

**2007-2008**

**SENATE  
RULES  
COMMITTEE**

**MINUTES**

## **Senate Committee on Rules and Operations of the Senate**

Sen. Tony Rand-Chairman

Sen. Walter Dalton- Vice Chairman

Sen. Charlie Albertson

Sen. Tom Apodaca

Sen. Robert Atwater

Sen. Phil Berger

Sen. Andrew Brock

Sen. Pete Brunstetter

Sen. Daniel Clodfelter

Sen. Katie Dorsett

Sen. James Forrester

Sen. Fletcher Hartsell

Sen. David Hoyle

Sen. Ed Jones

Sen. Ellie Kinnaird

Sen. Martin Nesbitt

Sen. R.C. Soles

Sen. Richard Stevens

Sen. A.B. Swindell

Sen. David Weinstein

**COMMITTEE ON RULES AND OPERATIONS OF THE SENATE**

**2007 SESSION**

**INDEX**

**February 20, 2007**

Joint House and Senate meeting to discuss the  
Use of the Legislative Buildings.

**March 21, 2007**

Joint House and Senate meeting to hear recommendations  
of the subcommittee on the public use of the Legislative  
Buildings.

**May 22, 2007**

**S.B. 371**

**Use of Senate Seals and Coat of Arms**  
Favorable Report.

**S.B. 1541**

**Dix Campus**  
Unfavorable as to Bill  
Favorable as to Committee Substitute

**June 4, 2007**

**S.J.R. 97**

**Senate Joint Resolution Honoring North Carolina  
Natives Don Gibson and Earl Scruggs**  
Unfavorable as to Senate Joint Resolution  
Favorable as to Committee Substitute for  
SJR 97.

**June 26, 2007**

**S.J.R. 1561**

**Senate Joint Resolution Honoring the Life and  
Memory of William Dudley Robbins, Sr., Former  
Lieutenant Colonel of the United States Army.**  
Unfavorable as to Senate Joint Resolution  
Favorable as to Committee Substitute for  
SJR 1561

**August 1, 2007**

**H.B. 433**

**State Food Festival**

Unfavorable as to House Bill  
Favorable as to Senate Committee Substitute for  
H.B. 433.

**H.B. 1607**

**Establish Juneteenth National Freedom Day**

Unfavorable as to bill  
Favorable as to Senate Committee Substitute for  
H.B. 1607.

**H.B. (CS#1) 1181**

**State Health Plan/County Participation**

Unfavorable as to House Committee  
Substitute (CS#1)  
Favorable as to Senate Committee Substitute –  
H.B. 1181 - Small Business Contractor Act.

**S.B. 1256**

**2007 Studies Bill**

Unfavorable as to Bill  
Favorable as to Senate Committee

**H.B. 1556**

**2007 Speaker's Appointments**

Unfavorable as to Bill  
Favorable as to Senate Committee Substitute  
for H.B. 1556.



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

Date: 08/20/2007  
Time: 16:26  
Page: 001 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0140	Glazier	STUDY OF PRINCIPAL COMPENSATION.	S Ref To Com On Rules and Operations of the Senate	04-05-07	
H0141	Glazier	DIABETES AWARENESS MONTH.	S Ref To Com On Rules and Operations of the Senate	03-28-07	
H0249	Bordsen	UNC LIBRARY SCIENCES 75TH.	S Ref To Com On Rules and Operations of the Senate	05-01-07	
H0433	Dockham	STATE FOOD FESTIVAL.	*S Pres. To Gov. 8/2/ 2007	04-16-07	08-01-07
H0603	Rapp	RAIL SERVICE STUDY COMMISSION.	*S Ref To Com On Rules and Operations of the Senate	04-03-07	
H0716	Michaux	JOINT LEGISLATIVE BUDGET OVERSIGHT COMM.	*S Re-ref Com On Appropriations/ Base Budget	05-29-07	07-26-07
H0828	Steen	HONOR FRANKLIN TADLOCK.	SR Ch. Res 2007-27	04-23-07	04-30-07
H0868	Love	HONOR BROADWAY'S CENTENNIAL.	SR Ch. Res 2007-39	04-17-07	06-06-07
H0893=	Adams	BD OF GOVERNORS STUDENT MEMBER MAY VOTE.	S Ref To Com On Rules and Operations of the Senate	05-22-07	
H0897	Sutton	CITIZENS' LEGISLATIVE COMPENSATION COMMISSION.	*S Ref To Com On Rules and Operations of the Senate	07-28-07	
H0904	Thomas	DUPLICATE DRIVERS LICENSE REQUIREMENTS.	*S Re-ref Com On Rules and Operations of the Senate	07-16-07	
\$ H0958	Spear	DCR/GRAVEYARD OF THE ATLANTIC.	*SR Ch. SL 2007-359	04-23-07	07-11-07
H1053	Brubaker	HONOR UPS ON 100TH ANNIVERSARY.	SR Ch. Res 2007-44	05-01-07	06-14-07
H1139	Gibson	ABC LAW CHANGES.	*S Ref To Com On Rules and Operations of the Senate	07-31-07	
H1181	Frye	SMALL BUSINESS CONTRACTOR ACT.	*S Pres. To Gov. 8/2/ 2007	07-31-07	08-01-07
H1289	Hall	HONOR BEN RUFFIN.	S Ref To Com On Rules and Operations of the Senate	04-17-07	
H1311	Womble	GA REGRETS SLAVERY.	S Ref To Com On Rules and Operations of the Senate	04-16-07	
H1401	Crawford	INTERNAL AUDIT AND	*S Pres. To Gov. 8/2/	05-02-07	07-26-07

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 002 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
40	Parmon	EFFICIENCY REVIEW. BLOCK SCHEDULE IMPACTS.	*S	2007 Ref To Com On Rules and Operations of the Senate	05-08-07	
H1457	Folwell	IMPACT OF STUDENT MOBILITY ON ACADEMIC PERF.	S	Ref To Com On Rules and Operations of the Senate	05-08-07	
H1459	Parmon	STUDY MISSING PERSONS W/ DEMENTIA.	*S	Ref To Com On Rules and Operations of the Senate	05-21-07	
H1465	Weiss	FIBROMYALGIA AWARENESS DAY.	S	Ref To Com On Rules and Operations of the Senate	05-16-07	
\$ H1481	Glazier	JUVENILE DWI/ DETENTION & STUDY SANCTIONS.	S	Re-ref Com On Rules and Operations of the Senate	08-01-07	
H1556	Owens	2007 SPEAKER'S AND PPT'S APPOINTMENTS.	*SR	Ch. SL 2007-343	05-16-07	08-01-07
H1587	Saunders	THE LOCAL GOV'T FAIR COMPETITION ACT.	*S	Ref To Com On Rules and Operations of the Senate	07-26-07	
H1607	Womble	RECOGNIZE JUNETEENTH NATIONAL FREEDOM DAY.	*S	Pres. To Gov. 8/2/ 2007	05-24-07	08-01-07
H1644	Ross	FUTURE USES OF DOROTHEA DIX HOSP. CAMPUS.	*S	Ref To Com On Rules and Operations of the Senate	05-24-07	
H1683	Haire	OFFICIAL STATE BAT.	S	Ref To Com On Rules and Operations of the Senate	05-15-07	
H1790	Bryant	TASK FORCE COMP. ATTEND. TO 18 & 100% GRAD.	*S	Ref To Com On Rules and Operations of the Senate	05-29-07	
H1827	Harrison	STUDY EMPLOYMENT OF NONCERTIF. SCH PERSONNEL.	*S	Ref To Com On Rules and Operations of the Senate	05-24-07	
H1865	Hall	NCCU FOOTBALL TEAM RECOGNITION.	S	Ref To Com On Rules and Operations of the Senate	05-02-07	
H1876	Faison	HILLSBOROUGH HOG DAY 25TH ANNIVERSARY.	S	Ref To Com On Rules and Operations of the Senate	05-21-07	
H1906	Allred	NAVY OLF.	*S	Ref To Com On Rules and Operations of the	05-29-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 003 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
28	Pate	SUPPORTING FEDERAL RAIL LEGISLATION.	S Ref To Com On Rules and Operations of the Senate	07-11-07	
S0019	A. B Swindell	NASH-ROCKY MOUNT/EDGEcombe BOUNDARY CORR.	*SR Ch. SL 2007-316	02-12-07	07-09-07
S0020	A. B Swindell	WILSON COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0036	Eleanor Kinnaird	ORANGE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0037	Eleanor Kinnaird	PERSON COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0054	William R. Purce	PUBLIC LAWS.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0055	William R. Purce	25TH SENATE DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0064=	James Forrester	LRC STUDY MEDICAL ERRORS.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0065	James Forrester	41ST SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0066	James Forrester	LRC STUDY ENV. CAUSES OF CANCER.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
\$ S0089	Eleanor Kinnaird	LEGISLATIVE COMMISSION ON LETHAL INJECTION.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0094	Katie G. Dorsett	28TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Rules and Operations of the Senate	02-12-07	
S0095	Katie G. Dorsett	28TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0097	Walter H. Dalton	HONOR DON GIBSON AND EARL SCRUGGS.	*SR Ch. Res 2007-38	02-12-07	06-04-07
S0101	Charlie S. Danne	HONOR JIM RICHARDSON.	S Ref To Com On Rules and	02-12-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 004 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
			Operations of the Senate		
S0102	Charlie S. Danne	HONOR HERMAN MOORE.	S Ref To Com On	02-12-07	
			Rules and Operations of the Senate		
S0107	W. Edward (Eddie	SPECIAL PROVISION REFORM.	S Ref To Com On	02-12-07	
			Rules and Operations of the Senate		
S0126	David F. Weinste	LUMBERTON CITY LOCAL ACT.	S Ref To Com On	02-13-07	
			Rules and Operations of the Senate		
S0127	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-13-07	
			Rules and Operations of the Senate		
S0133	W. Edward (Eddie	35TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On	02-14-07	07-19-07
S0134	W. Edward (Eddie	35TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	02-14-07	
			Rules and Operations of the Senate		
S0144	R. C. Soles, Jr.	8TH SENATE DISTRICT LOCAL ACT-1.	S Ref To Com On	02-14-07	
			Rules and Operations of the Senate		
S0145	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	02-14-07	
			Rules and Operations of the Senate		
S0151	Clark Jenkins	PUBLIC LAWS.	S Re-ref Com On	02-14-07	05-21-07
			Appropriations/ Base Budget		
S0152	Clark Jenkins	3RD SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-14-07	
			Rules and Operations of the Senate		
S0154	David W. Hoyle	DALLAS OCCUPANCY TAX.	*SR Ch. SL 2007-317	02-14-07	07-09-07
S0155	David W. Hoyle	43RD SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	02-14-07	
			Rules and Operations of the Senate		
S0157	Eleanor Kinnaird	HONOR PAULI MURRAY.	SR Ch. Res 2007-7	02-14-07	02-21-07
S0181	Fred Smith	CLAYTON ORDINANCE VIOLATORS/ANNEX AREAS.	*SR Ch. SL 2007-327	02-15-07	06-26-07
S0182	Fred Smith	12TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	02-15-07	
			Rules and Operations of the Senate		
S0188	Austin M. Allran	42ND SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	02-15-07	
			Rules and Operations of the Senate		
S0189	Austin M. Allran	42ND SENATORIAL	S Ref To Com On	02-15-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 005 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		DISTRICT LOCAL ACT-1.	Rules and Operations of the Senate		
S0192	Jim Jacumin	HONOR SHERIFF GARY CLARK.	SR Ch. Res 2007-46	02-19-07	06-07-07
S0202	Walter H. Dalton	46TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-20-07	
S0203	Walter H. Dalton	46TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-20-07	
S0205	Steve Goss	HONOR BENNY PARSONS.	S Ref To Com On Rules and Operations of the Senate	02-20-07	
S0206	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-20-07	
S0207	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-20-07	
S0209	Harry Brown	JONES COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-20-07	
S0210	Harry Brown	ONslow COUNTY LOCAL ACT.	S Re-ref Com On Finance	02-20-07	04-02-07
S0216	Ed Jones	4TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-21-07	
S0217	Ed Jones	4TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-21-07	
S0226	Julia Boseman	WILMINGTON CIVILIAN TRAFFIC INVESTIGATORS	*SR Ch. SL 2007-218	02-21-07	05-08-07
S0227	Julia Boseman	WILMINGTON/NEW HANOVER VIOLATOR NOTICE	*SR Ch. SL 2007-254	02-21-07	05-14-07
S0233	Charles W. Alber	10TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-21-07	
S0234	Charles W. Alber	10TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-21-07	
S0253=	W. Edward (Eddie)	HONOR INDEPENDENCE HIGH SCHOOL FOOTBALL TEAM.	SR Ch. Res 2007-13	02-22-07	03-12-07
S0256	Tom Apodaca	48TH SENATORIAL	S Ref To Com On	02-22-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 006 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		DISTRICT LOCAL ACT-1.	Rules and Operations of the Senate		
S0257	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-22-07	
S0282	Bob Atwater	AMEND CHATHAM OCCUPANCY TAX	*SR Ch. SL 2007-318	02-22-07	06-26-07
S0283	Bob Atwater	18TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-22-07	
S0299	Linda Garrou	FORSYTH COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-22-07	
S0300	Linda Garrou	FORSYTH COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-22-07	
S0308	John H. Kerr III	5TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-22-07	
S0318	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0319	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0322	Steve Goss	45TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0323	Steve Goss	45TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0330	Larry Shaw	STUDY DEER HUNTING WITH DOGS.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0331	Larry Shaw	PUBLIC LAWS-1.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0332	Larry Shaw	PUBLIC LAWS-2.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0338	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the	02-27-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 007 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
39	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-27-07	
S0341	Peter S. Brunste	FORSYTH COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-27-07	
S0342	Peter S. Brunste	FORSYTH COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-27-07	
S0359	Jean Preston	2ND SENATORIAL DISTRICT LOCAL ACT-1.	*S Ref To Com On Local Government I	02-27-07	05-21-07
S0360	Jean Preston	2ND SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-27-07	
S0369	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-28-07	
S0370	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-28-07	
S0371	Tony Rand	USE OF SENATE SEALS AND COAT OF ARMS.	SR Ch. SL 2007-354	02-28-07	05-22-07
S0373	Tony Rand	STREET CONSTRUCTION/ DEVELOPER RESPONSIBILITY	*S Ref to the Com on Commerce, Small Business, and Entrepreneurship and, if favorable, to the Com on Transportation	02-28-07	05-22-07
S0374	Tony Rand	19TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-28-07	
S0378=	Vernon Malone	HONOR TOWN OF ZEBULON.	S Ref To Com On Rules and Operations of the Senate	02-28-07	
S0385	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-28-07	
S0389	Clark Jenkins	GA SESSION AT ECU.	SR Ch. Res 2007-9	02-28-07	03-01-07
S0413	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-01-07	
S0429	Kay R. Hagan	27TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and	03-01-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 008 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S0430	Kay R. Hagan	27TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-01-07	
S0437	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-01-07	
S0440	Tony Foriest	24TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Operations of the Senate	03-01-07	
S0441	Tony Foriest	24TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-01-07	
S0445	Jim Jacumin	STUDY BILL FOR PROPERTY TAX RELIEF.	S Ref To Com On Operations of the Senate	03-05-07	
S0460=	Stan Bingham	DENTON'S 100TH ANNIVERSARY.	S Ref To Com On Operations of the Senate	03-05-07	
S0477	Andrew C. Brock	34TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-05-07	
S0478	Andrew C. Brock	34TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Operations of the Senate	03-05-07	
S0483	Martin L. Nesbit	49TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Operations of the Senate	03-06-07	
S0484	Martin L. Nesbit	49TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-06-07	
S0487=	David W. Hoyle	EXTEND FISCAL REPORT DEADLINE/BD OF AWARDS	*SR Ch. SL 2007-169	03-06-07	04-19-07
S0525	Malcolm Graham	40TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Operations of the Senate	03-06-07	
S0526	Malcolm Graham	40TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-06-07	
S0528	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Operations of the Senate	03-06-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 009 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S0547	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	03-07-07	
S0548	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	03-07-07	
S0560	Neal Hunt	WAKE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-07-07	
S0561	Neal Hunt	TOWN OF WAKE FOREST LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-07-07	
S0605	Philip E. Berger	ROCKINGHAM COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-12-07	
S0606	Philip E. Berger	GUILFORD COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	03-12-07	
S0629	Martin L. Nesbit	ASHEVILLE LOCAL ACTS	*S Re-ref Com On Rules and Operations of the Senate	08-02-07	
S0646=	Charles W. Alber	ENACT WASC RECOMMENDATIONS	*S Pres. To Gov. 8/2/2007	03-12-07	07-18-07
\$ 57	Charlie S. Danne	STUDY COMM. ON STATE CIVIL RIGHTS ENFORCEMENT	*S Re-ref Com On Rules and Operations of the Senate	07-27-07	
S0701	W. Edward (Eddie)	TELEWISE LEGISLATIVE SESSION.	S Ref To Com On Rules and Operations of the Senate	03-14-07	
S0780=	R. C. Soles, Jr.	NE CAPE FEAR - BURGAW CREEK PRESERVE STUDY.	S Ref To Com On Rules and Operations of the Senate	03-15-07	
S0849=	Kay R. Hagan	BD OF GOVERNORS STUDENT MEMBER MAY VOTE.	S Ref To Com On Rules and Operations of the Senate	03-19-07	
S0888	Bob Atwater	STUDY N.C. NATIONAL GUARD PENSION FUND.	S Ref To Com On Rules and Operations of the Senate	03-19-07	
S0889	Bob Atwater	HONORING BROADWAY'S 100TH ANNIVERSARY	S Re-ref Com On Rules and Operations of the Senate	03-19-07	06-05-07
S0889	Bob Atwater	HONORING BROADWAY'S 100TH ANNIVERSARY	S Re-ref Com On Rules and	06-06-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 010 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
			Operations of the Senate		
S0928	Linda Garrou	LRC TO STUDY FINANCIAL RESPONSIBILITY FOR MVS.	S Ref To Com On	03-20-07	
S0931	Ed Jones	HONOR ROBERT HOLLOMAN.	SR Ch. Res 2007-28	03-20-07	04-30-07
S0959	Daniel G. Clodfe	STUDY NO-FAULT FOR ELDERLY DISABLED CARE.	S Ref To Com On	03-20-07	
			Rules and Operations of the Senate		
S0980=	Julia Boseman	LAW ENFORCEMENT OFFICER DISCIPLINE.	S Ref To Com On	03-20-07	
			Operations of the Senate		
S1001	Tony Rand	LEG. STUDY ON PUBLIC BUILDING SECURITY.	S Ref To Com On	03-21-07	
			Rules and Operations of the Senate		
S1035	Joe Sam Queen	APRIL AS LANDSCAPE ARCHITECT MONTH.	SR Ch. Res 2007-30	03-21-07	04-11-07
S1137	Daniel G. Clodfe	IMPROVE CONSUMER CREDIT REPORTING LRC.	S Ref To Com On	03-22-07	
			Rules and Operations of the Senate		
S1138	Daniel G. Clodfe	EXTEND GROWTH STRATEGIES COMMISSION.	S Ref To Com On	03-22-07	
			Rules and Operations of the Senate		
S1146	David W. Hoyle	PETROLEUM UNDERGROUND STORAGE TANK STUDY.	S Ref To Com On	03-22-07	
			Rules and Operations of the Senate		
S1150	David W. Hoyle	STUDY OF UNIFORMITY OF OCCUPANCY TAXES.	S Ref To Com On	03-22-07	
			Rules and Operations of the Senate		
S1151	David W. Hoyle	UTILITY REVIEW EMERGENCY PLANS STUDY.	S Ref To Com On	03-22-07	
			Rules and Operations of the Senate		
S1158	David W. Hoyle	ELECTRICITY FRANCHISE TAX DISTRIBUTION.	S Ref To Com On	03-22-07	
			Rules and Operations of the Senate		
S1168	A. B Swindell	JOINT SESSION/CONFIRM STATE BD. OF ED. MEMBERS.	SR Ch. Res 2007-37	03-22-07	05-14-07
S1169	A. B Swindell	CONFIRM STATE BOARD OF EDUCATION MEMBERS.	*SR Ch. Res 2007-47	03-22-07	05-14-07
S1169	A. B Swindell	CONFIRM STATE BOARD OF EDUCATION MEMBERS.	*SR Ch. Res 2007-47	05-17-07	06-18-07
S1173	Janet Cowell	FUTURE OF THE DOROTHEA DIX PROPERTY.	S Ref To Com On	03-22-07	
			Rules and Operations of the Senate		

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 011 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S1183	Linda Garrou	HONOR BEN RUFFIN.	S Ref To Com On Rules, Calendar, and Operations of the House	03-22-07	04-17-07
S1193=	Martin L. Nesbit	HONOR BEN AIKEN.	S Ref To Com On Rules and Operations of the Senate	03-22-07	
S1202	Jim Jacumin	EST. COMMISSION ON LITTERING/STUDY	*S Re-ref Com On Rules and Operations of the Senate	06-25-07	
\$ S1206	Tony Rand	<b>ELEVATOR CONTRACTORS AND MECHANICS LICENSURE.</b>	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1209	Tony Rand	2007 PRESIDENT PRO TEMPORE APPOINTMENTS.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1223	Janet Cowell	STUDY STATE IT EFFICIENCY.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1224	Peter S. Brunste	STUDY REORG. OF ZOO/ISSUANCE OF BONDS.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1256	Tony Rand	2007 STUDIES BILL.	*S Passed 2nd & 3rd Reading	03-26-07	08-01-07
98	A. B Swindell	STUDY PROFESSIONAL DEVELOPMENT FOR TEACHERS.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1301	R. C. Soles, Jr.	PRIMARY ROAD FOR THE NC INTERNATIONAL PORT.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1319	Philip E. Berger	GOOD ROADS STUDY COMMISSION.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1335	Eleanor Kinnaird	OSP/DOC CORRECTIONAL OFFICER STUDY.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1343	Larry Shaw	SAYSO SATURDAY.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1346	Larry Shaw	STUDY STATE CONTRACTS W/ MINORITY BUSINESSES.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1390	Harry Brown	HONOR MILDRED THOMAS.	S Ref To Com On Rules, Calendar,	03-26-07	04-25-07

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 012 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
			and Operations of the House		
S1396	Don East	DEPUTY SHERIFF EMPLOYMENT PROTECTION.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1400	Charlie S. Danne	STUDY PREPAID WIRELESS SERVICE CHARGES.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
<b>\$ S1405</b>	<b>Fletcher L. Hart</b>	<b>STUDY INNOVATIONS/ INCENTIVES IN EDUCATION.</b>	<b>S Ref To Com On Rules and Operations of the Senate</b>	<b>03-26-07</b>	
S1462	Katie G. Dorsett	STUDY OF K-12 SCHOOL GOVERNANCE.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1483	Joe Sam Queen	MITCHELL COURTHOUSE 100TH ANNIVERSARY.	SR Ch. Res 2007-58	03-27-07	07-19-07
S1488	Jean Preston	STUDY FOR HIRE BOAT INDUSTRY.	S Ref To Com On Rules and Operations of the Senate	03-27-07	
S1489	Jean Preston	HONOR MOREHEAD CITY'S 150TH ANNIVERSARY.	SR Ch. Res 2007-23	03-27-07	04-11-07
S1498=	Bob Atwater	STUDY DISABLED ACCESS TO UNC FACILITIES.	S Ref To Com On Rules and Operations of the Senate	03-27-07	
<b>06</b>	<b>Julia Boseman</b>	<b>MEMORIAL FOR HUGH MORTON/NEW HANOVER CO.</b>	<b>S Ref To Com On Rules and Operations of the Senate</b>	<b>03-27-07</b>	
S1531	Tony Rand	STATE ETHICS COMMISSION APPOINTMENT.	SR Ch. SL 2007-10	03-28-07	04-02-07
S1540	Doug Berger	DESIGNATE HEROES DAY.	S Ref To Com On Rules and Operations of the Senate	03-28-07	
S1541	Vernon Malone	DIX CAMPUS.	*S Ref To Com On Rules, Calendar, and Operations of the House	03-28-07	05-22-07
S1542	Larry Shaw	PLAN TO ELIMINATE MANDATORY MIN. SENTENCES.	S Ref To Com On Rules and Operations of the Senate	03-28-07	
S1543	Larry Shaw	COLLECTIVE BARGAINING FOR GOVERNMENT WORKERS.	S Ref To Com On Rules and Operations of the Senate	03-28-07	
S1544	Jean Preston	STUDY COMMERCIAL FERRY REGULATION.	S Ref To Com On Rules and Operations of the	03-28-07	

'\$' 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: 08/20/2007  
Time: 16:26  
Page: 013 of 013  
Leg. Day: H-113/S-111

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
58=	Bob Atwater	HONOR TOWN OF GOLDSTON.	SR Ch. Res 2007-59	04-12-07	07-18-07
S1559=	Bob Atwater	LEE COUNTY 100TH ANNIVERSARY.	S Re-ref Com On Rules and Operations of the Senate	04-26-07	06-05-07
S1559=	Bob Atwater	LEE COUNTY 100TH ANNIVERSARY.	S Re-ref Com On Rules and Operations of the Senate	06-06-07	
S1560=	Charles W. Alber	HONOR DALLAS HERRING.	S Ref To Com On Rules and Operations of the Senate	04-26-07	
S1561	R. C. Soles, Jr.	HONOR LIEUTENANT COLONEL WILLIAM D. ROBBINS, SR.	*SR Ch. Res 2007-52	05-14-07	06-26-07
S1562	Ed Jones	HONOR FOUNDERS TOWN OF HALIFAX/250TH ANNIV.	SR Ch. Res 2007-31	05-14-07	05-15-07
S1563=	Tony Rand	HONOR JIMMIE JOHNSON NEXTEL CHAMP.	SR Ch. Res 2007-35	05-15-07	05-22-07
S1566	Katie G. Dorsett	HONOR JEANNE LUCAS.	SR Ch. Res 2007-57	06-18-07	07-03-07
S1567	Steve Goss	HONOR TWEETSIE RAILROAD'S 50TH ANNIVERSARY.	SR Ch. Res 2007-55	06-25-07	07-03-07
S1568	Austin M. Allran	HICKORY ALL-AMERICA CITY RECOGNITION.	SR Ch. Res 2007-56	07-02-07	07-03-07
S1569	Tony Foriest	HONOR JOE THOMPSON AND ODELL THOMPSON	SR Ch. Res 2007-65	07-19-07	07-25-07
S1571	Tony Rand	HONOR ROBERT RUARK.	SR Ch. Res 2007-66	07-26-07	07-27-07

'\$' 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.

JOINT MEETING OF THE SENATE RULES COMMITTEE AND RULES AND  
OPERATIONS OF THE HOUSE

February 20, 2007

A joint meeting of the Senate Rules Committee and Rules and Operations of the House was held on Tuesday, February 20, 2007 at 1:00 p.m. in Room 544 of the Legislative Office Building. The following House members were present: Representatives Bill Owens, Chairman; Rick Glazier, Vice Chairman; Dewey Hill, Vice Chairman; Paul Luebke, Vice Chairman; Deborah Ross, Vice Chairman; Jeff Barnhart, Larry Bell, Dan Blue, Harold Brubaker, Debbie Clary, Nelson Cole, Jim Crawford, Jerry Dockham, Jim Harrell, Hugh Holliman, Julia Howard, Verla Insko, Maggie Jeffus, Carolyn H. Justice, Carolyn K. Justus, Jimmy Love, Daniel McComas, Marian McLawhorn, Louis Pate, Karen Ray, Setzer, Fred Steen, Jennifer Weiss and Douglas Yongue.

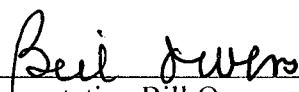
The following Senate members were present: Senators Tony Rand, Chairman; Walter Dalton, Vice Chairman; Robert Atwater, Charlie Albertson, Tom Apodaca, Phil Berger, Andrew Brock, Pete Brunstetter, Katie Dorsett, Jim Forrester, David Hoyle, Fletcher Hartsell, Ed Jones, Ellie Kinnaird, Martin Nesbitt, R. C. Soles, Richard Stevens, A. B. Swindell, and David Weinstein.

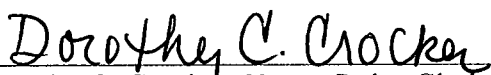
Senator Rand, presiding, introduced the pages and thanked them for their attendance after which he stated that he and Representative Owens had decided to schedule the joint meeting to discuss the use of the Legislative Buildings by outside groups. A copy of the rules as set by the Legislative Services Commission for the use of the buildings, amended in 1987, is attached. The rules state that the buildings are not to be used by outside groups. There have been complaints in the office areas of the Legislative Building that outside groups are disrupting the peaceful and enjoyable use of those offices. There is very little noise buffering material in that building, and the noise goes throughout the building. It was decided that they would like to have the committee's thoughts on what should or could be done to relieve the situation. Representative Owens confirmed Senator Rand's comments and stated that the existing rules of the Legislative Services Commission are being violated by allowing the use of these buildings by outside groups. Any recommendations by the committee would have to be approved by the Legislative Services Commission. He and Senator Rand thought that before denying the use of the buildings by these groups, who have used the buildings for years, the committee should discuss the problem.

A lengthy discussion followed after which it was the consensus that outside groups had long used and enjoyed the use of the buildings, and it would be difficult to deny them that opportunity, especially the student groups who take great pride in their displays and exhibitions.

Representative Owens recommended that a subcommittee be appointed to review the issue and report its recommendations to the joint committees. Senator Rand agreed with the recommendation and adjourned the meeting at 1:35 p.m.

  
\_\_\_\_\_  
Senator Tony Rand, Cochairman

  
\_\_\_\_\_  
Representative Bill Owens, Cochairman

  
\_\_\_\_\_  
Dorothy C. Crocker, House Rules Clerk

## VISITOR REGISTRATION SHEET

Joint House and Senate Rules Committee

February 20, 2007

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

P. Pulley

NCAATL

Dick Zyl

NCAATL

Angelle Don

HHS

Thomas C. Cawf J.

CCPS

Amy McConkey

Smith Anderson

Elizabeth Dutton

NCREMA

Walt Venable

govs office

John McHenry

Gov office

John Bowdesh

Cesar Zeneva

Rob Thompson

NCPRL

## VISITOR REGISTRATION SHEET

Joint House and Senate Rules Committee

February 20, 2007

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Michael Flouser	NCAE
Paula A. Holf	Paulatics, LLC
<del>CPA</del>	NCATL
Andy Munn	REBIC
JOEL RAUPE	Rep. PAUL STAN
Brian Lehrschall	Rep. Jim Gullen
Joe McClees	McClees Consulting Inc
Jimm Fitzgerald	NC Family Policy Council
Kathryn Sawyer	ACEC/NC
Lenwood V. Long	WCMSC
Lori Ann Harris	CHLA



# VISITOR REGISTRATION SHEET

Joint House and Senate Rules Committee

Name of Committee

February 20, 2007

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE**  
**CLERK**

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

[illegible]

## MINUTES

### JOINT MEETING OF THE RULES AND OPERATIONS COMMITTEES OF THE HOUSE AND SENATE

MARCH 21, 2007

The members of the Joint Rules and Operations Committee of the House and Senate met on March 21, 2007 in Room 544 at 12:00 Noon. Thirteen members of the Senate were present and 26 members of the House were present.

Rep. Owens chaired the meeting and asked Rep. Glazier and Senator Soles, co-chairmen of the subcommittee, to give their report and recommendations for the public use of the Legislative Buildings.

Rep. Glazier stated that the committee met several times and discussed the increased use and the public access to the buildings and the ability of the legislators and their staff to function effectively with the noise and disturbances generated by the public's use of the courts and buildings.

Rep. Glazier explained the changes to the **Rules of State Legislative Building and Legislative Office Building Adopted by the Legislative Services Commission amended 11/18/87**. A copy of this document was made available to the joint committee and is attached to these minutes and made a part thereof.

Senator Rand questioned the use of the food and subsequent clean up in the committee rooms and felt that box lunches needed to be purchased from the cafeteria to facilitate clean up.

Senator Rand explained that there was 5,000 sq. ft. of covered space available at the Museum of History directly across the street from the Legislative Building that could be used by outside groups for their functions.

Senator Rand also indicated that there was an appropriation request to build a shelter where the old fountain used to be for the use by outside groups and those wishing to serve lunch.

Rep. Luebke moved that the subcommittee's recommendations be forwarded to the Legislative Services Commission to be incorporated in the **Rules of State Legislative Building and Legislative Office Building**.

The meeting adjourned at 1:00 p.m.

Tony Rand  
Senator Tony Rand, Co-Chairman

Bill Owens  
Representative Bill Owens, Co-Chairman-

Evelyn Costello  
Evelyn Costello, Committee Clerk

1 Rules For Use Of State Legislative Building and Legislative Office Building—As  
2 Recommended by the Joint Rules Subcommittee on Buildings and Grounds Use- March  
3 20, 2007  
4

5 Legislative Services Commission

6 Amended 11/18/87  
7

8 **RULES OF STATE LEGISLATIVE BUILDING AND**  
9 **LEGISLATIVE OFFICE BUILDING**  
10 **ADOPTED BY THE LEGISLATIVE SERVICES COMMISSION**  
11  
12

13 The State Legislative Building and Legislative Office Building were designed to be a center of  
14 interest to visitors to the State government headquarters in Raleigh. The house the legislative  
15 branch of state government government, which performs its function in these buildings. To  
16 make visitors feel welcome and at the same time to make it possible for the General Assembly  
17 to function effectively, the Legislative Services Commission adopted these rules and  
18 regulations.  
19

20 I. DEFINITIONS.  
21

22 As used in these rules and except where specifically otherwise provided, the term "Legislative  
23 Complex" means the State Legislative Building and its grounds and the State Legislative Office  
24 Building and its grounds-grounds, consistent with G.S. 120-32.1.  
25

26 II. VISITORS TO LEGISLATIVE COMPLEX.  
27

28 1. Public Hours. The Legislative Complex is open to the general public from 8:00 a.m. to 5:00  
29 p.m. daily, except holidays, ~~Saturdays~~ Saturdays, and Sundays. On Saturdays and government  
30 holidays, the State Legislative Building is open from 9:00 a.m. to 5:00 p.m. On Sundays, the  
31 State Legislative Building is open from 1:00 p.m. to 5:00 p.m. When a daily session of the  
32 General Assembly or of either house thereof extends beyond 5:00 p.m. or convenes after 5:00  
33 p.m., the buildings remain open to the public until the session adjourns.  
34

35 2. Unaccompanied Children in Legislative Complex. Unaccompanied children 12 years of age  
36 or younger are not permitted in the Legislative Complex. Parents or other adults shall  
37 accompany children 12 years of age or younger at all times while in the Legislative Complex  
38 and shall supervise the children's activities. Running, horseplay, entrance into or presence in  
39 non-public areas are strictly prohibited. The State assumes no liability for unaccompanied  
40 children.  
41

42 ~~3. Visiting on Second Floor of State Legislative Building. Individuals and groups of visitors~~  
43 ~~who come to the State Legislative Building for the purpose of viewing the building and~~  
44 ~~observing the sessions of either or both houses shall not visit the second floor of the building.~~  
45 ~~Legislative staff guides shall conduct groups of visitors so as to comply with this rule. Visitors~~  
46 ~~on the second floor shall, at the request of the legislative staff, state the nature of their business~~  
47 ~~on that floor, and shall immediately leave that floor at the request of legislative staff.~~

1  
2 4.3. General Rules Governing Visitors. Visitors may enter the Legislative Complex at any time  
3 the buildings are open to the public, ~~and with the exceptions limiting visits on the second floor~~  
4 ~~of the State Legislative Building,~~ public and may move freely about the Legislative Complex,  
5 so long as they do not disturb the General Assembly. ~~Assembly, one of its houses,~~ or its  
6 committees, members, or staff in the performance of their duties.

7  
8 The following acts are prohibited:

9  
10 (a) Littering - Placing or throwing trash, debris, waste matter or any other material on the  
11 floors, furnishings, or equipment, or in the pools in the Legislative Complex.

12  
13 (b) Defacing - Marking, scarring, tearing, breaking, removing, or otherwise damaging walls,  
14 floors, ceilings, windows, signs, or any other part of the structure or equipment of the  
15 Legislative Complex, ~~Complex~~.

16  
17 (c) Damaging Plants - Breaking or otherwise damaging the plants in the Legislative Complex.

18  
19 ~~5. 4.~~ Posting or Display of Signs or Placards. No sign or placard shall be posted ~~or displayed in~~  
20 the Legislative Complex, other than those posted by the General Assembly, one of its houses or  
21 committees, or by the Legislative Services Office pursuant to authority granted by the  
22 Legislative Services Commission.

23  
24 Individuals or groups who enter the buildings ~~for the purpose of expressing support for or~~  
25 ~~opposition to an issue shall not carry display~~ signs or placards ~~into the Legislative Complex in~~  
26 the Legislative Building or Legislative Office Building, or display signs or placards, except  
27 when the signs or placards are worn as badges or are otherwise attached to the ~~dress, dress and~~  
28 do not exceed twenty-five square inches in surface area. ~~and are not libelous or vulgar.~~

29  
30 III. POSSESSION OF WEAPONS IN LEGISLATIVE COMPLEX.

31  
32 1. Possession of deadly weapons is prohibited in the Legislative Complex. This rule shall not  
33 apply to:

34  
35 (a) Officers and enlisted personnel of the armed forces when in the discharge of their official  
36 duties as such and acting under orders requiring them to carry arms and weapons.

37  
38 (b) Civil officers of the United States while in the discharge of their official duties.

39  
40 (c) Officers and soldiers of the militia and the State guard when on duty or called into service.

41  
42 (d) Officers or employees of the State, or any county, city, or town charged with the execution  
43 of the laws of the State, when acting in the discharge of their official duties if authorized by law  
44 to carry weapons.

