoint
28 to serve on the Task Force six members of the House of Representatives and three
29 public members: one member of the North Carolina Academy of Trial Lawyers, one
30 member of the North Carolina Association of Defense Attorneys, and one member of
31 the North Carolina Bar Association. The Speaker shall appoint a chair from the Task
32 Force membership. The Task Force shall meet upon the call of its chair. A quorum of
33 the Committee shall be a majority of its members.

34 **SECTION 12.3.** Members of the Task Force shall receive per diem,
35 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
36 appropriate. Upon the prior approval of the Legislative Services Commission, the
37 Legislative Services Officer shall assign professional and clerical staff to the Task Force
38 to aid in its work. The Task Force may contract for professional, clerical, or consultant
39 services as provided by G.S. 120-32.02. The Task Force may meet at various locations
40 around the State to promote greater public participation in its deliberations. Subject to
41 the approval of the Legislative Services Commission, the Task Force may meet in the
42 Legislative Building or the Legislative Office Building. The Task Force, while in the
43 discharge of its official duties, may exercise all the powers provided under the
44 provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the

power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

SECTION 12.4. The Task Force shall report the results of its review and its recommended resolution to the conflict to the Speaker of the House of Representatives by December 31, 2006.

SECTION 12.5. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the purpose of conducting the study provided for in this Part.

PART XIII. WILDLIFE RESOURCES COMMISSION (H.B. 505 – Sherrill, McComas, Gibson, Preston)

SECTION 13.1. The Wildlife Resources Commission shall study the issue of allowing hunting on Sundays at a limited number of State game lands. In conducting its study, the Commission shall consider, but is not limited to, the following issues:

- (1) Individual game land suitability for Sunday hunting, including the status of resident wildlife species, proximity to population centers, and range of recreational opportunities available.
- (2) Allowable hunting activities, including methods of taking and the use of dogs.
- (3) Limiting hunting privileges to avoid conflict with religious services.
- (4) The needs of persons pursuing nonhunting outdoor recreational activities, including private landowners, family picnics, hiking, canoeing, birding, horseback riding, climbing, and biking.

SECTION 13.2. In conducting the study, the Commission shall obtain input from representatives of interested parties, including landowners, the North Carolina Wildlife Federation, the Sierra Club and other conservation organizations, the North Carolina Farm Bureau and other agricultural organizations, the North Carolina Horse Council, hunting clubs and organizations, controlled hunting preserve operators, religious organizations, and other outdoor recreational clubs and organizations.

SECTION 13.3. As a part of the study, the Commission shall conduct at least one public hearing in each of its nine regions on the issue of allowing Sunday hunting on selected game lands.

SECTION 13.4. The Wildlife Resources Commission shall report its findings and recommendations, including a recommendation whether to amend, repeal, or leave intact the existing ban on Sunday hunting, to the Joint Legislative Commission on Governmental Operations no later than March 15, 2007.

PART XIV. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES STUDIES

1 **SECTION 14.1.** The Joint Legislative Oversight Committee on Mental
2 Health, Developmental Disabilities, and Substance Abuse Services may study the topics
3 listed in this Part and report its findings, together with any recommended legislation, to
4 the 2007 General Assembly upon its convening.

5 **SECTION 14.2.** Mental Health Parity (H.B. 893 – Alexander) – The
6 Committee may study issues related to mental health parity.

7 **SECTION 14.3.** Funding for Area and County Program Administration
8 (Holloman) – The Committee may, in consultation with the Department of Health and
9 Human Services, conduct an analysis of funding for administration for area and county
10 mental health, developmental disabilities, and substance abuse services programs.

11
12 **PART XV. STUDY COMMISSION ON STATE CONSTRUCTION**
13 **INSPECTIONS (Owens; S.B. 192 – Hagan)**
14

15 **SECTION 15.1.** There is created the Legislative Study Commission on State
16 Construction Inspections. The Commission shall consist of 14 members appointed as
17 follows:

- 18 (1) Five voting members appointed by the Speaker of the House of
19 Representatives, one of whom is also a member of the Higher
20 Education Bond Oversight Committee.
- 21 (2) Five voting members appointed by the President Pro Tempore of the
22 Senate, one of whom is also a member of the Higher Education Bond
23 Oversight Committee.
- 24 (3) Four nonvoting ex officio members as follows or their designees: the
25 Commissioner of Labor, the Commissioner of Insurance, the Secretary
26 of Administration, and the Secretary of Health and Human Services.

27 The Speaker of the House of Representatives and the President Pro Tempore
28 of the Senate shall each appoint a cochair for the Commission. The appointing authority
29 shall fill vacancies. The Commission shall meet upon the call of the cochairs.

30 **SECTION 15.2.** The Commission shall study the following:

- 31 (1) The scope and nature of each type of inspection of private and public
32 construction projects performed or required by State agencies.
- 33 (2) The extent to which State inspections overlap with inspections
34 performed by local governments.
- 35 (3) The total cost of the State's inspection of public and private
36 construction projects.
- 37 (4) The comparative efficiencies and efficacies of each type of inspection
38 of private and public construction projects performed or required by
39 State agencies to determine whether:
 - 40 a. The inspections can be combined to save the costs of
41 administration and to limit any hardships on public and private
42 entities engaged in construction projects.
 - 43 b. Any inspections should be otherwise modified in scope or
44 eliminated.

(5) The level of training of the various inspectors in the State agencies and whether the training is satisfactory for the types of inspections performed.

(6) Whether changes in the process to review plans submitted to and approved by the Commissioner of Insurance and the Department of Administration could enhance cost savings and promotion of one-time completion of projects.

(7) Any other matter related to increasing the efficiency and efficacy of the State's inspection of public and private construction projects.

SECTION 15.3. The Commission may contract for consultant services as provided by G.S. 120-32.02. Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of the House of Representatives' and the Senate's Directors of Legislative Assistants. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. Members of the Commission shall receive per diem, subsistence, and travel allowances at the rate established in accordance with G.S. 120-3.1, 138-5, and 138-6, as appropriate. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them, and the power to subpoena witnesses.

SECTION 15.4. The Commission may report its findings, conclusions, and recommendations, including any legislative proposals by the convening of the 2007 General Assembly. The Commission shall expire on that date, or upon filing its final report, whichever occurs earlier.

SECTION 15.5. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission established by this Part.

PART XVI. MERGER OF ECOLOGICAL ENHANCEMENT PROGRAM AND THE CLEAN WATER MANAGEMENT TRUST FUND (Jenkins)

SECTION 16. The Environmental Review Commission and the Joint Legislative Transportation Oversight Committee shall jointly study the merger of the organization and functions of the Ecological Enhancement Program with the Clean Water Management Trust Fund. The Commission and the Committee may hire consultants to assist with the study. The final report shall be made to the 2007 General Assembly.

PART XVII. STUDY COMMISSION ON STATE DISABILITY INCOME PLAN AND OTHER RELATED PLANS

SECTION 17.1. There is established a Study Commission on the State Disability Income Plan and Other Related Plans.

SECTION 17.2. The Commission shall be comprised of 13 members as follows:

- (1) Four persons appointed by the President Pro Tempore of the Senate, one of whom shall be familiar with disability issues relating to State employees, one of whom shall be familiar with disability issues relating to school employees, one of whom shall be familiar with workers' compensation issues relating to State employees or school employees, and one at-large.
- (2) Four persons appointed by the Speaker of the House of Representatives, one of whom shall be familiar with disability issues relating to State employees, one of whom shall be familiar with disability issues relating to school employees, one of whom shall be familiar with workers' compensation issues relating to State employees or school employees, and one at-large.
- (3) The State Treasurer or the Treasurer's designee.
- (4) The Executive Administrator of the Teachers' and State Employees' Comprehensive Major Medical Plan.
- (5) The Chair of the North Carolina Industrial Commission or the Chair's designee.
- (6) One person appointed by the President of The University of North Carolina who is familiar with disability issues relating to university employees.
- (7) One person appointed by the President of the North Carolina Community Colleges System who is familiar with disability issues relating to community college employees.

Any vacancy shall be filled by the officer who made the original appointment. The President Pro Tempore of the Senate and the Speaker of the House shall each appoint a co-chair. The Commission shall meet at the call of the co-chairs.

SECTION 17.3. The Commission shall study the plan design, funding, and administration of the Disability Income Plan of North Carolina established pursuant to Article 6 of Chapter 135 of the General Statutes, the Death Benefit Plan established pursuant to G.S. 135-5(l), and the Separate Insurance Benefits Plan for State and Local Governmental Law Enforcement Officers established pursuant to G.S. 143-166.60 to determine what changes, if any, should be made to those Plans. The Commission shall consider what changes could be made to the Plans that would enhance the efficiency of and reduce the cost of the Plans to the State and its employees.

SECTION 17.4. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall designate cochairs of the Commission from among their respective appointees. The Commission shall meet upon the call of the cochairs. Members of the Commission shall receive per diem, subsistence, and travel allowance in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The

Commission, while in the discharge of official duties, may exercise all powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

SECTION 17.5. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

SECTION 17.6. The Commission shall employ an actuary with expertise in the areas of disability income insurance and group life insurance to assist the Commission in its work pursuant to the procedure set forth in G.S. 120-32.02. This actuary shall not be a State employee or a person currently under contract with the State to provide services. If necessary, the Commission may hire other employees as provided in G.S. 120-32.02.

SECTION 17.7. The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 17.8. The Commission shall submit a report of the results of its study, including any legislative recommendations, to the General Assembly not later than January 1, 2007.