45  
46 IV. USE OF LEGISLATIVE COMPLEX.

47  
48 1. General. The following organizations, groups or agencies, and no others, are authorized to

1 meet in and use the Legislative ~~Complex~~:Complex for legislative business or the coverage of  
2 legislative business:

3  
4 (a) The General Assembly; its two houses, members and ~~staffs, for official legislative~~  
5 ~~business~~:staffs.

6  
7 (b) Committees and subcommittees of the General Assembly or either of its houses, and their  
8 ~~staffs~~.

9  
10 (c) The Legislative Services Commission, its committees, subcommittees and staff.

11  
12 (d) The Legislative Research Commission. its committees, subcommittees and staff.

13  
14 (e) Special study commissions or committees authorized by law or joint resolution of the  
15 General Assembly to meet in and use the complex and, between legislative sessions and as  
16 determined by the Legislative Services Commission, all commissions and committees  
17 established by the General Assembly and whose membership, whether public or legislative, is  
18 composed in some portion of members of the General Assembly appointed by the Speaker of  
19 the House of Representatives and the President or President Pro Tempore of the Senate.

20  
21 (f) Party caucuses and other recognized caucuses and committees of legislators.

22  
23 (g) The Governor's Legislative Counsel and the Counsel's secretary.

24  
25 (h) The President of the Senate and ~~his~~ the President's legislative staff.

26  
27 (i) The Institute of Government's Legislative Reporting Staff.

28 (j) All media approved for space by the Legislative Services Officer.

29  
30 2. Press or News Conferences. No person, other than officers and members of the General  
31 Assembly, may have a press or news conference in the Legislative Complex. An interview  
32 among two individuals shall not be considered a press conference.

33  
34 During the legislative session, the rules committee chairmen of each house shall jointly  
35 schedule the use of the Press Conference Room. Between legislative sessions, the Legislative  
36 ~~Administrative Services~~ Officer shall schedule the use of the Press Conference Room.

37  
38 ~~There shall be no obscene or vulgar material placed on the bulletin boards or walls in the Press~~  
39 ~~Room.~~

40  
41 3. Student groups sponsored by members of the General Assembly. Groups of students who  
42 wish to study the General Assembly as a part of a continuing program or special project or  
43 groups of students who wish to exhibit their academic or extracurricular achievements or  
44 activities may be sponsored by one or more members of the General Assembly. In such a case,  
45 the Legislative ~~Administrative Services~~ Officer is authorized to assign space in the Legislative  
46 Complex where a group may assemble for briefing or briefing, critiques, or presentations, but  
47 such assignment shall not ~~interfere with the routine operations of the General Assembly, its~~

1 committees, or its members disturb the General Assembly, one of its houses, or its committees,  
2 members, or staff in the performance of their duties.  
3

4 4. Use of Legislative Complex by Non-Legislative Agencies. ~~In~~ Notwithstanding Rule IV, 1 of  
5 these Rules, in individual cases, and upon a showing of compelling need, the Legislative  
6 Services Commission may grant special permission to any of the non-legislative agencies of  
7 State government to make temporary use of the facilities of the Legislative Complex. Requests  
8 for this permission shall be made to the Legislative Administrative Officer and Services  
9 Officer on a form designed by the Legislative Services Officer and signed by the head of the  
10 State Executive Department under which the State agency falls. The state agency will identify  
11 by name and title or position, the State officers or employees, or both, who will be in  
12 attendance and responsible for the control of the temporary use by the State agency. The  
13 request may be granted upon the specific approval of the Legislative Services Commission  
14 pursuant to G.S. 120-31(a). Officer.

15  
16  
17 5. Reasonable time, place, and manner restrictions. Persons authorized to use the Legislative  
18 Complex under paragraphs 3 and 4 of this section are subject to the following restrictions:

19 (a) On any weekday that neither house of the General Assembly convenes in the Legislative  
20 Complex, authorized persons may use the Complex at any time that it is open to the general  
21 public.

22 (b) During any week that either house of the General Assembly convenes in the Legislative  
23 Complex, the Legislative Services Officer may designate a Tuesday or Wednesday of that week  
24 for authorized persons to use the Complex. On the designated day, authorized persons may use  
25 the auditorium in the Legislative Building, the quads in the Legislative Building, or any space  
26 outside the buildings as approved by the Legislative Services Officer, on a first-come, first-  
27 serve basis from 9:00 a.m. until 2:00 p.m. Persons who are authorized to use the auditorium,  
28 the quads, and space outside the buildings, as described in this rule, shall permit members of  
29 the General Assembly, the press, and the general public to enter those spaces.

30 6. Use of Legislative Complex for non-legislative purposes. The Legislative Services Officer  
31 may designate one committee room for use by members of the General Assembly and  
32 legislative staff for non-legislative purposes consistent with the decorum of the Complex. The  
33 room shall be available on a first-come, first-serve basis, provided that the member or  
34 legislative staff person is present and the assignment of the room for non-legislative purposes  
35 does not disturb the General Assembly and its staff in the performance of their duties.

36 7. Removal of Materials- Persons authorized to use space in the Legislative Complex shall  
37 remove any materials used at the end of the meeting. Failure to follow this rule may bar groups  
38 or individuals from using space in the Legislative Complex in the future.

39  
40 5-8. Parking.

41  
42 (a) General. Except as set out in this section, the following persons, and no others, are

1 authorized to park at the buildings and on the grounds of the State Legislative Building  
2 Legislative Complex as the term "grounds" "State legislative buildings and grounds" is defined  
3 in G.S. 120-32.2. G.S. 120-32.1, in accordance with the North Carolina General Assembly  
4 Parking Policy.

5  
6 1. Members of the General Assembly.

7  
8 2. The President of the Senate.

9  
10 3. Elected officers of each house of the General Assembly.

11  
12 4. The Legislative ~~Administrative~~ Services Officer.

13 5. Legislative employees.

14  
15 (b) Emergency Vehicle. A space shall be reserved in the basement parking area for an  
16 emergency vehicle. The Legislative ~~Administrative~~ Services Officer is authorized to park his or  
17 her vehicle in this emergency space. The vehicle shall be available to transport persons to  
18 hospitals in emergency situations and for use in other emergency situations.

19  
20 (c) UNC Center for Public Television Control Vehicle. As UNC Center for Public Television is  
21 a non-commercial telecast service of the University of North Carolina, the Legislative  
22 ~~Administrative~~ Services Officer may designate a space in the driveway or on the grounds of the  
23 State Legislative Building where the control vehicle for the Center for Public Television station  
24 may be parked during sessions of the General Assembly.

25  
26 (d) Loading Docks. Only persons making deliveries to the Legislative Complex, while making  
27 the deliveries, may park at the loading docks or at any other place that the Legislative  
28 ~~Administrative~~ Services Officer or ~~his~~ the Legislative Services Officer's designee may direct.

29  
30 (e) Chaplain Parking. The Chaplain of each house, or ~~his~~ the Chaplain's officially designated  
31 substitute for any daily session, may park on the grounds at the State Legislative Building  
32 during the time necessary to perform his or her duties. ~~duties in opening the sessions only.~~

33  
34 (f) Parking at Special Times. On Mondays when ~~sessions are not being held~~ neither house of the  
35 General Assembly convenes during the day, and on nights when ~~sessions are not~~  
36 ~~scheduled, neither house of the General Assembly is scheduled to convene~~ and when the  
37 General Assembly is in recess or has adjourned sine die, the Legislative ~~Administrative~~  
38 Services Officer may authorize legislative employees to park on the grounds of the State  
39 Legislative Building, so long as this parking does not inconvenience members of the General  
40 Assembly.

41  
42 (g) Removal of Unauthorized Vehicles. In addition to prosecution under the provisions of G.S.  
43 20-32. 1. the Legislative ~~Administrative~~ Services Officer is directed to tow any vehicle parked  
44 without authority on the grounds of the State Legislative Building.

45  
46 ~~6. Use of Grounds of Legislative Complex. Except for purposes of maintenance, repair and~~  
47 ~~servicing of the Legislative Complex no person or group of persons shall congregate on,~~



1 ~~assemble on, camp on, park on or otherwise occupy the grounds of the State Legislative~~  
2 ~~Building or the Legislative Office Building, as the term "grounds" is defined in G.S. 120-32.2.~~  
3

4 7.9. Violation of Rules - A Misdemeanor. A knowing violation of these rules is a misdemeanor  
5 under G.S. 120-32. 1 (b).

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEECLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paula J. Hoff	Paulatics
Souei Schmidt	Action for Children
LOR, Ann Arrows	LARON
Audrey Bailey	Community Colleges
Ann Russell	NC Comm. College Faculty ASSN
Cassandra White	Gen. Office
Johnny Little	MWC
John	PAAC - new
Jay Orr	NCAEC
Andrew Meek	NCAEC
Beverly Adams	Leg. Services
EVG	UNC TV

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEECLERK

NAME	FIRM OR AGENCY AND ADDRESS
Benny Hall	Leg. Services
Tom Goldran	LS Admin Div.
Don Wilkman	NC Community College Faculty Assoc.
Amy C. Ennis	NMISS
Jennifer Mahan	MHANC/Coalition
Angie Hain	Williams Muller
John McAlister	NC Chamber
Madhe McNeill	Carolina Healthcare System
Murphy Sullivan	Charlotte Chamber
Patricia Lawler	Lawler Consulting
Barbara Cansler	BCC

Name of Committee

**Date**

**CLERK**

**FIRM OR AGENCY AND ADDRESS**[illegible]

## MINUTES

### RULES AND OPERATIONS OF THE SENATE

MAY 22, 2007

The Rules and Operations of the Senate Committee met on May 22, 2007 at 5:00 p.m. at Senator Tony Rand's Senate Chamber desk. Fifteen members of the committee were present.

Senator Rand asked Senator Hoyle to preside at the meeting on:

#### **SENATE BILL 371 – USE OF SENATE SEALS AND COAT OF ARMS**

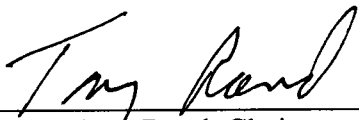
Senator Rand was recognized and explained that this bill would prohibit commercial use of likeness of any seal or Coat of Arms of the Senate. Senator Rand then moved for a favorable report for Senate Bill 371 – Use of Senate Seals and Coat of Arms.

The committee gave the bill a favorable report.

#### **SENATE BILL – 1541 – DIX CAMPUS**

Senator Rand presented the committee with a proposed Senate Committee Substitute changing the expiration date from September 1, 2007 to September 1, 2008 and would require the Department of Administration to get prior approval of the General Assembly before allocating or reallocating the property encompassing the Dorothea Dix Hospital campus and property described in the 1995 Capital Area Master Plan for State Government, Blue Ridge Road Area, developed by O'Brien/Atkins.

Senator Hoyle moved for the adoption of the committee substitute and the committee gave Senate Bill 1541 – Dix Campus a favorable report.

  
\_\_\_\_\_  
Senator Tony Rand, Chairman

  
\_\_\_\_\_  
Evelyn Costello, Committee Asst.

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

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

Tuesday, May 22, 2007

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

**FAVORABLE**

S.B.	371	Use of Senate Seals and Coat of Arms.	
		Sequential Referral:	None
		Recommended Referral:	None

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

S.B.	1541	Dix Campus.	
		Draft Number:	PCS 85322
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 2

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

1

SENATE BILL 371

Short Title: Use of Senate Seals and Coat of Arms.

(Public)

Sponsors: Senator Rand.

Referred to: Rules and Operations of the Senate.

February 28, 2007

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT COMMERCIAL USE OF LIKENESSES OF ANY SEAL OR  
COAT OF ARMS OF THE SENATE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 31 of Chapter 120 of the General Statutes is amended  
by adding a new section to read:

**"§ 120-271. Use of likenesses of any seal or coat of arms of the Senate.**

(a) Whoever, except as directed by the Senate or the Principal Clerk of the  
Senate on its behalf, knowingly uses, manufactures, reproduces, sells, or purchases for  
resale, either separately or appended to any article manufactured or sold, any likeness of  
any seal or coat of arms of the Senate, or any substantial part thereof, except for  
manufacture or sale of the article for the official use of the State of North Carolina, shall  
be guilty of a Class 2 misdemeanor.

(b) A violation of this section may be enjoined at the suit of the Attorney  
General."

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

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

**S**

**1**

**SENATE BILL 1541**

Short Title: Dix Campus.

(Public)

---

Sponsors: Senator Malone.

---

Referred to: Rules and Operations of the Senate.

---

March 28, 2007

1                                   A BILL TO BE ENTITLED  
2 AN ACT REGARDING THE DISPOSITION OF THE DOROTHEA DIX HOSPITAL  
3 PROPERTY.  
4 The General Assembly of North Carolina enacts:  
5       **SECTION 1.** S.L. 2005-276; Section 6.25(c) reads as rewritten:  
6       **"SECTION 6.25.(c)** This section expires September 1, ~~2007~~2008."  
7       **SECTION 2.** This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S

D

SENATE BILL 1541

PROPOSED COMMITTEE SUBSTITUTE S1541-PCS85322-RC-40

Short Title: Dix Campus.

(Public)

Sponsors:

Referred to:

March 28, 2007

A BILL TO BE ENTITLED

AN ACT REGARDING THE FUTURE USE OF THE DOROTHEA DIX HOSPITAL  
PROPERTY CAMPUS AND SUPPORT FOR MENTAL HEALTH SERVICES.

Whereas, the land and improvements that comprise the Dorothea Dix  
Hospital Property Campus (Dix Campus) have been owned by the State of North  
Carolina for more than 150 years, and during that time, the Dorothea Dix Psychiatric  
Hospital has provided services to the State's citizens who suffer from severe mental  
illness; and

Whereas, many of the improvements located on the Dix Campus are included  
in the National Registry of Historic Places; and

Whereas, the Dix Campus has unique topography in that it includes extensive  
open space, is within one mile of the State capital, and overlooks downtown Raleigh;  
and

Whereas, the State may cease to use the Dorothea Dix Psychiatric Hospital  
when the new Central Regional Psychiatric Hospital becomes operational; Now,  
therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** It is the intent of the General Assembly that if the State ceases  
to use the Dorothea Dix Psychiatric Hospital to provide mental health services, the land  
and improvements that constitute the Dorothea Dix Hospital Property Campus be  
utilized in the future as follows:

(1) That the General Assembly examine the possibility of creating a park  
district on the Dorothea Dix Campus with local governments, such  
district to be financed with a combination of local public revenues and  
private contributions;

(2) That the historic buildings located on the Dorothea Dix Hospital  
Property Campus be renovated and rehabilitated in a manner that is

1 economically feasible and that supports the other objectives stated in  
2 this act; and

- 3 (3) That the uses provided for in subdivisions (1) and (2) of this section  
4 continue to support mental health services, including the generation of  
5 significant revenues for mental health services throughout the State.

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

MINUTES

COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

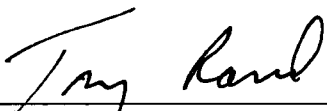
JUNE 4, 2007

The Committee on Rules and Operations of the Senate met on June 4, 2007 at 7:15 P.M. around Senator Rand's chamber desk in the Senate Chamber. Ten members of the committee were present.

**SJR 97 – HONORING NORTH CAROLINA NATIVES DON GIBSON AND EARL SCRUGGS.**

Senator Rand presented the committee with a committee substitute for Senate Joint Resolution Honoring North Carolina natives Don Gibson and Earl Scruggs. Senator Hoyle moved for adoption of the committee substitute.

Senator Rand explained the committee substitute and thereafter Senator Dorsett moved for a favorable report for SJR97. The committee gave the proposed committee substitute for SJR 97 a favorable report. The meeting adjourned at 7:30 p.m.

  
\_\_\_\_\_  
Senator Tory Rand, Chairman

  
\_\_\_\_\_  
Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

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

Monday, June 04, 2007

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

**UNFAVORABLE AS TO JOINT RESOLUTION, BUT FAVORABLE AS TO  
COMMITTEE SUBSTITUTE JOINT RESOLUTION**

S.JR.	97	Honor Don Gibson and Earl Scruggs.	
		Draft Number:	PCS 55509
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S

D

SENATE JOINT RESOLUTION 97  
PROPOSED COMMITTEE SUBSTITUTE S97-PCS55509-LG-16

---

Sponsors:

---

Referred to:

---

February 12, 2007

1 A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON  
2 GIBSON AND EARL SCRUGGS.

3 Whereas, the State of North Carolina has served as the birthplace of  
4 numerous legendary artists, such as Cleveland County-born Don Gibson, singer and  
5 songwriter, and Earl Scruggs, singer, songwriter, and banjo player; and

6 Whereas, Don Gibson began his career with a Shelby band known as The  
7 Sons of Soil and recorded his first number one hit, "Oh Lonesome Me," in 1958; and

8 Whereas, Don Gibson had more than 80 charted records between 1956 and  
9 1980 and wrote the song "I Can't Stop Loving You," which has been recorded more than  
10 700 times by such artists as Elvis Presley and Ray Charles and has sold more than 30  
11 million records worldwide; and

12 Whereas, Don Gibson was inducted into the Nashville Songwriters Hall of  
13 Fame in 1973 and the Country Music Hall of Fame in 2001; and

14 Whereas, Don Gibson died on November 17, 2003, at the age of 75; and

15 Whereas, Earl Eugene Scruggs was born on January 6, 1924, in Flint Hill,  
16 North Carolina, to George Elam Scruggs and Lula Ruppe Scruggs; and

17 Whereas, Earl Scruggs was born into a family of talented musicians,  
18 including his mother, who played the organ, his father, who played the banjo and fiddle,  
19 and his siblings, who played the banjo and guitar; and

20 Whereas, Earl Scruggs began playing the banjo at the young age of four; and

21 Whereas, between school and working on the family farm, Earl Scruggs spent  
22 much of his free time mastering the banjo; and

23 Whereas, at the age of 10, Earl Scruggs developed and began using his own  
24 unique three-fingered technique to play the banjo which would later become known as  
25 "Scruggs-Style Picking" and would be adopted by numerous banjo players around the  
26 world; and

27 Whereas, as a young man, Earl Scruggs worked in a textile mill to help  
28 support his widowed mother; and

Whereas, in 1945, Earl Scruggs joined Bill Monroe's Blue Grass Boys, a band whose members included Bill Monroe on mandolin, Lester Flatt on guitar, Chubby Wise on fiddle, and Cedric Rainwater on bass; and

Whereas, Earl Scruggs recorded a number of songs with the Blue Grass Boys before leaving the band in 1948; and

Whereas, Earl Scruggs later teamed up with Lester Flatt and formed the band The Foggy Mountain Boys; and

Whereas, The Foggy Mountain Boys became members of the Grand Ole Opry in 1955; and

Whereas, Earl Scruggs and The Foggy Mountain Boys produced such widely recognized tunes as "Foggy Mountain Breakdown," which was used in the 1967 film "Bonnie and Clyde," and "Ballad of Jed Clampett," which was the theme song for the TV show "The Beverly Hillbillies"; and

Whereas, in 1963, the "Ballad of Jed Clampett" became the first bluegrass song to reach the number one spot on the country music charts; and

Whereas, The Foggy Mountain Boys was one of the most successful bluegrass bands of all time and helped to influence generations of bluegrass musicians; and

Whereas, Earl Scruggs left The Foggy Mountain Boys in 1969 and formed the Earl Scruggs Revue featuring his son Randy Scruggs on guitar and vocals and his son Gary Scruggs on electric bass, vocals, and harmonica, and later, his son, Steve Scruggs on piano, guitar, and saxophone; and

Whereas, Earl Scruggs was inducted into the Country Music Hall of Fame in 1985 and the International Bluegrass Music Association (IBMA) Hall of Honor in 1991 and was awarded the National Heritage Fellowship Award and the President's National Medal of Arts; and

Whereas, Earl Scruggs has been nominated for numerous Grammy Awards and has won four, including two for renditions of "Foggy Mountain Breakdown"; and

Whereas, Earl Scruggs was honored with a star on the Hollywood Walk of Fame on February 13, 2003; and

Whereas, Earl Scruggs is highly respected among musicians, which is evident from the many performers who have made guest appearances on his albums, including Bob Dylan, Elton John, Sting, Melissa Etheridge, Johnny Cash, and Don Henley; and

Whereas, Earl Scruggs has had a profound impact on bluegrass and country music and thus has earned the admiration of the people of this State and the world; Now, therefore,

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

**SECTION 1.** The General Assembly honors the memory of native son Don Gibson and expresses its appreciation for his invaluable contributions to the music industry.

**SECTION 2.** The General Assembly wishes to pay tribute to native son Earl Scruggs for his accomplishments as a musician and for his role in helping to popularize bluegrass and country music.

1           **SECTION 3.** The Secretary of State shall transmit a certified copy of this  
2 resolution to Earl Scruggs and the family of Don Gibson.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S

D

SENATE JOINT RESOLUTION 97  
PROPOSED COMMITTEE SUBSTITUTE S97-PCS55509-LG-16

---

Sponsors:

---

Referred to:

---

February 12, 2007

1 A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON  
2 GIBSON AND EARL SCRUGGS.

3 Whereas, the State of North Carolina has served as the birthplace of  
4 numerous legendary artists, such as Cleveland County-born Don Gibson, singer and  
5 songwriter, and Earl Scruggs, singer, songwriter, and banjo player; and

6 Whereas, Don Gibson began his career with a Shelby band known as The  
7 Sons of Soil and recorded his first number one hit, "Oh Lonesome Me," in 1958; and

8 Whereas, Don Gibson had more than 80 charted records between 1956 and  
9 1980 and wrote the song "I Can't Stop Loving You," which has been recorded more than  
10 700 times by such artists as Elvis Presley and Ray Charles and has sold more than 30  
11 million records worldwide; and

12 Whereas, Don Gibson was inducted into the Nashville Songwriters Hall of  
13 Fame in 1973 and the Country Music Hall of Fame in 2001; and

14 Whereas, Don Gibson died on November 17, 2003, at the age of 75; and

15 Whereas, Earl Eugene Scruggs was born on January 6, 1924, in Flint Hill,  
16 North Carolina, to George Elam Scruggs and Lula Ruppe Scruggs; and

17 Whereas, Earl Scruggs was born into a family of talented musicians,  
18 including his mother, who played the organ, his father, who played the banjo and fiddle,  
19 and his siblings, who played the banjo and guitar; and

20 Whereas, Earl Scruggs began playing the banjo at the young age of four; and

21 Whereas, between school and working on the family farm, Earl Scruggs spent  
22 much of his free time mastering the banjo; and

23 Whereas, at the age of 10, Earl Scruggs developed and began using his own  
24 unique three-fingered technique to play the banjo which would later become known as  
25 "Scruggs-Style Picking" and would be adopted by numerous banjo players around the  
26 world; and

27 Whereas, as a young man, Earl Scruggs worked in a textile mill to help  
28 support his widowed mother; and



Whereas, in 1945, Earl Scruggs joined Bill Monroe's Blue Grass Boys, a band whose members included Bill Monroe on mandolin, Lester Flatt on guitar, Chubby Wise on fiddle, and Cedric Rainwater on bass; and

Whereas, Earl Scruggs recorded a number of songs with the Blue Grass Boys before leaving the band in 1948; and

Whereas, Earl Scruggs later teamed up with Lester Flatt and formed the band The Foggy Mountain Boys; and

Whereas, The Foggy Mountain Boys became members of the Grand Ole Opry in 1955; and

Whereas, Earl Scruggs and The Foggy Mountain Boys produced such widely recognized tunes as "Foggy Mountain Breakdown," which was used in the 1967 film "Bonnie and Clyde," and "Ballad of Jed Clampett," which was the theme song for the TV show "The Beverly Hillbillies"; and

Whereas, in 1963, the "Ballad of Jed Clampett" became the first bluegrass song to reach the number one spot on the country music charts; and

Whereas, The Foggy Mountain Boys was one of the most successful bluegrass bands of all time and helped to influence generations of bluegrass musicians; and

Whereas, Earl Scruggs left The Foggy Mountain Boys in 1969 and formed the Earl Scruggs Revue featuring his son Randy Scruggs on guitar and vocals and his son Gary Scruggs on electric bass, vocals, and harmonica, and later, his son, Steve Scruggs on piano, guitar, and saxophone; and

Whereas, Earl Scruggs was inducted into the Country Music Hall of Fame in 1985 and the International Bluegrass Music Association (IBMA) Hall of Honor in 1991 and was awarded the National Heritage Fellowship Award and the President's National Medal of Arts; and

Whereas, Earl Scruggs has been nominated for numerous Grammy Awards and has won four, including two for renditions of "Foggy Mountain Breakdown"; and

Whereas, Earl Scruggs was honored with a star on the Hollywood Walk of Fame on February 13, 2003; and

Whereas, Earl Scruggs is highly respected among musicians, which is evident from the many performers who have made guest appearances on his albums, including Bob Dylan, Elton John, Sting, Melissa Etheridge, Johnny Cash, and Don Henley; and

Whereas, Earl Scruggs has had a profound impact on bluegrass and country music and thus has earned the admiration of the people of this State and the world; Now, therefore,

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

**SECTION 1.** The General Assembly honors the memory of native son Don Gibson and expresses its appreciation for his invaluable contributions to the music industry.

**SECTION 2.** The General Assembly wishes to pay tribute to native son Earl Scruggs for his accomplishments as a musician and for his role in helping to popularize bluegrass and country music.

1           **SECTION 3.** The Secretary of State shall transmit a certified copy of this  
2 resolution to Earl Scruggs and the family of Don Gibson.

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

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

1

SENATE JOINT RESOLUTION 97

---

Sponsors: Senators Dalton; Albertson, Hoyle, and Purcell.

---

Referred to: Rules and Operations of the Senate.

---

February 12, 2007

A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON GIBSON AND EARL SCRUGGS.

Whereas, the State of North Carolina has served as the birthplace of numerous legendary artists, such as Cleveland County-born Don Gibson, singer and songwriter, and Earl Scruggs, singer, **songwriter**, and banjo player; and

Whereas, Don Gibson began his career with a Shelby band known as The Sons of Soil and recorded his first number one hit, "Oh Lonesome Me," in 1958; and

Whereas, Don Gibson had more than 80 charted records between 1956 and 1980 and wrote the song "I Can't Stop Loving You," which has been recorded more than 700 times by such artists as Elvis Presley and Ray Charles and has sold more than 30 million records worldwide; and

Whereas, Don Gibson was inducted into the Nashville Songwriters Hall of Fame in 1973 and the Country Music Hall of Fame in 2001; and

Whereas, Don Gibson died on November 17, 2003, at the age of 75; and

Whereas, Earl Eugene Scruggs was born on January 6, 1924, in Flint Hill, North Carolina, to George **Elam** Scruggs and Lula Ruppe Scruggs; and

Whereas, Earl Scruggs was born into a family of talented musicians, including his mother, who played the organ, his father, who played the banjo and fiddle, and his siblings, who played the banjo and guitar; and

Whereas, Earl Scruggs began playing the banjo at the young age of four; and

Whereas, between school and working on the family farm, Earl Scruggs spent **all much of** his free time mastering the banjo; and

Whereas, at the age of 10, Earl Scruggs developed and began using his own unique three-fingered technique to play the banjo which would later become known as "Scruggs-Style Picking" and would be adopted by numerous banjo players around the **country world**; and

Whereas, as a young man, Earl Scruggs worked in a textile mill to help support his widowed mother; and

Whereas, in 1945, Earl Scruggs joined Bill Monroe's ~~Bluegrass~~ ~~Blue Grass~~ Boys, a band whose members included Bill Monroe on mandolin, Lester Flatt on guitar, Chubby Wise on fiddle, and Cedric Rainwater on bass; and

Whereas, Earl Scruggs recorded a number of songs with the ~~Bluegrass~~ ~~Blue Grass~~ Boys before leaving the band in 1948; and

Whereas, Earl Scruggs later teamed up with Lester Flatt and formed the band The Foggy Mountain Boys; and

Whereas, The Foggy Mountain Boys became members of the Grand Ole Opry in 1955; and

Whereas, Earl Scruggs and The Foggy Mountain Boys produced such widely recognized tunes as "Foggy Mountain Breakdown," which was used in the 1967 film "Bonnie and Clyde," ~~and "Dueling Banjos," which was used in the 1972 film "Deliverance,"~~ and "Ballad of Jed Clampett," which was the theme song for the TV show "The Beverly Hillbillies"; and

Whereas, in ~~1967~~ ~~1963~~, the "Ballad of Jed Clampett" became the first bluegrass song to reach the number one spot on the country music charts; and

Whereas, The Foggy Mountain Boys was one of the most successful bluegrass bands of all time and helped to influence generations of bluegrass musicians; and

Whereas, Earl Scruggs left The Foggy Mountain Boys in 1969 and formed the Earl Scruggs Revue featuring his son Randy Scruggs on guitar, ~~bass,~~ and vocals and his son Gary Scruggs on ~~electric bass,~~ ~~harmonica~~ ~~vocals and~~ ~~vocals~~ ~~harmonica,~~ ~~along with Jody Maphis on drums and vocals;~~ and later, his son, Steve Scruggs, on piano, guitar, and saxophone and

Whereas, Earl Scruggs was inducted into the Country Music Hall of Fame in 1985 and the International Bluegrass Music ~~Awards Association~~ (IBMA) Hall of Honor in 1991 and was awarded the National Heritage Fellowship Award and the President's National Medal of Arts; and

Whereas, Earl Scruggs has been nominated for numerous Grammy Awards and has won four, including two for renditions of "Foggy Mountain Breakdown"; and

Whereas, Earl Scruggs was honored with a star on the Hollywood Walk of Fame on February 13, 2003; and

Whereas, Earl Scruggs is highly respected among musicians, which is evident from the many performers who have made guest appearances on his albums, including Bob Dylan, Elton John, Sting, Melissa Etheridge, Johnny Cash, and Don Henley; and

Whereas, Earl Scruggs has had a profound impact on bluegrass and country music and thus has earned the admiration of the people of this State and the world; Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

**SECTION 1.** The General Assembly honors the memory of native son Don Gibson and expresses its appreciation for his invaluable contributions to the music industry.

**SECTION 2.** The General Assembly wishes to pay tribute to native son Earl Scruggs for his accomplishments as a musician and for his role in helping to popularize bluegrass ~~and~~ ~~country~~ music.

**SECTION 3.** The Secretary of State shall transmit a certified copy of this resolution to Earl Scruggs and the family of Don Gibson.

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

S

D

SENATE JOINT RESOLUTION 97  
PROPOSED COMMITTEE SUBSTITUTE S97-PCS55509-LG-16

---

Sponsors:

---

Referred to:

---

February 12, 2007

1 A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON  
2 GIBSON AND EARL SCRUGGS.

3 Whereas, the State of North Carolina has served as the birthplace of  
4 numerous legendary artists, such as Cleveland County-born Don Gibson, singer and  
5 songwriter, and Earl Scruggs, singer, songwriter, and banjo player; and

6 Whereas, Don Gibson began his career with a Shelby band known as The  
7 Sons of Soil and recorded his first number one hit, "Oh Lonesome Me," in 1958; and

8 Whereas, Don Gibson had more than 80 charted records between 1956 and  
9 1980 and wrote the song "I Can't Stop Loving You," which has been recorded more than  
10 700 times by such artists as Elvis Presley and Ray Charles and has sold more than 30  
11 million records worldwide; and

12 Whereas, Don Gibson was inducted into the Nashville Songwriters Hall of  
13 Fame in 1973 and the Country Music Hall of Fame in 2001; and

14 Whereas, Don Gibson died on November 17, 2003, at the age of 75; and

15 Whereas, Earl Eugene Scruggs was born on January 6, 1924, in Flint Hill,  
16 North Carolina, to George Elam Scruggs and Lula Ruppe Scruggs; and

17 Whereas, Earl Scruggs was born into a family of talented musicians,  
18 including his mother, who played the organ, his father, who played the banjo and fiddle,  
19 and his siblings, who played the banjo and guitar; and

20 Whereas, Earl Scruggs began playing the banjo at the young age of four; and

21 Whereas, between school and working on the family farm, Earl Scruggs spent  
22 much of his free time mastering the banjo; and

23 Whereas, at the age of 10, Earl Scruggs developed and began using his own  
24 unique three-fingered technique to play the banjo which would later become known as  
25 "Scruggs-Style Picking" and would be adopted by numerous banjo players around the  
26 world; and

27 Whereas, as a young man, Earl Scruggs worked in a textile mill to help  
28 support his widowed mother; and

Whereas, in 1945, Earl Scruggs joined Bill Monroe's Blue Grass Boys, a band whose members included Bill Monroe on mandolin, Lester Flatt on guitar, Chubby Wise on fiddle, and Cedric Rainwater on bass; and

Whereas, Earl Scruggs recorded a number of songs with the Blue Grass Boys before leaving the band in 1948; and

Whereas, Earl Scruggs later teamed up with Lester Flatt and formed the band The Foggy Mountain Boys; and

Whereas, The Foggy Mountain Boys became members of the Grand Ole Opry in 1955; and

Whereas, Earl Scruggs and The Foggy Mountain Boys produced such widely recognized tunes as "Foggy Mountain Breakdown," which was used in the 1967 film "Bonnie and Clyde," and "Ballad of Jed Clampett," which was the theme song for the TV show "The Beverly Hillbillies"; and

Whereas, in 1963, the "Ballad of Jed Clampett" became the first bluegrass song to reach the number one spot on the country music charts; and

Whereas, The Foggy Mountain Boys was one of the most successful bluegrass bands of all time and helped to influence generations of bluegrass musicians; and

Whereas, Earl Scruggs left The Foggy Mountain Boys in 1969 and formed the Earl Scruggs Revue featuring his son Randy Scruggs on guitar and vocals and his son Gary Scruggs on electric bass, vocals, and harmonica, and later, his son, Steve Scruggs on piano, guitar, and saxophone; and

Whereas, Earl Scruggs was inducted into the Country Music Hall of Fame in 1985 and the International Bluegrass Music Association (IBMA) Hall of Honor in 1991 and was awarded the National Heritage Fellowship Award and the President's National Medal of Arts; and

Whereas, Earl Scruggs has been nominated for numerous Grammy Awards and has won four, including two for renditions of "Foggy Mountain Breakdown"; and

Whereas, Earl Scruggs was honored with a star on the Hollywood Walk of Fame on February 13, 2003; and

Whereas, Earl Scruggs is highly respected among musicians, which is evident from the many performers who have made guest appearances on his albums, including Bob Dylan, Elton John, Sting, Melissa Etheridge, Johnny Cash, and Don Henley; and

Whereas, Earl Scruggs has had a profound impact on bluegrass and country music and thus has earned the admiration of the people of this State and the world; Now, therefore,

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

**SECTION 1.** The General Assembly honors the memory of native son Don Gibson and expresses its appreciation for his invaluable contributions to the music industry.

**SECTION 2.** The General Assembly wishes to pay tribute to native son Earl Scruggs for his accomplishments as a musician and for his role in helping to popularize bluegrass and country music.

1           **SECTION 3.** The Secretary of State shall transmit a certified copy of this  
2 resolution to Earl Scruggs and the family of Don Gibson.

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

MINUTES

RULES AND OPERATIONS OF THE SENATE

JUNE 26, 2007

The Committee on Rules and Operations of the Senate met on June 26, 2007 at 5:00 p.m. at Senator Rand's Senate Chamber Desk. Nine members of the committee were present.

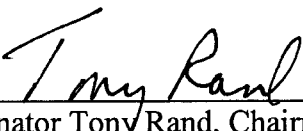
Senator Rand presented the committee with a committee substitute for:

**SJR – 1561 - A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM DUDLEY ROBBINS, SR., FORMER LIEUTENANT COLONEL OF THE UNITED STATES ARMY**

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

Senator Rand explained that the only change in the proposed committee substitute was on page 2, line 6 of the SJR the date was changed from "June 2003 to "June 1993".

Senator Apodaca moved for the adoption of the proposed committee substitute for SJR 1561. SJR 1561 was given a favorable report by the committee. The meeting adjourned promptly after the vote.

  
\_\_\_\_\_  
Senator Tony Rand, Chairman

  
\_\_\_\_\_  
Evelyn Costello, Committee Asst.



**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

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

Tuesday, June 26, 2007

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

**UNFAVORABLE AS TO JOINT RESOLUTION, BUT FAVORABLE AS TO  
COMMITTEE SUBSTITUTE JOINT RESOLUTION**

S.JR.	<b>1561</b>	Honor Lieutenant Colonel William D. Robbins, Sr.
		Draft Number: PCS 15110
		Sequential Referral: None
		Recommended Referral: None
		Long Title Amended: No

TOTAL REPORTED: 1

Committee Clerk Comments:

Thursday, 7/28

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

D

SENATE JOINT RESOLUTION 1561  
PROPOSED COMMITTEE SUBSTITUTE S1561-PCS15110-LG-17

---

Sponsors:

---

Referred to:

---

May 14, 2007

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM  
2 DUDLEY ROBBINS, SR., FORMER LIEUTENANT COLONEL OF THE  
3 UNITED STATES ARMY.