SECTION 17.9. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART XVIII. STUDY NO-FAULT COMPENSATION FOR INJURIES TO ELDERLY AND DISABLED PERSONS (S.B. 1041 – Clodfelter)

SECTION 18. The Commissioner of Insurance, the North Carolina Industrial Commission, and the Department of Health and Human Services may jointly study the utility, efficacy, and advisability of creating a system of no-fault compensation, with such compensation based on scheduled amounts and subject to limits on total compensation paid, for injuries resulting from regular and ordinary course of care provided at nursing homes, homes for the elderly, other long-term care facilities, and assisted living facilities. If the study is conducted, the results of this study, including findings and recommendations for suggested legislation, shall be reported to the 2007 General Assembly upon its convening.

PART XIX. UNC BOARD OF GOVERNORS STUDY COMMISSION

SECTION 19.1. There is created the UNC Board of Governors Study Commission. The Commission shall consist of 10 members appointed as follows: five by the President Pro Tempore of the Senate and five by the Speaker of the House of Representatives. The Speaker of the House of Representatives shall appoint a cochair,

1 and the President Pro Tempore of the Senate shall appoint a cochair for the
2 Commission. Vacancies on the Commission shall be filled by the appointing authority.
3 The Commission shall meet upon the call of the cochairs. A majority of the members of
4 the Commission shall constitute a quorum.

5 **SECTION 19.2.** The Commission shall continue the work of prior UNC
6 Board of Governors Study Commissions and study the method of election or
7 appointment of members of the Board of Governors, the length of members' terms, the
8 number of terms a member may serve, and the size of the Board of Governors. As part
9 of the study, the Commission may examine the governing boards of other states'
10 institutions of higher education. The Commission shall report its findings and any
11 recommendations to the 2007 General Assembly. The Commission shall terminate
12 upon the filing of its final report.

13 **SECTION 19.3.** Members of the Commission shall receive per diem,
14 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
15 appropriate.

16 **SECTION 19.4.** Subject to the approval of the Legislative Services
17 Commission, the Commission may meet in the State Legislative Building or the
18 Legislative Office Building. The Legislative Services Commission, through the
19 Legislative Services Officer, shall assign professional staff to assist in the work of the
20 Commission. The House of Representatives' and the Senate's Directors of Legislative
21 Assistants shall assign clerical staff to the Commission, and the expenses relating to the
22 clerical employees shall be borne by the Commission. The Commission, while in the
23 discharge of its official duties, may exercise all the powers provided under the
24 provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the
25 power to request all officers, agents, agencies, and departments of the State to provide
26 any information, data, or documents within their possession, ascertainable from their
27 records, or otherwise available to them and the power to subpoena witnesses.

28 **SECTION 19.5.** Of the funds appropriated to the General Assembly, the
29 Legislative Services Commission shall allocate funds to implement the provisions of
30 this Part.

31
32 **PART XX. JOINT LEGISLATIVE COMMISSION ON HEALTH INSURANCE**
33 **ACCESSIBILITY (Kerr)**
34

35 **SECTION 20.1.** There is established in the General Assembly a Joint
36 Legislative Commission on Health Insurance Accessibility.

37 **SECTION 20.2.** Membership. – The Commission shall be composed of 16
38 members as follows:

- 39 (1) Eight members of the House of Representatives appointed by the
40 Speaker of the House of Representatives.
41 (2) Eight members of the Senate appointed by the President Pro Tempore
42 of the Senate.

43 Vacancies on the Commission shall be filled by the appointing authority.
44 Cochairs of the Commission shall be designated by the Speaker of the House of

Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the cochairs.

SECTION 20.3. The Commission shall study the legal, fiscal, and policy implications of various means of increasing accessibility to health insurance. The Commission may study the creation of a North Carolina Health Insurance Risk Pool (H.B. 1535 – Insko, Holliman) and a North Carolina Fair Share Health Insurance Access Program (H.B. 2860 – Holliman).

The study shall specifically address strategies for increasing accessibility to health insurance by small employer groups, self-employed individuals, and individuals who are employed but uninsured. The study of small employer access shall include the following:

- (1) A review of the number of small employers (50 or fewer employees) in this State, grouped by industry and volume of business; the number of small employers that offer comprehensive health insurance coverage to their employees; and the average premium charged for comprehensive health insurance coverage available to small employer groups in this State, as compared to premiums for comparable coverage in the Southeast region and other areas of the United States.
- (2) A review of the participation rates, premiums and cost-sharing, and coverage options offered under the North Carolina Small Employer Group Health Coverage Reform Act, Part 5, Article 50 of Chapter 58 of the General Statutes.
- (3) An analysis of the Healthy New York Program administered by the State of New York, or similar program, that combines the provision of a standardized, streamlined benefit package with state-funded reinsurance in the form of a stop-loss fund that would reimburse insurers for the costs of claims within a defined claims corridor. In conducting the analysis the Commission shall review and consider the proposed committee substitute for Senate Bill 255, 2005 Regular Session of the General Assembly. The analysis shall also review the amount in state funds appropriated for the Healthy New York Program since its inception, and corresponding participation rates by employers and eligible individuals.
- (4) An analysis of providing additional tax benefits for small businesses that provide health insurance coverage for their employees.

SECTION 20.4. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Legislative Services Office shall provide adequate staff for the Commission. The Commission may hire consultants to assist with the study as provided in G.S. 120-32.02(b). The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the

power to subpoena witnesses. The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 20.5. The Commission shall make a final report of its findings and recommendations to the 2007 General Assembly. The interim report may and the final report shall include findings and recommendations on:

- (1) Whether the State should provide for the implementation of a small employer health insurance program that is supported with State funds to ensure comprehensive coverage and affordability for small employer groups, self-employed individuals, and employed but uninsured individuals. If the Commission recommends implementation, the recommendation should specifically address strategies for avoiding adverse selection and crowd-out, eligibility factors such as family income, limitations on claims thresholds and corridors for stop-loss coverage, benefit levels and limitations, and the feasibility and advisability of establishing a State high-risk pool.
- (2) An estimate of the cost to the State to support stop-loss coverage, high-risk coverage, or other approaches to ensuring small employer health insurance access and affordability.
- (3) Other findings and recommendations relevant to the purposes of the study.

The Commission shall terminate upon the filing of its final report or the adjournment of the 2007 General Assembly.

SECTION 20.6. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission established by this part.

PART XXI. STATE FACILITIES MASTER PLAN/DIX COMPLEMENTARY USES

SECTION 21. The Dorothea Dix Hospital Property Study Commission shall study and make recommendations regarding the following:

- (1) Balancing complementary public uses of open space, the adaptive re-use of existing facilities, and continued support for mental health services.
- (2) The financial feasibility of the various uses.
- (3) An assessment of financial mechanisms for the implementation and maintenance of the various uses.
- (4) Administrative or governance structures to implement the uses.

The Commission shall report its findings and recommendations to the 2007 General Assembly by January 31, 2007.

PART XXII. COMPENSATION OF STATE ELECTED AND APPOINTED OFFICIALS STUDY COMMISSION (Rand)

1
2 **SECTION 22.1.** There is established the Compensation of State Elected and
3 Appointed Officials Study Commission.

4 **SECTION 22.2.** The Commission shall consist of 15 members appointed as
5 follows:

- 6 (1) Two members of the Senate appointed by the President Pro Tempore
7 of the Senate.
- 8 (2) Two members of the House of Representatives appointed by the
9 Speaker of the House of Representatives.
- 10 (3) Three members appointed by the President Pro Tempore of the Senate
11 who are representatives of private business with experience in
12 evaluating and establishing compensation for management and
13 executives.
- 14 (4) Three members appointed by the Speaker of the House of
15 Representatives who are representatives of private business with
16 experience in evaluating and establishing compensation for
17 management and executives.
- 18 (5) Five members appointed by the Governor. In making the
19 appointments, the Governor shall consider representatives of private
20 business with experience in evaluating and establishing compensation
21 for management and executives.

22 The Commission shall have two cochair, one designated by the President Pro Tempore
23 of the Senate and one designated by the Speaker of the House of Representatives from
24 among their respective appointees. The Commission shall meet upon the call of the
25 cochair. Any vacancy on the Commission shall be filled by the original appointing
26 authority.

27 **SECTION 22.3.** The following State elected and appointed officials shall be
28 included in the study by the Commission: the Governor and Lieutenant Governor; the
29 Council of State; the Governors Cabinet; Members of the General Assembly; Justices of
30 the Supreme Court, Judges of the Court of Appeals, Judges of the Superior Court, and
31 Judges of the District Court.

32 **SECTION 22.4.** The Commission shall study the matters that impact
33 compensation and benefits for State elected and appointed officials and may include the
34 following:

- 35 (1) Whether the annual compensation for State elected and appointed
36 officials is equivalent to the compensation paid to comparable
37 members of private businesses in the State.
- 38 (2) Whether the annual compensation for State elected and appointed
39 officials is at a sufficient level to continue to attract highly qualified
40 individuals to commit to public service to the State without requiring
41 those individuals to experience direct financial hardships.
- 42 (3) The impact of inflationary forces on that compensation.

(4) The effect, where appropriate, of comparable positions in the United States Government and the inclusion of established adjustments and increases in the compensation of comparable federal positions.

(5) Whether the compensation and benefits, including family leave policies, are competitive for State elected and appointed officials as compared to comparable positions in the private sector.

(6) Actions that would attract and retain State elected and appointed officials with special experience, management and leadership positions in the private sector for comparable State elected and appointed positions.

(7) Any other matters relating to the compensation of State elected and appointed officials.

SECTION 22.5. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. Upon the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to the Commission to aid in its work. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

SECTION 22.6. The Commission shall make its findings and recommendations in a final report to the 2007 General Assembly upon its convening. The Commission shall terminate upon the filing of its final report.

SECTION 22.7. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the purpose of conducting the study provided for in this part.

PART XXIII. DEPARTMENT OF CULTURAL RESOURCES STUDY GRAVEYARD OF THE ATLANTIC MUSEUM

SECTION 23. The Department of Cultural Resources shall study the feasibility of designating the Graveyard of the Atlantic Museum as a State Historic Site or a Grassroots Science Museum. The Department shall submit the results of its study to the 2007 General Assembly upon its convening.

PART XXIV. JOINT LEGISLATIVE OVERSIGHT COMMISSION ON INFORMATION TECHNOLOGY STUDIES (Tolson, Malone)

SECTION 24.1. There is established the Legislative Study Commission on Information Technology. The Commission shall consist of 14 members, appointed as follows:

- (1) Five members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Five members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (3) Two members of the general public with experience in information technology appointed by the President Pro Tempore of the Senate.
- (4) Two members of the general public with experience in information technology appointed by the Speaker of the House of Representatives.

Vacancies in membership shall be filled by the original appointing authority. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

SECTION 24.2. The Commission shall review the newly revised North Carolina Education Technology Plan developed by the North Carolina State Board of Education. The Commission's review shall also include best practices for using technology to enhance teaching and learning in North Carolina schools. The Commission shall review existing research-based best practices such as the IMPACT model, NC Wise Owl, and successful 1:1 (computer to student) initiatives across the State and nation. The Commission shall receive recommendations from the Business and Education Technology Alliance, the E-Learning Commission, the business community, and the North Carolina Center for 21st Century Skills.

SECTION 24.3. The Commission, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 24.4. The Commission shall submit a final written report of its findings and recommendations by February 1, 2007. All reports shall be filed with the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 24.5. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission established by this part.

**PART XXV. HISTORICALLY UNDERUTILIZED BUSINESS
CERTIFICATION TASK FORCE (Dorsett)**

SECTION 25.1. Task Force Established; Membership. – The Department of Administration shall establish a Historically Underutilized Business Task Force. The Task Force shall consist of 15 members as follows:

- (1) One member appointed by the North Carolina League of Municipalities.
- (2) One member appointed by the North Carolina Association of County Commissioners.
- (3) One member appointed by the North Carolina School Boards Association.
- (4) One member appointed by the North Carolina Institute for Minority Economic Development.
- (5) Three members appointed by the North Carolina Minority and Women's Business Enterprise Coordinator's Network.
- (6) Eight members appointed by the Office of Historically Underutilized Business, two of whom shall be representatives of the Office, one of whom shall be a minority business owner, one of whom shall be a female business owner, one of whom shall be a disabled business owner, and three of whom shall be public members.

Vacancies in membership shall be filled as provided in this section.

SECTION 25.2. Cochairs; Meetings. – The Task Force shall have two cochairs appointed by the Secretary of Administration from among the members of the Task Force. The Task Force shall meet at least quarterly upon the call of the cochairs.

SECTION 25.3. Quorum; Voting. – A quorum of the Task Force shall consist of five members. All action shall be taken by a majority vote.

SECTION 25.4. Duties. – The Task Force shall propose criteria and procedures for: (i) the certification of businesses under G.S. 143-48 and G.S. 143-128.2 as Historically Underutilized Businesses; (ii) the creation and maintenance of a database of the businesses certified; and (iii) any other matters related to the certification of businesses as authorized in this section. In determining ownership of a business for purposes of certification, the Task Force shall use the definitions provided in G.S. 143-48 and G.S. 143-128.2.

SECTION 25.5. Support. – The Department of Administration shall provide meeting facilities and staff support for the Task Force. The Task Force may also seek other assistance, including technical, business, and managerial assistance.

SECTION 25.6. Report. – The Task Force shall report its proposed criteria and procedures to the Secretary of Administration on or before November 1, 2007, at which time the Task Force shall terminate.

PART XXVI. SMART START AND CHILD CARE FUNDING STUDY (Hagan)

1 **SECTION 26.1.** There is established a Smart Start and Child Care Funding
2 Study Commission.

3 **SECTION 26.2.** The Commission shall be composed of 15 members as
4 follows:

- 5 (1) Four members of the Senate appointed by the President Pro Tempore
6 of the Senate.
- 7 (2) Four members of the House of Representatives appointed by the
8 Speaker of the House of Representatives.
- 9 (3) A representative of the North Carolina Partnership for Children
10 appointed by the President Pro Tempore of the Senate.
- 11 (4) The Secretary of the Department of Health and Human Services or the
12 Secretary's designee.
- 13 (5) A Department of Social Services County Director appointed by the
14 Speaker of the House of Representatives.
- 15 (6) A Department of Public Health County Director appointed by the
16 President Pro Tempore of the Senate.
- 17 (7) A representative of a Local Partnership for Children appointed by the
18 Speaker of the House of Representatives.
- 19 (8) One representative from a private for-profit day care appointed by the
20 President Pro Tempore of the Senate and one representative from a
21 private not-for-profit day care appointed by the Speaker of the House
22 of Representatives.

23 Any vacancy on the Commission shall be filled by the appointing authority.
24 CochaIRS of the Commission shall be designated by the President Pro Tempore of the
25 Senate and the Speaker of the House of Representatives from among their respective
26 appointees. The Commission shall meet upon the call of the cochaIRS.

27 **SECTION 26.3.** The Commission shall invite the Secretary of Health and
28 Human Services to attend each meeting of the Commission and encourage the
29 Secretary's participation in the Commission's deliberations.

30 **SECTION 26.4.** The Commission shall study the funding of the North
31 Carolina Partnership for Children. In conducting the study, the Commission shall
32 consider the following:

- 33 (1) The current funding system of the North Carolina Partnership for
34 Children.
- 35 (2) Any strategies for achieving full funding and full service for North
36 Carolina's young children and families.
- 37 (3) Funding equity among all counties and local partnerships.
- 38 (4) Any other information the Commission deems relevant in providing
39 services to young children and families including child care services.

40 **SECTION 26.5.** Members of the Commission shall receive per diem,
41 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
42 appropriate. Upon the prior approval of the Legislative Services Commission, the
43 Legislative Services Officer shall assign professional staff to the Commission to aid in
44 its work. The Commission may contract for professional, clerical, or consultant services

as provided by G.S. 120-32.02. The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

SECTION 26.6. The Commission shall make its findings and recommendations in a final report to the 2007 General Assembly. Upon the earlier of the filing of its final report or the convening of the 2007 General Assembly, the Commission shall terminate.

SECTION 26.7. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the purpose of conducting the study provided for in this part.

PART XXVII. STUDY COMMISSION ON ECONOMIC DEVELOPMENT INFRASTRUCTURE

SECTION 27.1. There is created the Study Commission on Economic Development Infrastructure. The Commission shall consist of 32 members as follows:

- (1) Sixteen members appointed by the President Pro Tempore of the Senate.
- (2) Sixteen members appointed by the Speaker of the House of Representatives.

SECTION 27.2. At least half of the members appointed to the Commission by the President Pro Tempore of the Senate, and at least half of the members appointed to the Commission by the Speaker of the House of Representatives shall be persons who are not members of the General Assembly and who are either actively engaged in economic development or C-Level Executives of private corporations.

SECTION 27.3. The President Pro Tempore of the Senate shall appoint two cochair of the Commission, and the Speaker of the House of Representatives shall appoint two cochair of the Commission. The Commission may meet at any time upon the joint call of the cochair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment.

SECTION 27.4. The Commission shall examine the existing infrastructure for the delivery of economic development, including the many entities involved in economic development. The Commission shall develop a plan to restructure and consolidate the infrastructure for the delivery of economic development to improve its

1 organization and effectiveness. The Commission shall specifically examine the role of
2 the following in the delivery of economic development:

3 (1) The Department of Commerce.

4 (2) The regional councils of government created pursuant to
5 G.S. 160A-470.

6 (3) The Economic Development Board created pursuant to
7 G.S. 143B-434. The Commission shall consider whether the Economic
8 Development Board, which is currently advisory in nature, should be
9 reconstituted and given responsibility for policy development or
10 regulatory authority.

11 (4) The regional planning and economic development commissions
12 created pursuant to Article 2 of Chapter 158 of the General Statutes.
13 The Commission shall consider whether regional planning and
14 economic development commissions should be given greater
15 responsibility for marketing and business recruitment.

16 **SECTION 27.5.** The Commission may also examine the feasibility of
17 establishing a North Carolina Economic Disaster Task Force.

18 **SECTION 27.6.** The Commission, while in the discharge of its official
19 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
20 through G.S. 120-19.4. The Commission may contract for professional, clerical, or
21 consultant services as provided by G.S. 120-32.02.

22 **SECTION 27.7.** Subject to the approval of the Legislative Services
23 Commission, the Commission may meet in the Legislative Building or the Legislative
24 Office Building. The Legislative Services Commission, through the Legislative Services
25 Officer, shall assign professional staff to assist the Commission in its work. The House
26 of Representatives' and the Senate's Directors of Legislative Assistants shall assign
27 clerical support staff to the Commission, and the expenses relating to the clerical
28 employees shall be borne by the Commission. Members of the Commission shall
29 receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or
30 138-6, as appropriate.

31 **SECTION 27.8.** The Commission shall submit a final report of its findings
32 and recommendations, including any legislative recommendations, to the 2007 General
33 Assembly upon its convening. The Commission shall terminate upon the convening of
34 the 2007 General Assembly.

35 **SECTION 27.9.** Of the funds appropriated to the General Assembly, the
36 Legislative Services Commission shall allocate funds for the expenses of the
37 Commission established by this part.