4 Whereas, William Dudley Robbins was born on February 8, 1921, to W.H.  
5 "Red" Robbins and Izma Jennette Robbins in the City of Raleigh; and

6 Whereas, as a young boy, William Dudley Robbins moved with his family to  
7 Pender County; and

8 Whereas, William Dudley Robbins graduated from Burgaw High School in  
9 1938 and received a degree in horticulture from North Carolina State University in  
10 1942, where he served as president of the student body and Cadet Colonel of the ROTC  
11 and was a member of the football, baseball, and boxing teams; and

12 Whereas, after college, William Dudley Robbins proudly served in the United  
13 States Army during World War II, where he fought in the Battle of the Bulge; and

14 Whereas, William Dudley Robbins spent time as a prisoner of war from  
15 December 1944 to May 1945, and was awarded the Bronze Star, Combat Infantryman's  
16 Badge, the Purple Heart, and three Battle Stars; and

17 Whereas, upon his discharge from the army, William Dudley Robbins joined  
18 the Army Reserves, remaining an active member until 1964 and reaching the rank of  
19 Lieutenant Colonel; and

20 Whereas, William Dudley Robbins' deep affinity for the land and his  
21 background in horticulture provided the foundation in helping him to succeed as the  
22 owner of Robbins Nursery in the Town of Penderlea; and

23 Whereas, William Dudley Robbins was an active supporter of veterans and  
24 veterans' rights and in 1965, became a charter member of the American Legion Post 165  
25 in Burgaw; and

26 Whereas, William Dudley Robbins served as Post Commander for two years  
27 and was later elected District Commander, State Vice Commander, and State  
28 Commander; and

29 Whereas, William Dudley Robbins went on to serve on the National  
30 Executive Committee and as a member of the American Legion's National Insurance

1 Committee, the National Americanism Commission, and the National Security  
2 Commission; and

3       Whereas, William Dudley Robbins was appointed to the North Carolina  
4 Veterans Commission, serving under Governors Daniel T. Moore, James B. Hunt, Jr.,  
5 and Michael F. Easley, and served as Chair of the North Carolina Veterans Affairs  
6 Commission from June 1993 to September 2004; and

7       Whereas, William Dudley Robbins strongly believed in educating the youth  
8 in his community, serving as Chair of the Pender County Board of Education for 23  
9 years of his 25-year tenure; and

10       Whereas, William Dudley Robbins was a strong participant in his  
11 community, serving as a Ruritan and Mason for more than 50 years, as a Shriner, and as  
12 a charter member of both the Pender County Rescue Squad and the Penderlea Fire  
13 Department; and

14       Whereas, William Dudley Robbins was awarded the Order of the Long Leaf  
15 Pine by Governor James B. Hunt, Jr., and presented a POW Medal by Congressman  
16 Mike McIntyre; and

17       Whereas, William Dudley Robbins was active in the Saint Mary's Episcopal  
18 Church in Burgaw, where he was a Sunday school teacher, Sunday school  
19 superintendent, and a member of the Vestry; and

20       Whereas, William Dudley Robbins died on March 13, 2007, at the age of 86;  
21 and

22       Whereas, William Dudley Robbins is survived by his wife, Jacquelyne  
23 Gordon Robbins; four sons, William Dudley "Bill" Robbins, Jr., Wilfred Lee "Red"  
24 Robbins, Martin Gordon "Marty" Robbins, and James Thomas "Jimbo" Robbins; six  
25 grandchildren; and several other close relatives; Now, therefore,

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

27       **SECTION 1.** The General Assembly honors the memory of William Dudley  
28 Robbins, Sr., and expresses the appreciation of this State and its citizens for his  
29 contributions and service.

30       **SECTION 2.** The General Assembly extends its deepest sympathy to the  
31 family of William Dudley Robbins, Sr., for the loss of a beloved and distinguished  
32 family member.

33       **SECTION 3.** The Secretary of State shall transmit a certified copy of this  
34 resolution to the family of William Dudley Robbins, Sr.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

S

1

**SENATE JOINT RESOLUTION 1561**

---

Sponsors: Senator Soles.

---

Referred to: Rules and Operations of the Senate.

---

May 14, 2007

1 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM  
2 DUDLEY ROBBINS, SR., FORMER LIEUTENANT COLONEL OF THE  
3 UNITED STATES ARMY.

4 Whereas, William Dudley Robbins was born on February 8, 1921, to W.H.  
5 "Red" Robbins and Izma Jennette Robbins in the City of Raleigh; and

6 Whereas, as a young boy, William Dudley Robbins moved with his family to  
7 Pender County; and

8 Whereas, William Dudley Robbins graduated from Burgaw High School in  
9 1938 and received a degree in horticulture from North Carolina State University in  
10 1942, where he served as president of the student body and Cadet Colonel of the ROTC  
11 and was a member of the football, baseball, and boxing teams; and

12 Whereas, after college, William Dudley Robbins proudly served in the United  
13 States Army during World War II, where he fought in the Battle of the Bulge; and

14 Whereas, William Dudley Robbins spent time as a prisoner of war from  
15 December 1944 to May 1945, and was awarded the Bronze Star, Combat Infantryman's  
16 Badge, the Purple Heart, and three Battle Stars; and

17 Whereas, upon his discharge from the army, William Dudley Robbins joined  
18 the Army Reserves, remaining an active member until 1964 and reaching the rank of  
19 Lieutenant Colonel; and

20 Whereas, William Dudley Robbins' deep affinity for the land and his  
21 background in horticulture provided the foundation in helping him to succeed as the  
22 owner of Robbins Nursery in the Town of Penderlea; and

23 Whereas, William Dudley Robbins was an active supporter of veterans and  
24 veterans' rights and in 1965, became a charter member of the American Legion Post 165  
25 in Burgaw; and

26 Whereas, William Dudley Robbins served as Post Commander for two years  
27 and was later elected District Commander, State Vice Commander, and State  
28 Commander; and

29 Whereas, William Dudley Robbins went on to serve on the National  
30 Executive Committee and as a member of the American Legion's National Insurance

1 Committee, the National Americanism Commission, and the National Security  
2 Commission; and

3       Whereas, William Dudley Robbins was appointed to the North Carolina  
4 Veterans Commission, serving under Governors Daniel T. Moore, James B. Hunt, Jr.,  
5 and Michael F. Easley, and served as Chair of the North Carolina Veterans Affairs  
6 Commission from June 2003 to September 2004; and

7       Whereas, William Dudley Robbins strongly believed in educating the youth  
8 in his community, serving as Chair of the Pender County Board of Education for 23  
9 years of his 25-year tenure; and

10       Whereas, William Dudley Robbins was a strong participant in his  
11 community, serving as a Ruritan and Mason for more than 50 years, as a Shriner, and as  
12 a charter member of both the Pender County Rescue Squad and the Penderlea Fire  
13 Department; and

14       Whereas, William Dudley Robbins was awarded the Order of the Long Leaf  
15 Pine by Governor James B. Hunt, Jr., and presented a POW Medal by Congressman  
16 Mike McIntyre; and

17       Whereas, William Dudley Robbins was active in the Saint Mary's Episcopal  
18 Church in Burgaw, where he was a Sunday school teacher, Sunday school  
19 superintendent, and a member of the Vestry; and

20       Whereas, William Dudley Robbins died on March 13, 2007, at the age of 86;  
21 and

22       Whereas, William Dudley Robbins is survived by his wife, Jacquelyne  
23 Gordon Robbins; four sons, William Dudley "Bill" Robbins, Jr., Wilfred Lee "Red"  
24 Robbins, Martin Gordon "Marty" Robbins, and James Thomas "Jimbo" Robbins; six  
25 grandchildren; and several other close relatives; Now, therefore,  
26 Be it resolved by the Senate, the House of Representatives concurring:

27       **SECTION 1.** The General Assembly honors the memory of William Dudley  
28 Robbins, Sr., and expresses the appreciation of this State and its citizens for his  
29 contributions and service.

30       **SECTION 2.** The General Assembly extends its deepest sympathy to the  
31 family of William Dudley Robbins, Sr., for the loss of a beloved and distinguished  
32 family member.

33       **SECTION 3.** The Secretary of State shall transmit a certified copy of this  
34 resolution to the family of William Dudley Robbins, Sr.

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

## MINUTES

### RULES AND OPERATIONS OF THE SENATE

AUGUST 1, 2007

The Rules and Operations of the Senate Committee met on Wednesday, August 1, 2007 at 4:00 p.m. at Senator Rand's Senate Chamber Desk. Sixteen members of the committee were present.

Senator Rand presented the committee with a Senate Committee Substitute for H.B. 433.

#### **H.B. 433 – STATE FOOD FESTIVAL**

Senator Brunstetter moved to hear the Senate Committee Substitute for H.B. 433. Senator Rand explained that the bill would adopt the Lexington Barbecue Festival as the official food festival of the Piedmont Triad Region.

Senator Albertson moved for adoption of the Senate Committee Substitute for H.B. 433 – State Food Festival - and the committee gave the bill a favorable report.

#### **H.B. 1607 – ESTABLISH JUNETEENTH NATIONAL FREEDOM DAY**

Senator Nesbitt moved for the adoption of the Senate Committee Substitute for H.B. 1607. This bill provides that when Juneteenth National Freedom Day or a substantially similar holiday becomes a nationally recognized holiday, the General Assembly must recognize June 19<sup>th</sup> as Juneteenth National Freedom Day.

Senator Dorsett moved for a favorable report and the committee gave the bill a favorable report.

#### **H.B. (CS#1) 1181 – STATE HEALTH PLAN/COUNTY PARTICIPATION**

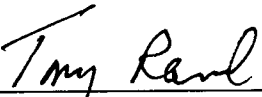
Senator Hoyle moved for the adoption of the proposed Senate Committee Substitute – Small Business Contractor Act for H.B. (CS#1) 1181. This bill would foster economic development and creation of jobs by providing financial assistance to financially responsible small businesses that are unable to obtain adequate financing and bonding

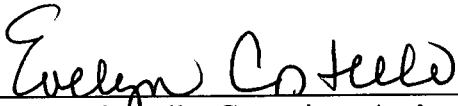
Page 2.

Minutes – August 1, 2007

assistance in connection with contracts. Establishes the 11-member NC Small Business Contractor Authority within the Department of Commerce.

Senator Apodaca moved for a favorable report of H.B. 1181 and the committee gave the 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**

Wednesday, August 01, 2007

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

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

H.B.	<b>433</b>	State Food Festival.	
		Draft Number:	PCS 10269
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

H.B.	<b>1607</b>	Establish Juneteenth National Freedom Day.	
		Draft Number:	PCS 10273
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

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

H.B.(CS #1)	<b>1181</b>	State Health Plan/County Participation.	
		Draft Number:	PCS 50773
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

D

HOUSE BILL 433  
PROPOSED SENATE COMMITTEE SUBSTITUTE H433-PCS10269-LG-21

Short Title: State Food Festival.

(Public)

---

Sponsors:

---

Referred to:

---

March 1, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE  
3 OFFICIAL FOOD FESTIVAL OF THE NORTH CAROLINA PIEDMONT  
4 TRIAD.

5 Whereas, the first barbecue restaurant opened in the Town of Lexington in  
6 1919; and

7 Whereas, Lexington has become well known for its barbecue and has been  
8 referred to as the Barbecue Capital of the World; and

9 Whereas, since 1984, Lexington has held an annual Barbecue Festival; and

10 Whereas, the Lexington Barbecue Festival has become one of the most  
11 popular food festivals in the country; and

12 Whereas, at the Lexington Barbecue Festival more than 150,000 visitors  
13 enjoy delicious food as well as a number of rides, games, and regional music; and

14 Whereas, during the Lexington Barbecue Festival, civic and nonprofit  
15 organizations sponsor events and sell goods to raise funds and present educational  
16 information to the public, and a number of local artists showcase and sell their crafts;  
17 and

18 Whereas, the Lexington Barbecue Festival was named "One of the Top Ten  
19 Food Festivals in the Country" by Travel and Leisure Magazine and a "Top 20 Event  
20 for the Month of October 2002" by the Southeast Tourism Society; and

21 Whereas, the Piedmont Triad Region of the State of North Carolina does not  
22 have an official food festival; Now, therefore,  
23 The General Assembly of North Carolina enacts:

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

26 **"§ 145-27. State food festival.**

27 **The Lexington Barbecue Festival is adopted as the official food festival of the**  
28 **Piedmont Triad Region of the State of North Carolina."**

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

1

HOUSE BILL 433

Short Title: State Food Festival.

(Public)

Sponsors: Representatives Dockham; Holliman and Howard.

Referred to: Rules, Calendar, and Operations of the House.

March 1, 2007

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE  
OFFICIAL FOOD FESTIVAL OF NORTH CAROLINA.

Whereas, the first barbecue restaurant opened in the Town of Lexington in  
1919; and

Whereas, Lexington has become well known for its barbecue and has been  
referred to as the Barbecue Capital of the World; and

Whereas, since 1984, Lexington has held an annual Barbecue Festival; and

Whereas, the Lexington Barbecue Festival has become one of the most  
popular food festivals in the country; and

Whereas, at the Lexington Barbecue Festival more than 150,000 visitors  
enjoy delicious food as well as a number of rides, games, and regional music; and

Whereas, during the Lexington Barbecue Festival, civic and nonprofit  
organizations sponsor events and sell goods to raise funds and present educational  
information to the public, and a number of local artists showcase and sell their crafts;  
and

Whereas, the Lexington Barbecue Festival was named "One of the Top Ten  
Food Festivals in the Country" by Travel and Leisure Magazine and a "Top 20 Event  
for the Month of October 2002" by the Southeast Tourism Society; and

Whereas, the State of North Carolina does not have an official food festival;  
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:

**"§ 145-27. State food festival.**

**The Lexington Barbecue Festival is adopted as the official food festival of the State  
of North Carolina."**

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

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**H**

**D**

**HOUSE BILL 1607**  
**PROPOSED SENATE COMMITTEE SUBSTITUTE H1607-PCS10273-LG-20**

Short Title: Recognize Juneteenth National Freedom Day.

(Public)

---

Sponsors:

---

Referred to:

---

April 19, 2007

A BILL TO BE ENTITLED  
AN ACT RECOGNIZING JUNETEENTH NATIONAL FREEDOM DAY IN NORTH  
CAROLINA.

Whereas, June 19, 1865, is considered the date when the last enslaved Americans were notified of their new legal status by General Gordon Granger, who arrived in Galveston, Texas, and issued General Order Number Three almost two and one-half years after President Lincoln had issued the Emancipation Proclamation; and

Whereas, former slaves in Texas began to observe June 19 as the anniversary of their emancipation and coined the term "Juneteenth"; and

Whereas, Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States and is also known as "Juneteenth National Freedom Day," "Emancipation Day," "Emancipation Celebration," "Freedom Day," "Jun-Jun," "Juneteenth Independence Day"; and

Whereas, Juneteenth commemorates the survival, due to God-given strength and determination, of African-Americans through extreme adversity, hardship, and triumph; and

Whereas, Americans of all colors, creeds, cultures, religions, and countries of origin share in a common love of and respect for freedom, as well as the determination to protect their right to freedom through the democratic institutions by which the tenets of freedom are guaranteed and protected; and

Whereas, the nineteenth of June, along with the fourth of July, completes the cycle of freedom for Americans' Independence Day observance; and

Whereas, Juneteenth is recognized as a state holiday or state holiday observance in many states, including Texas, Oklahoma, Florida, Delaware, Idaho, Alaska, Iowa, California, Wyoming, Missouri, Connecticut, Illinois, Louisiana, New Jersey, New York, Colorado, Arkansas, Oregon, Kentucky, Michigan, New Mexico, Virginia, Washington, and Tennessee; Now, therefore,  
The General Assembly of North Carolina enacts:

1           **SECTION 1.** When Juneteenth National Freedom Day or a substantially  
2 similar holiday becomes a nationally recognized holiday, the General Assembly shall  
3 recognize the nineteenth day of June each year as Juneteenth National Freedom Day, to  
4 commemorate the end of slavery in the United States and to demonstrate racial  
5 reconciliation and healing from the legacy of slavery.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**H**

**2**

**HOUSE BILL 1181**  
**Committee Substitute Favorable 5/24/07**

Short Title: State Health Plan/County Participation.

(Public)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MITCHELL COUNTY TO ENROLL ITS EMPLOYEES  
OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES'  
COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ESTABLISH A  
TWO-YEAR MORATORIUM ON PARTICIPATION IN THE PLAN OF LOCAL  
GOVERNMENTS NOT PARTICIPATING OR AUTHORIZED TO  
PARTICIPATE AS OF A CERTAIN DATE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 31.26(j) of S.L. 2004-124, as amended by Section  
29.32 of S.L. 2005-276, reads as rewritten:

"**SECTION 31.26(j)** This section applies to:

- (1) Bladen, Cherokee, Rutherford, Washington, Mitchell, and Wilkes  
Counties only, and
- (2) The Town of Forest City only."

**SECTION 2.** A local government that is not participating in or not  
authorized by an act of the General Assembly or by the Plan to participate in the  
Teachers' and State Employees' Comprehensive Major Medical Plan (Plan) as an  
employing unit effective on or before July 1, 2007, may not participate as an employing  
unit in the Plan, nor otherwise enroll its employees in the Plan prior to July 1, 2009.

**SECTION 3.** This act becomes effective July 1, 2007. Section 2 of this act  
expires July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

D

HOUSE BILL 1181

Committee Substitute Favorable 5/24/07

PROPOSED SENATE COMMITTEE SUBSTITUTE H1181-PCS50773-RW-65

Short Title: Small Business Contractor Act.

(Public)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS  
FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL  
AGENCIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 10 of Chapter 143B of the General Statutes is amended  
by adding a new Part to read:

"Part 20. Small Business Contractor Act.

**"§ 143B-472.100. Purpose and intent.**

The purpose and intent of this Part is to foster economic development and the  
creation of jobs by providing financial assistance to financially responsible small  
businesses that are unable to obtain adequate financing and bonding assistance in  
connection with contracts.

**"§ 143B-472.101. Definitions.**

The following definitions apply in this Part:

- (1) Authority. – The North Carolina Small Business Contractor Authority  
created in this Part.
- (2) Internal Revenue Code. – The Code as defined in G.S. 105-228.90.
- (3) Contract term. – The term of a contract, including the maintenance or  
warranty period required by the contract and the period during which  
the surety may be liable for latent defects.
- (4) Government agency. – The federal government, the State, an agency,  
or a political subdivision of the federal government or the State, or a  
utility regulated by the North Carolina Utilities Commission.
- (5) Related party. – A party related to the applicant in a manner that would  
require an attribution of stock to or from the party under section 318 of  
the Internal Revenue Code.

1           (6) Secretary. – The Secretary of Commerce.

2 **"§ 143B-472.102. Authority creation; powers.**

3           (a) Creation. – The North Carolina Small Business Contractor Authority is  
4 created within the Department of Commerce.

5           (b) Membership. – The Authority consists of 11 members appointed as follows:

6               (1) Four members appointed by the General Assembly upon the  
7 recommendation of the President Pro Tempore of the Senate, one of  
8 whom has experience in underwriting surety bonds.

9               (2) Four members appointed by the General Assembly upon the  
10 recommendation of the Speaker of the House of Representatives, one  
11 of whom is a present or former governmental employee with  
12 experience in administering public contracts.

13               (3) Three members appointed by the Governor, one of whom is a licensed  
14 general contractor and one of whom is experienced in working for  
15 private, nonprofit, small, or underutilized businesses.

16           (c) Terms. – Members serve four-year terms, except initial appointments. There  
17 is no prohibition against reappointment for subsequent terms. Initial appointments shall  
18 begin on January 1, 2008. Each appointing authority shall designate two of its initial  
19 appointments to serve four-year terms and the remainder of its initial appointments to  
20 serve three-year terms.

21           (d) Chair. – The chair shall be elected annually by the members of the Authority  
22 from the membership of the Authority and shall be a voting member.

23           (e) Compensation. – The Authority members shall receive no salary as a result of  
24 serving on the Authority but are entitled to per diem and allowances in accordance with  
25 G.S. 138-5.

26           (f) Meetings. – The Secretary shall convene the first meeting of the Authority  
27 within 60 days after January 1, 2008. Meetings shall be held as necessary as determined  
28 by the Authority.

29           (g) Quorum. – A majority of the members of the Authority constitutes a quorum  
30 for the transaction of business. A vacancy in the membership of the Authority does not  
31 impair the right of the quorum to exercise all rights and to perform all duties of the  
32 Authority.

33           (h) Vacancies. – A vacancy on the Authority resulting from the resignation of a  
34 member or otherwise is filled in the same manner in which the original appointment was  
35 made, for the balance of the unexpired term. Vacancies in appointments made by the  
36 General Assembly shall be filled in accordance with G.S. 120-122.

37           (i) Removal. – Members may be removed in accordance with G.S. 143B-13. A  
38 member who misses three consecutive meetings of the Authority may be removed for  
39 nonfeasance.

40           (j) Powers and Duties. – The Authority has the following powers and duties:

41               (1) To accept grants, loans, contributions, and services.

42               (2) To employ staff, procure supplies, services, and property, and enter  
43 into contracts, leases, or other legal agreements, including the  
44 procurement of reinsurance, to carry out the purposes of the Authority.



- (3) To acquire, manage, operate, dispose of, or otherwise deal with property, take assignments of rentals and leases, and enter into contracts, leases, agreements, and arrangements that are necessary or incidental to the performance of the duties of the Authority, upon terms and conditions that it considers appropriate.
- (4) To specify the form and content of applications, guaranty agreements, or agreements necessary to fulfill the purposes of this Part.
- (5) To acquire or take assignments of documents executed, obtained, or delivered in connection with assistance provided by the Authority under this Part.
- (6) To fix, determine, charge, and collect any premiums, fees, charges, costs, and expenses in connection with any assistance provided by the Authority under this Part.
- (7) To adopt rules, in accordance with Chapter 150B of the General Statutes, to implement this Part.
- (8) To take any other action necessary to carry out its purposes.
- (9) To report quarterly to the Joint Legislative Commission on Governmental Operations on the activities of the Authority, including the amount of rates, sureties, and bonds.

(k) Limitations. – Notwithstanding any other provision of this Part, the Authority may not provide financial assistance that constitutes raising money on the credit of the State or pledging the faith and credit or the taxing power of the State directly or indirectly for the payment of any debt. Before providing financial assistance to an applicant under this Part, the Authority must obtain the written certification of the Attorney General that the proposed financial assistance does not constitute raising money on the credit of the State or pledging the faith of the State directly or indirectly for the payment of any debt as provided in Section 3(2) of Article V of the North Carolina Constitution.

**"§ 143B-472.103. Eligibility.**

To qualify for assistance under this Part, an applicant must meet all of the following requirements:

- (1) The applicant must be a small business concern that meets the applicable size standards established by the United States Small Business Administration for business loans based on the industry in which the concern, including its affiliates, is primarily engaged and based on the industry in which the concern, not including its affiliates, is primarily engaged. In addition, in the case of an application for bonding assistance, the applicant, including its affiliates, may not have receipts for construction and service contracts in excess of the maximum amount established by the United States Small Business Administration for surety bond guarantee assistance.
- (2) The applicant must be an individual, or be controlled by one or more individuals, with a reputation for financial responsibility, as determined from creditors, employers, and other individuals with

personal knowledge. If the applicant is other than a sole proprietorship, at least seventy percent (70%) of the business must be owned by individuals with a reputation for financial responsibility.

(3) The applicant must be a resident of this State or be incorporated in this State and must have its principal place of business in this State.

(4) The applicant must demonstrate to the satisfaction of the Authority that it has been unable to obtain adequate financing or bonding on reasonable terms through an authorized company. If the applicant is applying for a guarantee of a loan, the applicant must have applied for and been denied a loan by a financial institution.

**"§ 143B-472.104. Small Business Contract Financing Fund.**

(a) Creation and Use. – The Small Business Contract Financing Fund is created as a special revenue fund. Revenue in the Fund does not revert at the end of a fiscal year, and interest and other investment income earned by the Fund accrues to the Fund. The Authority shall use the Fund to make direct loans and guaranty payments required by defaults and to pay the portion of the administrative expenses of the Authority related to making these loans and payments.

(b) Content. – The Small Business Contract Financing Fund consists of all of the following revenue:

(1) Funds appropriated to the Fund by the State.

(2) Repayments of principal of and interest on direct loans.

(3) Premiums, fees, and any other amounts received by the Authority with respect to financial assistance provided by the Authority.

(4) Proceeds designated by the Authority from the sale, lease, or other disposition of property or contracts held or acquired by the Authority.

(5) Investment income of the Fund.

(6) Any other moneys made available to the Fund.

**"§ 143B-472.105. Contract performance assistance authorized.**

(a) Type. – The Authority is authorized to provide the following contract performance assistance:

(1) A guarantee of a loan made to the applicant.

(2) If the applicant demonstrates to the satisfaction of the Authority that it is unable to obtain money from any other source, a loan to the applicant.

(b) Qualification. – The Authority shall not lend money to an applicant or guarantee a loan unless all of the following requirements are met:

(1) The applicant meets the requirements of G.S. 143B-472.78.

(2) The loan is to be used to perform an identified contract, of which the majority of funding is provided by a government agency or a combination of government agencies.

(3) The loan is to be used for working capital or equipment needed to perform the contract, the cost of which can be repaid from contract proceeds, if the Authority has entered into an agreement with the applicant necessary to secure the loan or guaranty.

1       (c) Terms and Conditions. – The Authority shall set the terms and conditions for  
2 loans and for the guarantee of loans. When the Authority lends money from the Small  
3 Business Contract Financing Fund, it shall prepare loan documents that include all of  
4 the following:

- 5           (1) The rate of interest on the loan, which shall not exceed any applicable  
6 statutory limit for a loan of the same type.  
7           (2) A payment schedule that provides money to the applicant in the  
8 amounts and at the times that the applicant needs the money to  
9 perform the contract for which the loan is made.  
10          (3) A requirement that, before each advance of money is released to the  
11 applicant, the applicant and the Authority must cosign the request for  
12 the money.  
13          (4) Provisions for repayment of the loan.  
14          (5) Any other provision the Authority considers necessary to secure the  
15 loan, including an assignment of, or a lien on, payment under the  
16 contract, if allowable.

17       (d) Maturity. – A loan made by the Authority shall mature not later than the date  
18 the applicant is to receive full payment under the identified contract, unless the  
19 Authority determines that a later maturity date is required to fulfill the purposes of this  
20 Part.

21       (e) Diversity. – In selecting applicants for assistance, the Authority must consider  
22 the need to serve all geographic and political areas and subdivisions of the State.

23       (f) Limitation. – The total amount of loan guarantees and loans issued to each  
24 recipient during a fiscal year shall not exceed fifteen percent (15%) of the amount of  
25 money in the Fund as of the beginning of that fiscal year.

26 **"§ 143B-472.106. Small Business Surety Bond Fund.**

27       (a) Creation and Use. – The Small Business Surety Bond Fund is created as a  
28 special revenue fund. Revenue in the Fund does not revert at the end of a fiscal year,  
29 and interest and other investment income earned by the Fund accrues to the Fund. The  
30 Authority shall use the Fund for the purposes of and to pay the expenses of the  
31 Authority related to providing bonding assistance.

32       (b) Content. – The Small Business Surety Bond Fund consists of all of the  
33 following revenue:

- 34           (1) Funds appropriated to the Fund by the State.  
35           (2) Premiums, fees, and any other amounts received by the Authority with  
36 respect to bonding assistance provided by the Authority.  
37           (3) Proceeds designated by the Authority from the sale, lease, or other  
38 disposition of property or contracts held or acquired by the Authority.  
39           (4) Investment income of the Fund.  
40           (5) Any other moneys made available to the Fund.

41 **"§ 143B-472.107. Bonding assistance authorized.**

42       (a) Guaranty. – Subject to the restrictions of this Part, the Authority, on  
43 application, may guarantee a surety for losses incurred under a bid bond, payment bond,  
44 or performance bond on an applicant's contract, of which the majority of the funding is

provided by a government agency or a combination of government agencies, up to ninety percent (90%) of the surety's losses, or nine hundred thousand dollars (\$900,000), whichever is less. The term of a guaranty under this section shall not exceed the contract term. The Authority may vary the terms and conditions of the guaranty from surety to surety, based on the Authority's history of experience with the surety and other factors that the Authority considers relevant.

(b) Notice. – When the Authority provides a guaranty under this section with respect to a contract, it must give the government agencies that are parties to the contract written notice of the guaranty.

(c) Bonds. – The Authority may execute and perform bid bonds, performance bonds, and payment bonds as a surety for the benefit of an applicant in connection with a contract, of which the majority of the funding is provided by a government agency or a combination of government agencies.

(d) Obligation of State. – The total amount of guarantees issued and bonds executed shall not exceed ninety percent (90%) of the amount of money in the Small Business Surety Bond Fund. The Authority shall not pledge any money other than money in the Fund for payment of a loss or bond. No action by the Authority constitutes the creation of a debt secured by a pledge of the taxing power or the faith and credit of the State or any of its political subdivisions. The face of each guarantee issued or bond executed shall contain a statement that the Authority is obligated to pay the guarantee or bond only from the revenue in the Small Business Surety Bond Fund and that neither the taxing power nor the faith and credit of the State or any of its political subdivisions is pledged in payment of the guarantee or bond. Nothing in this subsection limits the ability of the Authority to obtain reinsurance.

(e) Limitation. – The total amount of bonding assistance provided to each recipient during a fiscal year shall not exceed fifteen percent (15%) of the amount of money in the Fund as of the beginning of that fiscal year.

(f) Payment. – If the Authority considers it prudent, it may require that payment be made either to the contractor and lending institution or to the bonding authority.

**"§ 143B-472.108. Bonding assistance conditions.**

(a) Requirements. – To obtain bonding assistance under this Part, an applicant must meet the eligibility requirements of G.S. 143B-472.78 and must demonstrate to the satisfaction of the Authority that all of the following apply:

(1) A bond is required in order to bid on a contract or to serve as a prime contractor or subcontractor.

(2) A bond is not obtainable on reasonable terms and conditions without assistance under this Part.

(3) The applicant will not subcontract more than seventy-five percent (75%) of the face value of the contract.

(b) Default. – If an applicant or a person that is a related party with respect to the applicant has ever defaulted on a bond or guaranty provided by the Authority, the Authority may approve a guaranty or bond under this Part only if one of the following applies:

(1) Five years have elapsed since the time of the default.

(2) Every default by the applicant or related party in any program administered by the Authority has been cured.

(c) Economic Effect. – Before issuing a guaranty or bond, the Authority must determine that the contract for which a bond is sought to be guaranteed or issued has a substantial economic effect. To determine the economic effect of a contract, the Authority must consider all of the following:

(1) The amount of the guaranty obligation.

(2) The terms of the bond to be guaranteed.

(3) The number of new jobs that will be created by the contract to be bonded.

(4) Any other factor that the Authority considers relevant.

**"§ 143B-472.109. Surety bonding line.**

The Authority may, on application, establish a surety bonding line in order to issue or guarantee multiple bonds to an applicant within preapproved terms, conditions, and limitations.

**"§ 143B-472.110. Application.**

To apply for assistance from the Authority under this Part, an applicant and, where applicable, a surety must submit to the Authority an application on a form prescribed by the Authority. The application must include any information and documentation the Authority considers necessary to enable the Authority to evaluate the application in accordance with this Part. The Authority may require an applicant to provide an audited balance sheet unless the Authority determines that such a requirement is not necessary or appropriate to fulfill the purposes of this Part.

**"§ 143B-472.111. Premiums and fees.**

(a) Amount. – The Authority shall by rule set the premiums and fees to be paid for providing assistance under this Part. The premiums and fees set by the Authority shall be payable in the amounts, at the time, and in the manner that the Authority requires. The premiums and fees may vary in amount among transactions and at different stages during the terms of transactions.

(b) Rate Standards. – The rate standards in G.S. 58-40-20 apply to premiums set by the Authority under this section. The Authority may also use the forms and rates of rating or advisory organizations licensed under G.S. 58-40-50 or G.S. 58-40-55. The Authority may vary from these rates in order to broaden participation by small businesses that are unable to obtain adequate financing and bonding assistance in connection with contracts. The premiums set and forms developed by the Authority under this section must be approved by the Commissioner of Insurance before they may be used.

(c) Forms. – The Authority shall develop forms to be used for financing and bonding assistance.

**"§ 143B-472.112. False statements; penalty.**

(a) Documents. – It is unlawful to knowingly make or cause any false statement or report to be made in any application or in any document submitted to the Authority.

(b) Statements. – It is unlawful to make or cause any false statement or report to be made to the Authority for the purpose of influencing the action of the Authority on

1 an application for assistance or affecting assistance, whether or not assistance has been  
2 previously extended.

3 (c) Penalty. – A violation of this section is a Class 2 misdemeanor."

4 **SECTION 2.** This act becomes effective January 1, 2008, and applies to  
5 offenses committed or causes of action arising on or after that date.

MINUTES

RULES AND OPERATIONS OF THE SENATE

AUGUST 1, 2007

The Committee on Rules and Operations of the Senate met on August 1, 2007 at 6:00 p.m. at Senator Rand's chamber desk. Sixteen members of the committee were present.

Senator Rand presented the committee with two proposed committee substitutes:


**SB 1256 – 2007 STUDIES BILL**

Senator Hoyle moved for the adoption of the committee substitute and this motion was seconded by Senator Brunstetter.

The committee looked over the 2007 Studies bill and Senator Hoyle moved for a favorable report for the bill. The committee gave the bill a favorable report.

**HB 1556 – 2007 SPEAKER'S APPOINTMENTS**

Senator Apodaca moved for the adoption of the Senate Committee Substitute for the above bill. The committee gave the above 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**

Wednesday, August 01, 2007

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

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

S.B.	1256	2007 Studies Bill.	
		Draft Number:	PCS 55570
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

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

H.B.	1556	2007 Speaker's Appointments.	
		Draft Number:	PCS 70615
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:



**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

S

D

**SENATE BILL 1256**  
**PROPOSED COMMITTEE SUBSTITUTE S1256-CSSU-68 [v.5]**

8/1/2007 2:11:43 PM

Short Title: 2007 Studies Bill.

(Public)

---

Sponsors:

---

Referred to:

---

March 26, 2007

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 2007."

**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 2007 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) Criminal Law Issues:

- a. Grand Juries (S. B. 1130 – Clodfelter)
- b. Execution/Severely Mentally Disabled Defendants (S.B. 1075 – Kinnaird)
- c. Littering (S.B. 1202 – Jacumin)

(2) State/Local Government Employee Issues:

- a. Expenses and Financing of Parking Decks for State Employees (Rand)

(3) Health and Human Services Issues:

- a. Store-based Retail Health Clinics (Forrester)

- 1                   b.     Regulate Smoking by County Ordinance (S.B. 641 – Clodfelter)
- 2                   c.     Inherently Dangerous Animals (S.B. 1477 – Jones)
- 3           (4)   Other:
- 4                   a.     Equity Building Workforce Housing (S.B. 1420 - Queen)
- 5                   b.     Tax Collection Enforcement/Illegal Immigrants (S.B. 988 --
- 6                             Berger of Franklin)
- 7                   c.     Fair Housing/Prohibit Discrimination Based on Receipt of
- 8                             Housing Assistance (S.B. 334 – Kinnaird)
- 9                   d.     Adopt International Building Code/Streamline Adoption of
- 10                             Code (S.B. 695, S.B. 949 – Clodfelter)
- 11                   e.     Supreme Court Rule Making (S.B. 700 – Clodfelter)
- 12                   f.     Continue Child Support to Age 21/College (S.B. 310 – Kerr)

13           **SECTION 2.2.** Incidence And Causes Of Medical Errors Occurring In

14 Hospitals, Pharmacies, And Other Health Care Settings In This State (S.B. 64 –

15 Forrester) – The Commission may study the incidence and causes of medical errors

16 occurring in hospitals, pharmacies, and other health care settings in this State. In

17 conducting the study, the Commission may consider actions proposed or taken by other

18 states and at the federal level to reduce medical errors, including mandatory and

19 voluntary medical error reporting requirements.

20           **SECTION 2.3.** Environmental Causes And Triggers Of Cancer (S.B. 66 –

21 Forrester) – The Commission may study the environmental causes and triggers of

22 cancer and the presence of environmental issues in this State that are among the known

23 environmental causes and triggers of cancer.

24           **SECTION 2.4.** Regulation Of Deer Hunting With Dogs (S.B. 330 – Shaw)

25 – The Commission may study the regulation of deer hunting with dogs and determine

26 whether it is more appropriate to authorize the Wildlife Resources Commission to use

27 its discretion to regulate hunting with dogs or whether the General Assembly should

28 regulate it by statute. The membership of the committee assigned to study this issue

29 should contain a balance of citizens representing the interests of both landowners and

30 deer hunters who use dogs.

31           **SECTION 2.5.** Allow A Person To Require Life-Prolonging Measures

32 (S.B. 1046 – Hartsell) – The Commission may study the issue of whether North

33 Carolina law should be amended to allow a person to require life-prolonging measures.

34 If it undertakes the study, the Commission shall involve all stakeholders in the study.

35           **SECTION 2.6.** Improvements In Consumer Credit Reporting Practices (S.B.

36 1137 – Clodfelter) – The Commission may study improvements in consumer credit

37 reporting practices, including means to provide that credit histories reported by

38 businesses and other credit reporting entities that have fewer than 500 customers or

39 accounts can be included as part of a consumer's credit report or credit history. In its

40 study, the Commission may consider all of the following:

- 41           (1)   The reasons businesses and other credit reporting entities that have
- 42                   fewer than 500 customers or accounts are not currently included as
- 43                   part of a consumer's credit report or credit history.

- (2) The consequences of businesses and other credit reporting entities that have fewer than 500 customers or accounts not being included as part of consumers' credit reports or credit histories.
- (3) The number of consumers that would benefit from the reporting of additional payment information and whether they fall into any demographic groups.
- (4) The desirability and feasibility of including every business as part of its customers' credit reports.
- (5) The estimated cost of including every business as part of its customers' credit reports and how to pay for the cost, if any.
- (6) Any other issues the Commission considers relevant to this topic.