38 39 **PART XXVIII. TRAINING NEEDS OF THE MOTORSPORTS INDUSTRY**

40
41 **SECTION 28.** The State Board of Community Colleges (State Board) shall
42 study the issues surrounding the creation of a modern multiuse motorsports specialized
43 training program and the training needs of the motorsports industry. In conducting the
44 study, the State Board shall create a consortium of community colleges to address the

1 training needs of industry members and to direct training programs to meet those needs.
2 The consortium members shall consist of Catawba Valley Community College, Central
3 Piedmont Community College, Davidson Community College, Forsyth Technical
4 Community College, Halifax Community College, Rowan-Cabarrus Community
5 College, and Wilkes Community College. Forsyth Technical Community College shall
6 be the lead community college in the consortium for management and operations
7 purposes. The consortium of community colleges shall focus its training efforts to
8 provide specialized motorsports workforce training and to help create new jobs at the
9 Advanced Vehicle Research Center located in Northampton County. If the motorsports
10 industry finds that additional training at the university level would be beneficial to the
11 industry, the State Board may work with the Board of Governors of The University
12 of North Carolina and motorsports industry to determine how to best meet those needs.
13 The State Board shall report its findings and recommendations, including any legislative
14 proposals, to the Joint Legislative Education Oversight Committee on or before
15 February 1, 2007.

16 17 **PART XXIX. INLAND PORT (Dalton)**

18
19 **SECTION 29.** The Institute for the Economy and the Future of Western
20 North Carolina University, in cooperation with the North Carolina Regional Economic
21 Development Commission, known as AdvantageWest, shall study the feasibility of
22 establishing an inland port within the twenty three county region of the Commission.
23 The Commission shall complete the report and submit it to the General Assembly on or
24 before May 1, 2007.

25 26 **PART XXX. STUDY MITIGATION OF POTENTIAL FLOODING IN CERTAIN** 27 **AREAS (H.B. 24 – Gillespie; Goforth, Rapp)**

28
29 **SECTION 30.** The Department of Environment and Natural Resources shall
30 study the causes of the flooding in Canton, Biltmore Village, Blue Ridge Paper
31 Company, and the City of Newland to determine what measures can be taken to prevent
32 or mitigate the flooding potential in those areas. The Department may request the
33 assistance of the United States Army Corps of Engineers in this study. The Department
34 of Environment and Natural Resources shall report its findings to the 2007 General
35 Assembly.

36 37 **PART XXXI. STUDY THE ORGANIZATION OF THE GENERAL COURT OF** 38 **JUSTICE INTO DISTRICTS AND DIVISIONS (S.B. 173 – Bingham)**

39
40 **SECTION 31.** The North Carolina Courts Commission shall study the
41 current state of the General Court of Justice, focusing on workloads, case backlogs, and
42 other issues relevant to the efficient administration of justice and determine whether the
43 current organization of the State into judicial divisions, superior court districts, district
44 court districts, and prosecutorial districts is in need of revision or adjustment in order to

1 better serve the interests of justice. The Commission shall report its findings and
2 recommendations to the 2007 General Assembly.

3
4 **PART XXXII. STUDY INHERENTLY DANGEROUS ANIMALS (S.B. 1032 –**
5 **Garwood)**

6
7 **SECTION 32.1.** The Department of Environment and Natural Resources, in
8 consultation with the North Carolina Zoological Park and the Wildlife Resources
9 Commission, shall study the need to protect the public against the health and safety
10 risks posed by inherently dangerous animals and propose a means of best providing that
11 protection to the public while also protecting the welfare of inherently dangerous
12 animals. In developing recommendations, the Department shall consult with the
13 following entities or groups, or appropriate representatives of those entities or groups:

- 14 (1) The Department of Agriculture and Consumer Services.
15 (2) The Division of Public Health of the Department of Health and Human
16 Services.
17 (3) The North Carolina State University College of Veterinary Medicine.
18 (4) The State Animal Response Team.
19 (5) Local law enforcement officials.
20 (6) Local animal control officials.
21 (7) Wild animal breeders.
22 (8) Exotic pet hobbyists.
23 (9) Commercial pet retailers.
24 (10) Small zoo owners.
25 (11) Humane organizations.
26 (12) Any other entities or groups whose interests may be affected by
27 proposed regulations.

28 **SECTION 32.2.** The Department shall report its findings to the General
29 Assembly no later than the convening of the 2007 General Assembly.

30 **SECTION 32.3.** The report made by the Department of Environment and
31 Natural Resources shall include:

- 32 (1) A list of the types of animals that possess such inherently dangerous
33 characteristics that they should not be owned or possessed by persons
34 who do not have special expertise or training, and a determination as to
35 whether these animals should be grouped into classes for differential
36 treatment based upon the nature and extent of the threat they pose to
37 the public. This list should also include information about the nature of
38 the dangers posed by each type of animal.
39 (2) A suggested means for regulating ownership of certain animals,
40 including a means of enforcing any proposed restrictions on the
41 ownership or possession of those animals. This portion of the report
42 may include an evaluation of regulations in place in other jurisdictions
43 that have proven to be effective in protecting the public from
44 inherently dangerous animals.

- (3) A plan for addressing inherently dangerous animals that are indigenous species within the jurisdiction of the Wildlife Resources Commission under Article 22 of Chapter 113 of the General Statutes and a consideration as to whether any potential legislation should broadly address the keeping of any wildlife as pets, whether indigenous or not and whether inherently dangerous or not. This portion of the report should result from extensive consultation with the Wildlife Resources Commission.
- (4) A recommendation as to whether persons owning or possessing animals covered by any proposed restrictions should be grandfathered in under a regulatory scheme and the appropriate means of grandfathering those persons in, including consideration of whether certain animals are so threatening to the public safety that the grandfathering of untrained owners or possessors should not be allowed under any circumstances.
- (5) A recommended list, as comprehensive as possible, of persons and entities that should be exempted from the proposed restrictions on ownership or possession of the animals covered by any proposed restrictions, such as zoos, veterinary hospitals, wildlife sanctuaries, research institutions, and the like.

PART XXXIII. STATE FAIR HOUSING ACT STUDY (Kinnaird)

SECTION 33. The North Carolina Human Relations Commission shall study whether the State Fair Housing Act should be amended to make it an unlawful discriminatory housing practice to refuse to enter into a residential real estate transaction with a person based upon the fact that the person receives public assistance due to age or physical or mental disability. In studying this issue, the Commission shall review the laws of other states related to housing discrimination and determine the extent to which certain forms of public assistance are protected under those laws. While conducting the study, the Commission shall consult with representatives from the residential real estate and residential rental community. The Commission shall report its findings and any recommendations to the 2007 General Assembly upon its convening.

PART XXXIV. STUDY YOUTHFUL OFFENDERS (H.B. 1298 – Bordsen)

SECTION 34.1. The North Carolina Sentencing and Policy Advisory Commission may study issues related to the conviction and sentencing of youthful offenders aged 16 to 21 years, to determine whether the State should amend the laws concerning these offenders, including, but not limited to, revisions of the Juvenile Code and/or the Criminal Procedure Act that would provide appropriate sanctions, services, and treatment for such offenders. In conducting the study, the Commission may review the laws concerning juveniles and youthful offenders from the federal government, other states, and the relevant North Carolina laws and programs. The Commission shall

consult with the Department of Correction, the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Public Instruction in conducting the study.

SECTION 34.2. The Commission shall submit a final report, along with any recommended legislation, by March 1, 2007, to the 2007 General Assembly.

**PART XXXV. ADMINISTRATIVE OFFICE OF THE COURTS STUDY
SELF-SERVE CENTERS (Rand)**

SECTION 35. The Administrative Office of the Courts, in consultation with the North Carolina Bar Association, the North Carolina Legal Services Planning Council, Legal Aid of North Carolina, Inc., the North Carolina Justice Center, and Pisgah Legal Services shall study the most effective way to address the increasing numbers of persons who either cannot afford representation or choose to represent themselves in family law matters and in some civil litigation. The Administrative Office of the Courts shall report the results of this study to the House and Senate Appropriations Subcommittees on Justice and Public Safety no later than December 31, 2007.

**PART XXXVI. STUDY OF RATE-SETTING METHODOLOGY FOR
STATE-FUNDED KIDNEY DIALYSIS (H.B. 1725 – Earle)**

SECTION 36. The Department of Health and Human Services may study its rate setting methodology for State-funded kidney dialysis services to determine the feasibility of inflationary increases that correspond to rate and inflationary increases provided for equivalent Medicaid services. If the study is conducted, the Department shall report its findings to the House of Representatives Appropriations Committee and the Senate Appropriations Committee by May 1, 2007.

PART XXXVII. MENHADEN STUDY (H.B. 955 – Stiller)

SECTION 37. The Joint Legislative Commission on Seafood and Aquaculture may study the management of menhaden and Atlantic thread herring, including whether it should be unlawful to take menhaden or Atlantic thread herring with a purse seine off the shore of Brunswick and New Hanover Counties during all or part of each year. If the study is conducted, the Commission shall report its findings and recommendations, including any legislative proposals, to the 2007 General Assembly.

**PART XXXVIII. CONTINUE TWENTY-FIRST CENTURY REVENUE
SYSTEM STUDY COMMISSION (Daughtridge, McGee)**

SECTION 38. Section 46.7 of S.L. 2004-161 reads as rewritten:

1 "SECTION 46.7. Report. – The Commission may make an interim report to the
2 2005 2006 Regular Session of the 2005 General Assembly not later than its convening,
3 and must make its final report to the ~~2006 Regular Session of the 2005-2007~~ General
4 Assembly upon its convening. The Commission shall terminate the earlier of the filing
5 of its final report or upon the convening of the ~~2006 Regular Session of the 2005 2007~~
6 General Assembly."

7
8 **PART XXXIX. STUDY COMMISSION ON THE ORGANIZATION, POWERS,**
9 **DUTIES, FUNCTIONS, FUNDING, AND POTENTIAL CONSOLIDATION OR**
10 **ELIMINATION OF STATE BOARDS, COMMISSIONS, AND COUNCILS**
11 **(Harrell)**
12

13 **SECTION 39.1.** There is created the Study Commission on State Boards,
14 Commissions, and Councils. The Commission shall consist of 28 members as follows:

- 15 (1) 14 members appointed by the President Pro Tempore of the Senate.
16 (2) 14 members appointed by the Speaker of the House of
17 Representatives.

18 **SECTION 39.2.** The President Pro Tempore of the Senate shall appoint two
19 cochairs of the Commission and the Speaker of the House of Representatives shall
20 appoint two cochairs of the Commission. The Commission may meet at any time upon
21 the joint call of the cochairs. Vacancies on the Commission shall be filled by the same
22 appointing authority as made the initial appointment.

23 **SECTION 39.3.** The Commission shall examine the organization, powers,
24 duties, functions, and funding of State boards, commissions, and councils. The
25 Commission shall specifically consider the following:

- 26 (1) Whether the boards, commissions, or councils should be eliminated or
27 consolidated with one or more other boards, commissions, or councils.
28 (2) Whether the number of members serving on boards, commissions, and
29 councils or the manner in which members are selected should be
30 altered.
31 (3) Whether the number and frequency of meetings of boards,
32 commissions, and councils should be altered.
33 (4) The cost of supporting each board, commission, or council, including
34 salaries, per diem, travel, clerical and administrative support, and other
35 expenses.
36 (5) The productivity and effectiveness of the boards, commissions, and
37 councils.

38 **SECTION 39.4.** The Commission, while in the discharge of its official
39 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1
40 through G.S. 120-19.4. The Commission may contract for professional, clerical, or
41 consultant services as provided by G.S. 120-32.02.

42 **SECTION 39.5.** Subject to the approval of the Legislative Services
43 Commission, the Commission may meet in the Legislative Building or the Legislative
44 Office Building. The Legislative Services Commission, through the Legislative Services

Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 39.6. The Commission shall submit a final report of its findings and recommendations, including any legislative recommendations, to the 2007 General Assembly upon its convening. The Commission shall terminate upon the convening of the 2007 General Assembly.

SECTION 39.7. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission established by this part.

PART XL. STUDY COMMISSION ON WORKER RETRAINING (Harrell)

SECTION 40.1. There is created the Study Commission on Worker Retraining. The Commission shall consist of 32 members as follows:

- (1) 16 members appointed by the President Pro Tempore of the Senate.
- (2) 16 members appointed by the Speaker of the House of Representatives.

SECTION 40.2. At least half of the members appointed to the Commission by the President Pro Tempore of the Senate and at least half of the members appointed to the Commission by the Speaker of the House of Representatives shall be persons who are not members of the General Assembly and who are actively engaged in worker retraining or welfare reform as either private citizens, administrators of State agencies, or administrators or faculty at community colleges in the State.

SECTION 40.3. The President Pro Tempore of the Senate shall appoint two cochair of the Commission and the Speaker of the House of Representatives shall appoint two cochair of the Commission. The Commission may meet at any time upon the joint call of the cochair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment.

SECTION 40.4. The Commission shall examine:

- (1) Business incentives that encourage employers to support efforts by employees to retrain in order to qualify for higher paying or nonexportable jobs by allowing employees time off, reimbursing employees for education expenses, or providing other support.
- (2) Successful retraining incentive programs in this and other states.

SECTION 40.5. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

SECTION 40.6. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative

Office Building. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical support staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 40.7. The Commission shall submit a final report of its findings and recommendations, including any legislative recommendations, to the 2007 General Assembly upon its convening. The Commission shall terminate upon the convening of the 2007 General Assembly.

SECTION 40.8. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission established by this part.

PART XLI. LOCAL SCHOOL CONSTRUCTION FINANCING STUDY (Yongue)

SECTION 41.1. Section 7.32.(b) of S.L. 2004-124 reads as rewritten:

"SECTION 7.32.(b) Membership. – The Commission shall be composed of 2019 members, as follows:

- (1) ~~One member appointed by the Governor, after consultation with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, who shall serve as chair;~~
- (2) Eight members appointed by the President Pro Tempore of the Senate: two members of the Senate from urban areas, two members of the Senate from rural areas, one member representing a large, fast-growing, urban school administrative unit that is a plaintiff in the Leandro school-financing litigation, one member from the financial services industry, one county commissioner, and one educator;
- (3) Eight members appointed by the Speaker of the House of Representatives: two members of the House of Representatives from urban areas, two members of the House of Representatives from rural areas, one member representing a rural school administrative unit that is a plaintiff in the Leandro school-financing litigation, one member who is knowledgeable about municipal and school finance, one school board member, and one educator;
- (4) The State Treasurer or a designee;
- (5) The State Superintendent of Public Instruction or a designee; and
- (6) The chair of the State Board of Education.

Vacancies shall be filled by the appointing authority. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Commission."

SECTION 41.2. Section 7.32.(i) of S.L. 2004-124 reads as rewritten:

1 "SECTION 7.32.(i) Reports. – The Commission shall make an interim report to the
2 2005 General Assembly no later than January 31, 2005, and a final report to the 2006
3 2007 Regular Session of the 2005 General Assembly no later than March 31,
4 2006 Assembly. The final report shall contain recommendations for legislation to
5 implement recommendations made by the Commission. The interim report may also
6 contain recommendations for legislation. The Commission shall terminate on March 31,
7 2006 upon the filing of its final report."
8

9 **PART XLII. LEGISLATIVE STUDY COMMISSION ON STATE PERSONNEL**
10 **STATUTES**
11

12 **SECTION 42.** Section 5.1 of S.L. 2004-161 reads as rewritten:

13 "SECTION 5.1. The General Assembly may study issues related to the State
14 Personnel Act. The Speaker of the House of Representatives and the President Pro
15 Tempore of the Senate shall designate an appropriate committee to conduct the study.
16 The Committee may make an interim report to the 2005-2006 General Assembly and
17 shall make its final report to the 2006 Regular Session of the 2005-2007 General
18 Assembly."
19

20 **PART XLIII. DIVISION OF AIR QUALITY STUDY OF COSTS AND**
21 **BENEFITS OF REDUCING EMISSIONS OF OXIDES OF NITROGEN,**
22 **PARTICULATE MATTER, AND GREENHOUSE GASES FROM MOTOR**
23 **VEHICLES. (S.B. 1006 – Clodfelter)**
24

25 **SECTION 43.** The Division of Air Quality of the Department of
26 Environment and Natural Resources shall study the costs and benefits of reducing
27 emissions of oxides of nitrogen, particulate matter, and greenhouse gases from motor
28 vehicles in this State. In particular, the Division shall evaluate the desirability and air
29 quality benefits of adopting motor vehicle emissions standards adopted in other states.
30 The Division of Air Quality shall submit an interim report on its findings and
31 recommendations, including any legislative proposals, no later than January 15, 2007
32 and shall submit a final report no later than April 1, 2007 to the Environmental Review
33 Commission and the Legislative Commission on Global Climate Change.
34

35 **PART XLIV. DEPARTMENT OF HEALTH AND HUMAN SERVICES SURVEY**
36 **OF PHARMACY PROVIDERS PARTICIPATING IN THE MEDICAID**
37 **PROGRAM TO DETERMINE THE COST OF DISPENSING A MEDICAID**
38 **PRESCRIPTION (H.B. 2853 – England; Faison)**
39

40 **SECTION 44.** Not later than January 1, 2007, the Department of Health and
41 Human Services shall conduct a survey of pharmacy providers participating in the
42 Medicaid program to determine the cost of dispensing a Medicaid prescription in North
43 Carolina. In place of the survey, the Department of Health and Human Services may
44 use a recently conducted national survey of a statistically relevant sample of

1 pharmacies. The Department shall report its findings to the Senate Appropriations
2 subcommittee on Health and Human Services, the House of Representatives
3 Appropriations Subcommittee on Health and Human Services, and the Fiscal Research
4 Division not later than March 1, 2007.

5
6 **PART XLV. WATERFRONT ACCESS STUDY COMMITTEE (H.B. 1922 –**
7 **Wainwright, Justice; S.B. 1352 – Albertson)**

8
9 **SECTION 45.1.** There is created the Waterfront Access Study Committee.

10 **SECTION 45.2.** The Committee shall be comprised of 21 members as
11 follows:

- 12 (1) The Director of the Sea Grant College Program of The University of
13 North Carolina or the Director's designee.
- 14 (2) The Senate Cochair of the Joint Legislative Commission on Seafood
15 and Aquaculture or the Cochair's designee.
- 16 (3) The House Cochair of the Joint Legislative Commission on Seafood
17 and Aquaculture or the Cochair's designee.
- 18 (4) The Chair of the Marine Fisheries Commission or the Chair's designee.
- 19 (5) The Chair of the Coastal Resources Commission or the Chair's
20 designee.
- 21 (6) The Chair of the Wildlife Resources Commission or the Chair's
22 designee.
- 23 (7) The Director of the Division of Marine Fisheries or the Director's
24 designee.
- 25 (8) The Director of the Division of Coastal Management or the Director's
26 designee.
- 27 (9) The President of the North Carolina Recreation and Parks Association
28 or the President's designee. The individual who serves in this position
29 must also be a director of a public parks and recreation agency located
30 in a coastal region as described in G.S. 143B-289.54(b).
- 31 (10) A representative of a local government located in the Northeast
32 Coastal Region, as described by G.S. 143B-289.54(b), appointed by
33 the President Pro Tempore of the Senate.
- 34 (11) A representative of a local government located in the Central Coastal
35 Region, as described by G.S. 143B-289.54(b), appointed by the
36 Speaker of the House of Representatives.
- 37 (12) A representative of a local government located in the Southeast
38 Coastal Region, as described by G.S. 143B-289.54(b), appointed by
39 the President Pro Tempore of the Senate.
- 40 (13) An economist appointed by the Speaker of the House of
41 Representatives.
- 42 (14) A representative of the residential building industry who builds in a
43 coastal region as described in G.S. 143B-289.54(b), appointed by the
44 President Pro Tempore of the Senate.