**SECTION 2.7. Availability And Use Of Prosecutorial Resources To District Attorneys/Dividing Districts (Kinnaird, Snow)** – The Commission may contract for an independent study that assesses the availability of prosecutorial resources to the State's district attorneys and that assesses the use and management of those prosecutorial resources by the district attorneys, their staffs, and the Conference of District Attorneys. The study may address the dividing of superior court, district court, and prosecutorial districts, including the circumstances under which dividing a district is appropriate and the associated costs. If the Commission contracts for the study, it shall address all of the following:

- (1) Current prosecutorial resources. – Resources to be considered include those available to district attorneys and their legal, administrative, support, and investigative staff, and the Conference of District Attorneys. The study shall also consider supplemental assistance and resources provided to district attorneys and their staffs through the State or other funding sources.
- (2) Services provided by the State's district attorneys and Conference of District Attorneys and the recipients of those services.
- (3) Funding of prosecutorial services, adequacy of supplies, equipment, and working space, and allocation of prosecutorial resources. – Issues to be considered shall include the following:
  - a. Funding, supplies, equipment, and space required to support prosecutorial services at an appropriate level.
  - b. Distribution of prosecutorial resources and how that distribution is determined.
  - c. Equitable allocation of prosecutorial resources among the geographical areas of the State and between urban and rural areas.
  - d. The proportion of prosecution personnel and budget that is devoted to criminal prosecution, as opposed to other functions or mandates.
  - e. Whether monies from the General Fund should be used to support positions for the Conference of District Attorneys, or

positions for any other conferences that provide prosecutorial resources.

(4) The current role of the Conference of District Attorneys and district attorneys in assessing the needs of the public with regard to prosecutorial services and providing assistance in meeting those needs. The study shall also assess the current role, responsibilities, and interaction of the Conference of District Attorneys with regard to the General Assembly and the executive branch and whether those roles and responsibilities should be modified.

(5) Automation. – The study shall document which prosecutorial services are currently automated and the ability of those systems to interact with each other. The study shall also address areas in which automation could improve or increase the efficiency of prosecutorial services.

(6) Cost management practices of district attorneys and their staffs. – Practices to be reviewed and considered shall include how well district attorneys' offices manage costs associated with a prosecution such as forensics costs, expert witnesses, and witness travel expenses.

(7) Caseload management. – In the assessment of caseload management, the study shall focus particularly on whether current management techniques used by district attorneys recognize the critical need to prosecute serious crimes in a timely manner and to keep jail populations at a low level; the techniques, if any that have been adopted to achieve those objectives; and the effectiveness of those management techniques. Other issues that shall also be considered include the following:

- a. Mechanisms used by the district attorney to manage the incoming caseloads generally.
- b. The screening process, if any, for assessing cases prior to assignment.
- c. Initiatives implemented by a district attorney, if any, to expedite the resolution of certain categories of cases.
- d. The type of statistics, if any, the district attorney's office keeps and for what purposes.
- e. Performance indicators, if any, used by district attorneys. If performance indicators are not being used, then the study shall assess whether implementation of performance indicators would be helpful in achieving management goals and the types of indicators that may assist with caseload management. If there are performance indicators, then the study shall identify the indicators, how they are developed, the effectiveness of the indicators, and whether additional performance indicators or modification of existing performance indicators would be helpful in achieving management objectives.

- 1 (8) How the current management and use of prosecutorial resources affect  
2 the following:  
3 a. Access to justice.  
4 b. Day-to-day functioning of the prosecution service.  
5 c. Case management, including the development of case screening  
6 mechanisms and protocols for diversion.  
7 d. Timely resolution of caseloads.  
8 e. Reduction of any backlogs that exist and the impact that current  
9 management and use of prosecutorial resources has on the jail  
10 population.  
11 f. The capacity to handle specialized or complex crimes.  
12 g. The effectiveness of district attorneys and their staffs in  
13 responding to domestic violence and other crimes of violence.  
14 h. Services and support provided to victims.  
15 i. Accountability to the public.  
16 (9) Any other issue deemed relevant by the Commission.

17 The findings and recommendations of the study shall be reported to the Chairs of the  
18 House of Representatives and Senate Appropriations Committee, Chairs of the House of  
19 Representatives and Senate Appropriations Subcommittees on Justice and Public Safety,  
20 and the Fiscal Research Division by March 15, 2008.

21 **SECTION 2.8.** For-Hire Boat Industry (S.B. 1488 – Shaw) – The  
22 Commission may study the economic impact of the for-hire boat industry. If it  
23 undertakes this study, the Commission shall:

- 24 (1) Review laws regulating the industry.  
25 (2) Examine the impact that the industry has on travel and tourism within  
26 the State.  
27 (3) Examine the economic condition of the industry.  
28 (4) Consider the education and training needs of individuals who operate  
29 for hire boats.  
30 (5) Consider whether the number of State permits issued to operators of  
31 for hire boats should be capped.

32 **SECTION 2.9.** Development of Unused Patents (S.B. 338 – Jacumin) – The  
33 Commission may study methods of facilitating individuals or corporations in utilizing  
34 fully or partially donated patents for business development, including tax credits,  
35 exemptions, refunds, or other incentives. The study may also analyze the cost and  
36 feasibility of developing a program in which the State evaluates and acquires promising  
37 unutilized patents in order to offer them to individuals or corporations for development.

38 **SECTION 2.10.** Golden LEAF Foundation (Jenkins) – The Commission  
39 may study the work of the Golden LEAF Foundation, to determine if the Foundation is  
40 fulfilling its mission to assist economically distressed communities that traditionally  
41 depended on a tobacco-based economy.

42 **SECTION 2.11.** Protection Of Consumers In Real Estate Transactions – The  
43 Commission may study the laws and processes related to the closing of residential real

1 estate transactions in North Carolina and their effect on the protection of consumers in  
2 this State. If it undertakes the study, the Commission shall:

- 3 (1) Determine what the effect is to consumers when an attorney is not  
4 involved in a residential real estate transaction.
- 5 (2) Analyze research and information from North Carolina and other states  
6 regarding the effect on consumers of affiliated business relationships  
7 between non-attorney settlement agents who are not licensed or  
8 regulated by the State, and regarding the effect on consumers of non-  
9 attorney settlement agents who are not required to satisfy any  
10 standards of financial responsibility.
- 11 (3) Identify and assess alternative residential real estate closing laws and  
12 processes from other states.
- 13 (4) Identify and consult with academics who have studied residential real  
14 estate closing laws and processes nationally to determine their  
15 recommendation concerning best practices for residential real estate  
16 closings in this State.

17 **SECTION 2.12.** Elevator Safety – The Commission may study the  
18 feasibility and desirability of requiring a license for elevator contractors and mechanics  
19 and the inspection and regulation of private residential elevators.

20 **SECTION 2.13.** Zoological Park Funding And Organization (S.B. 1224 –  
21 Brunstetter) – The Commission may study issues associated with the Zoological Park,  
22 including its organizational structure and funding.

23 **SECTION. 2.14.** State Civil Rights Enforcement (S.B. 657 – Dannelly,  
24 McKissick) – The Commission may study the enforcement of civil rights in this State  
25 and the feasibility of creating a single State agency, division, or commission for civil  
26 rights investigations and enforcement. The Commission may consider any other matter  
27 that the Commission finds relevant to this study. The Commission may conduct public  
28 hearings around the State to solicit firsthand testimony regarding civil rights  
29 enforcement issues in North Carolina.

30 **SECTION 2.15.** Post-Tax Supplemental Insurance Products (Rand) – The  
31 Commission may study the effective administration of post-tax supplemental insurance  
32 products for state employees. If it undertakes the study, the Commission shall:

- 33 (1) Review the efficiency of current operations of individual agency  
34 insurance committees as provided in G.S. 58-31-60.
- 35 (2) Examine alternative methods of providing post-tax supplemental  
36 products including central coordination.
- 37 (3) Review any other matter pertaining to supplemental insurance  
38 products including the types and number of plan options available to  
39 State employees.
- 40 (4) Recommend comprehensive legislative proposals to enhance the  
41 effectiveness and efficiency of providing post-tax supplemental  
42 insurance products.

43 **SECTION 2.16.** Whitewater Sports Risk/Liability (Snow) – The  
44 Commission may study whitewater sports risk, safety, and liability of participants and

1 operators. The purpose of the study is to review the appropriate allocation of  
2 responsibility and assumption of risk between whitewater sports participants and  
3 whitewater sports outfitters.

4 **SECTION 2.17.** Gang Violence/Prevention (S.B. 1358 – Graham) – The  
5 Commission may study street gang activity in North Carolina, including the extent of  
6 their presence in this State, measures necessary to prevent street gang violence, and  
7 successful models for prevention and mitigation from across the country. The study  
8 should also include the effectiveness of increased criminal penalties for gang prevention  
9 and mitigation, as well as the presence and impact of gangs on the state's corrections  
10 system. The commission may consult with experts from other states and study  
11 communities with effective gang prevention and mitigation programs.

12 **SECTION 2.18.** For each Legislative Research Commission committee  
13 created during the 2007-2009 biennium, the cochairs of the Legislative Research  
14 Commission shall appoint the committee membership.

15 **SECTION 2.19.** For each of the topics the Legislative Research  
16 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the  
17 Commission may report its findings, together with any recommended legislation, to the  
18 2008 Regular Session of the 2007 General Assembly upon its convening.

19 **SECTION 2.20.** From the funds available to the General Assembly, the  
20 Legislative Services Commission may allocate additional monies to fund the work of  
21 the Legislative Research Commission.

### 22 23 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT** 24 **COMMITTEE STUDIES**

25  
26 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may  
27 study the topics listed in this Part and report its findings, together with any  
28 recommended legislation, to the 2008 Regular Session of the 2007 General Assembly  
29 upon its convening.

30 **SECTION 3.2.** Feasibility And Desirability Of Requiring Carbon Monoxide  
31 Detectors In Homes Or Any Public Buildings (Purcell) – The Committee may study the  
32 feasibility and desirability of requiring detectors in homes or any public buildings to  
33 detect carbon monoxide, the colorless, odorless gas that is produced when any fuel is  
34 incompletely burned, before the carbon monoxide builds up to a dangerous level when it  
35 can cause illness or death. If it undertakes the study, the Committee may consider all of  
36 the following:

- 37 (1) The current level of risk people face from carbon monoxide poisoning.
- 38 (2) The most common sources of carbon monoxide poisoning within the  
39 home or a public building.
- 40 (3) The risk that people face from long-term exposure to low levels of  
41 carbon monoxide.
- 42 (4) Whether the current technology of carbon monoxide detectors is  
43 capable of detecting risks presented by carbon monoxide from high to  
44 low levels of exposure.

(5) Whether homes, apartments, or any public buildings should be required to install carbon monoxide detectors and, if so, what locations within the home, apartment, or any public building should these detectors be installed to give the greatest protection.

(6) Any other issues the Committee considers relevant to this topic.

**SECTION 3.3.** Signatures on DNR Forms (S.B. 685 – Kinnaird) – The Committee may study the effect of requiring a written and signed concurrence by the patient's guardian or representative on a physician's order form specifying withholding or discontinuing extraordinary means or artificial nutrition or hydration pursuant to G.S. 90-322(b). If the Committee undertakes the study, it shall examine the anticipated effect that amending G.S. 90-322(b) to add this requirement to the current process would have on the provision, withholding, or discontinuation of care involving extraordinary means or artificial nutrition or hydration to patients. Issues that may be addressed by the Committee in its study include current practices relating to issuance of "Do Not Resuscitate" (DNR) orders in other states, the addition of patient guardian or representative signatures to a physician's order form, and anticipated increases or reductions in the provision, discontinuation, or withholding of each of the types of care affected by "DNR" orders.

If it undertakes the study, the Committee shall review relevant incident data and shall seek input from the North Carolina Medical Society, the North Carolina Hospital Association, and patient advocacy groups.

**SECTION 3.4.** Achieve Goals/Electronic Prescribing (Queen) – The Committee may conduct a study to determine the ability of the public and private healthcare system in North Carolina to achieve by 2010 the goals established by the North Carolina Institute of Medicine's (IOM) Committee on Medication Errors with respect to electronic prescribing. If it conducts the study, the Department shall identify:

(1) The State's ability to fulfill the IOM goals.

(2) The barriers to implementation of the IOM goals.

(3) What actions need to be taken to facilitate implementation of the IOM goals. This includes a determination of legislation, rules, and payment policies necessary to facilitate implementation of the IOM goals.

**SECTION 3.5.** Medicaid Managed Care Organizations – The Committee may study the desirability and feasibility of establishing a program to offer Medicaid services through managed care organizations, including the costs associated with such a program and its potential to provide greater efficiency in the Medicaid program and enhanced access to services.

#### **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDIES**

**SECTION 4.1.** The Joint Legislative Transportation Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2008 Regular Session of the 2007 General Assembly upon its convening.



1           **SECTION 4.2.** Red Light Camera Revenue (Rand) – The Committee may  
2 study the issue of distribution of revenue from red light cameras.

3           **SECTION 4.3.** Fatal Crashes Involving Unlicensed Drivers (Rand) – The  
4 Committee may study the issue of fatal crashes caused by unlicensed drivers.

5           **SECTION 4.4.** Window Tinting Certification (S.B. 1217 – Goodall) – The  
6 Committee may study the need for a certification process, for after-factory window tint  
7 applied to motor vehicle windows, to ensure that the tint meets all legal requirements  
8 and restrictions. If the Committee undertakes the study, the Committee shall study all  
9 issues related to a window tint certification process, including who would be  
10 responsible for certifying that the tint meets legal requirements, how the certification  
11 would be evidenced on the vehicle, the need for additional offenses and penalties, and  
12 possible issues associated with enforcement and application of any new requirements to  
13 owners of motor vehicles that have after-factory tinted windows that meets current legal  
14 requirements.

15           **SECTION 4.5.** Improve, Expedite, And Simplify The Department Of  
16 Transportation's Permitting Processes (H.B. 1632 – Carney, Ray, Saunders, Allen) –  
17 The Committee may study ways to improve, expedite, and simplify the permitting  
18 processes for:

19           (1) Street and driveway access permits.

20           (2) Right-of-way encroachment agreements.

21           (3) Traffic signal agreements to reimburse the Department of  
22 Transportation for the Department's inspections services or for the  
23 installation of a traffic signal if the Department opts to install the  
24 traffic signal.

25           (4) Any other permit required for transportation-related purposes.

26           **SECTION 4.6.** Local Government Financing of Transportation Projects  
27 (Hoyle) – The Commission may study issues related to local government financing of  
28 transportation projects, including use of Powell Bill funds, local authority to construct  
29 transportation projects, and local government financing options for transportation  
30 projects.

31           **SECTION 4.7.** Transportation Of Individuals Seated In Wheelchairs (S.B.  
32 57 – Bingham) – The Committee may study issues relating to the vehicular  
33 transportation of individuals seated in wheelchairs. If the Committee undertakes the  
34 study, it shall include reviewing appropriate methods of transporting passengers who  
35 remain seated in wheelchairs while in motor vehicles and developing guidelines for the  
36 installation and use of wheelchair tie-down systems.

37           **SECTION 4.8.** Simultaneous Development Of State Highways And The NC  
38 International Port (S.B. 1301 – Soles) – The Committee may study the feasibility and  
39 cost of constructing a primary State highway simultaneously with the development of  
40 the North Carolina International Port. If undertaken, this study shall determine the most  
41 cost-effective way to relieve the traffic congestion of NC Routes 211, 133, and 87, and  
42 the feasibility of constructing a new primary State highway to the port facility from U.S.  
43 Highway 17 or NC Route 87 north of Boiling Springs Lake city limits.

**SECTION 4.9.** Use of Department Of Transportation Fueling Stations By Other State Agencies (S.B. 1313 – Cowell) – The Committee may study the desirability and feasibility of other State agencies using the Department of Transportation's approximately 122 fueling stations located across the State in an effort to reduce or displace the amount of petroleum that State agencies are using for fueling State-owned vehicles and to assist all State agencies that have State-owned vehicle fleets in achieving their twenty percent (20%) reduction or displacement goal of petroleum products consumed by January 1, 2010, that the State adopted under Section 19.5 of S.L. 2005-276, and to increase the State's use of alternative fuels, synthetic lubricants, and efficient vehicles. If undertaken, this study shall consider the desirability and the feasibility of the Department of Transportation's fueling stations providing biodiesel, ethanol, synthetic oils or lubricants, or other alternative fuels for use by other State agencies.

**SECTION 4.10.** Transportation Financing, Planning, And Management (S.B. 1319 – Berger of Rockingham) – The Committee may study planning and scheduling of transportation projects, revenues, funding, and expenditures of the Highway Fund, the Highway Trust Fund, and Federal Aid programs for transportation.

## **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE STUDIES**

**SECTION 5.1.** The Joint Legislative Education Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2008 Regular Session of the 2007 General Assembly upon its convening.

**SECTION 5.2.** Future Ready Core High School Graduation Requirements Adopted By The State Board Of Education (S.B. 1532 – Bingham) – The Committee may study the Future-Ready Core High School Graduation Requirements (Core Course of Study) adopted by the State Board of Education. If it undertakes the study, the Committee shall consider the purposes and goals of the Core Course of Study and any unintended consequences that may arise as a result of the implementation of the Core Course of Study.

**SECTION 5.3.** Pilot Career Technology High School Program (S.B. 1473 – Brown, Preston) – The Committee may study a career technology pilot program to prepare students for the twenty-first century workforce and to foster economic growth.

**SECTION 5.4.** Charter Schools (S.B. 105 – Goodall; S.B. 106 – Goodall) – The Committee may study the issue of county funding of charter schools, and the issue of removing the cap on the number of charter schools.

**SECTION 5.5.** Calculation of Dropout Rate (S.B. 1110 – Preston) – The Committee may study the calculation of the dropout rate annually reported by the State Board of Education to determine any changes that are needed to the definition of a dropout and any changes in data collection to ensure accuracy in reporting the dropout rate. If it undertakes the study, the Committee shall consider not including students as dropouts who have transferred to a community college, college, or university before

1 high school graduation and the community college, college, or university confirms  
2 attendance and satisfactory progress towards a high school diploma or its equivalent.  
3 The Committee shall consider including students as dropouts who have been expelled  
4 from school and have not returned to any school.

5 **SECTION 5.6.** Student Mobility and Academic Achievement (H.B. 1457 –  
6 Folwell, Pate, Glazier, Parmon) – The Committee may study the impact of student  
7 mobility on academic performance. In the course of the study, the Committee may  
8 consider:

- 9 (1) The mobility rates of different student populations, especially those at  
10 risk of academic failure, and the relationship between high mobility  
11 rates and student performance for different student populations.
- 12 (2) Impediments to receiving a sound basic education that are a product of  
13 high mobility rates.
- 14 (3) Strategies for meeting the needs of students who move frequently,  
15 especially students at risk of academic failure.

16 **SECTION 5.7.** Innovative Programs For Retired Teachers (S.B. 70 –  
17 Pittenger) – The Committee may study the feasibility of establishing innovative  
18 programs for retired teachers that support teachers' return to work in order to reduce  
19 classroom teacher shortages.

20 **SECTION 5.8.** Professional Development For Teachers (S.B. 1298 –  
21 Swindell) – The Committee may study the need for high-quality focused professional  
22 development to further build and expand the skills and content knowledge of classroom  
23 teachers in order to raise student achievement. If it undertakes the study, the Committee  
24 shall study the need to:

- 25 (1) Require additional oversight to ensure that professional development  
26 offered at the local level for teacher licensure renewal credit is  
27 consistent with State Board of Education policy.
- 28 (2) Develop more structured standards for professional development  
29 offered to teachers.

30 **SECTION 5.9.** Accessibility Of University Facilities (S.B. 1498 – Atwater)  
31 – The Committee may study the accessibility of facilities within the State University  
32 System to severely physically disabled individuals seeking basic access to higher  
33 education at constituent institutions.

34 **SECTION 5.10.** Financial Incentives For Students (S.B. 1405 – Hartsell) –  
35 The Committee may study the desirability and feasibility of providing financial  
36 incentives to public school students in North Carolina in grades 1 through 12 if the  
37 student meets academic, disciplinary, attendance, character, and parental involvement  
38 goals.

39 **SECTION 5.11.** Public School Governance (S.B. 1462 – Dorsett) – The  
40 Committee may study issues related to public school governance and consider the  
41 advisability of more closely aligning the governance system of K-12 with that of The  
42 University of North Carolina and the Community College System. Specifically, the  
43 Committee may assess the current system of appointing members to the State Board of  
44 Education, the length of terms for members of the State Board of Education, and the

1 current system of having both a State Superintendent of Instruction elected by the  
2 people but infused with virtually no authority and an appointed Deputy State  
3 Superintendent appointed by and reporting to the State Board of Education and infused  
4 with day-to-day authority over the Department of Public Instruction.

5 **SECTION 5.12.** Early Childhood Programs (H.B. 1392 – Rapp, McLawhorn,  
6 Glazier) – The Committee may study the following:

7 (1) The feasibility and desirability of consolidating Smart Start and the  
8 More At Four program.

9 (2) Any needed adjustments and the necessary reprioritization of funds to  
10 realize the maximum benefit to the State's children and families.

11 (3) Any other matters the Committee deems relevant to this study.

12 **SECTION 5.13.** Arts Education For Grades K-12 (Carney) – The Committee  
13 may study the current status of arts education in North Carolina's public school grades  
14 K-12 and shall evaluate the impact of requiring one credit in arts education for  
15 graduation from a North Carolina public high school. Areas of arts education that  
16 should be examined by the Committee include:

17 (1) The role of arts education in preparing North Carolina children to  
18 compete in a global economy, including:

19 a. Arts education and the development of a creative work force.

20 b. Arts education and international understanding.

21 c. Arts education and impact on math and science learning.

22 (2) The role of arts education in advancing North Carolina's educational  
23 goals, including:

24 a. Arts education and increased literacy skills (reading, writing,  
25 speaking, listening).

26 b. Arts education and improved student performance (attendance,  
27 leadership, problem solving skills).

28 c. Arts education and social and character development.

29 d. Arts education impact on youth at-risk.

## 30 31 **PART VI. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES**

32  
33 **SECTION 6.1.** The Joint Legislative Utility Review Committee may study  
34 the topics listed in this Part and report its findings, together with any recommended  
35 legislation, to the 2008 Regular Session of the 2007 General Assembly upon its  
36 convening.

37  
38 **SECTION 6.2.** Emergency Preparedness Plans Of The Public Utilities And  
39 Other Electricity Suppliers In The State (S.B. 1151 – Hoyle) – The Committee may  
40 study the emergency preparedness plans maintained by the public utilities and other  
41 suppliers of electricity in the State in order to determine the adequacy of those plans to  
42 meet the needs of the people of the State, the various emergency and other services that  
43 may need to operate in the event of an emergency in the State, and the numerous

1 contingencies that may unexpectedly arise in an emergency. If it undertakes this study,  
2 the Committee shall consider:

- 3 (1) The adequacy of those plans to meet emergency needs of the residents  
4 and businesses of the State.
- 5 (2) The ability of those plans to meet the needs of the various services that  
6 must operate in an emergency including police, fire and emergency  
7 medical services, rescue services, hospitals, government services, and  
8 any other services that may become necessary.
- 9 (3) The extent to which those plans coordinate the activities of the public  
10 utilities and other suppliers of electricity to provide as seamless a  
11 delivery of their services as is possible under varying circumstances.
- 12 (4) The integration of the Department of Administration and the  
13 Department of Crime Control and Public Safety in those emergency  
14 preparedness plans.
- 15 (5) Such other matters as the Committee deems relevant to this study.

16 The Department of Administration and the Department of Crime Control and Public  
17 Safety shall cooperate with the Committee in its conduct of this study and shall furnish  
18 assistance as may from time to time be requested by the Committee.

19 **SECTION 6.3. Regulation Of Commercial Ferry Operations By The**  
20 **Utilities Commission. (S.B. 1538 – Preston) –** The Committee may study issues related  
21 to the regulation of commercial ferry operations by the Utilities Commission pursuant to  
22 Chapter 62 of the General Statutes in order to determine whether or not commercial  
23 ferry operators should continue to be regulated as they currently are. In making this  
24 study, the Committee may consider:

- 25 (1) The nature of the services provided by commercial ferry operators,  
26 such as whether the services are for recreational purposes,  
27 transportation to homes and businesses, or for other purposes.
- 28 (2) The routes operated by commercial ferry operators and the extent of  
29 competition on those routes.
- 30 (3) The extent to which commercial ferry operators may be otherwise  
31 regulated, such as by the National Park Service.
- 32 (4) If regulation by the Utilities Commission is to continue, whether the  
33 form of regulation should be tailored to these services, including a  
34 simplified method of adjusting fares for changes in such volatile  
35 operating expenses as fuel.
- 36 (5) Such other matters as the Committee deems relevant to this study.

37 The Utilities Commission and the Public Staff shall assist the Committee in its conduct  
38 of this study as may from time to time be requested by the Committee. The Committee  
39 may hold meetings or hearings in locations convenient to the affected parties as the  
40 Committee deems advisable and necessary.

41 **SECTION 6.4. Adequacy Of The Service Charge For Prepaid Wireless**  
42 **Service And The Manner In Which The Service Charge Is Collected And Remitted To**  
43 **The Wireless 911 Board (S.B. 1400 – Dannelly) –** The Committee may study the  
44 adequacy of the service charge for prepaid wireless service and the manner in which the

1 service charge is collected and remitted to the Wireless 911 Board. The Committee  
2 may propose legislation, if appropriate, to change the service charge for prepaid  
3 wireless service and to alter the manner in which the service charge is collected and  
4 remitted.

## 5 6 **PART VII. REVENUE LAWS STUDY COMMITTEE STUDIES**

7  
8 **SECTION 7.1.** The Revenue Laws Study Committee may study the topics  
9 listed in this Part and report its findings, together with any recommended legislation, to  
10 the 2008 Regular Session of the 2007 General Assembly upon its convening.

11 **SECTION 7.2.** Uniformity of Local Occupancy Taxes Throughout The State  
12 (S.B. 1150 – Hoyle) – The Committee may study the authority of cities and counties to  
13 levy local occupancy taxes to determine the extent to which the authority differs among  
14 the cities and counties and the rationale for these differences. If the Committee  
15 undertakes the study, it shall include a review of the following features of the local  
16 occupancy tax laws:

- 17 (1) The maximum tax rate.
- 18 (2) The authorized use of the revenue generated.
- 19 (3) The rentals subject to the tax.

20 **SECTION 7.3.** Method for Distributing the Franchise Tax on Electric Power  
21 Companies (S.B. 1158 – Hoyle) – The Committee may study and recommend a method  
22 of distributing on electric power company franchise tax revenue to municipalities on the  
23 basis of a formula that uses factors such as population and percentage share of prior  
24 distributions rather than service inside constantly changing city boundaries. The  
25 Committee must consult with the League of Municipalities and the Department of  
26 Revenue in developing a recommendation.

27 **SECTION 7.4.** Issues Related To Converting The Starting Point For  
28 Determining State Taxable Income From Federal Taxable Income To Federal Adjusted  
29 Gross Income (S.B. 1547 – Hoyle) – The Committee may study issues related to  
30 converting the starting point for determining State taxable income from federal taxable  
31 income to federal adjusted gross income. If the Committee undertakes the study, it  
32 shall include all of the following:

- 33 (1) A review of the current deductions and additions to federal taxable  
34 income used in determining State taxable income to identify which of  
35 these deductions or additions are required by federal law or other State  
36 law.
- 37 (2) A review of the current individual income tax credits to determine the  
38 extent to which the tax rates set out in G.S. 105-134.2, as amended by  
39 Section 2 of this act, would need to be adjusted in order to maintain the  
40 current revenue stream if the credits were retained.
- 41 (3) Any other item the Committee finds relevant to this study.

42 **SECTION 7.5.** New Market Tax Credit (S.B. 1160 – Hoyle) – The  
43 Committee may study a State new market tax credit to complement the federal tax  
44 credit.

1           **SECTION 7.6.** Earned Income Tax Credit – The Committee may study  
2 earned income tax credit participation rates in North Carolina and other states.

3  
4 **PART VIII. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

5  
6           **SECTION 8.1.** The Environmental Review Commission may study the  
7 topics listed in this Part and report its findings, together with any recommended  
8 legislation, to the 2008 Session of the General Assembly upon its convening.

9           **SECTION 8.2.** North Carolina Petroleum Underground Storage Tank  
10 Program (S.B. 1146 – Hoyle) – The Commission may study the North Carolina  
11 petroleum underground storage tank program and the problems of returning to use sites  
12 impacted by leaking underground storage tanks. If the Committee undertakes the study,  
13 the following issues shall be examined:

- 14           (1) The role of "risk based corrective action" in protecting both public  
15 health and the environment.
- 16           (2) An assessment of whether DENR has fully utilized risk based  
17 corrective action in the program to date and whether implements could  
18 be made to fully utilize existing financial resources in the future.
- 19           (3) An assessment of the pace of clean up "closures", and the DENR's  
20 experience with issuing letters of "no further action required"  
21 including whether contamination is being addressed promptly and  
22 impacted parcels being made eligible for desired commercial  
23 transactions that follow appropriate remediation.
- 24           (4) An assessment of fair and equitable funding needs facing the State and  
25 the tank owning segment with an examination of solvency issues  
26 experienced in the present or expected in the future.
- 27           (5) An examination and survey of other states to determine "model  
28 solutions" to address the challenges of financing environmental  
29 cleanups following a tank release and the expedited return of impacted  
30 parcels to needed and normal real estate commerce.

31           **SECTION 8.3.** Deep River State Trail/State Parks System (S.B. 1431 –  
32 Atwater) – The Commission may study the desirability and feasibility of adding the  
33 Deep River State Trail to the State Parks System.

34           **SECTION 8.4.** Interstate Compact To Mediate Water Supply Issues (S.B.  
35 1360 – Allran) – The Committee may study the need to negotiate an interstate compact  
36 with adjoining states that have a river basin that drains into or from North Carolina to  
37 mediate and cooperatively resolve water supply disputes that may arise from interbasin  
38 transfers and consumptive water uses in river basins that are shared by North Carolina  
39 and those states.

40           **SECTION 8.5.** State-Owned Land On Cape Fear River/Burgaw Creek (S.B.  
41 780 – Soles) – The Committee may study issues related to the desirability and feasibility  
42 of adapting the use of a tract of State-owned land, located in the Southeastern part of the  
43 State on the Northeast Cape Fear River and the Burgaw Creek that is currently State  
44 gamelands, to showcase the natural environment of Southeastern North Carolina,

1 provide environmental education opportunities for youth and adults, and provide  
2 recreational opportunities for outdoor enthusiasts.

3 **SECTION 8.6.** Mountain Resources (Queen) – The Committee may study:

- 4 (1) Threats to important mountain resources, such as the Great Smoky  
5 Mountains National Park, the Blue Ridge Parkway, the Appalachian  
6 Trail, Mt. Mitchell, Lake James, Hickory Nut Gorge, and Gorges State  
7 Park, and the consequences to those resources of present trends and  
8 land use practices in the mountains.
- 9 (2) Research and information from North Carolina and other states and  
10 jurisdictions regarding state and regional approaches to coordinating  
11 provision of infrastructure for the protection of mountain resources,  
12 and the efforts to encourage quality growth to protect those resources.
- 13 (3) Strategies or tools that would be helpful to address pressures on  
14 important mountain resources and whether and how those strategies  
15 and tools should be implemented to protect important mountain  
16 resources.
- 17 (4) Determine whether tools and strategies that could be used to protect  
18 important mountain resources could be applied to protect other  
19 resources in the mountains of North Carolina, including but not limited  
20 to groundwater, mountain streams, steep slopes and ridgelines, natural  
21 heritage areas, recognized historic areas or sites, and farmland.

22  
23 **PART IX. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL**  
24 **HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE**  
25 **SERVICES STUDIES**

26  
27 **SECTION 9.1.** The Joint Legislative Oversight Committee on Mental  
28 Health, Developmental Disabilities, and Substance Abuse Services may study the topics  
29 listed in this Part and report its findings, together with any recommended legislation, to  
30 the 2008 Regular Session of the 2007 General Assembly upon its convening.

31 **SECTION 9.2.** Facilities That Provide Housing For Adults With Mental  
32 Illness In The Same Location With Adults Without Mental Illness (S.B. 1266 – Nesbitt)  
33 – The Committee may study and identify rules and laws that are necessary to regulate  
34 facilities that provide housing for adults with mental illness in the same location with  
35 adults without mental illness.

36 **SECTION 9.3.** Effectiveness Of The 1915(B) Medicaid Waiver And Of  
37 Those LMEs Operating Under A Waiver (S.B. 1266 – Nesbitt) – The Committee may  
38 study the effectiveness of the 1915(b) Medicaid waiver and of those LMEs operating  
39 under a waiver.

40 **SECTION 9.4.** Granting Of Deemed Status (H.B. 1717 – Holliman) – The  
41 Committee may study issues related to the granting of deemed status to certain service  
42 providers of mental health, developmental disabilities, and substance abuse services  
43 who have received national accreditation.  
44



**PART X. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE STUDIES**

**SECTION 10.1.** The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2008 Regular Session of the 2007 General Assembly upon its convening.

**SECTION 10.2.** Inmate Access To Education, Training, And Work Release Programs (S.B. 1499 – Atwater) – The Committee may study methods for (i) increasing inmates' access to educational and vocational training opportunities at all State prison facilities and (ii) increasing the number of work release slots at minimum security prisons.

**SECTION 10.3.** Recidivism In The Criminal Justice System (Queen) – The Committee may study current data on offender recidivism to identify cost effective programs and approaches for reducing recidivism rates with a goal of improving public safety and helping offenders become more productive citizens and taxpayers. If it undertakes the study, the Committee shall consider the following:

- (1) The April 15, 2006 report on Recidivism by the North Carolina Sentencing and Policy Advisory Commission and upcoming April 2008 report as baseline information for the study.
- (2) Recidivism rates for prisoners, probationers, and parolees in North Carolina.
- (3) Major factors leading to offender recidivism, such as inadequate life skills, work skills, job and housing opportunities, and the lack of substance abuse treatment.
- (4) State and national best practices programs to identify offender-based programs that have proven effective in reducing recidivism.
- (5) North Carolina prison, probation, and parole programs designed to reduce recidivism, including prison "Re-entry" programs.
- (6) North Carolina probation and parole revocation policies and their impact on recidivism.
- (7) Sentencing alternatives for reducing the prison population.

The Committee may develop recommendations for reducing offender recidivism, including funding recommendations. The primary funding recommendations should focus on programs that are cost-effective and have the strongest potential to reduce recidivism. The Committee may make an interim report to the 2008 Regular Session of the 2007 General Assembly and a final report to the 2009 General Assembly. The final report should include recommendations relating to both community corrections and prisons.

**PART XI. NORTH CAROLINA STUDY COMMISSION ON AGING STUDIES**

**SECTION 11.1.** The North Carolina Study Commission on Aging may study the topics listed in this Part and report its findings, together with any

recommended legislation, to the 2008 Regular Session of the 2007 General Assembly upon its convening.

**SECTION 11.2.** Necessity For Limiting The Authority Of Long Term Care Providers In Hiring Convicted Felons (S.B. 749 – Dannelly) – The Commission may study the need for amending G.S. 131E-265 and G.S. 131D-40 regarding the authority of a nursing home, home care agency, adult care homes, or the contract agency of a nursing home, home care agency, or adult care homes to determine if there is a need to specify certain convictions committed within a given time frame that should automatically disqualify an applicant from employment. If it undertakes the study, the Commission shall consult with the Department of Health and Human Services, the North Carolina Attorney General's office, and long-term care provider associations and advocacy groups.

**SECTION 11.3.** WIN A STEP UP/Self-sustaining (S.B. 99 – Dannelly) – The Committee may study the feasibility of the WIN A STEP UP program becoming a self-sustaining program.

**SECTION 11.4.** Increasing Medicaid Medically Needy Income Limits (S.B. 110 – Malone) – The Committee may study the medically needy income standard. If the Committee undertakes the study, it shall include determining a method for increasing the current standard while providing improved consistency across long-term care settings.

## **PART XII. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON INFORMATION TECHNOLOGY STUDIES**

**SECTION 12.1.** The Joint Legislative Oversight Committee on Information Technology may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2008 Regular Session of the 2007 General Assembly upon its convening.

**SECTION 12.2.** Improvement Of Information Technology Efficiency And Project Management (S.B. 1223 – Cowell) – The Committee may review the outcomes related to the passage of Senate Bill 991 (S.L. 2004-124) regarding the improvement of State information technology efficiency and project management.

**SECTION 12.3.** Implementation Of Technologies To Improve Access To Health Care Information (Cowell) – The Committee may examine opportunities for the State to demonstrate leadership in the development and implementation of technologies focused on improving and gaining new efficiencies in the delivery of health care in North Carolina. If it undertakes the study, the Committee shall also address patient privacy issues. The Committee may examine the benefits of increasing access to key health care information through technology applications. The Committee may in its discussions utilize the experience and expertise developed by the North Carolina Health Information and Communication Alliance (NCHICA), an organization originally created by Executive Order of the Governor to explore and identify such opportunities. The Committee may also obtain input from the health care provider community in identifying opportunities for partnerships in these efforts. The Committee may explore

the availability of potential funding through federal and other grants focused on these goals, and how North Carolina might take advantage of funding opportunities and play a national leadership role in advances in the use of this technology.

The Committee may make an interim report and recommendations to the 2008 Regular Session of the 2007 General Assembly, and a final report and recommendations to the 2009 General Assembly.

### **PART XIII. JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE STUDIES**

**SECTION 13.1.** The Joint Legislative Administrative Procedure Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2008 Regular Session of the 2007 General Assembly upon its convening.

**SECTION 13.2.** Disciplinary Authority Of All Occupational Licensing Boards Subject To Chapter 93B (Rand) – The Committee may undertake a study of the disciplinary authority of all occupational licensing boards subject to Chapter 93B. The Committee may review the grounds for imposing disciplinary action, the levels of discipline, and the process for making disciplinary determinations used by each of the occupational licensing boards.

### **PART XIV. JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE STUDIES**

**SECTION 14.1.** The Joint Legislative Committee on Domestic Violence may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2008 Regular Session of the 2007 General Assembly upon its convening.

**SECTION 14.2.** Move Domestic Violence Commission – The Committee may study the issue of whether services for domestic violence victims would be delivered more efficiently if the Domestic Violence Commission was separated from the North Carolina Council for Women under the Department of Administration and moved to the Department of Crime Control and Public Safety.

### **PART XV. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA STUDY THE DEDICATION OF ONE OR MORE DENTAL SCHOLARSHIP-LOAN PROGRAM SLOTS TO DENTISTS SERVING SPECIAL CARE POPULATIONS (S.B. 52 – Dorsett)**

**SECTION 15.1.** The Board of Governors of The University of North Carolina shall study the feasibility of permanently dedicating one or more of the Board of Governors' Dental Scholarship-Loan Program slots to individuals who will predominately treat special care populations, primarily developmentally disabled individuals, and the elderly.

1           **SECTION 15.2.** The Board of Governors of The University of North  
2 Carolina shall report findings and recommendations on the study authorized in this  
3 section to the North Carolina Study Commission on Aging and to the General Assembly  
4 on or before January 15, 2008.

5  
6           **PART XVI. BOARD OF DIRECTORS OF THE NORTH CAROLINA HEALTH**  
7           **INSURANCE RISK POOL MONITOR METHODS OF FINANCING THE**  
8           **POOL TO ENSURE A STABLE FUNDING SOURCE. (S.B. 177 – Rand)**  
9

10           **SECTION 16.1.** The Board of Directors of the North Carolina Health  
11 Insurance Risk Pool shall monitor methods of financing the Pool to ensure a stable  
12 funding source and allow for its continued operation. This monitoring shall include  
13 supplementary sources of funding, such as funds obtained from public and private  
14 not-for-profit foundations, insurer assessments including special assessments, or other  
15 appropriate and available State or non-State funds. The Board shall also review on a  
16 regular basis:

- 17           (1) The number of individuals in this State who are uninsured as of a date  
18           certain because of high-risk conditions.
- 19           (2) The number of uninsured individuals who would qualify for coverage  
20           under the Pool based on G.S. 58-50-265 and its Plan of Operation.
- 21           (3) The cost of coverage under each of the health insurance plans  
22           developed by the Board, including administrative costs.
- 23           (4) The extent to which assessments meet or exceed amounts necessary  
24           for coverage and Board operations.
- 25           (5) The status of a request by the State to the Centers for Medicare and  
26           Medicaid Services for approval of the North Carolina Health Insurance  
27           Risk Pool to be considered an acceptable "alternative mechanism"  
28           under the federal Health Insurance Portability and Accountability Act  
29           in accordance with 45 C.F.R. § 148.128(e).

30           The Board shall report its findings and recommendations to the General  
31 Assembly on December 1, 2008, and annually thereafter.

32           **SECTION 16.2.** The Executive Director of the North Carolina Health  
33 Insurance Risk Pool shall study methods for encouraging healthy behaviors and report  
34 its findings to the Board and to the General Assembly not later than one year after initial  
35 implementation of the Pool.

36  
37           **PART XVII. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**  
38           **AND IDENTIFY PROGRAM AND SERVICE NEEDS FOR OLDER ADULTS**  
39           **IN BRUNSWICK AND OTHER COUNTIES (S.B. 448 – Soles)**  
40

41           **SECTION 17.** The Department of Health and Human Services, Division of  
42 Aging and Adult Services, shall study the population profile of Brunswick County and  
43 other counties where there is expected to be a significant increase in the number of  
44 individuals who are 65 years old or older. The purpose of the study is to determine the

1 anticipated impact on programs and services that address the needs of the older adult  
2 population. The study shall identify programs that are currently in place, or are needed,  
3 in order to address the needs of the older adult population and shall make  
4 recommendations for improved delivery systems. The study shall also identify current  
5 funding sources and where additional funds are needed. The Department shall report its  
6 findings and recommendations not later than April 1, 2008, to the 2008 Regular Session  
7 of the 2007 General Assembly, to the North Carolina Study Commission on Aging, and  
8 to the board of county commissioners of each county studied.

9  
10 **PART XVIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY**  
11 **OPTIMAL PLACEMENT OF AUTOMATED EXTERNAL**  
12 **DEFIBRILLATORS (S.B. 476 – Purcell)**  
13

14 **SECTION 18.** The Department shall study locations and incidence of cardiac  
15 arrest throughout the State and identify those areas or activities where the public may be  
16 at an increased risk of suffering sudden cardiac death to determine optimal placement of  
17 automated external defibrillators. The Department shall report its findings and  
18 recommendations to the General Assembly on or before March 1, 2008.

19  
20 **PART XIX. AUTHORIZE THE COASTAL RESOURCES COMMISSION TO**  
21 **IMPLEMENT A PILOT PROJECT TO STUDY THE USE OF TERMINAL**  
22 **GROINS FOR OCEAN INLET STABILIZATION (S.B. 599 – Soles)**  
23

24 **SECTION 19.1.** Notwithstanding G.S. 113A-115.1, the Coastal Resources  
25 Commission may permit the construction of a terminal groin in conjunction with a pilot  
26 project to study the use of terminal groins to stabilize ocean inlets. The permit shall  
27 include a condition that the terminal groin shall be removed at the permittee's expense if  
28 the Coastal Resources Commission finds that the terminal groin is ineffective in  
29 stabilizing the inlet or if the Commission finds that the adverse effects of the terminal  
30 groin outweigh the benefits. To obtain a permit under this section, an applicant shall:

- 31 (1) Prepare an environmental impact statement for the project that meets  
32 the requirements of the North Carolina Environmental Policy Act of  
33 1971. The environmental impact statement must include an analysis of  
34 alternatives to the proposed terminal groin. The Commission shall not  
35 issue a permit unless the environmental impact statement demonstrates  
36 that the construction of the terminal groin will have less adverse  
37 impact on the environment than any other alternative and demonstrates  
38 that the terminal groin will not cause a detrimental effect on adjacent  
39 lands or downdrift areas.
- 40 (2) Provide a financially binding commitment in an amount sufficient to  
41 cover the cost of removing the terminal groin and restoring the  
42 affected beach.

43 **SECTION 19.2.** The Coastal Resources Commission shall evaluate the  
44 effectiveness of the terminal groin in stabilizing the inlet and other benefits or adverse

1 impacts of the terminal groin, if any, over time. The Coastal Resources Commission  
2 shall report its findings and recommendations to the Environmental Review  
3 Commission on or before January 1 of each year beginning January 1, 2008.

4  
5 **PART XX. JOINT STUDY OF CREATING A SYSTEM OF NO-FAULT**  
6 **COMPENSATION FOR INJURIES RESULTING FROM CARE PROVIDED**  
7 **AT NURSING HOMES, HOMES FOR THE ELDERLY, OTHER**  
8 **LONG-TERM CARE FACILITIES, AND ASSISTED LIVING FACILITIES**  
9 **(S.B. 959 – Clodfelter)**

10  
11 **SECTION 20.** The Commissioner of Insurance, the North Carolina  
12 Industrial Commission, and the Department of Health and Human Services shall jointly  
13 study the utility, efficacy, and advisability of creating a system of no-fault  
14 compensation, with such compensation based on scheduled amounts and subject to  
15 limits on total compensation paid, for injuries resulting from regular and ordinary  
16 course of care provided at nursing homes, homes for the elderly, other long-term care  
17 facilities, and assisted living facilities. The results of this study, including findings and  
18 recommendations for suggested legislation, shall be reported to the 2009 General  
19 Assembly on or before January 1, 2009.

20  
21 **PART XXI. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE**  
22 **NORTH CAROLINA HOUSING FINANCE AGENCY ADDRESS GAPS IN**  
23 **THE HOUSING CONTINUUM (S.B. 1266 – Nesbitt)**

24  
25 **SECTION 21.** The Department of Health and Human Services and the  
26 North Carolina Housing Finance Agency shall work together to develop a plan for the  
27 most efficient and effective use of State resources in the financing and construction of  
28 additional independent- and supportive-living apartments for individuals with mental  
29 health, developmental, or substance abuse disabilities. This plan shall address gaps in  
30 the housing continuum identified by the study that DHHS will conduct during fiscal  
31 year 2006-2007 and fiscal year 2007-2008. DHHS and NCHFA shall report this plan  
32 and also the progress of the Housing 400 Initiative to the Joint Legislative Oversight  
33 Committee on Mental Health, Developmental Disabilities, and Substance Abuse  
34 Services by March 1, 2008.

35  
36 **PART XXII. SENTENCING AND POLICY ADVISORY COMMITTEE STUDY**  
37 **RECLASSIFYING CERTAIN MISDEMEANORS TO INFRACTIONS**  
38 **(Kinnaird, Snow)**

39  
40 **SECTION 22.** The Sentencing and Policy Advisory Commission shall study  
41 and determine whether there are any offenses that are currently classified as  
42 misdemeanors which should be reclassified as infractions because jail sentences are  
43 rarely, or never, imposed and because significant funds are being spent for the  
44 representation of indigent persons accused of the misdemeanors. The Commission shall

1 submit a written report of its findings<sup>5</sup> and recommendations to the Chairs of the House  
2 of Representatives and Senate Appropriations Committees and the chairs of the House  
3 of Representatives and Senate Appropriations Subcommittees on Justice and Public  
4 Safety by March 1 of each year.  
5

6 **PART XXIII. LEGISLATIVE SERVICES OFFICE TO STUDY THE SECURITY**  
7 **OF THE LEGISLATIVE BUILDING, LEGISLATIVE OFFICE BUILDING,**  
8 **AND OTHER PUBLIC BUILDINGS**  
9

10 **SECTION 23.** The Legislative Services Commission may study the security  
11 of the Legislative Building, the Legislative Office Building, and other public buildings.  
12 If undertaken, the study shall include (i) an assessment of the quality of current  
13 building security measures; (ii) identification of security issues that need improvement;  
14 (iii) a review of best practices around the nation; (iv) an examination of existing  
15 technologies that the State could use to secure public buildings and their occupants; and  
16 (v) recommendations regarding ways to better protect the lives of State employees and  
17 other citizens. The Legislative Services Commission may report its findings to the Joint  
18 Select Committee on Emergency Preparedness and Disaster Management Recovery on  
19 or before May 1, 2008.  
20

21 **PART XXIV. GOVERNOR'S CRIME COMMISSION TO STUDY EXPANDING**  
22 **THE JURISDICTION OF THE DEPARTMENT OF JUVENILE JUSTICE AND**  
23 **DELINQUENCY PREVENTION TO INCLUDE CRIMINAL ACTS OF**  
24 **SIXTEEN AND SEVENTEEN YEAR OLDS (Kinnaird)**  
25

26 **SECTION 24.1.** The Governor's Crime Commission and its adjunct  
27 committees shall study the legal, systematic, and organizational impact of expanding the  
28 jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to  
29 include persons 16 and 17 years of age who commit crimes or infractions under State  
30 law or under an ordinance of local government. In particular, the Commission shall  
31 perform the following functions regarding the proposed expansion of the jurisdiction of  
32 the Department of Juvenile Justice and Delinquency Prevention to include 16 and 17  
33 year olds who commit crimes or infractions under State or local law:

- 34 (1) Identify the costs to the State court system and State and local law  
35 enforcement.
- 36 (2) Review the relevant State laws that should be conformed or amended,  
37 including but not limited to the motor vehicle and criminal laws, the  
38 laws regarding expunction of criminal records, and other juvenile laws.
- 39 (3) Review the experience of any other states which have within recent  
40 years expanded the juvenile justice jurisdiction to 16 and 17 year olds.
- 41 (4) Identify the practical issues for the Department of Juvenile Justice and  
42 Delinquency Prevention to implement best practices for programs and  
43 facilities that would meet the unique needs of the older youth under the

proposal without adversely affecting the existing departmental programming.

(5) Review the relevant State laws on sharing of juvenile information with other State departments and agencies.

(6) Create a specific plan of the actions that are necessary to implement the expansion of the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention.

(7) Determine the total cost of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention.

(8) Conduct a cost benefit analysis of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention with specific information on possible future fiscal savings anywhere within State government as a result of expenditures necessary to implement the expansion.

(9) Determine whether federal or other funds are available to aid in the transition and expansion, or both, of the age of juvenile jurisdiction to 16 and 17 year olds.

**SECTION 24.2.** Independent Contractor or Contractors. - The Commission may contract with an independent group or groups for the oversight and management of this study project, a service needs study, and a courts study, and to periodically report those findings to the Commission.

**SECTION 24.3.** Cooperation by Government Agencies. - The Department of Juvenile Justice and Delinquency Prevention and all other departments, agencies, institutions, or officers of the State or any political subdivision of the State shall cooperate with the Commission in this study, shall provide the Commission with any requested facilities, data, or other assistance, and help the Commission identify any collateral effect which might result from implementation of the proposal on the program and operations of the relevant State department, agency, or the political subdivision.

**SECTION 24.4.** Funding. - Upon the receipt of funds, the Commission shall use available funds from its budget in conducting this study and may apply for, receive, or accept grants and contributions from any source of money or any other thing of value to be held and used for the purposes of this study.

**SECTION 24.5.** Reports. - The Commission shall submit an interim report to the 2008 Regular Session of the 2007 General Assembly and shall submit a final report of its findings and legislative, administrative, and funding recommendations, by January 15, 2009, to the General Assembly and the Governor.

In addition to its interim and final report, the Commission shall report in writing on the progress of this study on a quarterly basis beginning on September 1, 2007 and by the first day of every quarter thereafter until the Commission submits its final report to the General Assembly study to the chairs and co-chairs, as applicable, of the following standing committees or subcommittees of the General Assembly:

House of Representatives

Appropriations: Justice and Public Safety,

Children Youth, and Families,



1 Education: Pre-School, Elementary and Secondary Education,  
2 Juvenile Justice,  
3 Judiciary I,  
4 Judiciary II,  
5 Judiciary III; and  
6 Senate  
7 Appropriations: Justice and Public Safety,  
8 Education and Higher Education,  
9 Judiciary I,  
10 Judiciary II,  
11 Mental Health and Youth Services.

12 A copy of each progress report made to the standing committee and  
13 subcommittee chairs shall also be filed in the Legislative Library.  
14

15 **PART XXV. DEPARTMENT OF CULTURAL RESOURCES TO STUDY THE**  
16 **PRESERVATION OF FOLK LIFE RESOURCES (S.B. 1515 – Queen)**  
17

18 **SECTION 25.** The Department of Cultural Resources may study the  
19 measures necessary to preserve and promote traditional arts and cultures in North  
20 Carolina, and to implement heritage development initiatives, in order to enhance  
21 community and economic development. Special attention may be given to the effect of  
22 heritage development initiatives and how they may assist economically distressed  
23 communities across the State. The Department shall report the results of this study to  
24 the 2008 Regular Session of the 2007 General Assembly.  
25

26 **PART XXVI. UNIVERSITY OF NORTH CAROLINA/DUKE UNIVERSITY TO**  
27 **STUDY THE NEED FOR A DEEP WATER RESEARCH VESSEL (Boseman)**  
28

29 **SECTION 26.** The University of North Carolina, in collaboration with Duke  
30 University, may study the need for a deep water research vessel in North Carolina. If  
31 undertaken, the study shall:

- 32 (1) Examine whether there is a need for North Carolina to expand its  
33 current deep water research capability.
- 34 (2) Identify the preferred funding source for a research vessel and deep  
35 water research in North Carolina.
- 36 (3) Outline how best to integrate all the interested research departments in  
37 the State into a model partnership for such research, and how the  
38 lessons learned may be replicated in other disciplines.
- 39 (4) Determine whether the model should include both public and private  
40 entities.
- 41 (5) Examine public and private marine research consortiums in other  
42 states.

43 If the University of North Carolina undertakes the study, it shall report the  
44 results to the Joint Legislative Education Oversight Committee by January 1, 2008.

**PART XXVII. DEPARTMENT OF ADMINISTRATION TO STUDY  
DISPARITY IN AWARDING STATE CONTRACTS TO MINORITY-OWNED  
AND WOMEN-OWNED BUSINESSES (Shaw)**

**SECTION 27.** The Department of Administration may conduct a study on the availability and utilization of minority-owned and women-owned business enterprises and examine relevant evidence of the effects of race-based and gender-based discrimination upon the utilization of such business enterprises in contracts for planning, design, preconstruction, construction, maintenance, renovation, or repairs of State building projects, including building projects performed by a private entity on a facility to be leased or purchased by the State. The study may include local government units or other public or private entities that receive State funding for a building or utility project, or other State grant funds for such projects performed by a private entity on a facility to be leased or purchased by the local government unit. The study may further examine relevant evidence of the effects of race-based and gender-based discrimination upon the utilization of such business enterprises in contracts for the procurement of materials, supplies, equipment, apparatus, or other goods and services by all State entities.

**PART XXIII. AUTOMOBILE INSURANCE MODERNIZATION STUDY  
COMMISSION (Rand; S.B. 928 – Garrou)**

**SECTION 28.1.** There is created the Automobile Insurance Modernization Study Commission. The Commission shall consist of 18 members as follows:

- (1) Six members of the House of Representatives appointed by the Speaker of the House.
- (2) Six members of the Senate appointed by the President Pro Tempore of the Senate.
- (3) The Commissioner of Insurance or his designee.
- (4) One representative of the automobile insurance industry, appointed by the Speaker of the House.
- (5) One representative of the automobile insurance industry, appointed by the President Pro Tempore of the Senate.
- (6) The Commissioner of Motor Vehicles or his designee.
- (7) One District Attorney, appointed by the Speaker of the House.
- (8) One trial attorney who regularly handles motor vehicle offenses, appointed by the President Pro Tempore of the Senate.

**SECTION 28.2.** The Commission shall study issues related to the method and manner of establishing automobile insurance rates in North Carolina, to ensure consumers are receiving the fullest possible benefit from marketplace competition among insurers on pricing and coverage options.

The study shall include, but is not limited to, review of: the insurance regulatory systems in other states; the Safe Driver Incentive Program (SDIP); the N.C.

1 Rate Bureau; the N.C. Reinsurance Facility; insurance points for speeding, other  
2 insurance points, drivers license points, improper equipment violations, revocations,  
3 prayers for judgment continued; and the information included in drivers records.

4 The Commission may study the issue of whether continuous financial  
5 responsibility should be a requirement for maintaining a valid North Carolina drivers  
6 license, as it is required under Article 9A of Chapter 20 of the General Statutes to  
7 maintain a valid motor vehicle registration, for the purpose of diminishing the incidents  
8 of crashes involving uninsured motorists. If the Commission studies this issue, it shall  
9 consider what liability insurance requirements would be appropriate, if any, if a  
10 requirement for liability insurance should be limited to individuals applying for or  
11 holding provisional licenses pursuant to G.S. 20-11 or for those individuals previously  
12 convicted of certain motor vehicle offenses, and the relevant financial responsibility and  
13 uninsured-motorist reduction efforts of other states.

14 **SECTION 28.3.** The Speaker of the House of Representatives and the  
15 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.  
16 The Commission may contract for consultant services as provided by G.S. 120-32.02.  
17 Upon approval of the Legislative Services Commission, the Legislative Services Officer  
18 shall assign professional and clerical staff to assist in the work of the Commission.  
19 Clerical staff shall be furnished to the Commission through the offices of the House of  
20 Representatives and Senate Directors of Legislative Assistants. The Commission may  
21 meet in the Legislative Building or the Legislative Office Building upon the approval of  
22 the Legislative Services Commission. The Commission, while in discharge of official  
23 duties, may exercise all the powers provided under the provisions of G.S. 120-19  
24 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and  
25 departments of the State to provide any information, data, or documents within their  
26 possession, ascertainable from their records, or otherwise available to them, and the  
27 power to subpoena witnesses. Members of the Commission shall receive per diem,  
28 subsistence, and travel allowances at the rate established in G.S. 120-3.1. The  
29 appointing authority shall fill vacancies.

30 **SECTION 28.4.** The Commission may submit an interim report to the 2008  
31 Session of the 2007 General Assembly and shall submit a final report, including all  
32 recommended legislation, to the 2009 General Assembly and shall terminate upon filing  
33 its final report.

34  
35 **PART XXIX. JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC**  
36 **SCHOOL FUNDING FORMULAS**

37  
38 **SECTION 29.1.** There is created the Joint Legislative Study Committee on  
39 Public School Funding Formulas. The Committee shall consist of 10 members of the  
40 House of Representatives appointed by the Speaker of the House of Representatives  
41 and 10 members of the Senate appointed by the President Pro Tempore of the Senate.  
42 The Speaker of the House of Representatives shall appoint a cochair, and the President  
43 Pro Tempore of the Senate shall appoint a cochair for the Committee.

1           The Committee, while in the discharge of its official duties, may exercise all  
2 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The  
3 Committee may contract for professional, clerical, or consultant services as provided by  
4 G.S. 120-32.02.

5           Subject to the approval of the Legislative Services Commission, the  
6 Committee may meet in the Legislative Building or the Legislative Office Building. The  
7 Legislative Services Commission, through the Legislative Services Officer, shall assign  
8 professional staff to assist the Committee in its work. The House of Representatives'  
9 and the Senate's Directors of Legislative Assistants shall assign clerical support staff to  
10 the Committee, and the expenses relating to the clerical employees shall be borne by the  
11 Committee.

12           **SECTION 29.2.** The Committee shall perform an extensive study of all  
13 public school funding formulas and distributions, including but not limited to:

- 14           (1) School Capital Fund.
- 15           (2) Lottery School Construction Formula.
- 16           (3) Children with Disabilities.
- 17           (4) Limited English Proficiency.
- 18           (5) At-Risk Student Services/Alternative Schools.
- 19           (6) Improving Student Accountability.
- 20           (7) Disadvantaged Students Supplemental.
- 21           (8) Low-Wealth Counties Supplemental Funding.
- 22           (9) Small County Supplemental Funding.
- 23           (10) Transportation of Pupils.
- 24           (11) Academically or Intellectually Gifted.
- 25           (12) Number of school systems funded per county.

26           **SECTION 29.3.** The Committee shall also study the State Board of  
27 Education's model for projecting average daily membership and focus particularly on  
28 how well the model projects average daily membership in rapidly growing local school  
29 administrative units with a highly mobile population.

30           **SECTION 29.4.** The Committee shall submit a report of its findings and  
31 recommendations, including any legislative recommendations, to the 2008 Regular  
32 Session of the 2007 General Assembly. The Committee shall terminate upon filing its  
33 report.

34           **SECTION 29.5.** From funds available to the General Assembly, the  
35 Committee may use up to one million dollars (\$1,000,000) to conduct this study, subject  
36 to the approval of the Legislative Services Commission chairs.

37           **SECTION 29.6.** In preparation of the Committee's work, the chairs of the  
38 Legislative Services Commission may hire consultants prior to the first meeting of the  
39 Committee.

40  
41 **PART XXX. CONTINUE THE STUDY OF WATERFRONT ACCESS ISSUES**  
42 **(S.B. 646 – Albertson)**

43  
44           **SECTION 30.** Section 45.5 of S.L. 2006-248 reads as rewritten:

1 "SECTION 45.5. The Committee may submit an interim report of its study to the  
2 Joint Legislative Commission on Seafood and Aquaculture, the Marine Fisheries  
3 Commission, and the Coastal Resources Commission no later than January 15, 2007.  
4 The Committee shall submit a ~~final~~ report of the results of its study, including any  
5 legislative recommendations, to the Joint Legislative Commission on Seafood and  
6 Aquaculture, the Marine Fisheries Commission, and the Coastal Resources Commission  
7 no later than April 15, 2007. The Committee shall terminate ~~on April 15, 2007, or upon~~  
8 ~~the filing of its final report, whichever occurs first.~~ report."

9  
10 **PART XXXI. EXTEND THE JOINT LEGISLATIVE GROWTH STRATEGIES**  
11 **OVERSIGHT COMMISSION (S.B. 1138 – Clodfelter)**

12  
13 **SECTION 31.1.** Section 3.3 of S.L. 2001-491, as amended by Section 3.2 of  
14 S.L. 204-161 and Section 9.2 of S.L. 2006-248, reads as rewritten:

15 "SECTION 3.3. This Part becomes effective January 15, 2002, and expires ~~January~~  
16 ~~16, 2007. December 31, 2008.~~ Prior to its ~~expiration on January 16, 2007, expiration,~~  
17 the Committee shall report to the General Assembly on its activities conducted pursuant  
18 to this Part."

19 **SECTION 31.2.** This act revives Article 12N of Chapter 120 of the General  
20 Statutes.

21 **SECTION 31.3.** G.S. 120-70.120, as revived by this act, reads as rewritten:  
22 "**§ 120-70.120. Creation and membership of Joint Legislative Growth Strategies**  
23 **Oversight Committee.**

24 The Joint Legislative Growth Strategies Oversight Committee is established. The  
25 Committee consists of 12 members as follows:

- 26 (1) Six members of the Senate appointed by the President Pro Tempore of  
27 the Senate; and  
28 (2) Six members of the House of Representatives appointed by the  
29 Speaker of the House of Representatives.

30 ~~Terms on the Committee are for two years and begin on the convening of the~~  
31 ~~General Assembly in each odd-numbered year, except the terms of the initial members,~~  
32 ~~which begin on appointment and end on the day of the convening of the 2003 General~~  
33 ~~Assembly. Terms on the Committee begin on the date members are appointed and~~  
34 ~~expire December 31, 2008.~~ Members may complete a term of service on the Committee  
35 even if they do not seek reelection or are not reelected to the General Assembly, but  
36 resignation or removal from service in the General Assembly constitutes resignation or  
37 removal from service on the Committee.

38 A member continues to serve until a successor is appointed. A vacancy shall be  
39 filled by the officer who made the original appointment."

40 **SECTION 31.4.** The Joint Legislative Growth Strategies Oversight  
41 Committee may meet during the legislative session or in the interim.

42  
43 **PART XXXII. ESTABLISH THE NORTH CAROLINA STUDY COMMISSION**  
44 **ON JUVENILE JUSTICE (Kinnaird)**

SECTION 32. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 32.

"The North Carolina Study Commission on Juvenile Justice and Delinquency Prevention.

**"§ 120-280. Creation and purpose of the North Carolina Study Commission on Juvenile Justice and Delinquency Prevention.**

There is established the North Carolina Study Commission on Juvenile Justice and Delinquency Prevention to study and evaluate the existing system of juvenile justice and to recommend changes to improve the system to protect the public and meet the needs of undisciplined and delinquent juveniles. This study shall be a continuing one and the evaluation ongoing.

**"§ 120-281. Commission duties.**

The North Carolina Study Commission on Juvenile Justice and Delinquency Prevention shall:

- (1) Study the needs of juveniles who have been adjudicated undisciplined or delinquent or who are at risk of becoming undisciplined or delinquent, including review of data on the proportion of African-Americans and other racial and ethnic minorities in the juvenile justice system, including the racial and ethnic minorities who are adjudicated and placed in the custody of the Department of Juvenile Justice and Delinquency Prevention. If study of the data finds a disproportionate participation of African-Americans or other racial or ethnic minorities in the juvenile justice system, the Commission shall study, evaluate, and recommend actions to eliminate the disproportionate participation of those minorities in the juvenile justice system. The Commission shall track corrective actions or measures adopted pursuant to recommendation of the Commission.
- (2) Evaluate State and local programs that provide prevention and rehabilitation services to juveniles who have been adjudicated undisciplined or delinquent or who are at risk of becoming undisciplined or delinquent.
- (3) Review the diversion programs within the Department of Juvenile Justice and Delinquency Prevention.
- (4) Evaluate and recommend changes to the education system within the juvenile facilities.
- (5) Review data on juveniles who have been adjudicated delinquent or undisciplined or who are at risk of becoming delinquent or undisciplined, which may be used to facilitate both short- and long-range planning for services for those juveniles, including for the delivery of services.
- (6) Review the use of funds awarded as grants by the State and local Juvenile Crime Prevention Councils.

- (7) Study, evaluate, and recommend changes to the North Carolina General Statutes relating to juvenile justice.
- (8) Study, evaluate, and recommend action regarding reports received by the Commission.
- (9) Study, evaluate, and recommend any changes proposed for future development of the juvenile justice system of the State.
- (10) Study, review, and evaluate any other issue regarding the juvenile justice system of the State.

**"§ 120-282. Commission membership; terms; vacancies.**

The North Carolina Study Commission on Juvenile Justice and Delinquency Prevention shall consist of 19 members as follows:

- (1) The Secretary of the Department of Juvenile Justice and Delinquency Prevention or that person's designee shall serve ex officio as a nonvoting member.
- (2) Nine members appointed by the President Pro Tempore of the Senate as follows:
  - a. Five persons who are members of the Senate at the time of their appointment.
  - b. One chief juvenile court counselor.
  - c. One juvenile defense attorney.
  - d. One representative from the Department of Public Instruction who works with at-risk students.
  - e. One youth counselor employed by the Department of Juvenile Justice and Delinquency Prevention at a youth development center.
- (3) Nine members appointed by the Speaker of the House of Representatives as follows:
  - a. Five persons who are members of the House of Representatives at the time of their appointment.
  - b. One mental health professional with experience working with juveniles.
  - c. One district attorney or assistant district attorney with experience in juvenile court.
  - d. One district court judge who administers juvenile court.
  - e. One member of a local law enforcement agency.

Any vacancy shall be filled by the appointing authority that made the initial appointment. The appointing authority shall fill the vacancy by appointing a person having the same qualifications.

Initial appointments to the Commission shall last until January 1, 2009. Subsequent appointments shall be for two year terms. Members may only serve two consecutive two year terms, in addition to any partial term, but may be reappointed after having been off the Commission for two years.

**"§ 120-283. Commission meetings.**

1     The Commission shall have its initial meeting no later than January 31, 2008. The  
2     President Pro Tempore of the Senate and the Speaker of the House of Representatives  
3     shall each appoint a cochair from the membership of the Commission. The Commission  
4     shall meet at least three times each calendar year and may meet at other times upon the  
5     call of the cochairs. A majority of the members of the Commission shall constitute a  
6     quorum for the transaction of business. The affirmative vote of a majority of the  
7     members present at meetings of the Commission shall be necessary for action to be  
8     taken by the Commission.

9     **"§ 120-284. Member reimbursement.**

10     The Commission members shall receive no salary as a result of serving on the  
11     Commission but shall receive necessary subsistence and travel expenses in accordance  
12     with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

13     **"§ 120-285. Public hearings.**

14     The Commission may hold public meetings across the State to solicit public input  
15     with respect to issues related to juvenile justice in North Carolina.

16     **"§ 120-286. Assistance from other agencies.**

17     The Commission may obtain information and data from all State officers, agents,  
18     agencies, and departments, while in the discharge of its duties, pursuant to the  
19     provisions of G.S. 120-19, as if it were a committee of the General Assembly. The  
20     Commission may also call witnesses, compel testimony relevant to any matter properly  
21     before the Commission, and subpoena records and documents, provided that any patient  
22     record shall have patient identifying information removed. The provisions of  
23     G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission  
24     as if it were a joint committee of the General Assembly. In addition to the other  
25     signatures required for the issuance of a subpoena under this section, the subpoena shall  
26     also be signed by the cochairs of the Commission. Any cost of providing information to  
27     the Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission  
28     from funds appropriated to it for its continuing study.

29     **"§ 120-287. Commission subcommittees.**

30     The Commission cochairs may establish subcommittees for the purpose of making  
31     special studies pursuant to the Commission's duties and may appoint members who are  
32     not members of the Commission to serve on each subcommittee as resource persons.  
33     Resource persons shall be voting members of the subcommittee and shall receive  
34     subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6, as  
35     applicable.

36     **"§ 120-288. Commission reports.**

37     The Commission shall report to the General Assembly and the Governor the results  
38     of its study and recommendations. A written report shall be submitted to each biennial  
39     session of the General Assembly at its convening.

40     **"§ 120-289. Commission staff and meeting place.**

41     The Commission may contract for clerical or professional staff or for any other  
42     services it may require in the course of its ongoing study. At the request of the  
43     Commission, the Legislative Services Commission may supply members of the staff of



1 the Legislative Services Office and clerical assistance to the Commission as the  
2 Legislative Services Commission considers appropriate.

3 The Commission may, with the approval of the Legislative Services Commission,  
4 meet in the State Legislative Building or the Legislative Office Building."  
5

6 **PART XXXIII. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY**  
7 **EVIDENCE BASED HEALTH PROMOTION AND DISEASE PREVENTION**  
8 **(Queen)**  
9

10 **SECTION 33.1.** The North Carolina Institute of Medicine is requested to  
11 study evidence based health promotion and disease prevention interventions that will  
12 improve the health of North Carolinians and lower the cost of health care to individuals  
13 and the health scare system.

14 **SECTION 33.2.** If the study is convened, it should focus on the following  
15 topic areas:

- 16 (1) Preventing/reducing chronic diseases, morbidity, and premature  
17 mortality. This would include a focus on reducing risk factors such as  
18 obesity and tobacco use, and increasing protective factors such as  
19 healthy diets and physical activity. This would also include improving  
20 birth outcomes, and other efforts to prevent premature morbidity or  
21 mortality.
- 22 (2) Integrating preventive health strategies into primary care. Although  
23 North Carolina ranks better than the national average in ensuring that  
24 people receive many clinical preventive screenings, more can be done  
25 to ensure that preventable conditions are caught early.
- 26 (3) Preventing/responding to infectious diseases and emerging public  
27 health threats. This would include a consideration of strategies such s  
28 immunizations, and efforts to reduce food-borne diseases. The  
29 prevention plan would also help the State prepare for emerging health  
30 threats such as influenza pandemic or multi-drug resistant tuberculosis.
- 31 (4) Reducing intentional and unintentional injuries (such as suicides,  
32 motor vehicle crashes, falls, occupational injuries, and poisoning).  
33 Because injuries are one of the leading causes of death among younger  
34 individuals, they result in more years of productive life lost than any  
35 other cause of death. Many injuries are preventable and can be  
36 reduced as part of a Statewide prevention plan.

37 If the study is convened, the North Carolina Institute of Medicine shall provide staff  
38 and arrange for meeting facilities.

39 **SECTION 33.3.** If the study is convened, it may meet over the course of two  
40 years to develop a prevention plan. The goal of the study would be to examine the four  
41 broad topic areas and prioritize strategies across these areas to improve overall  
42 population health. In developing the Statewide plan, the study should consider different  
43 options to improve population health, including promoting healthy lifestyles, changing

1 public and health policies, improving community and environment, and improving  
2 preventive clinical care.

3 **SECTION 33.4.** If the study is convened, the Institute of Medicine shall  
4 submit an interim report to the 2007 General Assembly, Regular Session 2008, and to  
5 the chairs of the House of Representatives Appropriations Committee, the Senate  
6 Appropriations Committee, and the Fiscal Research Division, and the Governor. The  
7 final report shall be submitted no later than the convening of the 2009 General  
8 Assembly.

9  
10 **PART XXXIV. OUT-OF-STATE TRAVEL**

11  
12 **SECTION 34.** For legislative studies authorized by this act, out-of-state  
13 travel must be authorized by the President Pro Tempore of the Senate or the Speaker of  
14 the House of Representatives, as appropriate.

15  
16 **PART XXXV. BILL AND RESOLUTION REFERENCES**

17  
18 **SECTION 35.** The listing of the original bill or resolution in this act is for  
19 reference purposes only and shall not be deemed to have incorporated by reference any  
20 of the substantive provisions contained in the original bill or resolution.

21  
22 **PART XXXVI. EFFECTIVE DATE AND APPLICABILITY**

23  
24 **SECTION 36.** Except as otherwise specifically provided, this act is effective  
25 when it becomes law. If a study is authorized both in this act and in the Current  
26 Operations and Capital Improvements Appropriations Act of 2007, the study shall be  
27 implemented in accordance with the Current Operations and Capital Improvements  
28 Appropriations Act of 2007 as ratified.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

1

SENATE BILL 1256

Short Title: 2007 Studies Bill.

(Public)

Sponsors: Senator Rand.

Referred to: Rules and Operations of the Senate.

March 26, 2007

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 2007."

**PART II. LEGISLATIVE RESEARCH COMMISSION**

**SECTION 2.1.** The Legislative Research Commission may study any of the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. 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.
- (2) Transportation Issues.
- (3) Consumer Issues.
- (4) Insurance Issues.
- (5) Criminal Law Issues.
- (6) State/Local Government Employee Issues.
- (7) Labor, Employment, and Economic Development Issues.
- (8) Other.

**SECTION 2.2.** For each Legislative Research Commission committee created during the 2007-2008 fiscal year, the cochair of the Legislative Research Commission shall appoint the committee membership.

1           **SECTION 2.3.** For each of the topics the Legislative Research Commission  
2 decides to study under this part or pursuant to G.S. 120-30.17(1), the Commission may  
3 report its findings, together with any recommended legislation, to the 2008 Regular  
4 Session of the 2007 General Assembly and shall make a final report to the 2009 General  
5 Assembly upon its convening.

6           **SECTION 2.4.** From the funds available to the General Assembly, the  
7 Legislative Services Commission may allocate additional monies to fund the work of  
8 the Legislative Research Commission.

### 9 10 **PART III. STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS**

11  
12           **SECTION 3.1.** The various statutory oversight committees and commissions  
13 may study a range of topics and report their findings, together with any recommended  
14 legislation, to the 2008 Regular Session of the 2007 General Assembly upon its  
15 convening.

16           **SECTION 3.2.** From funds appropriated to the General Assembly, the  
17 Legislative Services Commission shall allocate funds for the purpose of conducting the  
18 studies provided for in this part.

### 19 20 **PART IV. OTHER AGENCIES, COMMITTEES, AND COMMISSIONS**

21  
22           **SECTION 4.1.** Members of the commissions authorized by this part shall  
23 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,  
24 138-5, or 138-6, as appropriate. The Legislative Services Office shall provide adequate  
25 staff for the commissions. The commissions may hire consultants to assist with the  
26 study as provided in G.S. 120-32.02(b). The commissions, while in the discharge of  
27 their official duties, may exercise all the powers provided under the provisions of  
28 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the power to request  
29 all officers, agents, agencies, and departments of the State to provide any information,  
30 data, or documents within their possession, ascertainable from their records, or  
31 otherwise available to them and the power to subpoena witnesses. The commissions  
32 may meet during a regular or extra session of the General Assembly, subject to approval  
33 of the Speaker of the House of Representatives and the President Pro Tempore of the  
34 Senate.