- (15) A realtor licensed under Chapter 93A of the General Statutes, appointed by the Speaker of the House of Representatives.
- (16) An individual involved in economic development in a coastal region as described in G.S. 143B-289.54(b), appointed by the President Pro Tempore of the Senate.
- (17) A representative of the marine trades industry appointed by the Speaker of the House of Representatives.
- (18) A representative of the commercial fishing industry appointed by the President Pro Tempore of the Senate.
- (19) A representative of the recreational fishing industry appointed by the Speaker of the House of Representatives.
- (20) A social scientist appointed by the President Pro Tempore of the Senate.
- (21) A representative of the environmental community appointed by the Speaker of the House of Representatives.

The Director of the Sea Grant College Program of The University of North Carolina or the Director's designee shall be the Chair of the Committee. Any vacancy shall be filled by the original appointing authority. A quorum of the Committee shall be a majority of its members. The Committee shall meet upon the call of the Chair.

SECTION 45.3. The Committee, with the assistance of the Sea Grant College Program of The University of North Carolina and the North Carolina Coastal Resources Law, Planning, and Policy Center, shall study the degree of loss and potential loss of the diversity of uses along the coastal shoreline of North Carolina and how these losses impact access to the public trust waters of the State. Specifically, the Committee shall:

- (1) Gather information about local land-use management and zoning, current shoreline development trends, and local tax rates, including tax assessment trends for shoreline properties.
- (2) Collect research and information from North Carolina and other states and jurisdictions regarding incentive-based techniques and management tools used to preserve waterfront diversity.
- (3) Assess the applicability of such tools and techniques to the coastal shorelines of North Carolina.
- (4) Prepare a draft report with a statement of the issues, a summary of the research, and recommendations to address issues of diversity of waterfront use and access in North Carolina.
- (5) Hold three public meetings to present the draft report and recommendations to the public and user groups. One public meeting shall be held in each of the three coastal regions described by G.S. 143B-289.54(b).

SECTION 45.4. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. Upon the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional and clerical staff to the

Commission to aid in its work. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building. The Commission, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses.

SECTION 45.5. The Committee may submit an interim report of its study to the Joint Legislative Commission on Seafood and Aquaculture, the Marine Fisheries Commission, and the Coastal Resources Commission no later than January 15, 2007. The Committee shall submit a final report of the results of its study, including any legislative recommendations, to the Joint Legislative Commission on Seafood and Aquaculture, the Marine Fisheries Commission, and the Coastal Resources Commission no later than April 15, 2007. The Committee shall terminate on April 15, 2007, or upon the filing of its final report, whichever occurs first.

SECTION 45.6. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the purpose of conducting the study provided for in this act.

PART XLVI. GOVERNMENT PERFORMANCE AUDIT

SECTION 46.1. The Government Performance Audit Committee is established. The Committee shall be located administratively in the General Assembly. The Committee shall consist of 10 members appointed as follows: (i) five members of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and (ii) five members of the Senate shall be appointed by the President Pro Tempore of the Senate.

Terms on the Committee begin on August 1, 2006. A member continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment. The Committee and the terms of the members shall expire when the Committee submits a final report to the General Assembly.

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Committee. The Committee shall meet at least once a quarter upon the joint call of the cochairs. A quorum of the Committee is six members. No action may be taken except by a majority vote at a meeting at which a quorum is present.

From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the meetings of the Committee. Members of

the Committee shall receive subsistence and travel expenses as provided in G.S. 120-3.1.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Directors of Legislative Assistants of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

SECTION 46.2. The Committee shall contract for a performance audit of the executive branch of State government. The goals of the audit are to evaluate the efficiency and effectiveness of State government and to identify specific ways to make improvements. The audit may examine entire departments, agencies, or institutions, or similar programs in several departments. The results of the audit shall be reported on or before February 1, 2008.

The performance audit shall include an examination of the efficiency and effectiveness of major management policies, practices, and functions, including the following areas:

- (1) Planning, budgeting, and program evaluation policies and practices, including an analysis of the compliance of the executive branch with existing planning requirements, such as the Capital Improvement Planning Act, Article 1B of Chapter 143 of the General Statutes.
- (2) Personnel systems operations and management.
- (3) State purchasing operations and management.
- (4) Information technology and telecommunications systems policy, organization, and management.
- (5) Review of duplications and related or overlapping services or activities for the purpose of coordinating and streamlining programs to achieve consistent and clear objectives.

SECTION 46.3. The Committee shall issue a Request for Proposal (RFP) for a government performance audit to be conducted in accordance with this act. The Committee may award a contract pursuant to the RFP.

PART XLVII. STATE AND LOCAL REVENUE MODERNIZATION STUDY COMMISSION.

SECTION 47.1. The State and Local Revenue Modernization Study Commission is established.

SECTION 47.2. The Commission shall be composed of 30 members, as follows:

- (1) Fifteen members appointed by the Speaker of the House of Representatives as follows:
 - a. Five persons with substantial business experience.
 - b. Four persons who are members of the House of Representatives at the time of appointment.

- 1 c. Two persons who hold county or municipal elected office or are
- 2 county or city managers.
- 3 d. One person with experience in economic analysis.
- 4 e. Three members of the public at large.
- 5 (2) Fifteen members appointed by the President Pro Tempore of the
- 6 Senate as follows:
- 7 a. Five persons with substantial business experience.
- 8 b. Four persons who are members of the Senate at the time of
- 9 appointment.
- 10 c. Two persons who hold county or municipal elected office or are
- 11 county or city managers.
- 12 d. One person with experience in economic analysis.
- 13 e. Three members of the public at large.

14 The Commission shall have two cochair, one designated by the President Pro Tempore
15 of the Senate and one designated by the Speaker of the House of Representatives from
16 among their respective appointees. The Commission shall meet upon the call of the
17 cochair. Any vacancy on the Commission shall be filled by the original appointing
18 authority.

19 **SECTION 47.3.** The Commission shall:

- 20 (1) Examine State and local revenue-sharing and taxing authority.
- 21 (2) Review the existing State tax code and recommend ways to modernize
- 22 it.
- 23 (3) Examine the current authority of local government to levy taxes and
- 24 fees and recommend any changes in such authority.
- 25 (4) Recommend to the General Assembly needed changes in State and
- 26 local tax structure and sharing of revenues.
- 27 (5) Study and recommend a permanent financing strategy leading to the
- 28 elimination of county financial participation in Medicaid services.

29 **SECTION 47.4.** Members of the Commission shall receive subsistence and
30 travel allowances at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.
31 With the prior approval of the Legislative Services Commission, the Legislative
32 Services Officer shall assign professional and clerical staff to assist in the work of the
33 Commission. The University of North Carolina shall provide advice and staffing to the
34 Commission. Provision of such advice and staffing shall be coordinated through the
35 President of The University of North Carolina, utilizing appropriate resources of the
36 various constituent institutions. With the prior approval of the Legislative Services
37 Commission, the Commission may hold its meetings in the State Legislative Building or
38 the Legislative Office Building. The Commission may also meet at various locations
39 around the State in order to promote greater public participation in its deliberations.
40 The Commission, while in the discharge of its official duties, may exercise all the
41 powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through
42 G.S. 120-19.4, including the power to request all officers, agents, agencies, and
43 departments of the State to provide any information, data, or documents within their
44 possession, ascertainable from their records, or otherwise available to them and the

1 power to subpoena witnesses. The Commission may meet during a regular or extra
2 session of the General Assembly.

3 **SECTION 47.5.** The Commission shall report its finding and
4 recommendation to the 2007 Regular Session of the General Assembly no later than
5 May 1, 2007. The Commission shall terminate upon the filing of its final report

6 **SECTION 47.6.** Of the funds appropriated to the General Assembly, the
7 Legislative Services Commission shall allocate funds for the expenses of the
8 Commission established by this Part. Such allocation may be accomplished by transfer
9 of funds to the University of North Carolina. Funds appropriated to The University of
10 North Carolina may also be used to provide professional and clerical assistance as
11 provided by this Part.

12
13 **PART XLVIII. CHRONIC KIDNEY DISEASE TASK FORCE (Wright)**
14

15 **SECTION 48.1.** The North Carolina Institute of Medicine is requested to
16 convene a Task Force to study chronic kidney disease.

17 **SECTION 48.2.** If the Task Force is convened, the Secretary of Health and
18 Human Services or a designee shall serve as a Co-Chair of the Task Force. The other
19 Co-Chair shall be selected from the Task Force members. The Task Force shall include,
20 but not be limited, to the following members:

- 21 (1) Two members of the House of Representatives appointed by the
22 Speaker of the House of Representatives.
- 23 (2) Two members of the Senate appointed by the President Pro Tempore
24 of the Senate.
- 25 (3) Three physicians appointed from lists submitted by the North Carolina
26 Medical Society.
- 27 (4) One physician appointed from lists submitted by the Old North State
28 Medical Society.
- 29 (5) One member who represents the State affiliate of the National Kidney
30 Foundation.
- 31 (6) One member who is a representative of the Department of Nephrology
32 at each of the following medical schools: The University of North
33 Carolina at Chapel Hill School of Medicine, Duke University School
34 of Medicine, Bowman Gray School of Medicine at Wake Forest
35 University, and the Brody School of Medicine at East Carolina
36 University.
- 37 (7) One member who represents owners/operators of clinical laboratories
38 in the State.
- 39 (8) One member who represents a private renal care provider
- 40 (9) One member who is a dietitian licensed by the State of North Carolina.
- 41 (10) One member who is a registered nurse practicing in the renal field.
- 42 (11) One member who is a social worker practicing in the renal field.
- 43 (12) One member who has chronic kidney disease.

- (13) Four representatives from the Department of Health and Human Services, including one representative from Community Care of North Carolina, one representative from the Division of Public Health, Chronic Disease Branch, one representative from the Division of Facility Services, Certificate of Need section, and one representative from the Office of Minority Health and Health Disparities.

If the Task Force is convened, the North Carolina Institute of Medicine shall provide staff and arrange for meeting facilities for the Task Force.

SECTION 48.3. If the Task Force is convened, it shall develop a plan to:

- (1) Reduce the occurrence of chronic kidney disease by controlling the most common risk factors, diabetes and hypertension, through preventive efforts at the community level and disease management efforts in the primary care setting.
- (2) Educate the public and health care professionals about the advantages and methods of early screening, diagnosis, and treatment of chronic kidney disease and its complications based on Kidney Disease Outcomes Quality Initiative Clinical Practice Guidelines for chronic kidney disease or other medically recognized clinical practice guidelines.
- (3) Educate health care professionals about early renal replacement therapy education for patients (including in-center dialysis, home hemodialysis, peritoneal dialysis as well as vascular access options and transplantation) prior to the onset of ESRD when kidney function is declining.
- (4) Make recommendations on the implementation of a cost-effective plan for prevention, early screening, diagnosis, and treatment of chronic kidney disease and its complications for the State's population.
- (5) Identify current barriers to adoption of best practices and potential policy options to address these barriers.

SECTION 48.4. If the North Carolina Institute of Medicine Chronic Kidney Disease Task Force is convened, it shall submit its interim report and recommendations to the 2007 General Assembly upon its convening, and to the chairs of the Senate Health Committee, the House of Representatives Health Committee, the House Aging Committee, and the Governor. The final report shall be submitted no later than the convening of the 2008 General Assembly. Upon submission of this report, the Task Force shall terminate.

PART XLIX. RAIL SERVICES COMMISSION (H.B. 89 – Pate, Rapp; S.B. 674 – Nesbitt)

SECTION 49.1. Commission Established. – There is established in the General Assembly a Joint Legislative Commission on Expanding Rail Service. The Commission shall be composed of 16 members as follows:

(1) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Eight members of the Senate appointed by the President Pro Tempore of the Senate.

SECTION 49.2. Duties of Commission. – The Commission shall study the following matters related to expanding rail service in North Carolina:

(1) The cost and benefits of expanding and upgrading rail service in the State, including the effect the expanded service would have on economic development.

(2) The feasibility, cost, and benefits of establishing commuter rail service in the State to transport workers to cities from outlying areas, including the effect the commuter service would have on increasing the economic opportunities of those who live in the outlying areas.

(3) The cost and benefits of expanding passenger rail service to the western and eastern areas of the State, including the effect the expanded service would have on tourism.

(4) Ways to preserve unused or abandoned rail corridors for future rail needs.

(5) Spurring economic development and tourism through further development of short-line railroads.

Any vacancy on the Commission shall be filled by the appointing authority. Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the cochairs. A quorum of the Commission shall be nine members.

SECTION 49.3. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 49.4. Staff. – Adequate staff shall be provided to the Commission by the Legislative Services Office.

SECTION 49.5. Consultants. – The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

SECTION 49.6. Cooperation. – The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision thereof for facilities, data, or other assistance.

SECTION 49.7. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 49.8. Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

1 **SECTION 49.9.** Report. – The Commission shall make a final report of its
2 findings and recommendations to the 2007 General Assembly. Upon the filing of its
3 final report, the Commission shall terminate.

4 **SECTION 49.10.** Appropriation. – Of the funds appropriated to the General
5 Assembly, the Legislative Services Commission shall allocate funds for the expenses of
6 the Commission.

7
8 **PART L. LEGISLATIVE STUDY COMMISSION ON THE BUDGET OF THE**
9 **DEPARTMENT OF PUBLIC INSTRUCTION**

10
11 **SECTION 50.1.** There is created the Legislative Study Commission on the
12 Budget of the Department of Public Instruction. The purpose of the Commission is to
13 perform a zero-based budget review of the Department of Public Instruction.

14 **SECTION 50.2.** The Commission shall consist of five members of the
15 House of Representatives appointed by the Speaker of the House of Representatives and
16 five members of the Senate appointed by the President Pro Tempore of the Senate.

17 The Speaker of the House of Representatives shall designate one
18 Representative as cochair, and the President Pro Tempore shall designate one Senator as
19 cochair. Vacancies on the Commission shall be filled by the same appointing authority
20 as made the initial appointment.

21 **SECTION 50.3.** In performing a zero-based budget review of the
22 Department of Public Instruction, the Commission shall include all of the following:

- 23 (1) Consider the mission and goals of the Department, as set out in statutes
24 and in the rules, policies, and practices of the Department.
- 25 (2) Evaluate the mission and goals of the Department in view of the
26 Leandro decision, the No Child Left Behind Act of 2001, the academic
27 performance of students in the public schools, and the needs of the
28 State and its citizens, and propose any necessary revisions.
- 29 (3) Evaluate the efficiency and effectiveness of the Department of Public
30 Instruction in furthering the missions and goals of the Department,
31 including any proposed revisions. This evaluation shall include (i) the
32 role of the Department of Public Instruction, its administrative
33 structure, organization, and its statutory powers and duties; (ii) the role
34 of the State Board of Education as the head of the Department of
35 Public Instruction, its composition, organization, and constitutional
36 and statutory powers and duties; and (iii) the role of the State
37 Superintendent as secretary and chief administrative officer of the
38 State Board, the State Superintendent's selection, and the State
39 Superintendent's constitutional and statutory powers and duties.
- 40 (4) Evaluate each program within the Department to determine (i) whether
41 and to what extent it is required by State or federal law; (ii) what
42 extent it achieves the mission and goals of the Department; and (iii)
43 whether there are alternative ways to achieve the mission and goals of

the Department, including proposed revisions, in a more efficient and effective manner.

- (5) Assess the activities performed in each program, the major benefits provided by the program, the current cost and staffing levels for the program, the rationale for the cost and staffing levels, and the administrative and other overhead costs of the program.
- (6) Determine the level of funding and staff necessary to accomplish the goals and missions of the Department, including proposed revisions, without regard to past levels of funding.

SECTION 50.4. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services. All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Director of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission.

SECTION 50.5. The Commission shall report the results of its study and its recommendations to the 2007 General Assembly upon its convening. The Commission shall terminate upon filing its final report or upon the convening of the 2007 General Assembly, whichever is earlier.

SECTION 50.6. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission established by this Part.

PART LI. STATE BOARD OF EDUCATION STUDY OF PUBLIC SCHOOL PERSONNEL COMMUNICATION CONCERNING DISABILITIES

SECTION 51. The State Board of Education, in cooperation with Division TEACCH and the North Carolina Justice Academy, shall study training for public school personnel designed to facilitate, when needed, effective communication and transfer of information about students with autism and other disabilities between school personnel and school resource officers. The State Board shall report its findings and recommendations to the 2007 General Assembly on or before March 31, 2007.

**PART LII. DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION
EXPANDED**

SECTION 52. Section 3.4.(b) of S.L. 2003-314 reads as rewritten:

"SECTION 3.4.(b) Creation and Membership. – The Dorothea Dix Hospital Property Study Commission is created. The Commission shall consist of ~~nine~~ 11 members, ~~four~~ five appointed by the President Pro Tempore of the Senate and ~~four~~ five appointed by the Speaker of the House of Representatives. The Secretary of Health and Human Services shall serve as an ex officio member of the Commission."

**PART LIII. JOINT LEGISLATIVE STUDY COMMITTEE ON SEX
OFFENDER REGISTRATION AND INTERNET CRIMES AGAINST
CHILDREN**

SECTION 53.1. There is established a Joint Legislative Study Committee on Sex Offender Registration and Internet Crimes Against Children.

SECTION 53.2. The Study Committee shall consist of 18 members, nine members appointed by the Speaker of the House of Representatives and nine members appointed by the President Pro Tempore of the Senate.

SECTION 53.3. The Study Committee shall study sex offender registration laws and internet crimes against children. In connection with this study, the Committee shall:

- (1) Review the list of offenses for which registration is required in North Carolina and determine whether offenses should be added or deleted from the registration requirement.
- (2) Consider increasing or decreasing the amount of time a person should remain on the registry.
- (3) Examine the procedures for termination of the registration requirement.
- (4) Consider the ways to improve the verification of the registration requirement.
- (5) Evaluate whether law enforcement should have an affirmative duty to notify residents, schools, or other interested parties that a sex offender lives in the neighborhood.
- (6) Identify methods that can be used to track sex offender locations, including the use of GPS devices to monitor sex offenders, even after they have served their sentences.
- (7) Study the use of registration fees.
- (8) Consider prohibiting sex offenders from working in jobs that involve direct contact with children.
- (9) Evaluate proposals that require sex offenders to stay a certain distance from schools and day care centers.