35           **SECTION 4.2.** From funds appropriated to the General Assembly, the  
36 Legislative Services Commission shall allocate funds for the purpose of conducting the  
37 studies provided for in this part.

### 38 39 **PART V. EFFECTIVE DATE AND APPLICABILITY**

40  
41           **SECTION 5.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

D

HOUSE BILL 1556

PROPOSED SENATE COMMITTEE SUBSTITUTE H1556-PCS70615-LG-29

Short Title: 2007 Speaker's and PPT's Appointments.

(Public)

Sponsors:

Referred to:

April 18, 2007

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.

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 the President Pro  
Tempore have made recommendations; Now, therefore,  
The General Assembly of North Carolina enacts:

**PART I. SPEAKER'S RECOMMENDATIONS.**

**SECTION 1.1.** If House Bill 1650, 2007 Regular Session, becomes law,  
then Nancy Davison of Wake County is appointed to the Acupuncture Licensing Board  
for a term expiring on June 30, 2010.

**SECTION 1.2.** Thomas "Tommy" J. Emerson of Chatham County is  
appointed to the North Carolina Agricultural Finance Authority for a term expiring on  
July 1, 2010.

**SECTION 1.3.** Harold K. Hart of Chatham County and Michael Weeks of  
Wake County are appointed to the Centennial Authority for terms expiring on June 30,  
2011.

**SECTION 1.4.** Mary Roberts of Orange County and Linda LaRue of  
Forsyth County are appointed to the Child Care Commission for terms expiring on June  
30, 2009.

**SECTION 1.5.** David Yarasheski, D.C., of Durham County is appointed to  
the State Board of Chiropractic Examiners for a term expiring on June 30, 2009.

1           **SECTION 1.6.** Dr. Norman C. Camp, III of Wake County is appointed to  
2 the Clean Water Management Trust Fund Board of Trustees for a term expiring on July  
3 1, 2011.

4           **SECTION 1.7.** Mark H. Hicks of Granville County and Hiram Williams of  
5 Pender County are appointed to the North Carolina Code Officials Qualification Board  
6 for terms expiring on June 30, 2011.

7           **SECTION 1.8.** Ellen B. Scouten of Chatham County is appointed to the  
8 Crime Victims Compensation Commission for a term expiring on June 30, 2011.

9           **SECTION 1.9.** Richard J. Armstrong of Wake County, the Honorable James  
10 K. Festerman of Rockingham County, Vernon Julius Bryant of Halifax County, and  
11 Kevin Wallace of Wake County are appointed to the North Carolina Criminal Justice  
12 Education and Training Standards Commission for terms expiring on June 30, 2009.

13           **SECTION 1.10.** Donnie O. Holt of Forsyth County and Barker French of  
14 Durham County are appointed to the North Carolina Criminal Justice Information  
15 Network Governing Board for terms expiring on June 30, 2011.

16           **SECTION 1.11.** Effective September 1, 2007, the Honorable Beverly A.  
17 Scarlett of Orange County and Maria Pinto of Pitt County are appointed to the Domestic  
18 Violence Commission for terms expiring on August 31, 2009.

19           **SECTION 1.12.** John D. Chaffee of Pitt County and Billy Wooten of  
20 Edgecombe County are appointed to the North Carolina's Eastern Region Development  
21 Commission for terms expiring on June 30, 2011.

22           **SECTION 1.13.** Representative Marvin W. Lucas of Cumberland County is  
23 appointed to the Education Commission of the States for a term expiring on June 30,  
24 2008.

25           **SECTION 1.14.** Effective September 1, 2007, Elizabeth Fisher of New  
26 Hanover County is appointed to the North Carolina Board of Electrolysis Examiners for  
27 a term expiring on August 31, 2010.

28           **SECTION 1.15.** Effective January 1, 2007, Carl R. McKnight of Lincoln  
29 County is appointed to the North Carolina Emergency Medical Services Advisory  
30 Council for a term expiring on December 31, 2011.

31           **SECTION 1.16.(a)** Effective January 1, 2008, the Honorable Foyle  
32 Hightower, Jr., of Anson County is appointed to the e-NC Authority Commission for a  
33 term expiring on December 31, 2008.

34           **SECTION 1.16.(b)** Effective January 1, 2008, the Honorable Stanley H. Fox  
35 of Granville County is appointed to the e-NC Authority Commission for a term expiring  
36 on December 31, 2009.

37           **SECTION 1.16.(c)** Effective January 1, 2008, the Honorable Wayne  
38 Goodwin of Richmond County is appointed to the e-NC Authority Commission for a  
39 term expiring on December 31, 2010.

40           **SECTION 1.17.** 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, 2009.

1           **SECTION 1.18.** Gordon Vermillion of Lenoir County and Barbara R.  
2 Kornegay of Wayne County are appointed to the Board of Directors of North Carolina  
3 Global TransPark Authority for terms expiring on June 30, 2011.

4           **SECTION 1.19.** Terry B. Todd of Wake County is appointed to the North  
5 Carolina Home Inspector Licensure Board for a term expiring on July 1, 2011.

6           **SECTION 1.20.** William C. Lackey, Jr. of Mecklenburg County, William C.  
7 Fitzgerald, III of Scotland County, James W. Oglesby of Buncombe County, and Paul S.  
8 Jaber of Nash County are appointed to the North Carolina Housing Finance Agency for  
9 terms expiring on June 30, 2009.

10          **SECTION 1.21.** Representative Jennifer Weiss of Wake County,  
11 Representative Arthur J. Williams of Beaufort County, Representative Larry W.  
12 Womble of Forsyth County, Karen Anne McCall of Durham County, the Honorable  
13 Norman A. Mitchell, Sr. of Mecklenburg County, Denise Barratt of Johnston County,  
14 W. Robert Bizzell of Lenoir County, and Sylvia Coleman of Guilford County are  
15 appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for  
16 terms expiring on June 30, 2009.

17          **SECTION 1.22.** Jens Saakvitne of Forsyth County is appointed to the  
18 License to Give Trust Fund Commission for a term expiring on December 31, 2008, to  
19 fill the unexpired term of Jeannette K. Poole.

20          **SECTION 1.23.** W. Calvin "Cal" Horton of Orange County is appointed to  
21 the Local Government Commission for a term expiring on June 30, 2009, to fill the  
22 unexpired term of David Huskins.

23          **SECTION 1.24.** Effective January 1, 2007, Larry K. Hayes of Lenoir  
24 County is appointed to the North Carolina Locksmith Licensing Board for a term  
25 expiring on December 31, 2010.

26          **SECTION 1.25.** Effective September 1, 2007, Max O. Cogburn, Jr. of  
27 Buncombe County is appointed to the North Carolina State Lottery Commission for a  
28 term expiring on August 31, 2012.

29          **SECTION 1.26.** LeAnder Canady of Guilford County and Sally  
30 Schornstheimer of Orange County are appointed to the Board of Trustees of the North  
31 Carolina Museum of Art for terms expiring on June 30, 2009.

32          **SECTION 1.27.** Effective January 1, 2007, Dr. Alan S. Weakley of  
33 Chatham County and Henry L. Kitchin of Brunswick County are appointed to the  
34 Natural Heritage Trust Fund Board of Trustees for terms expiring on January 1, 2014.

35          **SECTION 1.28.(a)** Effective July 1, 2006, the Honorable Zeno L. Edwards,  
36 Jr. of Beaufort County is appointed to the Northeastern North Carolina Regional  
37 Economic Development Commission for a term expiring on June 30, 2008.

38          **SECTION 1.28.(b)** Eddie J. Lynch of Currituck County, the Honorable  
39 Thomas B. Richter of Beaufort County, and the Honorable Drewery N. Beale of Halifax  
40 County are appointed to the Northeastern North Carolina Regional Economic  
41 Development Commission for terms expiring on June 30, 2009.

42          **SECTION 1.29.** Effective January 1, 2007, Martha Ann Harrell of  
43 Cumberland County is appointed to the North Carolina Board of Nursing for a term  
44 expiring on December 31, 2011.

1       **SECTION 1.30.** Connie Moore Corey of Pitt County is appointed to the  
2 North Carolina Nursing Scholars Commission for a term expiring on June 30, 2011.

3       **SECTION 1.31.** The Honorable Edd Nye of Bladen County is appointed to  
4 the Board of Directors of the North Carolina Center for Nursing for a term expiring on  
5 June 30, 2008, to fill an unexpired term.

6       **SECTION 1.32.** Robert L. Epting of Orange County and Thomas S. Blue of  
7 Moore County are appointed to the North Carolina Parks and Recreation Authority for  
8 terms expiring on July 1, 2010.

9       **SECTION 1.33.** Lloyd Williams, Jr. of Cleveland County, Bennie Gupton of  
10 Franklin County, Ralph Heath of Wake County, and Waheed Haq of Wake County are  
11 appointed to the North Carolina Petroleum Underground Storage Tank Funds Council  
12 for terms expiring on June 30, 2009.

13       **SECTION 1.34.** Dr. George Frazier of Pitt County is appointed to the North  
14 Carolina Principal Fellows Commission for a term expiring on June 30, 2011.

15       **SECTION 1.35.** Notwithstanding the provisions of G.S. 74C-4(b), Sally K.  
16 Pleasant of Stanly County and Mack Donaldson of Guilford County are appointed to the  
17 Private Protective Services Board for terms expiring on June 30, 2008.

18       **SECTION 1.36.** Effective January 1, 2007, William D. English of  
19 Buncombe County is appointed to the North Carolina Professional Employer  
20 Organization Advisory Council for a term expiring on December 31, 2010.

21       **SECTION 1.37.** The Honorable Wade F. Wilmoth of Watauga County is  
22 appointed to the Property Tax Commission for a term expiring on June 30, 2011.

23       **SECTION 1.38.** Janet Pittard of Wake County is appointed to the Board of  
24 Trustees of the North Carolina Public Employee Deferred Compensation Plan for a term  
25 expiring on June 30, 2009.

26       **SECTION 1.39.** Joseph R. Kluttz, Jr. of Stanly County is appointed to the  
27 Public Officers and Employees Liability Insurance Commission for a term expiring on  
28 June 30, 2011.

29       **SECTION 1.40.** The Honorable James H. Edwards of Caldwell County and  
30 Herbert Crenshaw of Wake County are appointed to the North Carolina Agency for  
31 Public Telecommunications for terms expiring on June 30, 2009.

32       **SECTION 1.41.** Robert W. Griffin of Lenoir County and the Honorable R.  
33 Samuel Hunt, III of Alamance County are appointed to the North Carolina Railroad  
34 Company Board of Directors for terms expiring on June 30, 2011.

35       **SECTION 1.42.** Bunkey Morgan of Chatham County is appointed to the  
36 North Carolina Recreational Therapy Licensure Board for a term expiring on June 30,  
37 2010.

38       **SECTION 1.43.** Effective October 1, 2007, Thomas E. Brooks of Wake  
39 County, Walter E. Daniels of Durham County, and O. Rolf Blizzard, III of Wake  
40 County are appointed to the Roanoke Island Commission for terms expiring on  
41 September 30, 2009.

42       **SECTION 1.44.** The Honorable Clarence E. Horton, Jr. of Cabarrus County,  
43 Jennie Jarrell Hayman of Wake County, and Daniel F. McLawhorn of Wake County are  
44 appointed to the Rules Review Commission for terms expiring on June 30, 2009.



1           **SECTION 1.45.** Hughley B. Spruill, Sr. of Cumberland County and Richard  
2 J. Richardson of Chatham County are appointed to the Board of Trustees of the North  
3 Carolina School of Science and Mathematics for terms expiring on June 30, 2009.

4           **SECTION 1.46.** W. Hugh Thompson of Wake County is appointed to the  
5 North Carolina Board of Science and Technology for a term expiring on June 30, 2009.

6           **SECTION 1.47.** Gwen A. White of Tyrrell County is appointed to the North  
7 Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2009.

8           **SECTION 1.48.** John B. Allison of Haywood County is appointed to the  
9 North Carolina Board for Licensing of Soil Scientists for a term expiring on June 30,  
10 2010.

11           **SECTION 1.49.** Wyatt G. Upchurch of Hoke County and George Rountree,  
12 III of New Hanover County are appointed to the Southeastern North Carolina Regional  
13 Economic Development Commission for terms expiring on June 30, 2011.

14           **SECTION 1.50.** R. A. "Bob" Southerland of Wake County is appointed to  
15 the State Banking Commission for a term expiring on June 30, 2011.

16           **SECTION 1.51.** James T. Driscoll, Jr. of Robeson County is appointed to  
17 the State Building Commission for a term expiring on June 30, 2010.

18           **SECTION 1.52.** John Wayne Strowd, Jr. of Chatham County is appointed to  
19 the State Fire and Rescue Commission for a term expiring on June 30, 2010.

20           **SECTION 1.53.** Jesse S. Capel of Montgomery County is appointed to the  
21 North Carolina State Ports Authority for a term expiring on June 30, 2009.

22           **SECTION 1.54.** Michelle Capen of Caldwell County and Monica Lowry  
23 Graham of Robeson County are appointed to the North Carolina Teacher Academy  
24 Board of Trustees for terms expiring on June 30, 2011.

25           **SECTION 1.55.** Lacey P. Barnes of Johnston County is appointed to the  
26 Board of Trustees of Teachers' and State Employees' Comprehensive Major Medical  
27 Plan for a term expiring on June 30, 2009.

28           **SECTION 1.56.** Alfred J. Hackney, Jr. of Columbus County is appointed to  
29 the Board of Trustees of the Teachers' and State Employees' Retirement System for a  
30 term expiring on June 30, 2009.

31           **SECTION 1.57.** Dr. Thomas Dowell of Jackson County is appointed to the  
32 North Carolina Teaching Fellows Commission for a term expiring on June 30, 2011.

33           **SECTION 1.58.** Effective October 1, 2007, Elizabeth Stock Newlin of  
34 Wake County, Anne King of Wake County, and Dr. Scott G. Sagraeves of Pitt County  
35 are appointed to the North Carolina Traumatic Brain Injury Advisory Council for terms  
36 expiring on September 30, 2011.

37           **SECTION 1.59.** Effective January 15, 2007, the Honorable David Redwine  
38 of Brunswick County is appointed to the North Carolina Turnpike Authority for a term  
39 expiring on January 14, 2011.

40           **SECTION 1.60.** Clement Geitner of Catawba County is appointed to the  
41 Board of Trustees of the University of North Carolina Center for Public Television for a  
42 term expiring on June 30, 2009.

1           **SECTION 1.61.** Raymond W. Magette, Jr. of Hertford County and Tarrell  
2 B. Graham of Moore County are appointed to the Well Contractors Certification  
3 Commission for terms expiring on June 30, 2010.

4           **SECTION 1.62.** Van Phillips of Mitchell County, Harris Prevost of Avery  
5 County, Reese Lasher of Buncombe County, and Eugene E. Ellison of Buncombe  
6 County are appointed to the Western North Carolina Regional Economic Development  
7 Commission (AdvantageWest) for terms expiring on June 30, 2011.

8           **SECTION 1.63.** Dr. Timothy J. Langer of Wake County, Durwood S.  
9 Laughinghouse of Wake County, Mitch St. Clair of Beaufort County, and Charles W.  
10 "Chuck" Bennett of Mecklenburg County are appointed to the North Carolina Wildlife  
11 Resources Commission for terms expiring on June 30, 2009.

12           **SECTION 1.64.** Sheriff Alan Cloninger of Gaston County and Jerry O.  
13 Jones of Wake County are appointed to the Wireless 911 Board for terms expiring on  
14 June 30, 2009.

15  
16 **PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS.**

17           **SECTION 2.1.(a)** Andy Prescott of Orange County is to be appointed to the  
18 Acupuncture Licensing Board for a term expiring on June 30, 2010.

19           **SECTION 2.1.(b)** If House Bill 1650, 2007 Regular Session, becomes law,  
20 then David Peters of Wake County is appointed to the Acupuncture Licensing Board for  
21 a term expiring on June 30, 2010.

22           **SECTION 2.2.** Jimmy Harrell of Camden County is appointed to the North  
23 Carolina Agricultural Finance Authority for a term expiring on July 30, 2010.

24           **SECTION 2.3.** Anita Pfaff of Forsyth County is appointed to the Alarm  
25 Systems Licensing Board for a term expiring on June 30, 2010.

26           **SECTION 2.4.** Dr. Paul V. Phibbs of Pitt County is appointed to the Board  
27 of Directors of the North Carolina Arboretum with a term to expire June 30, 2010, to fill  
28 the unexpired term of Gladys Brooks.

29           **SECTION 2.5.** The Honorable George Daniel of Caswell County, Frank  
30 Daniels of Wake County, Reef Ivey of Wake County, the Honorable Wendell Murphy  
31 of Duplin County, and Matt Wood of Perquimans County are appointed to the  
32 Centennial Authority for terms expiring on June 30, 2011.

33           **SECTION 2.6.** Penny Davis of Rutherford County and Magdalena Cruz of  
34 Nash County are appointed to the Child Care Commission for terms expiring on June  
35 30, 2009.

36           **SECTION 2.7.** Dr. Ron Waller of Wake County is appointed to the State  
37 Board of Chiropractic Examiners for a term expiring on June 30, 2010.

38           **SECTION 2.8.** Richard Coleman of Columbus County and Dr. Lloyd  
39 Hackley of Orange County are appointed to the Clean Water Management Trust Fund  
40 Board of Trustees for a term expiring on July 1, 2011.

41           **SECTION 2.9.** James Kennedy of Forsyth County and William Rakatansky  
42 of Mecklenburg County are appointed to the North Carolina Code Officials  
43 Qualification Board for terms expiring on June 30, 2011.

1           **SECTION 2.10.** Robert Lewis of Wake County, Terry Waterfield of  
2 Pasquotank County, Bonnie Boyette of Nash County, and Wade Anders of Cumberland  
3 County are appointed to the North Carolina Criminal Justice Education and Training  
4 Standards Commission for terms expiring on June 30, 2009.

5           **SECTION 2.11.** Joe Castro of Transylvania County is appointed to the  
6 Disciplinary Hearings Committee of the North Carolina State Bar for a term expiring on  
7 June 30, 2010.

8           **SECTION 2.12.** Effective September 1, 2007, Karen Thompson of  
9 Mecklenburg County, Lynn Bryant of Dare County, John Guard of Pitt County, Linda  
10 Hold-Cox of Wayne County, and Betsy Wells of Orange County are appointed to the  
11 Domestic Violence Commission for terms expiring on August 31, 2009.

12           **SECTION 2.13.** Dick Futrell of Carteret County and Leigh McNairy of  
13 Lenoir County are appointed to the North Carolina's Eastern Region Development  
14 Commission for terms expiring on June 30, 2011.

15           **SECTION 2.14.** Effective January 22, 2007, W. Harrell Everett of Wayne  
16 County is appointed to the Economic Investment Committee for a term expiring on  
17 January 21, 2009.

18           **SECTION 2.15.(a)** Effective January 1, 2008, Jon Hamm of Wake County  
19 is appointed to the e-NC Authority Commission for a term expiring on December 31,  
20 2008.

21           **SECTION 2.15.(b)** Effective January 1, 2008, Bunny Sanders of  
22 Washington County is appointed to the e-NC Authority Commission for a term expiring  
23 on December 31, 2009.

24           **SECTION 2.15.(c)** Effective January 1, 2008, John Bardo of Orange County  
25 is appointed to the e-NC Authority Commission for a term expiring on December 31,  
26 2010.

27           **SECTION 2.16.** Stan Crowe of Martin County, Freddie Harrill of Cleveland  
28 County, and Forrest Westfall of Yancey County are appointed to the Environmental  
29 Management Commission for terms expiring on June 30, 2009.

30           **SECTION 2.17.** Reginald Kenan of Duplin County, Earl Brinkley of Duplin  
31 County, and Durwood Stephenson of Johnston County are appointed to the Board of  
32 Directors of North Carolina Global TransPark Authority for terms expiring on June 30,  
33 2011.

34           **SECTION 2.18.** David Jones of Orange County is appointed to the North  
35 Carolina Home Inspector Licensure Board for a term expiring on July 1, 2011.

36           **SECTION 2.19.** Patricia Garrett of Mecklenburg County is appointed to the  
37 North Carolina Housing Finance Agency for a term expiring on June 30, 2011.

38           **SECTION 2.20.** The Honorable Ted Alexander of Cleveland County and  
39 Sallie Surface of Northampton County are appointed to the North Carolina Housing  
40 Partnership for terms expiring on August 31, 2008, to fill the unexpired terms of Vivian  
41 Jones and Jeffrey Null.

42           **SECTION 2.21.** Paul Brooks of Robeson County is appointed to the North  
43 Carolina State Commission of Indian Affairs for a term expiring on June 30, 2009.

1           **SECTION 2.22.** Kathryn Ahlport of Guilford County, the Honorable Katie  
2 Dorsett of Guilford County, Marian Duncan of Columbus County, the Honorable Jim  
3 Forrester of Gaston County, Gladys Lundy of Wake County, Jo Morgan of Pitt County,  
4 the Honorable Bill Purcell of Scotland County, and Carolyn Tracy of Cumberland  
5 County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task  
6 Force for terms expiring on June 30, 2009.

7           **SECTION 2.23.** Effective January 1, 2007, Ken Burkel of Forsyth County,  
8 William Faircloth of Mecklenburg County, Jan Hill of Forsyth County, and Lloyd  
9 Jordan of Durham County are appointed to the License to Give Trust Fund Commission  
10 for a term expiring on December 31, 2009.

11           **SECTION 2.24.** Effective December 15, 2007, Bridget-Anne Hampden of  
12 Mecklenburg County is appointed to the North Carolina State Lottery Commission for a  
13 term expiring on December 14, 2012.

14           **SECTION 2.25.** Johnnie Burgess of Onslow County and Larry Garner of  
15 Mecklenburg County are appointed to the North Carolina Manufactured Housing Board  
16 for terms expiring on June 30, 2010.

17           **SECTION 2.26.** Dr. Richard Brunstetter of Forsyth County and Pamela  
18 Poteat of Gaston County are appointed to the Commission for Mental Health,  
19 Developmental Disabilities, and Substance Abuse Services for terms expiring on June  
20 30, 2010.

21           **SECTION 2.27.** Dr. Dudley Anderson of Wilson County and Dr. Joan  
22 Huntley of Orange County are appointed to the Board of Trustees of the North Carolina  
23 Museum of Art for terms expiring on June 30, 2009.

24           **SECTION 2.28.(a)** Effective January 1, 2008, Robert Gordon of Scotland  
25 County is appointed to the Natural Heritage Trust Fund Board of Trustees for a term  
26 expiring on January 1, 2014.

27           **SECTION 2.28.(b)** Samuel P. Douglas of Wilson County is appointed to  
28 Natural Heritage Trust Fund Board of Trustees for a term expiring on January 1, 2008,  
29 to fill the unexpired term of Dewey Wells.

30           **SECTION 2.29.** Ernie Bowden of Currituck County, Ray Hollowell of Dare  
31 County, Elsie Pugh of Camden County, the Honorable Gene Rogers of Martin County,  
32 Robert Spivey of Bertie County, and David Twiddy of Pasquotank County are  
33 appointed to the Northeastern North Carolina Regional Economic Development  
34 Commission for terms expiring on June 30, 2009.

35           **SECTION 2.30.** Carole Ricker of Randolph County and Gail Gribble of  
36 Gaston County are appointed to the Board of Directors of the North Carolina Center for  
37 Nursing for terms expiring on June 30, 2009.

38           **SECTION 2.31.** Wanda Boyette of Sampson County is appointed to the  
39 North Carolina Nursing Scholars Commission for a term expiring on June 30, 2011.

40           **SECTION 2.32.** Tim Aydtlett of Perquimans County is appointed to the  
41 North Carolina Parks and Recreation Authority for a term expiring on July 1, 2010.

42           **SECTION 2.33.** Michael Barnes of Wilson County, Anne Coan of Wake  
43 County, Michael Hare of Perquimans County, Thomas Mehder of Mecklenburg County,

1 and Douglas Howey of Wake County are appointed to the North Carolina Petroleum  
2 Underground Storage Tank Funds Council for terms expiring on June 30, 2009.

3 **SECTION 2.34.** Johnny I. Farmer of Wake County is appointed to the North  
4 Carolina Principal Fellows Commission for a term expiring on June 30, 2011.

5 **SECTION 2.35.** Terry Wheeler of Dare County is appointed to the Property  
6 Tax Commission for a term expiring on June 30, 2011.

7 **SECTION 2.36.** Dexter Perry of Wake County is appointed to the North  
8 Carolina Public Employee Deferred Compensation Plan Board of Trustees for a term  
9 expiring on June 30, 2009.

10 **SECTION 2.37.** David Walker of Robeson County is appointed to the  
11 Public Officers and Employees Liability Insurance Commission for a term expiring on  
12 June 30, 2011.

13 **SECTION 2.38.** Anthony Copeland of Wake County and Martin H. Bocock  
14 of Wake County are appointed to the North Carolina Agency for Public  
15 Telecommunications for terms expiring on June 30, 2009.

16 **SECTION 2.39.** Dennis Rash of Mecklenburg County and Robert F. Bleeker  
17 of Cumberland County are appointed to the North Carolina Railroad Board of Directors  
18 for terms expiring on June 30, 2011.

19 **SECTION 2.40.** Tod Clissold of Dare County, Punk Daniels of Dare  
20 County, and Glenn Eure of Dare County are appointed to the Roanoke Island  
21 Commission for terms expiring on June 30, 2009.

22 **SECTION 2.41.** Jim Funderburke of Gaston County, Jeff Gray of Wake  
23 County, David R. Twiddy of Pasquotank County, Keith Gregory of Wake County, and  
24 Jerry Crisp of Burke County are appointed to the Rules Review Commission for terms  
25 expiring on June 30, 2009.

26 **SECTION 2.42.** Russell Stetson of Dare County is appointed to the North  
27 Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2009.

28 **SECTION 2.43.** The Honorable Rodney Midgett of Dare County is  
29 appointed to the North Carolina Sheriff's Education and Training Standards  
30 Commission for a term expiring on June 30, 2009.

31 **SECTION 2.44.** James Beeson of Guilford County is appointed to the North  
32 Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2010.

33 **SECTION 2.45.** J.C. Batchelor of Cumberland County and Delilah Blanks  
34 of Columbus County are appointed to the Southeastern North Carolina Regional  
35 Economic Development Commission for terms expiring on June 30, 2011.

36 **SECTION 2.46.** Paul Boney of New Hanover County is appointed to the  
37 State Building Commission for a term expiring on June 30, 2010.

38 **SECTION 2.47.** William Winn of Gates County is appointed to the State  
39 Fire and Rescue Commission for a term expiring on June 30, 2010.

40 **SECTION 2.48.** Derryl Garner of Carteret County is appointed to the North  
41 Carolina State Ports Authority for a term expiring on June 30, 2009.

42 **SECTION 2.49.** Gail Gadsden of Durham County, Jenny Eakins of Nash  
43 County, and Dorothy Crowe of Orange County are appointed to the North Carolina  
44 Teacher Academy Board of Trustees for terms expiring on June 30, 2011.

1           **SECTION 2.50.** 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, 2009.

4           **SECTION 2.51.(a)** Dr. Jane Norwood of Mecklenburg County is appointed  
5 to the North Carolina Teaching Fellows Commission for a term expiring on June 30,  
6 2009, to fill the unexpired term of Dr. Leroy Walker.

7           **SECTION 2.51.(b)** Colleen Lanier of Forsyth County is appointed to the  
8 North Carolina Teaching Fellows Commission for a term expiring on June 20, 2011.

9           **SECTION 2.52.** Effective October 1, 2007, Ken Farmer of Wake County,  
10 David Good of Forsyth County, and Elsie Seibelink of Pitt County are appointed to the  
11 North Carolina Traumatic Brain Injury Advisory Council for terms expiring on  
12 September 30, 2011.

13           **SECTION 2.53.** Effective January 15, 2007, Robert Spencer of Gaston  
14 County is appointed to the North Carolina Turnpike Authority for a term expiring on  
15 January 14, 2011.

16           **SECTION 2.54.** Ashley Thrift of Forsyth County is appointed to the Board  
17 of Trustees for the University of North Carolina Center for Public Television for a term  
18 expiring on June 30, 2009.

19           **SECTION 2.55.** J.W. Davis of Henderson County, Tommy Jenkins of  
20 Macon County, Samuel Neill of Henderson County, Wanda Profitt of Yancey County,  
21 and Paul Szurek of Buncombe County are appointed to the Western North Carolina  
22 Regional Economic Development Commission (AdvantageWest) for terms expiring on  
23 June 30, 2011.

24           **SECTION 2.56.** Dell Murphy of Duplin County, Maughn Hull of  
25 Pasquotank County, Brian Prevatte of New Hanover County, Eugene Price of Wayne  
26 County, and Bobby Purcell of Wake County are appointed to the Wildlife Resources  
27 Commission for terms expiring on June 30, 2009.

28           **SECTION 2.57.** Wesley E. Reid of Guilford County is appointed to the  
29 Wireless 911 Board for a term expiring on June 30, 2009, to fill the unexpired term of  
30 Betty Dobson.

31  
32 **PART III. EFFECTIVE DATE.**

33           **SECTION 3.1.** The headings to the parts and sections of this act are a  
34 convenience to the reader and are for reference only.

35           **SECTION 3.2.** Unless otherwise specified, all appointments made by this  
36 act are for terms to begin upon ratification of this act.

37           **SECTION 3.3.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

S

1

**SENATE BILL 1209**

Short Title: 2007 President Pro Tempore Appointments. (Public)

Sponsors: Senator Rand.

Referred to: Rules and Operations of the Senate.

March 26, 2007

**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.**

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 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, 2007.

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

## Senate Rules Committee - 2008

Sen. Tony Rand-Chairman
Sen. Walter Dalton- Vice Chairman
Sen. Charlie Albertson
Sen. Tom Apodaca
Sen. Robert Atwater
Sen. Phil Berger
Sen. Andrew Brock
Sen. Pete Brunstetter
Sen. Daniel Clodfelter
Sen. Katie Dorsett
Sen. James Forrester
Sen. Fletcher Hartsell
Sen. David Hoyle
Sen. Ed Jones
Sen. Ellie Kinnaird
Sen. Martin Nesbitt
Sen. R.C. Soles
Sen. Richard Stevens
Sen. A.B. Swindell
Sen. David Weinstein



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

Date: 07/28/2008  
Time: 14:24  
Page: 012 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
\$ S1206	Tony Rand	ELEVATOR CONTRACTORS AND MECHANICS LICENSURE.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1209	Tony Rand	2007 PRESIDENT PRO TEMPORE APPOINTMENTS.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1223	Janet Cowell	STUDY STATE IT EFFICIENCY.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1224	Peter S. Brunste	STUDY REORG. OF ZOO/ ISSUANCE OF BONDS.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1256	Tony Rand	2007 STUDIES BILL.	*S Ref To Com On Rules and Operations of the Senate	03-26-07	08-01-07
S1256	Tony Rand	2007 STUDIES BILL.	*S Ref To Com On Rules and Operations of the Senate	05-13-08	
S1298	A. B Swindell	STUDY PROFESSIONAL DEVELOPMENT FOR TEACHERS.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1301	R. C. Soles, Jr.	PRIMARY ROAD FOR THE NC INTERNATIONAL PORT.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1319	Philip E. Berger	GOOD ROADS STUDY COMMISSION.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1335	Eleanor Kinnaird	OSP/DOC CORRECTIONAL OFFICER STUDY.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1343	Larry Shaw	SAYSO SATURDAY.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
S1346	Larry Shaw	STUDY STATE CONTRACTS W/ MINORITY BUSINESSES.	S Ref To Com On Rules and Operations of the Senate	03-26-07	
\$ S1358	Malcolm Graham	STREET GANG/ PREVENTION AND INTERVENTION.	*SR Ch. SL 2008-56	05-20-08	05-20-08
S1390	Harry Brown	HONOR MILDRED THOMAS.	S Ref To Com On Rules, Calendar, and Operations of the House	03-26-07	04-25-07
S1396	Don East	DEPUTY SHERIFF	S Ref To Com On	03-26-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 001 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0140	Glazier	STUDY OF PRINCIPAL COMPENSATION.	S Ref To Com On Rules and Operations of the Senate	04-05-07	
H0141	Glazier	DIABETES AWARENESS MONTH.	S Ref To Com On Rules and Operations of the Senate	03-28-07	
H0249	Bordsen	UNC LIBRARY SCIENCES 75TH.	SR Ch. Res 2008-4	05-01-07	05-20-08
<b>\$ H0274</b>	<b>Michaux</b>	<b>STREET GANG PREVENTION ACT.</b>	<b>*S Pres. To Gov. 7/16/2008</b>	<b>05-19-08</b>	<b>05-20-08</b>
H0433	Dockham	STATE FOOD FESTIVAL.	*SR Ch. SL 2007-533	04-16-07	08-01-07
H0603	Rapp	RAIL SERVICE STUDY COMMISSION.	*S Ref To Com On Rules and Operations of the Senate	04-03-07	
H0716	Michaux	JOINT LEGISLATIVE BUDGET OVERSIGHT COMM.	*S Re-ref Com On Appropriations/Base Budget	05-29-07	07-26-07
H0828	Steen	HONOR FRANKLIN TADLOCK.	SR Ch. Res 2007-27	04-23-07	04-30-07
H0868	Love	HONOR BROADWAY'S CENTENNIAL.	SR Ch. Res 2007-39	04-17-07	06-06-07
H0893=	Adams	BD OF GOVERNORS STUDENT MEMBER MAY VOTE.	S Ref To Com On Rules and Operations of the Senate	05-22-07	
H0897	Sutton	CITIZENS' LEGISLATIVE COMPENSATION COMMISSION.	*S Ref To Com On Rules and Operations of the Senate	07-28-07	
H0904	Thomas	DUPLICATE DRIVERS LICENSE REQUIREMENTS.	*S Re-ref Com On Rules and Operations of the Senate	07-16-07	
<b>\$ H0958</b>	<b>Spear</b>	<b>DCR/GRAVEYARD OF THE ATLANTIC.</b>	<b>*SR Ch. SL 2007-359</b>	<b>04-23-07</b>	<b>07-11-07</b>
H1053	Brubaker	HONOR UPS ON 100TH ANNIVERSARY.	SR Ch. Res 2007-44	05-01-07	06-14-07
H1139	Gibson	ABC LAW CHANGES.	*S Ref To Com On Rules and Operations of the Senate	07-31-07	
H1181	Frye	SMALL BUSINESS CONTRACTOR ACT.	*SR Ch. SL 2007-441	07-31-07	08-01-07
H1289	Hall	HONOR BEN RUFFIN.	S Ref To Com On Rules and Operations of the Senate	04-17-07	
H1311	Womble	GA REGRETS SLAVERY.	S Ref To Com On Rules and Operations of the Senate	04-16-07	
H1401	Crawford	INTERNAL AUDIT AND EFFICIENCY REVIEW.	*SR Ch. SL 2007-424	05-02-07	07-26-07

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 002 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H1440	Parmon	BLOCK SCHEDULE IMPACTS.	*S	Ref To Com On Rules and Operations of the Senate	05-08-07	
H1457	Folwell	IMPACT OF STUDENT MOBILITY ON ACADEMIC PERF.	S	Ref To Com On Rules and Operations of the Senate	05-08-07	
H1459	Parmon	STUDY MISSING PERSONS W/ DEMENTIA.	*S	Ref To Com On Rules and Operations of the Senate	05-21-07	
H1465	Weiss	FIBROMYALGIA AWARENESS DAY.	S	Ref To Com On Rules and Operations of the Senate	05-16-07	
\$ H1481	Glazier	JUVENILE DWI/ DETENTION & STUDY SANCTIONS.	S	Re-ref Com On Rules and Operations of the Senate	08-01-07	
H1556	Owens	2007 SPEAKER'S AND PPT'S APPOINTMENTS.	*SR	Ch. SL 2007-343	05-16-07	08-01-07
H1587	Saunders	THE LOCAL GOV'T FAIR COMPETITION ACT.	*S	Ref To Com On Rules and Operations of the Senate	07-26-07	
H1607	Womble	RECOGNIZE JUNETEENTH NATIONAL FREEDOM DAY.	*SR	Ch. SL 2007-450	05-24-07	08-01-07
H1644	Ross	FUTURE USES OF DOROTHEA DIX HOSP. CAMPUS.	*S	Ref To Com On Rules and Operations of the Senate	05-24-07	
H1683	Haire	OFFICIAL STATE BAT.	S	Ref To Com On Rules and Operations of the Senate	05-15-07	
H1790	Bryant	TASK FORCE COMP. ATTEND. TO 18 & 100% GRAD.	*S	Ref To Com On Rules and Operations of the Senate	05-29-07	
H1827	Harrison	STUDY EMPLOYMENT OF NONCERTIF. SCH PERSONNEL.	*S	Ref To Com On Rules and Operations of the Senate	05-24-07	
H1865	Hall	NCCU FOOTBALL TEAM RECOGNITION.	S	Ref To Com On Rules and Operations of the Senate	05-02-07	
H1876	Faison	HILLSBOROUGH HOG DAY 25TH ANNIVERSARY.	S	Ref To Com On Rules and Operations of the Senate	05-21-07	
H1906	Allred	NAVY OLF.	*S	Ref To Com On Rules and Operations of the Senate	05-29-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 003 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H1928	Pate	SUPPORTING FEDERAL RAIL LEGISLATION.	S Ref To Com On Rules and Operations of the Senate	07-11-07	
H2071	Rules, Calendar,	ADJOURNMENT RESOLUTION.	*S Ref To Com On Rules and Operations of the Senate	05-13-08	
H2075	Cole	HONOR REIDSVILLE FOOTBALL TEAM.	SR Ch. Res 2008-27	07-08-08	07-09-08
H2125	Love	BARBECUE PRESBYTERIAN CHURCH 250TH.	SR Ch. Res 2008-12	06-10-08	06-11-08
H2256	Gillespie	INLAND PORT REPORT.	S Ref To Com On Rules and Operations of the Senate	06-10-08	
H2288=	Parmon	CONTINUE THE DROPOUT PREVENTION COMMISSION.	S Ref To Com On Rules and Operations of the Senate	06-23-08	
H2367	Goforth	INVOLUNTARY ANNEXATION MORATORIUM.	*S Ref To Com On Rules and Operations of the Senate	07-03-08	
H2398=	Farmer-Butterfie	DHHS STUDY GROUP RESPITE.	S Ref To Com On Rules and Operations of the Senate	06-10-08	
H2410=	England	SPECIAL ASST. INCOME DISREGARD STUDY.	S Pres. To Gov. 7/14/2008	06-10-08	07-02-08
H2430=	Martin	STUDY UNIFORM VOLUNT. HLTH PRACTITIONERS ACT.	S Ref To Com On Rules and Operations of the Senate	06-16-08	
H2431=	Martin	STUDIES ACT OF 2008.	*S Pres. To Gov. 7/18/2008	06-16-08	07-18-08
H2432=	Martin	STUDY/LOCAL DISASTER MGMT. CAPABILITY.	*S Pres. To Gov. 7/16/2008	06-16-08	07-10-08
H2785=	Glazier	STATE TAKE CAPE FEAR LOCKS/DAMS 1, 2, AND 3.	*S Pres. To Gov. 7/16/2008	06-25-08	07-10-08
H2788	Owens	2008 APPOINTMENTS BILL.	*SR Ch. SL 2008-110	07-15-08	07-16-08
S0019	A. B Swindell	NASH-ROCKY MOUNT/EDGEcombe BOUNDARY CORR.	*SR Ch. SL 2007-316	02-12-07	07-09-07
S0020	A. B Swindell	WILSON COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0036	Eleanor Kinnaird	ORANGE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0037	Eleanor Kinnaird	PERSON COUNTY LOCAL ACT.	S Ref To Com On Rules and	02-12-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 004 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out. Date
			Operations of the Senate		
54	William R. Purce	PUBLIC LAWS.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0055	William R. Purce	25TH SENATE DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0064=	James Forrester	LRC STUDY MEDICAL ERRORS.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0065	James Forrester	41ST SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0066	James Forrester	LRC STUDY ENV. CAUSES OF CANCER.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
\$ S0089	Eleanor Kinnaird	LEGISLATIVE COMMISSION ON LETHAL INJECTION.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0094	Katie G. Dorsett	28TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Rules and Operations of the Senate	02-12-07	
95	Katie G. Dorsett	28TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0097	Walter H. Dalton	HONOR DON GIBSON AND EARL SCRUGGS.	*SR Ch. Res 2007-38	02-12-07	06-04-07
S0101	Charlie S. Danne	HONOR JIM RICHARDSON.	SR Ch. Res 2008-20	02-12-07	06-30-08
S0102	Charlie S. Danne	HONOR HERMAN MOORE.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0107	W. Edward (Eddie	SPECIAL PROVISION REFORM.	S Ref To Com On Rules and Operations of the Senate	02-12-07	
S0126	David F. Weinste	LUMBERTON CITY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-13-07	
S0127	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-13-07	
S0133	W. Edward (Eddie	35TH SENATORIAL DISTRICT LOCAL ACT-1.	S Re-ref Com On Finance	02-14-07	07-19-07
S0134	W. Edward (Eddie	35TH SENATORIAL	S Ref To Com On	02-14-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 005 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		DISTRICT LOCAL ACT-2.		Rules and Operations of the Senate		
S0144	R. C. Soles, Jr.	8TH SENATE DISTRICT LOCAL ACT-1.	S	Ref To Com On	02-14-07	
S0145	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On	02-14-07	
S0151	Clark Jenkins	PUBLIC LAWS.	S	Re-ref Com On Appropriations/ Base Budget	02-14-07	05-21-07
S0152	Clark Jenkins	3RD SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On	02-14-07	
S0154	David W. Hoyle	DALLAS OCCUPANCY TAX.	*SR	Ch. SL 2007-317	02-14-07	07-09-07
S0155	David W. Hoyle	43RD SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On	02-14-07	
S0157	Eleanor Kinnaird	HONOR PAULI MURRAY.	SR	Ch. Res 2007-7	02-14-07	02-21-07
S0181	Fred Smith	CLAYTON ORDINANCE VIOLATORS/ANNEX AREAS.	*SR	Ch. SL 2007-327	02-15-07	06-26-07
S0182	Fred Smith	12TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On	02-15-07	
S0188	Austin M. Allran	42ND SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On	02-15-07	
S0189	Austin M. Allran	42ND SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On	02-15-07	
S0192	Jim Jacumin	HONOR SHERIFF GARY CLARK.	SR	Ch. Res 2007-46	02-19-07	06-07-07
S0202	Walter H. Dalton	46TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On	02-20-07	
S0203	Walter H. Dalton	46TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On	02-20-07	
S0205	Steve Goss	HONOR BENNY PARSONS.	S	Ref To Com On	02-20-07	
S0206	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On	02-20-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 006 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S0207	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-20-07	
S0209	Harry Brown	JONES COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-20-07	
S0210	Harry Brown	ONSLOW COUNTY LOCAL ACT.	S	Re-ref Com On Finance	02-20-07	04-02-07
S0216	Ed Jones	4TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	02-21-07	
S0217	Ed Jones	4TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-21-07	
S0226	Julia Boseman	WILMINGTON CIVILIAN TRAFFIC INVESTIGATORS	*SR	Ch. SL 2007-218	02-21-07	05-08-07
S0227	Julia Boseman	WILMINGTON/NEW HANOVER VIOLATOR NOTICE	*SR	Ch. SL 2007-254	02-21-07	05-14-07
S0233	Charles W. Alber	10TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	02-21-07	
S0234	Charles W. Alber	10TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-21-07	
S0253=	W. Edward (Eddie)	HONOR INDEPENDENCE HIGH SCHOOL FOOTBALL TEAM.	SR	Ch. Res 2007-13	02-22-07	03-12-07
S0256	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	02-22-07	
S0257	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-22-07	
S0282	Bob Atwater	AMEND CHATHAM OCCUPANCY TAX	*SR	Ch. SL 2007-318	02-22-07	06-26-07
S0283	Bob Atwater	18TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-22-07	
\$ S0285	A. B Swindell	PLAN FOR STATEWIDE MOTOR COACH PERMIT	*S	Re-ref Com On Rules and Operations of the Senate	06-25-08	
S0299	Linda Garrou	FORSYTH COUNTY LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-22-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 007 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S0300	Linda Garrou	FORSYTH COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-22-07	
S0308	John H. Kerr III	5TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-22-07	
S0318	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0319	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0322	Steve Goss	45TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0323	Steve Goss	45TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0330	Larry Shaw	STUDY DEER HUNTING WITH DOGS.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0331	Larry Shaw	PUBLIC LAWS-1.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0332	Larry Shaw	PUBLIC LAWS-2.	S Ref To Com On Rules and Operations of the Senate	02-26-07	
S0338	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-27-07	
S0339	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-27-07	
S0341	Peter S. Brunste	FORSYTH COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	02-27-07	
S0342	Peter S. Brunste	FORSYTH COUNTY LOCAL ACT-2.	S Ref To Com On Rules and Operations of the Senate	02-27-07	
S0359	Jean Preston	ATLANTIC BEACH/ BUILDING HEIGHT REGULATION.	*S Ref To Com On Local Government I	02-27-07	05-21-07
S0360	Jean Preston	2ND SENATORIAL	S Ref To Com On	02-27-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 008 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		DISTRICT LOCAL ACT-2.		Rules and Operations of the Senate		
S0369	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	02-28-07	
S0370	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-28-07	
S0371	Tony Rand	USE OF SENATE SEALS AND COAT OF ARMS.	SR	Ch. SL 2007-354	02-28-07	05-22-07
S0373	Tony Rand	STREET CONSTRUCTION/DEVELOPER RESPONSIBILITY	*S	Ref to the Com on Commerce, Small Business, and Entrepreneurship and, if favorable, to the Com on Transportation	02-28-07	05-22-07
S0374	Tony Rand	19TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	02-28-07	
S0378=	Vernon Malone	HONOR TOWN OF ZEBULON.	S	Ref To Com On Rules and Operations of the Senate	02-28-07	
S0385	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-28-07	
S0389	Clark Jenkins	GA SESSION AT ECU.	SR	Ch. Res 2007-9	02-28-07	03-01-07
S0413	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	03-01-07	
S0429	Kay R. Hagan	27TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	03-01-07	
S0430	Kay R. Hagan	27TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	03-01-07	
S0437	Harris Blake	22ND SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	03-01-07	
S0440	Tony Foriest	24TH SENATORIAL DISTRICT LOCAL ACT-1.	S	Ref To Com On Rules and Operations of the Senate	03-01-07	
S0441	Tony Foriest	24TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and	03-01-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 009 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
			Operations of the Senate		
45	Jim Jacumin	STUDY BILL FOR PROPERTY TAX RELIEF.	S Ref To Com On	03-05-07	
			Rules and Operations of the Senate		
S0460=	Stan Bingham	DENTON'S 100TH ANNIVERSARY.	S Ref To Com On	03-05-07	
			Rules and Operations of the Senate		
S0477	Andrew C. Brock	34TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	03-05-07	
			Rules and Operations of the Senate		
S0478	Andrew C. Brock	34TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On	03-05-07	
			Rules and Operations of the Senate		
S0483	Martin L. Nesbit	49TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On	03-06-07	
			Rules and Operations of the Senate		
S0484	Martin L. Nesbit	49TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	03-06-07	
			Rules and Operations of the Senate		
S0487=	David W. Hoyle	EXTEND FISCAL REPORT DEADLINE/BD OF AWARDS	*SR Ch. SL 2007-169	03-06-07	04-19-07
S0525	Malcolm Graham	40TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On	03-06-07	
			Rules and Operations of the Senate		
S0526	Malcolm Graham	40TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	03-06-07	
			Rules and Operations of the Senate		
S0528	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	03-06-07	
			Rules and Operations of the Senate		
S0547	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT-1.	S Ref To Com On	03-07-07	
			Rules and Operations of the Senate		
S0548	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT-2.	S Ref To Com On	03-07-07	
			Rules and Operations of the Senate		
S0560	Neal Hunt	WAKE COUNTY LOCAL ACT.	S Ref To Com On	03-07-07	
			Rules and Operations of the Senate		
S0561	Neal Hunt	TOWN OF WAKE FOREST LOCAL ACT.	S Ref To Com On	03-07-07	
			Rules and Operations of the Senate		

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 010 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S0605	Philip E. Berger	ROCKINGHAM COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	03-12-07	
S0606	Philip E. Berger	GUILFORD COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	03-12-07	
S0629	Martin L. Nesbit	ASHEVILLE LOCAL ACTS	*S	Re-ref Com On Rules and Operations of the Senate	08-02-07	
S0646=	Charles W. Alber	ENACT WASC RECOMMENDATIONS	*SR	Ch. SL 2007-485	03-12-07	07-18-07
\$ S0657	Charlie S. Danne	STUDY COMM. ON STATE CIVIL RIGHTS ENFORCEMENT	*S	Re-ref Com On Rules and Operations of the Senate	07-27-07	
S0701	W. Edward (Eddie)	TELEWISE LEGISLATIVE SESSION.	S	Ref To Com On Rules and Operations of the Senate	03-14-07	
S0780=	R. C. Soles, Jr.	NE CAPE FEAR - BURGAW CREEK PRESERVE STUDY.	S	Ref To Com On Rules and Operations of the Senate	03-15-07	
S0849=	Kay R. Hagan	BD OF GOVERNORS STUDENT MEMBER MAY VOTE.	S	Ref To Com On Rules and Operations of the Senate	03-19-07	
S0869=	Julia Boseman	CONFIDENTIAL INTERMEDIARY CHANGES.	*S	Ref To Com On Rules and Operations of the Senate	07-18-08	
S0888	Bob Atwater	STUDY N.C. NATIONAL GUARD PENSION FUND.	S	Ref To Com On Rules and Operations of the Senate	03-19-07	
S0889	Bob Atwater	HONORING BROADWAY'S 100TH ANNIVERSARY	S	Re-ref Com On Rules and Operations of the Senate	03-19-07	06-05-07
S0889	Bob Atwater	HONORING BROADWAY'S 100TH ANNIVERSARY	S	Re-ref Com On Rules and Operations of the Senate	06-06-07	
S0928	Linda Garrou	LRC TO STUDY FINANCIAL RESPONSIBILITY FOR MVS.	S	Ref To Com On Rules and Operations of the Senate	03-20-07	
S0931	Ed Jones	HONOR ROBERT HOLLOMAN.	SR	Ch. Res 2007-28	03-20-07	04-30-07
S0959	Daniel G. Clodfe	STUDY NO-FAULT FOR ELDERLY DISABLED CARE.	S	Ref To Com On Rules and Operations of the Senate	03-20-07	
S0980=	Julia Boseman	LAW ENFORCEMENT	S	Ref To Com On	03-20-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 011 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		OFFICER DISCIPLINE.		Rules and Operations of the Senate		
S1001	Tony Rand	LEG. STUDY ON PUBLIC BUILDING SECURITY.	S	Ref To Com On Rules and Operations of the Senate	03-21-07	
S1035	Joe Sam Queen	APRIL AS LANDSCAPE ARCHITECT MONTH.	SR	Ch. Res 2007-30	03-21-07	04-11-07
S1137	Daniel G. Clodfe	IMPROVE CONSUMER CREDIT REPORTING LRC.	S	Ref To Com On Rules and Operations of the Senate	03-22-07	
S1138	Daniel G. Clodfe	EXTEND GROWTH STRATEGIES COMMISSION.	S	Ref To Com On Rules and Operations of the Senate	03-22-07	
S1146	David W. Hoyle	PETROLEUM UNDERGROUND STORAGE TANK STUDY.	S	Ref To Com On Rules and Operations of the Senate	03-22-07	
S1150	David W. Hoyle	STUDY OF UNIFORMITY OF OCCUPANCY TAXES.	S	Ref To Com On Rules and Operations of the Senate	03-22-07	
S1151	David W. Hoyle	UTILITY REVIEW EMERGENCY PLANS STUDY.	S	Ref To Com On Rules and Operations of the Senate	03-22-07	
S1158	David W. Hoyle	ELECTRICITY FRANCHISE TAX DISTRIBUTION.	S	Ref To Com On Rules and Operations of the Senate	03-22-07	
S1168	A. B Swindell	JOINT SESSION/CONFIRM STATE BD. OF ED. MEMBERS.	SR	Ch. Res 2007-37	03-22-07	05-14-07
S1169	A. B Swindell	CONFIRM STATE BOARD OF EDUCATION MEMBERS.	*SR	Ch. Res 2007-47	03-22-07	05-14-07
S1169	A. B Swindell	CONFIRM STATE BOARD OF EDUCATION MEMBERS.	*SR	Ch. Res 2007-47	05-17-07	06-18-07
S1173	Janet Cowell	FUTURE OF THE DOROTHEA DIX PROPERTY.	S	Ref To Com On Rules and Operations of the Senate	03-22-07	
S1183	Linda Garrou	HONOR BEN RUFFIN.	S	Ref To Com On Rules, Calendar, and Operations of the House	03-22-07	04-17-07
S1193=	Martin L. Nesbit	HONOR BEN AIKEN.	S	Ref To Com On Rules and Operations of the Senate	03-22-07	
S1202	Jim Jacumin	EST. COMMISSION ON LITTERING/STUDY	*S	Re-ref Com On Rules and Operations of the Senate	06-25-07	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 013 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		EMPLOYMENT PROTECTION.		Rules and Operations of the Senate		
S1400	Charlie S. Danne	STUDY PREPAID WIRELESS SERVICE CHARGES.	S	Ref To Com On	03-26-07	
\$ S1405	Fletcher L. Hart	STUDY INNOVATIONS/ INCENTIVES IN EDUCATION.	S	Ref To Com On	03-26-07	
S1462	Katie G. Dorsett	STUDY OF K-12 SCHOOL GOVERNANCE.	S	Ref To Com On	03-26-07	
S1483	Joe Sam Queen	MITCHELL COURTHOUSE 100TH ANNIVERSARY.	SR	Ch. Res 2007-58	03-27-07	07-19-07
S1488	Jean Preston	STUDY FOR HIRE BOAT INDUSTRY.	S	Ref To Com On	03-27-07	
S1489	Jean Preston	HONOR MOREHEAD CITY'S 150TH ANNIVERSARY.	SR	Ch. Res 2007-23	03-27-07	04-11-07
S1498=	Bob Atwater	STUDY DISABLED ACCESS TO UNC FACILITIES.	S	Ref To Com On	03-27-07	
S1506	Julia Boseman	MEMORIAL FOR HUGH MORTON/NEW HANOVER CO.	S	Ref To Com On	03-27-07	
S1531	Tony Rand	STATE ETHICS COMMISSION APPOINTMENT.	SR	Ch. SL 2007-10	03-28-07	04-02-07
S1540	Doug Berger	DESIGNATE HEROES DAY.	S	Ref To Com On	03-28-07	
S1541	Vernon Malone	INTERSTATE COMPACT/ EDUC. OF MILITARY CHILDREN.	*S	Pres. To Gov. 7/ 10/2008	03-28-07	05-22-07
S1542	Larry Shaw	PLAN TO ELIMINATE MANDATORY MIN. SENTENCES.	S	Ref To Com On	03-28-07	
S1543	Larry Shaw	COLLECTIVE BARGAINING FOR GOVERNMENT WORKERS.	S	Ref To Com On	03-28-07	
S1544	Jean Preston	STUDY COMMERCIAL FERRY REGULATION.	S	Ref To Com On	03-28-07	
S1558=	Bob Atwater	HONOR TOWN OF GOLDSTON.	SR	Ch. Res 2007-59	04-12-07	07-18-07
S1559=	Bob Atwater	LEE COUNTY 100TH	S	Re-ref Com On	04-26-07	06-05-07

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 014 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		ANNIVERSARY.	Rules and Operations of the Senate		
S1559=	Bob Atwater	LEE COUNTY 100TH ANNIVERSARY.	S Re-ref Com On	06-06-07	
S1560=	Charles W. Alber	HONOR DALLAS HERRING.	S Ref To Com On	04-26-07	
S1561	R. C. Soles, Jr.	HONOR LIEUTENANT COLONEL WILLIAM D. ROBBINS, SR.	*SR Ch. Res 2007-52	05-14-07	06-26-07
S1562	Ed Jones	HONOR FOUNDERS TOWN OF HALIFAX/250TH ANNIV.	SR Ch. Res 2007-31	05-14-07	05-15-07
S1563=	Tony Rand	HONOR JIMMIE JOHNSON NEXTEL CHAMP.	SR Ch. Res 2007-35	05-15-07	05-22-07
S1566	Katie G. Dorsett	HONOR JEANNE LUCAS.	SR Ch. Res 2007-57	06-18-07	07-03-07
S1567	Steve Goss	HONOR TWEETSIE RAILROAD'S 50TH ANNIVERSARY.	SR Ch. Res 2007-55	06-25-07	07-03-07
S1568	Austin M. Allran	HICKORY ALL-AMERICA CITY RECOGNITION.	SR Ch. Res 2007-56	07-02-07	07-03-07
S1569	Tony Foriest	HONOR JOE THOMPSON AND ODELL THOMPSON	SR Ch. Res 2007-65	07-19-07	07-25-07
S1571	Tony Rand	HONOR ROBERT RUARK.	SR Ch. Res 2007-66	07-26-07	07-27-07
S1576	Steve Goss	HONOR ASU'S FOOTBALL CHAMPIONSHIP.	S Ref To Com On	05-14-08	
S1578	Katie G. Dorsett	GA MEET IN GREENSBORO.	*SR Ch. Res 2008-3	05-14-08	05-19-08
S1584	Julia Boseman	AUTH./STATE TAKE CAPE FEAR LOCKS/DAMS 1,2, AND 3	S Ref To Com On	05-14-08	
S1585	Julia Boseman	STATE TAKE CAPE FEAR LOCKS/DAMS 1, 2, AND 3.	S Ref To Com On	05-14-08	
S1588	Julia Boseman	AUTH/BOAT TOWING-HOLIDAYS/SUNDAYS.	S Ref To Com On	05-14-08	
S1589	Julia Boseman	BOAT TOWING-HOLIDAYS/SUNDAYS.	S Ref To Com On	05-14-08	
S1619	R. C. Soles, Jr.	AUTHORIZING/BURGAW MEALS TAX.	S Ref To Com On	05-19-08	
S1620	R. C. Soles, Jr.	AUTHORIZING/TOWN OF LELAND OCCUPANCY TAX.	S Ref To Com On	05-19-08	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 015 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S1644=	Vernon Malone	DHHS TO STUDY OLDER ADULT HEARING LOSS.	S	Ref To Com On Senate Rules and Operations of the Senate	05-20-08	
S1666=	William R. Purce	GS COMMISS STUDY UNIFORM VOL HLTH PRACT ACT.	S	Ref To Com On Rules and Operations of the Senate	05-20-08	
S1702=	Joe Sam Queen	HAYWOOD COUNTY BICENTENNIAL.	S	Re-ref Com On Rules and Operations of the Senate	05-21-08	
S1705	Harris Blake	LOTTERY NAME CHANGED.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
S1714	Daniel G. Clodfe	IMPROVE CONSUMER CREDIT REPORTING LRC.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
\$ S1757=	A. B Swindell	STUDY/DPI & ST. BD. OF EDUCATION.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
S1758=	A. B Swindell	STUDY PARTICIP. OF EXCEPT. CHILDREN.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
S1764=	A. B Swindell	STUDY REGIONAL EDUCATION SERVICE CENTERS.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
S1772=	Martin L. Nesbit	STUDY UNIFORM VOLUNT. HLTH PRACTITIONERS ACT.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
S1775=	Martin L. Nesbit	STUDY/LOCAL DISASTER MGMT. CAPABILITY.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
S1780=	Martin L. Nesbit	EMERGENCY PREPAREDNESS STUDY.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
\$ S1802=	Vernon Malone	HEALTH INFORMATION MANAGEMENT STUDY/FUNDS.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
\$ S1803=	Vernon Malone	STATEWIDE AGING STUDY.	S	Ref To Com On Rules and Operations of the Senate	05-21-08	
S1806=	Vernon Malone	CONTINUE THE DROPOUT PREVENTION COMMISSION.	S	Ref To Com On Rules and Operations of the	05-21-08	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 016 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S1807=	Vernon Malone	DHHS STUDY GROUP RESPITE.	S Ref To Com On Senate Rules and Operations of the Senate	05-21-08	
S1812=	Vernon Malone	STUDY RAISING COMPULSORY ATTENDANCE AGE.	S Ref To Com On Rules and Operations of the Senate	05-21-08	
S1829=	W. Edward (Eddie	AUTHORIZING/COUNTY SERVICE DISTRICT TAX REFUND.	S Ref To Com On Rules and Operations of the Senate	05-22-08	
S1841	Floyd B. McKissi	STUDY URBAN GROWTH ISSUES.	S Ref To Com On Rules and Operations of the Senate	05-22-08	
S1869	Andrew C. Brock	AUTHORIZING/ ANNEXATION REFERENDUM.	S Ref To Com On Rules and Operations of the Senate	05-22-08	
S1870	Andrew C. Brock	AUTHORIZING/ PRESIDENTIAL PRIMARY IN FEBRUARY.	S Ref To Com On Rules and Operations of the Senate	05-22-08	
S1871=	Daniel G. Clodfe	MOTOR VEHICLE EMISSIONS STUDY.	S Ref To Com On Rules and Operations of the Senate	05-22-08	
S1880	Daniel G. Clodfe	AUTH/STUDY/STANDS./ DISPUTED CHILD CUSTODY CASES.	S Ref To Com On Rules and Operations of the Senate	05-22-08	
S1882	Daniel G. Clodfe	AUTH/ALLOW ELECTRONIC COPY OF JUROR MASTER LIST.	S Ref To Com On Rules and Operations of the Senate	05-22-08	
S1883	Daniel G. Clodfe	AUTHORIZING/AMEND JUROR QUALIFICATIONS.	S Ref To Com On Rules and Operations of the Senate	05-22-08	
S1969	Julia Boseman	AUTH. RES. / AMEND PRECIOUS METALS PERMITTING.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S1987	James Forrester	ERC STUDY OFFSHORE DRILLING FOR ENERGY NEEDS.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S1993=	A. B Swindell	EXTEND SCHOOL FORMULA COMMITTEE.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2011=	A. B Swindell	DHHS STUDY/ADULT CARE HOME/PUBLIC HOUSING.	S Ref To Com On Rules and Operations of the	05-28-08	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 017 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S2021	Tony Foriest	REPEAL LAWYER SURCHARGE.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2029	Andrew C. Brock	AUTHORIZING/VOTING IN ENGLISH.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2033	David F. Weinste	HONOR ISRAEL'S 60TH ANNIVERSARY.	S Re-ref Com On Rules and Operations of the Senate	05-28-08	06-23-08
S2033	David F. Weinste	HONOR ISRAEL'S 60TH ANNIVERSARY.	S Re-ref Com On Rules and Operations of the Senate	06-26-08	
S2060	Stan Bingham	REWRITE SANITARIAN EXAMINERS' LAWS/FEES.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2087=	W. Edward (Eddie	TELEWISE LEGISLATIVE SESSION.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2096	Vernon Malone	SOS/ITS EXEMPTION.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2098	Stan Bingham	FLEXIBILITY/ APPOINTMENTS/NC AUCTIONEERS COMM.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2101	Daniel G. Clodfe	AMEND SECOND HAND VEHICLE SALES LAW.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2110	Katie G. Dorsett	HEALTHY FAMILIES AND HEALTHY WORKPLACES ACT.	S Ref To Com On Rules and Operations of the Senate	05-28-08	
S2147	Ed Jones	GARBAGE COLLECTION TRUCKS PARKING ON HIGHWAY.	S Ref To Com On Rules and Operations of the Senate	05-29-08	
S2148	Janet Cowell	RALEIGH MASTER PLAN/ DOA COOPERATION.	S Ref To Com On Rules and Operations of the Senate	05-29-08	
S2151	Andrew C. Brock	SPENCER ANNEXATION.	S Ref To Com On Rules and Operations of the Senate	05-29-08	
S2153	Andrew C. Brock	CASTLE DOCTRINE FOR NC.	S Ref To Com On Rules and Operations of the	05-29-08	

'\$' 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: 07/28/2008  
Time: 14:24  
Page: 018 of 018  
Leg. Day: H-155/S-153

2007-2008 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S2154	Andrew C. Brock	SPORT SHOOTING RANGE PROTECTION.	S Ref To Com On Rules and Operations of the Senate	05-29-08	
S2155	Andrew C. Brock	FETAL MURDER.	S Ref To Com On Rules and Operations of the Senate	05-29-08	
S2159	R. C. Soles, Jr.	SIMPLIFY TAXATION OF CERTAIN HOA PROPERTY.	S Ref To Com On Rules and Operations of the Senate	05-29-08	
S2161	Neal Hunt	CIVIL AIR PATROL ANNIVERSARY.	SR Ch. Res 2008-15	06-03-08	06-12-08
S2162	Peter S. Brunste	INJURY TO PREGNANT WOMAN/SEP. OFFENSE.	S Ref To Com On Rules and Operations of the Senate	06-04-08	
S2163	Floyd B. McKissi	PIPPIN'S LAW - SPAY/NEUTER FUNDS.	S Ref To Com On Rules and Operations of the Senate	06-05-08	
S2164	David W. Hoyle	DISAPPROVE BANKING COMMISSION RULES.	S Ref To Com On Rules and Operations of the Senate	06-11-08	
S2165=	Malcolm Graham	SCHOOL INTEGRATION 50TH ANNIVERSARY.	S Ref To Com On Rules and Operations of the Senate	06-17-08	
S2166	Andrew C. Brock	AUTH/ASSAULT/LAW OFF., FIREFIGHTER, EMS WORKER.	S Ref To Com On Rules and Operations of the Senate	06-18-08	
S2169	John Snow	TENNESSEE VALLEY AUTHORITY'S 75TH ANNIVERSARY.	S Ref To Com On Rules and Operations of the Senate	07-02-08	
S2171	Charlie S. Danne	HONOR ED O'HERRON, JR.	SR Ch. Res 2008-28	07-10-08	07-14-08

'\$' 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**

**2008 SESSION**

**INDEX**

**May 20, 2008**

**H.B. (CS#2) 274**

**Street Gang Prevention Act**

Unfavorable as to H.B. (CS#2)

Favorable as to Senate Committee Substitute

H.B. (CS#2) 274 – Street Gang Prevention Act.

**SB 1358 (CS#1)**

**Street Gang Prevention Act**

Unfavorable as to SB 1358 (CS#1)

Favorable as to Senate Bill 1358 (CS#2)

Street Gang Prevention Act.

**July 10, 2008**

**H.B. 2432**

**Study Local Disaster Mgmt. Capability**

Favorable as to bill H.B. 2432

Study Local Disaster Mgmt. Capability.

**H.B. 2785**

**Cumberland Assessments/Installment Payments**

Unfavorable as to bill H.B. 2785

Favorable as to Senate Committee Substitute

2785 – State Take Cape Fear Locks/Dams 1, 2  
and 3.

**July 16, 2008**

**H.B. (CS#1) 2788**

**2008 Appointments Bill**

Unfavorable as to Committee Substitute (#1) but

Favorable at to Senate Committee Substitute

Bill - 2008 Appointments Bill.

**July 18, 2008**

**H.B. 2431**

**Emergency Preparedness Study**

Unfavorable as to H.B. 2431

Favorable as to Senate Committee Substitute -  
Studies Act of 2008.

## MINUTES

### RULES AND OPERATIONS OF THE SENATE

MAY 20, 2008

The Committee on Rules and Operations of the Senate met on May 20, 2008 at 1:00 p.m. in Room 415. Sixteen members of the committee were present. Senator Rand presided.

#### **H.B. (CS#2) 274 – STREET GANG PREVENTION ACT**

Senator Rand presented the committee with a proposed Senate Committee Substitute for House Bill (CS#2) 274 – Street Gang Prevention Act. Senator Hoyle moved for the adoption of the proposed Senate Committee Substitute for HB (CS#2) 274 – Street Gang Prevention Act.

Representative Michaux was recognized to speak on the bill. Rep. Michaux stated that the bill had been a long time in coming. The House had started a joint committee to study gang violence in North Carolina. Since then the problem has been exacerbated. It is now time to get a handle on this problem. Rep. Michaux also stated that the bill is about intervention, prevention and suppression. Ten million dollars has been included in the budget bill for gang suppression.

Senator Graham was recognized. Senator Graham stated that he was there to voice his support for the bill. He and Rep. Michaux had teamed up on this bill and wanted to see its passage. "Gangs have affected not only the urban areas, but also smaller rural areas. This is a public policy issue. We have had a lot of give and take on this issue. The Senate had two public hearings on this issue and the need for this bill became very evident after those hearings."

Senator Soles was recognized and had a question about Page 2, Line 14 "it is unlawful for any person employed by or associated by a street gang to do certain things. Seems it ought to be any person associated is guilty. I understand the employment part, but is there any guideline about when you are associated"?

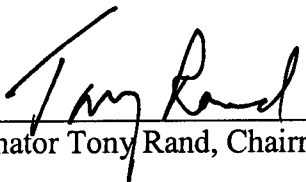
Hal Pell, of the Research Staff, stated that "there is no definition of the word associated. That would be a judicial determination as a matter of common law as to whether this person would be guilty".

Senator Nesbitt was recognized and stated that his committee had spent a great deal of time on this legislation. The Senate bill was in the Judiciary I Committee most of the session. "The committee also had a working group going over the bill. The committee tried to do all it could to extricate the young people out of these activities and to protect the under 16 year olds and not have them incarcerated for gang activity. They could still be prosecuted for a crime as an adult if the court deems it, but the bill stops 14 year olds from going to jail for a long time for gang activity.

Senator Rand stated that this legislation is one of the Lt. Governor's top priorities for passage during this session of the General Assembly.

Senator Hoyle moved for a favorable report of the proposed Senate Committee Substitute for House Committee Substitute #2 – 274 – Street Gang Prevention Act. The committee gave this bill a favorable report.

The meeting adjourned at 2:00 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, May 20, 2008

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) 274	Street Gang Prevention Act.	
	Draft Number:	PCS 50886
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

**TOTAL REPORTED: 1**

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

D

HOUSE BILL 274  
Committee Substitute Favorable 7/26/07  
Committee Substitute #2 Favorable 7/30/07  
Fourth Edition Engrossed 7/31/07  
PROPOSED SENATE COMMITTEE SUBSTITUTE H274-CSRK-66 [v.8]

5/20/2008 11:48:24 AM

Short Title: Street Gang/Suppression.

(Public)

Sponsors:

Referred to:

February 21, 2007

A BILL TO BE ENTITLED  
AN ACT TO CREATE ADDITIONAL OFFENSES, PENALTIES, AND CRIMINAL  
PROCEDURE FOR PERSONS INVOLVED IN STREET GANG ACTIVITY AND  
TO BE ENTITLED THE "NORTH CAROLINA STREET GANG SUPPRESSION  
ACT."

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-2.3 reads as rewritten:

**"§ 14-2.3. Forfeiture of gain acquired through felonies.criminal activity.**

(a) Except as is otherwise provided in Article 3 of Chapter 31A, in the case of any violation of Article 13A of Chapter 14, or a general statute constituting a felony other than a nonwillful homicide, any money or other property or interest in property acquired thereby shall be forfeited to the State of North Carolina, including any profits, gain, remuneration, or compensation directly or indirectly collected by or accruing to any felon.offender.

(b) An action to recover such property shall be brought by either a District Attorney or the Attorney General pursuant to G.S. 1-532. The action must be brought within three years from the date of the conviction for the felony.offense.

(c) Nothing in this section shall be construed to require forfeiture of any money or property recovered by law-enforcement officers pursuant to the investigation of a felony-an offense when the money or property is readily identifiable by the owner or guardian of the property or is traceable to him."

**SECTION 2,** Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-34.9. Discharging a firearm from within an enclosure.**

1 Unless covered under some other provision of law providing greater punishment,  
2 any person who willfully or wantonly discharges or attempts to discharge a firearm, as a  
3 part of a pattern of criminal street gang activity, from within any building, structure,  
4 motor vehicle, or other conveyance, erection, or enclosure toward a person or persons  
5 not within that enclosure shall be punished as a Class E felon."

6 SECTION 3 Chapter 14 of the General Statutes is amended by adding a new  
7 Article to read:

8 "Article 13A.

9 "North Carolina Street Gang Suppression Act.

10 "§ 14-50.15. Short title.

11 This Article shall be known and may be cited as the "North Carolina Street Gang  
12 Suppression Act."

13 "§ 14-50.16. Pattern of criminal street gang activity.

14 (a) It is unlawful for any person employed by or associated with a criminal street  
15 gang to do either of the following:

16 (1) To conduct or participate in a pattern of criminal street gang activity.

17 (2) To acquire or maintain any interest in or control of any real or personal  
18 property through a pattern of criminal street gang activity.

19 A violation of this subsection is a Class H felony, except that a person who violates  
20 subdivision (a)(1) of this section, and is an organizer, supervisor, or acts in any other  
21 position of management with regard to the criminal street gang, shall be guilty of a  
22 Class F felony.

23 (b) As used in this Article, Criminal street gang' or 'street gang' means any ongoing  
24 organization, association, or group of three or more persons, whether formal or  
25 informal, that:

26 (1) Has as one of its primary activities the commission of one or more  
27 felony offenses, or delinquent acts that would be felonies if committed  
28 by an adult,

29 (2) May have a common name, common identifying sign or symbol, and  
30 has three or more members individually or collectively engaged in, or  
31 who have engaged in, criminal street gang activity.

32 (c) As used in this Article, Criminal street gang activity' means to commit, to  
33 attempt to commit, or to solicit, coerce, or intimidate another person to commit an act or  
34 acts, with the specific intent that such act or acts were intended or committed for the  
35 purpose, or in furtherance, of the person's involvement in a criminal street gang or street  
36 gang. An act or acts are included if accompanied by the necessary mens rea or criminal  
37 intent, and would be chargeable by indictment under the following laws of this State:

38 (1) Any offense under Article 5 of Chapter 90 of the General Statutes  
39 (Controlled Substances Act).

40 (2) Any offense under Chapter 14 of the General Statutes except Articles 9,  
41 22A, 40, 46, 47, 59 thereof; and further excepting G.S. 14-78.1, 14-82,  
42 14-86, 14-145, 14-179, 14-183, 14-184, 14-186, 14-190.9, 14-195,  
43 14-197, 14-201, 14-247, 14-248, 14-313 thereof.



(d) As used in this Article, 'Pattern of criminal street gang activity' means engaging in, and having a conviction for, at least two prior incidents of criminal street gang activity, that have the same or similar purposes, results, accomplices, victims, or methods of commission or otherwise are interrelated by common characteristics and are not isolated and unrelated incidents, provided that at least one of these offenses occurred after December 1, 2008, and the last of the offenses occurred within three years, excluding any periods of imprisonment, of prior criminal street gang activity. Any offenses committed by a defendant prior to indictment for an offense based upon a pattern of street gang activity shall not be used as the basis for any subsequent indictments for offenses involving a pattern of street gang activity.

**"§ 14-50.17. Soliciting; encouraging participation.**

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person 16 years of age or older to participate in criminal street gang activity.

(b) A violation of this subsection is a Class H felony.