- (10) Compare sex offender laws in North Carolina with the laws of other states.
- (11) Review the criminal statutes and sentencing guidelines in North Carolina relating to the production, distribution, and possession of child pornography and determine how they can be strengthened and improved.
- (12) Review the criminal statutes and sentencing guidelines in North Carolina relating to enticement of children through the use of computers or the Internet.
- (13) Examine the current prosecution and sentencing of child pornography and other Internet crimes against children.
- (14) Evaluate law enforcement practices, capacity, training, and workload for combating child pornography and other Internet crimes against children.
- (15) Investigate ways to increase the use of asset forfeiture in child pornography distribution and production cases.
- (16) Review best practices federally and in other states regarding Internet crimes against children.

SECTION 53.4. Members of the Committee shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 53.5. Subject to the approval of the Legislative Services Commission, the Committee may meet in the State Legislative Building or the Legislative Office Building. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Committee, and the expenses relating to the clerical employees shall be borne by the Committee. The Committee, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and departments of the State to provide any information, data, or documents within their possession, ascertainable from their records, or otherwise available to them and the power to subpoena witnesses. The appointing authority shall fill vacancies.

SECTION 53.6. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Committee established by this Part.

SECTION 53.7. The Committee shall make a final report to the 2007 General Assembly upon its convening, and shall terminate upon the earlier of the filing of its final report or the convening of the 2007 General Assembly.

**PART LVIV. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL,
AND JUVENILE JUSTICE OVERSIGHT COMMITTEE**

1 **SECTION 54.1.** The Joint Legislative Corrections, Crime Control, and
2 Juvenile Justice Oversight Committee may study the topics listed in this Part and report
3 its findings, together with any recommended legislation, to the 2007 General Assembly
4 upon its convening.

5 **SECTION 54.2.** Expungement for Non-Violent Felons (H.B. 1084 –
6 Bordsen) – The Committee may study issues related to expungement for non-violent
7 felons.

8
9 **PART LV. BENEFICIAL USES OF INDUSTRIAL HEMP (S.B. 1572 – Bingham**
10 **and Kinnaird)**

11
12 **SECTION 55.1.** There is established a Study Commission on the Beneficial
13 Uses of Industrial Hemp.

14 **SECTION 55.2.** The Commission shall be composed of 15 members as
15 follows:

- 16 (1) Two members of the Senate appointed by the President Pro Tempore
17 of the Senate.
- 18 (2) Two members of the House of Representatives appointed by the
19 Speaker of the House of Representatives.
- 20 (3) Two members appointed by the Governor.
- 21 (4) The Chair of the Agriculture Committee of the House of
22 Representatives.
- 23 (5) The Chair of the Agriculture, Environment, and Natural Resources
24 Committee of the Senate.
- 25 (6) The Commissioner of Agriculture or the Commissioner's designee.
- 26 (7) The Secretary of Commerce or the Secretary's designee.
- 27 (8) The President of the North Carolina Farm Bureau Federation, Inc., or
28 the President's designee.
- 29 (9) The Dean of the Kenan-Flagler Business School at the University of
30 North Carolina at Chapel Hill or the Dean's designee.
- 31 (10) The Dean of The Fuqua School of Business at Duke University or the
32 Dean's designee.
- 33 (11) The Dean of the College of Agriculture and Life Sciences at North
34 Carolina State University or the Dean's designee.
- 35 (12) The Dean of the School of Agriculture and Environmental Sciences at
36 North Carolina Agricultural and Technical State University or the
37 Dean's designee.

38 Any vacancy on the Commission shall be filled by the appointing authority.
39 Cochairs of the Commission shall be designated by the President Pro Tempore of the
40 Senate and the Speaker of the House of Representatives from among their respective
41 appointees. The Commission shall meet upon the call of the cochairs. A quorum of the
42 Commission shall consist of eight members.

43 **SECTION 55.3.** The Commission shall study the many beneficial industrial
44 uses of industrial hemp, including the use of industrial hemp oil as an alternative fuel

1 and the use of industrial hemp fiber in construction and paper products. The
2 Commission shall examine the economic opportunities industrial hemp provides to the
3 State and consider the desirability and feasibility of authorizing industrial hemp
4 cultivation and production as a farm product in North Carolina. In addition, the study
5 shall include the following:

- 6 (1) A review of current scientific and business literature on the many uses
7 of industrial hemp, including the uses of industrial hemp oil as an
8 alternative fuel and motor oil; the uses of omega-3 rich industrial hemp
9 seed and industrial hemp oil in snack foods, body care products, and
10 food supplements; the uses of industrial hemp fibers as raw materials
11 for construction and paper products and for fabric; and the uses of
12 industrial hemp in the manufacture of recyclable car parts.
- 13 (2) A review of scientific literature on the different types of hemp and
14 how industrial hemp differs from hemp that is the illegal substance
15 marijuana.
- 16 (3) A review of current economic literature on the economic benefits of,
17 and the economic markets for, the products made using industrial
18 hemp.
- 19 (4) A review of actions taken by the federal government and actions by
20 other states to produce industrial hemp for industrial uses.
- 21 (5) An evaluation of the economic opportunities for the State that may
22 result from producing industrial hemp as a farm product and
23 manufacturing industrial hemp products.
- 24 (6) Any other issues the Commission deems relevant.

25 **SECTION 55.4.** Members of the Commission shall receive per diem,
26 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
27 appropriate. Upon the prior approval of the Legislative Services Commission, the
28 Legislative Services Officer shall assign professional staff to the Commission to aid in
29 its work. The Commission may contract for professional, clerical, or consultant services
30 as provided by G.S. 120-32.02. The Commission may meet during a regular or extra
31 session of the General Assembly, subject to approval of the President Pro Tempore of
32 the Senate and the Speaker of the House of Representatives. Subject to the approval of
33 the Legislative Services Commission, the Commission may meet in the Legislative
34 Building or the Legislative Office Building. The Commission, while in the discharge of
35 its official duties, may exercise all the powers provided under the provisions of
36 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request
37 all officers, agents, agencies, and departments of the State to provide any information,
38 data, or documents within their possession, ascertainable from their records, or
39 otherwise available to them and the power to subpoena witnesses.

40 **SECTION 55.5.** The Commission shall make its findings and
41 recommendations in a final report to the 2007 General Assembly and the Environmental
42 Review Commission by December 1, 2006. The Commission shall terminate upon the
43 filing of its final report.

1 **SECTION 55.6.** From funds appropriated to the General Assembly, the
2 Legislative Services Commission shall allocate funds for the purpose of conducting the
3 study provided for in this Part.
4

5 **PART LVI. STUDY COMMISSION ON DAY CARE AND RELATED**
6 **PROGRAMS (S.B. 1827 – Jenkins)**
7

8 **SECTION 56.1.** There is created the Legislative Study Commission on Day
9 Care and Related Programs.

10 **SECTION 56.2.** The Commission shall consist of 12 members appointed as
11 follows:

- 12 (1) Four members of the Senate appointed by the President Pro Tempore
13 of the Senate.
- 14 (2) Four members of the House of Representatives appointed by the
15 Speaker of the House of Representatives.
- 16 (3) Two members of the general public appointed by the President Pro
17 Tempore of the Senate.
- 18 (4) Two members of the general public appointed by the Speaker of the
19 House of Representatives.

20 Any vacancy on the Commission shall be filled by the appointing authority.
21 Cochair of the Commission shall be designated by the President Pro Tempore of the
22 Senate and the Speaker of the House of Representatives from among their respective
23 appointees. The Commission shall meet upon the call of the cochair.

24 **SECTION 56.3.** The Commission shall study all of the following:

- 25 (1) Assess the shortfalls and benefits of the various day care and related
26 programs.
- 27 (2) Consider needed adjustments, and possible program consolidations,
28 and the necessary reprioritization of funds to realize the maximum
29 benefit to the State's children and families.
- 30 (3) Consider how day care and related programs affect economic
31 development today and in the future.
- 32 (4) Review any other matter that the Commission finds relevant to its
33 charge.

34 **SECTION 56.4.** Members of the Commission shall receive per diem,
35 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
36 appropriate. Upon the prior approval of the Legislative Services Commission, the
37 Legislative Services Officer shall assign professional and clerical staff to the
38 Commission to aid in its work. The Commission may contract for professional, clerical,
39 or consultant services as provided by G.S. 120-32.02. The Commission may meet
40 during a regular or extra session of the General Assembly, subject to approval of the
41 President Pro Tempore of the Senate and the Speaker of the House of Representatives.
42 Subject to the approval of the Legislative Services Commission, the Commission may
43 meet in the Legislative Building or the Legislative Office Building. The Commission,
44 while in the discharge of its official duties, may exercise all the powers provided under

1 the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the
2 power to request all officers, agents, agencies, and departments of the State to provide
3 any information, data, or documents within their possession, ascertainable from their
4 records, or otherwise available to them and the power to subpoena witnesses.

5 **SECTION 56.5.** The Commission shall make its findings and
6 recommendations in a final report to the 2007 General Assembly by December 31,
7 2006. The Commission shall terminate upon the filing of its final report.

8 **SECTION 56.6.** From funds appropriated to the General Assembly, the
9 Legislative Services Commission shall allocate funds for the purpose of conducting the
10 study provided for in this Part.

11 12 **PART LVII. BILL AND RESOLUTION REFERENCES**

13
14 **SECTION 57.** The listing of the original bill or resolution in this act is for
15 reference purposes only and shall not be deemed to have incorporated by reference any
16 of the substantive provisions contained in the original bill or resolution.

17 18 **PART LVIII. EFFECTIVE DATE AND APPLICABILITY**

19
20 **SECTION 58.** Except as otherwise specifically provided, this act is effective
21 when it becomes law. If a study is authorized both in this act and in the Current
22 Operations and Capital Improvements Appropriations Act of 2006, the study shall be
23 implemented in accordance with the Current Operations and Capital Improvements
24 Appropriations Act of 2006 as ratified.