**"§ 14-50.18. Soliciting; encouraging participation; minor.**

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person under 16 years of age to participate in criminal street gang activity.

(b) A violation of this subsection is a Class F felony.

(c) Nothing in this section shall preclude a person who commits a violation of this section from criminal culpability for the underlying offense committed by the minor under any other provision of law.

**"§ 14-50.19. Threats to deter from gang withdrawal.**

(a) It is unlawful for any person to communicate a threat of injury to a person, or to damage the property of another, with the intent to deter a person from assisting another to withdraw from membership in a criminal street gang.

(b) A violation of this subsection is a Class H felony.

**"§ 14-50.20. Threats of punishment or retaliation.**

(a) It is unlawful for any person to communicate a threat of injury to a person, or to damage the property of another, as punishment or retaliation against a person for having withdrawn from a criminal street gang.

(b) A violation of this subsection is a Class H felony.

**"§ 14-50.21. Separate Offense.**

Any offense committed in violation of G.S. 14-50.16 through G.S. 15-50.20 shall be considered a separate offense.

**"§ 14-50.22. Enhanced offense for criminal gang activity.**

A person who is convicted of a misdemeanor offense that is committed for the benefit of, at the direction of, or in association with, any criminal street gang, is guilty of an offense that is one class higher than the offense committed. A Class A1 misdemeanor shall be enhanced to a Class I felony under this section.

**"§ 14-50.23. Contraband, seizure, and forfeiture.**

(a) All property of every kind used or intended for use in the course of, derived from, or realized through criminal street gang activity or a pattern of criminal street gang activity is subject to the seizure and forfeiture provisions of G.S. 14-2.3.

(b) In any action under this section, the court may enter a restraining order in connection with any interest that is subject to forfeiture.

(c) Innocent Activities. – The provisions of this section shall not apply to property used for criminal street gang activity, where the owner or person who has legal possession of the property does not have actual knowledge that the property is being used for criminal street gang activity.

**"§ 14-50.24. Real property used by criminal street gangs declared a public nuisance; abatement.**

(a) Public Nuisance. – Any real property that is erected, established, maintained, owned, leased, or used by any criminal street gang for the purpose of conducting criminal street gang activity shall constitute a public nuisance and may be abated as provided by Article 1 of Chapter 19 of the General Statutes.

(b) Innocent Activities. – The provisions of this section shall not apply to real property used for criminal street gang activity, where the owner or person who has legal possession of the real property does not have actual knowledge that the real property is being used for criminal street gang activity.

**"§ 14-50.25. Reports of disposition; criminal street gang activity.**

When a defendant is found guilty of a criminal offense under this Article, other than an offense under G.S. 14-50.21, the presiding judge shall determine whether the offense involved criminal street gang activity. If the judge so determines, then the judge shall indicate on the form reflecting the judgment that the offense involved criminal street gang activity. The clerk of court shall ensure that the official record of the defendant's conviction includes a notation of the court's determination.

**"§ 14-50.26. Matters proved in criminal trial court.**

A conviction of an offense defined as criminal gang activity shall preclude the defendant from contesting any factual matters determined in the criminal proceeding in any subsequent civil action or proceeding based on the same conduct.

**"§ 14-50.27. Local ordinances not preempted by State law.**

Nothing in this Article shall prevent a local governing body from adopting and enforcing ordinances relating to gangs and gang violence that are consistent with this Article. Where local laws duplicate or supplement the provisions of this Article, this Article shall be construed as providing alternative remedies and not as preempting the field.

**SECTION 4. G.S. 15A-533 reads as rewritten:**

**"§ 15A-533. Right to pretrial release in capital and noncapital cases.**

...

(d) ~~Subject to rebuttal by the person, it shall be presumed~~ There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

- (1) There is reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;
- (2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and

- (3) The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

(e) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds the following:

- (1) There is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in G.S. 14-50.16;

- (2) The offense described in subdivision (1) of this subsection was committed while the person was on pretrial release for another offense; and

- (3) The person has been previously convicted of an offense described in G.S. 14-50.17, and not more than five years has elapsed since the date of conviction or the person's release for the offense, whichever is later.

~~Such person~~ Persons who are considered for bond under the provisions of subsections (d) and (e) of this section may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community."

SECTION 5. G.S. 15A-1340.16A reads as rewritten:

"§ 15A-1340.16A. **Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm or deadly weapon during the commission of the felony.**

(a), (b) Repealed by Session Laws 2003-378, s. 2, effective August 1, 2003.

(c) If a person is convicted of a Class A, B1, B2, C, D, or E felony and it is found as provided in this section that: (i) the person committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and (ii) the person actually possessed the firearm or deadly weapon about his or her person, then the person shall have the minimum term of imprisonment to which the person is sentenced for that felony increased by 60 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 60 months, as specified in G.S. 15A-1340.17(e) and (e1).

(d) An indictment or information for the Class A, B1, B2, C, D, or E felony shall allege in that indictment or information the facts set out in subsection (c) of this section. The pleading is sufficient if it alleges that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and the defendant actually possessed the firearm or deadly weapon about the defendant's person. One pleading is sufficient for all Class A, B1, B2, C, D, or E felonies that are tried at a single trial.

(e) The State shall prove the issues set out in subsection (c) of this section beyond a reasonable doubt during the same trial in which the defendant is tried for the felony unless the defendant pleads guilty or no contest to the issues. If the defendant

1 pleads guilty or no contest to the felony but pleads not guilty to the issues set out in  
2 subsection (c) of this section, then a jury shall be impaneled to determine the issues.

3 (f) Subsection (c) of this section does not apply if the evidence of the use,  
4 display, or threatened use or display of the firearm or deadly weapon is needed to prove  
5 an element of the felony or if the person is not sentenced to an active term of  
6 imprisonment."

7 **SECTION 6.** This act becomes effective only if the General Assembly prior  
8 to December 1, 2008 specifically appropriates funds to implement it. The act  
9 appropriating funds must specifically reference this act by bill number, title, or Session  
10 Law number.

11 **SECTION 7.** This act becomes effective December 1, 2008, and applies to  
12 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

4

HOUSE BILL 274  
Committee Substitute Favorable 7/26/07  
Committee Substitute #2 Favorable 7/30/07  
Fourth Edition Engrossed 7/31/07

Short Title: Street Gang Prevention Act.

(Public)

Sponsors:

Referred to:

February 21, 2007

A BILL TO BE ENTITLED

AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 13A.

"North Carolina Street Gang Prevention Act.

**"§ 14-50.15. Short title.**

This Article shall be known and may be cited as the "North Carolina Street Gang Prevention Act".

**"§ 14-50.16. Definitions.**

The following definitions apply in this Article:

- (1) 'Criminal street gang' or 'street gang' means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more felony offenses, or delinquent acts that would be felonies if committed by an adult, which may have a common name, common identifying sign or symbol, and has three or more members individually or collectively engaged in, or who have engaged in, criminal street gang activity.
- (2) 'Criminal street gang activity' means to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit an act or acts, with the specific intent that such act or acts were intended or committed for the purpose, or in furtherance, of the person's involvement in a criminal street gang or street gang. An act or acts are included if accompanied by the necessary mens rea or criminal intent,

and would be chargeable by indictment under the following laws of this State:

a. Any offense under Article 5 of Chapter 90 of the General Statutes (Controlled Substances Act).

b. Any offense under Chapter 14 of the General Statutes except Articles 9, 22A, 40, 46, 47, 59 thereof; and further excepting G.S. 14-78.1, 14-82, 14-86, 14-145, 14-179, 14-183, 14-184, 14-186, 14-190.9, 14-195, 14-197, 14-201, 14-247, 14-248, 14-313 thereof.

(3) 'Pattern of criminal street gang activity' means engaging in, and having a conviction for, at least two prior incidents of criminal street gang activity, as defined in subdivision (2) of this section, that have the same or similar purposes, results, accomplices, victims, or methods of commission or otherwise are interrelated by common characteristics and are not isolated and unrelated incidents, provided that at least one of these offenses occurred after December 1, 2007, and the last of the offenses occurred within three years, excluding any periods of imprisonment, of prior criminal street gang activity. Any offenses committed by a defendant prior to indictment for an offense based upon a pattern of street gang activity shall not be used as the basis for any subsequent indictments for offenses involving a pattern of street gang activity.

**"§ 14-50.17. Participation in criminal street gang activity prohibited.**

(a) It is unlawful for any person employed by or associated with a criminal street gang to conduct or participate in a pattern of criminal street gang activity.

(b) It is unlawful for any person to acquire or maintain, directly or indirectly, through a pattern of criminal street gang activity or proceeds derived therefrom, any interest in or control of any real or personal property of any nature, including money.

(c) It is unlawful for any person who acts as an organizer, supervisor, or in any other position of management with regard to a criminal street gang to engage in, directly or indirectly, or conspire to engage in, a pattern of criminal street gang activity.

(d) It is unlawful for any person to cause, encourage, solicit, or coerce another to participate in criminal street gang activity.

(e) It is unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to deter the person from assisting a member or associate of a criminal street gang to withdraw from such criminal street gang.

(f) It is unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to punish or retaliate against the person for having withdrawn from a criminal street gang.

(g) Any person who violates

(1) Subsection (c) of this section: or

(2) Subsection (d) of this section where the person who is caused, encouraged, solicited, or coerced to participate in criminal street gang activity is under 16 years old, shall be guilty of a Class F felony. Any person who violates any other provision of this section shall be guilty of a Class H felony.

(h) Any crime committed in violation of this section shall be considered a separate offense.

**"§ 14-50.18. Enhanced offense for criminal gang activity.**

A person who is convicted of a misdemeanor offense that is committed for the benefit of, at the direction of, or in association with, any criminal street gang, is guilty of an offense that is one class higher than the offense committed. A Class A1 misdemeanor shall be enhanced to a Class I felony under this section.

**"§ 14-50.19. Reports of disposition; criminal street gang activity.**

When a defendant is found guilty of a criminal offense other than an offense under G.S. 14-50.17 or G.S. 14-50.18, the presiding judge shall determine whether the offense involved criminal street gang activity. If the judge so determines, then the judge shall indicate on the form reflecting the judgment that the offense involved criminal street gang activity. The clerk of court shall ensure that the official record of the defendant's conviction includes a notation of the court's determination.

**"§ 14-50.20. Contraband, seizure, and forfeiture.**

(a) All property of every kind used or intended for use in the course of, derived from, or realized through criminal street gang activity or a pattern of criminal street gang activity is subject to the seizure and forfeiture provisions of G.S. 14-2.3.

(b) In any action under this section, the court may enter a restraining order in connection with any interest that is subject to forfeiture.

(c) Innocent Activities. – The provisions of this section shall not apply to property used for criminal street gang activity, where the owner or person who has legal possession of the property does not have actual knowledge that the property is being used for criminal street gang activity.

**"§ 14-50.21. Local ordinances not preempted by State law.**

Nothing in this Article shall prevent a local governing body from adopting and enforcing ordinances relating to gangs and gang violence that are consistent with this Article. Where local laws duplicate or supplement the provisions of this Article, this Article shall be construed as providing alternative remedies and not as preempting the field.

**"§ 14-50.22. Real property used by criminal street gangs declared a public nuisance; abatement.**

(a) Public Nuisance. – Any real property that is erected, established, maintained, owned, leased, or used by any criminal street gang for the purpose of conducting criminal street gang activity shall constitute a public nuisance and may be abated as provided by Article 1 of Chapter 19 of the General Statutes.

(b) Innocent Activities. – The provisions of this section shall not apply to real property used for criminal street gang activity, where the owner or person who has legal

possession of the real property does not have actual knowledge that the real property is being used for criminal street gang activity.

**"§ 14-50.23. Matters proved in criminal trial court.**

A conviction of an offense defined as criminal gang activity shall preclude the defendant from contesting any factual matters determined in the criminal proceeding in any subsequent civil action or proceeding based on the same conduct.

**"§ 14-50.24. Applicability to juveniles under the age of 16.**

The provisions of this Article shall not apply to juveniles under the age of 16.

**"§ 14-50.25. Conditional discharge and expunction of records for first offense.**

(a) A person who is convicted of a Class H felony under G.S. 14-50.17 or any enhanced offense under G.S. 14-50.18, and who:

(1) Has not been previously convicted of any criminal offense; and

(2) Was age 16 or 17 at the time of the offense

may apply to the court for a deferral of proceedings without entry of judgment, and for placement on supervised probation upon such reasonable terms and conditions as the court may require. If the court, in its discretion, defers proceedings pursuant to this section, it shall place the defendant on supervised probation for not less than one year, in addition to any other conditions. Prior to taking any action to discharge and dismiss under this section, the court shall make a finding that the defendant has no previous criminal convictions.

(b) Upon fulfillment of the terms and conditions of the probation provided for in subsection (a) of this section, the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this section may occur only once with respect to any person.

(c) Disposition of a case to determine discharge and dismissal under this section at the district court division of the General Court of Justice shall be final for the purpose of appeal.

(d) Upon violation of a term or condition of the probation provided for in subsection (a) of this section, the court may enter an adjudication of guilt and proceed as otherwise provided.

(e) Upon discharge and dismissal pursuant to subsection (b) of this section, the person, if not over 17 years of age at the time of the offense, may apply for an order to expunge the complete record of the proceedings resulting in the dismissal and discharge, pursuant to the procedures and requirements set forth in G.S. 90-96(b), (c), and (f).

(f) This section is supplemental and in addition to existing law and shall not be construed so as to repeal any existing provision contained in the General Statutes of North Carolina."

**SECTION 1.(b)** Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-34.9. Discharging a firearm from within an enclosure.**



1        Unless covered under some other provision of law providing greater punishment,  
2 any person who willfully or wantonly discharges or attempts to discharge a firearm, as a  
3 part of a pattern of criminal street gang activity, from within any building, structure,  
4 motor vehicle, or other conveyance, erection, or enclosure toward a person or persons  
5 not within that enclosure shall be punished as a Class E felon."

6        **SECTION 1.(c)** G.S. 14-2.3 reads as rewritten:

7        **"§ 14-2.3. Forfeiture of gain acquired through felonies.~~criminal activity.~~**

8        (a) Except as is otherwise provided in Article 3 of Chapter 31A, in the case of  
9 any violation of Article 13A of Chapter 14, or a general statute constituting a felony  
10 other than a nonwillful homicide, any money or other property or interest in property  
11 acquired thereby shall be forfeited to the State of North Carolina, including any profits,  
12 gain, remuneration, or compensation directly or indirectly collected by or accruing to  
13 any ~~felon-offender~~.

14        (b) An action to recover such property shall be brought by either a District  
15 Attorney or the Attorney General pursuant to G.S. 1-532. The action must be brought  
16 within three years from the date of the conviction for the ~~felony-offense~~.

17        (c) Nothing in this section shall be construed to require forfeiture of any money  
18 or property recovered by law-enforcement officers pursuant to the investigation of a  
19 ~~felony-an offense~~ when the money or property is readily identifiable by the owner or  
20 guardian of the property or is traceable to him."

21        **SECTION 2.** G.S. 15A-533 reads as rewritten:

22        **"§ 15A-533. Right to pretrial release in capital and noncapital cases.**

23        (a) A defendant charged with any crime, whether capital or noncapital, who is  
24 alleged to have committed this crime while still residing in or subsequent to his escape  
25 or during an unauthorized absence from involuntary commitment in a mental health  
26 facility designated or licensed by the Department of Health and Human Services, and  
27 whose commitment is determined to be still valid by the judge or judicial officer  
28 authorized to determine pretrial release to be valid, has no right to pretrial release. In  
29 lieu of pretrial release, however, the individual shall be returned to the treatment facility  
30 in which he was residing at the time of the alleged crime or from which he escaped or  
31 absented himself for continuation of his treatment pending the additional proceedings  
32 on the criminal offense.

33        (b) A defendant charged with a noncapital offense must have conditions of  
34 pretrial release determined, in accordance with G.S. 15A-534.

35        (c) A judge may determine in his discretion whether a defendant charged with a  
36 capital offense may be released before trial. If he determines release is warranted, the  
37 judge must authorize release of the defendant in accordance with G.S. 15A-534.

38        (d) ~~Subject to rebuttal by the person, it shall be presumed~~ There shall be a  
39 rebuttable presumption that no condition of release will reasonably assure the  
40 appearance of the person as required and the safety of the community if a judicial  
41 official finds the following:

42                (1) There is reasonable cause to believe that the person committed an  
43 offense involving trafficking in a controlled substance;

(2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

(e) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds the following:

(1) There is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in G.S. 14-50.16;

(2) The offense described in subdivision (1) of this subsection was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of an offense described in G.S. 14-50.17, and not more than five years has elapsed since the date of conviction or the person's release for the offense, whichever is later.

~~Such person~~ Persons who are considered for bond under the provisions of subsections (d) and (e) of this section may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community."

SECTION 3. G.S. 15A-1340.16A reads as rewritten:

"§ 15A-1340.16A. **Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm or deadly weapon during the commission of the felony.**

(a), (b) Repealed by Session Laws 2003-378, s. 2, effective August 1, 2003.

(c) If a person is convicted of a Class A, B1, B2, C, D, or E felony and it is found as provided in this section that: (i) the person committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and (ii) the person actually possessed the firearm or deadly weapon about his or her person, then the person shall have the minimum term of imprisonment to which the person is sentenced for that felony increased by 60 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 60 months, as specified in G.S. 15A-1340.17(e) and (e1).

(d) An indictment or information for the Class A, B1, B2, C, D, or E felony shall allege in that indictment or information the facts set out in subsection (c) of this section. The pleading is sufficient if it alleges that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and the defendant actually possessed the firearm or deadly weapon about the defendant's person. One pleading is sufficient for all Class A, B1, B2, C, D, or E felonies that are tried at a single trial.

1 (e) The State shall prove the issues set out in subsection (c) of this section  
2 beyond a reasonable doubt during the same trial in which the defendant is tried for the  
3 felony unless the defendant pleads guilty or no contest to the issues. If the defendant  
4 pleads guilty or no contest to the felony but pleads not guilty to the issues set out in  
5 subsection (c) of this section, then a jury shall be impaneled to determine the issues.

6 (f) Subsection (c) of this section does not apply if the evidence of the use,  
7 display, or threatened use or display of the firearm or deadly weapon is needed to prove  
8 an element of the felony or if the person is not sentenced to an active term of  
9 imprisonment."

10 **SECTION 4.** The Governor's Crime Commission shall develop the criteria  
11 for eligibility for funds appropriated. The criteria shall include a matching requirement  
12 of twenty-five percent (25%), one-half of which may be in in-kind contributions, and  
13 presentation of a written plan for the services to be provided by the funds. Funds shall  
14 be available to public and private entities or agencies for juvenile or adult programs that  
15 meet the criteria established by the Governor's Crime Commission.

16 The Governor's Crime Commission shall report to the Chairs of the House of  
17 Representatives and Senate Appropriations Committees and the Chairs of the House of  
18 Representatives and Senate Appropriations Subcommittees on Justice and Public Safety  
19 by April 15, 2008, on this program. The report shall include all of the following:

- 20 (1) The grant award process.
- 21 (2) A description of each grant awarded.
- 22 (3) The performance criteria for evaluating grant programs.
- 23 (4) A list of State grants awarded in the 2007 grant cycle.

24 **SECTION 5.** Section 4 of this act becomes effective July 1, 2007. The  
25 remainder of this act becomes effective December 1, 2007, and applies to offenses  
26 committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

5

HOUSE BILL 274

Committee Substitute Favorable 7/26/07

Committee Substitute #2 Favorable 7/30/07

Fourth Edition Engrossed 7/31/07

Senate Rules and Operations of the Senate Committee Substitute Adopted 5/20/08

Short Title: Street Gang/Suppression.

(Public)

Sponsors:

Referred to:

February 21, 2007

A BILL TO BE ENTITLED

AN ACT TO CREATE ADDITIONAL OFFENSES, PENALTIES, AND CRIMINAL  
PROCEDURE FOR PERSONS INVOLVED IN STREET GANG ACTIVITY AND  
TO BE ENTITLED THE "NORTH CAROLINA STREET GANG SUPPRESSION  
ACT."

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-2.3 reads as rewritten:

"§ 14-2.3. Forfeiture of gain acquired through ~~felonies~~criminal activity.

(a) Except as is otherwise provided in Article 3 of Chapter 31A, in the case of  
any violation of Article 13A of Chapter 14, or a general statute constituting a felony  
other than a nonwillful homicide, any money or other property or interest in property  
acquired thereby shall be forfeited to the State of North Carolina, including any profits,  
gain, remuneration, or compensation directly or indirectly collected by or accruing to  
any ~~felon-offender~~.

(b) An action to recover such property shall be brought by either a District  
Attorney or the Attorney General pursuant to G.S. 1-532. The action must be brought  
within three years from the date of the conviction for the ~~felony-offense~~.

(c) Nothing in this section shall be construed to require forfeiture of any money  
or property recovered by law-enforcement officers pursuant to the investigation of a  
~~felony-an offense~~ when the money or property is readily identifiable by the owner or  
guardian of the property or is traceable to him."

SECTION 2. Chapter 14 of the General Statutes is amended by adding a  
new section to read:

"§ 14-34.9. Discharging a firearm from within an enclosure.

Unless covered under some other provision of law providing greater punishment,  
any person who willfully or wantonly discharges or attempts to discharge a firearm, as a

1 part of a pattern of criminal street gang activity, from within any building, structure,  
2 motor vehicle, or other conveyance, erection, or enclosure toward a person or persons  
3 not within that enclosure shall be punished as a Class E felon."

4 SECTION 3 Chapter 14 of the General Statutes is amended by adding a new  
5 Article to read:

6 "Article 13A.

7 "North Carolina Street Gang Suppression Act.

8 "§ 14-50.15. Short title.

9 This Article shall be known and may be cited as the "North Carolina Street Gang  
10 Suppression Act."

11 "§ 14-50.16. Pattern of criminal street gang activity.

12 (a) It is unlawful for any person employed by or associated with a criminal street  
13 gang to do either of the following:

14 (1) To conduct or participate in a pattern of criminal street gang activity.

15 (2) To acquire or maintain any interest in or control of any real or personal  
16 property through a pattern of criminal street gang activity.

17 A violation of this subsection is a Class H felony, except that a person who violates  
18 subdivision (a)(1) of this section, and is an organizer, supervisor, or acts in any other  
19 position of management with regard to the criminal street gang, shall be guilty of a  
20 Class F felony.

21 (b) As used in this Article, 'criminal street gang' or 'street gang' means any  
22 ongoing organization, association, or group of three or more persons, whether formal or  
23 informal, that:

24 (1) Has as one of its primary activities the commission of one or more  
25 felony offenses, or delinquent acts that would be felonies if committed  
26 by an adult,

27 (2) May have a common name, common identifying sign or symbol, and  
28 has three or more members individually or collectively engaged in, or  
29 who have engaged in, criminal street gang activity.

30 (c) As used in this Article, 'criminal street gang activity' means to commit, to  
31 attempt to commit, or to solicit, coerce, or intimidate another person to commit an act or  
32 acts, with the specific intent that such act or acts were intended or committed for the  
33 purpose, or in furtherance, of the person's involvement in a criminal street gang or street  
34 gang. An act or acts are included if accompanied by the necessary mens rea or criminal  
35 intent and would be chargeable by indictment under the following laws of this State:

36 (1) Any offense under Article 5 of Chapter 90 of the General Statutes  
37 (Controlled Substances Act).

38 (2) Any offense under Chapter 14 of the General Statutes except Articles 9,  
39 22A, 40, 46, 47, 59 thereof; and further excepting G.S. 14-78.1, 14-82,  
40 14-86, 14-145, 14-179, 14-183, 14-184, 14-186, 14-190.9, 14-195,  
41 14-197, 14-201, 14-247, 14-248, 14-313 thereof.

42 (d) As used in this Article, 'pattern of criminal street gang activity' means  
43 engaging in, and having a conviction for, at least two prior incidents of criminal street  
44 gang activity, that have the same or similar purposes, results, accomplices, victims, or

1 methods of commission or otherwise are interrelated by common characteristics and are  
2 not isolated and unrelated incidents, provided that at least one of these offenses occurred  
3 after December 1, 2008, and the last of the offenses occurred within three years,  
4 excluding any periods of imprisonment, of prior criminal street gang activity. Any  
5 offenses committed by a defendant prior to indictment for an offense based upon a  
6 pattern of street gang activity shall not be used as the basis for any subsequent  
7 indictments for offenses involving a pattern of street gang activity.

8 **"§ 14-50.17. Soliciting; encouraging participation.**

9 (a) It is unlawful for any person to cause, encourage, solicit, or coerce a person 16  
10 years of age or older to participate in criminal street gang activity.

11 (b) A violation of this subsection is a Class H felony.

12 **"§ 14-50.18. Soliciting; encouraging participation; minor.**

13 (a) It is unlawful for any person to cause, encourage, solicit, or coerce a person  
14 under 16 years of age to participate in criminal street gang activity.

15 (b) A violation of this subsection is a Class F felony.

16 (c) Nothing in this section shall preclude a person who commits a violation of this  
17 section from criminal culpability for the underlying offense committed by the minor  
18 under any other provision of law.

19 **"§ 14-50.19. Threats to deter from gang withdrawal.**

20 (a) It is unlawful for any person to communicate a threat of injury to a person, or to  
21 damage the property of another, with the intent to deter a person from assisting another  
22 to withdraw from membership in a criminal street gang.

23 (b) A violation of this subsection is a Class H felony.

24 **"§ 14-50.20. Threats of punishment or retaliation.**

25 (a) It is unlawful for any person to communicate a threat of injury to a person, or to  
26 damage the property of another, as punishment or retaliation against a person for having  
27 withdrawn from a criminal street gang.

28 (b) A violation of this subsection is a Class H felony.

29 **"§ 14-50.21. Separate offense.**

30 Any offense committed in violation of G.S. 14-50.16 through G.S. 15-50.20 shall be  
31 considered a separate offense.

32 **"§ 14-50.22. Enhanced offense for criminal gang activity.**

33 A person who is convicted of a misdemeanor offense that is committed for the  
34 benefit of, at the direction of, or in association with, any criminal street gang, is guilty  
35 of an offense that is one class higher than the offense committed. A Class A1  
36 misdemeanor shall be enhanced to a Class I felony under this section.

37 **"§ 14-50.23. Contraband, seizure, and forfeiture.**

38 (a) All property of every kind used or intended for use in the course of, derived  
39 from, or realized through criminal street gang activity or a pattern of criminal street  
40 gang activity is subject to the seizure and forfeiture provisions of G.S. 14-2.3.

41 (b) In any action under this section, the court may enter a restraining order in  
42 connection with any interest that is subject to forfeiture.

43 (c) Innocent Activities. – The provisions of this section shall not apply to  
44 property used for criminal street gang activity where the owner or person who has legal

possession of the property does not have actual knowledge that the property is being used for criminal street gang activity.

**"§ 14-50.24. Real property used by criminal street gangs declared a public nuisance; abatement.**

(a) Public Nuisance. – Any real property that is erected, established, maintained, owned, leased, or used by any criminal street gang for the purpose of conducting criminal street gang activity shall constitute a public nuisance and may be abated as provided by Article 1 of Chapter 19 of the General Statutes.

(b) Innocent Activities. – The provisions of this section shall not apply to real property used for criminal street gang activity where the owner or person who has legal possession of the real property does not have actual knowledge that the real property is being used for criminal street gang activity.

**"§ 14-50.25. Reports of disposition; criminal street gang activity.**

When a defendant is found guilty of a criminal offense under this Article, other than an offense under G.S. 14-50.21, the presiding judge shall determine whether the offense involved criminal street gang activity. If the judge so determines, then the judge shall indicate on the form reflecting the judgment that the offense involved criminal street gang activity. The clerk of court shall ensure that the official record of the defendant's conviction includes a notation of the court's determination.

**"§ 14-50.26. Matters proved in criminal trial court.**

A conviction of an offense defined as criminal gang activity shall preclude the defendant from contesting any factual matters determined in the criminal proceeding in any subsequent civil action or proceeding based on the same conduct.

**"§ 14-50.27. Local ordinances not preempted by State law.**

Nothing in this Article shall prevent a local governing body from adopting and enforcing ordinances relating to gangs and gang violence that are consistent with this Article. Where local laws duplicate or supplement the provisions of this Article, this Article shall be construed as providing alternative remedies and not as preempting the field.

SECTION 4. G.S. 15A-533 reads as rewritten:

**"§ 15A-533. Right to pretrial release in capital and noncapital cases.**

...

(d) ~~Subject to rebuttal by the person, it shall be presumed~~ There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

- (1) There is reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;
- (2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and
- (3) The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

1       (e) There shall be a rebuttable presumption that no condition of release will  
2 reasonably assure the appearance of the person as required and the safety of the  
3 community, if a judicial official finds the following:

4           (1) There is reasonable cause to believe that the person committed an  
5 offense for the benefit of, at the direction of, or in association with,  
6 any criminal street gang, as defined in G.S. 14-50.16;

7           (2) The offense described in subdivision (1) of this subsection was  
8 committed while the person was on pretrial release for another offense;  
9 and

10          (3) The person has been previously convicted of an offense described in  
11 G.S. 14-50.17, and not more than five years has elapsed since the date  
12 of conviction or the person's release for the offense, whichever is later.

13 ~~Such person~~ Persons who are considered for bond under the provisions of subsections  
14 (d) and (e) of this section may only be released by a district or superior court judge upon  
15 a finding that there is a reasonable assurance that the person will appear and release  
16 does not pose an unreasonable risk of harm to the community."

17       SECTION 5. G.S. 15A-1340.16A reads as rewritten:

18       "**§ 15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1,**  
19 **B2, C, D, or E felony and the defendant used, displayed, or threatened to**  
20 **use or display a firearm or deadly weapon during the commission of the**  
21 **felony.**

22       (a), (b) Repealed by Session Laws 2003-378, s. 2, effective August 1, 2003.

23       (c) If a person is convicted of a Class A, B1, B2, C, D, or E felony and it is found  
24 as provided in this section that: (i) the person committed the felony by using, displaying,  
25 or threatening the use or display of a firearm or deadly weapon and (ii) the person  
26 actually possessed the firearm or deadly weapon about his or her person, then the person  
27 shall have the minimum term of imprisonment to which the person is sentenced for that  
28 felony increased by 60 months. The maximum term of imprisonment shall be the  
29 maximum term that corresponds to the minimum term after it is increased by 60  
30 months, as specified in G.S. 15A-1340.17(e) and (e1).

31       (d) An indictment or information for the Class A, B1, B2, C, D, or E felony shall  
32 allege in that indictment or information the facts set out in subsection (c) of this section.  
33 The pleading is sufficient if it alleges that the defendant committed the felony by using,  
34 displaying, or threatening the use or display of a firearm or deadly weapon and the  
35 defendant actually possessed the firearm or deadly weapon about the defendant's person.  
36 One pleading is sufficient for all Class A, B1, B2, C, D, or E felonies that are tried at a  
37 single trial.

38       (e) The State shall prove the issues set out in subsection (c) of this section  
39 beyond a reasonable doubt during the same trial in which the defendant is tried for the  
40 felony unless the defendant pleads guilty or no contest to the issues. If the defendant  
41 pleads guilty or no contest to the felony but pleads not guilty to the issues set out in  
42 subsection (c) of this section, then a jury shall be impaneled to determine the issues.

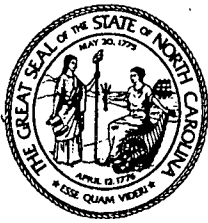
43       (f) Subsection (c) of this section does not apply if the evidence of the use,  
44 display, or threatened use or display of the firearm or deadly weapon is needed to prove



1 an element of the felony or if the person is not sentenced to an active term of  
2 imprisonment."

3       **SECTION 6.** This act becomes effective only if the General Assembly prior  
4 to December 1, 2008, specifically appropriates funds to implement it. The act  
5 appropriating funds must specifically reference this act by bill number, title, or Session  
6 Law number.

7       **SECTION 7.** This act becomes effective December 1, 2008, and applies to  
8 offenses committed on or after that date.



# HOUSE BILL 274: Street Gang Suppression Act

## BILL ANALYSIS

**Committee:** Rules and Operations of the Senate  
**Introduced by:** Reps. Michaux, Frye, Carney  
**Version:** PCS to Fourth Edition  
H274-CSRK

**Date:** May 20, 2008  
**Summary by:** Hal Pell  
Staff Attorney

**SUMMARY:** *This act would create a new Article in the criminal law statutes directed towards participation in street gang activities. The act also amends other criminal laws and procedure. This act becomes effective December 1, 2008, and applies to offenses committed on or after that date, if funds are specifically appropriated.*

## BILL ANALYSIS:

**Section 1.** Amends the criminal forfeiture statute to include offenses under the Act.

**Section 2.** Amends the law to make it a Class E felony for a person to discharge a firearm toward a person from within any building, car, or other enclosure, when the shooting is committed as part of a pattern of criminal gang activity. Assuming no prior convictions, the presumptive minimum sentence for a Class E felony is 20-25 months intermediate or active punishment.

**Section 3.** Creates a new Article in Chapter 14 of the General Statutes. Generally, "criminal street gang activity" encompasses the commission of offenses under the Controlled Substances Act, or designated offenses under the criminal law statutes. The criminal prohibitions include:

- Employment or association with a criminal street gang (pattern of criminal gang activity). Class H felony.
- Acquiring or maintaining real or personal property derived from gang activity (through a pattern of criminal gang activity). Class H felony.
- Acting as an organizer or supervisor with a street gang, to include conspiring to engage in a pattern of gang activity. Class F felony.
- Causing, soliciting or encouraging another to participate in a street gang. Class H felony. If the person solicited or encouraged is less than 16 years old, then the person is guilty of a Class F felony, and may also be charged with the underlying offense.
- Threaten to injure another with the intent to deter the person from assisting another to withdraw from a criminal street gang. Class H felony.
- Punish or conspire to punish or retaliate against someone who withdraws from a street gang. Class H felony.

**Misdemeanor Enhancement:** Any misdemeanor offense that is committed for the benefit of, direction of, or in association with a street gang is elevated one class higher than its normal designation.

**Seizure and forfeiture of property --** The bill would provide for the seizure and forfeiture of property used in the course of criminal gang activity, or derived from criminal gang activity. The provision would

# House Bill 274

Page 2

not apply to the property of persons that do not have actual knowledge that property is being used for criminal street gang activity.

**Real property used by gangs declared to be a public nuisance:** The property would be subject to abatement as provided by law. The provision would not apply if the owner or person with legal possession of the property did not have actual knowledge that the property was being used for criminal street gang activity.

**No preemption of local authority --** Local ordinances consistent with State law related to gangs and gang violence would not be preempted by the State law.

**Section 4. Bail Restrictions:** The act provides that it is a rebuttable presumption that no condition of release will assure the appearance of a person (1) charged with a violation of an offense committed on behalf of a street gang; (2) who was on pretrial release for another offense; and (3) who has a prior conviction of an offense under the criminal street gang statutes within the past five years, or the defendant's release for the offense, whichever is later. Persons considered for bond under the section may only be released by a judge upon a finding that there is a reasonable assurance that the person will appear and release does not impose an unreasonable risk of harm to the community.

**Section 5. "Deadly" Weapon.** The act amends the law that provides for an enhanced penalty if a defendant is convicted of a Class E or higher felony used a firearm during commission of the felony. Currently, use of a firearm during a Class E or higher felony increases the person's minimum term of imprisonment by an additional 60 months. The bill would make the enhanced penalty applicable to the use of *any* deadly weapon. A "deadly weapon" is defined in case law as *any instrument which is likely to produce death or great bodily harm*. The courts have recognized that the deadly character of the weapon depends sometimes more upon the manner of its use, and the condition of the person assaulted, than upon the intrinsic character of the weapon itself.

**Sections 6 and 7.** The act is effective December 1, 2008, for offenses committed on or after that date if the General Assembly appropriates funds specific to the funding of the Act. The appropriation must reference the act by bill number, title, or Session Law number.

H0274e4-SMRK-CSRK

Summary contribution by Brenda Carter, Staff Attorney.

## VISITOR REGISTRATION SHEET

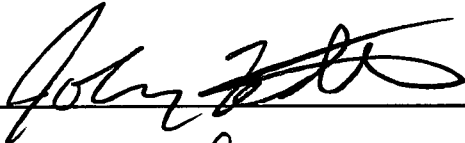
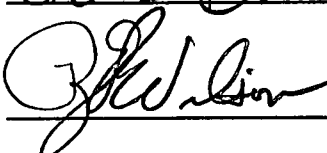
Rules and Operations of the Senate

May 20, 2008

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tim Boxum	News 14 Carolina
Kim GENARDO	WNCN / NBC 17 News
DAVE BENTHAM	WNCN
Colleen Kochanek	Smith Moore
	WNCN
JABARE BLACKMON	Rep. Luebke
	SOS
ROBERT ZIMMERS.	NC DOA
John Madler	NC Sentencing Commission
David Lagos	" "
JACK REGISTER	National Assoc. Social Workers - NC

## VISITOR REGISTRATION SHEET

Rules and Operations of the Senate

May 20, 2008

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paul Pulley	MCATL
Dickson's	R. Chod & Assoc.
Patrick Buffkin	Nelson Mullins
Ann Beach	NCBA
John Bowditch	ADA
Eddie Caldwell	NC Sheriff's Assn.

## VISITOR REGISTRATION SHEET

Rules and Operations of the Senate

May 20, 2008

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patrick Buffk	Nelson Mullins
CS Hollis	KCC
Emily Doyle	NCPAPA
CASADRA WHITE	Gov. Office
Cam Coles	B PAILL
Andy Munn	REBIC
Daniel Baum	KC
CHRIS HOLLIS, III	KCHA, LLP
DANYA PERRY	CISNC
Boyd Gable	City of Charlotte
William Current	House of Reps

# VISITOR REGISTRATION SHEET

## Rules and Operations of the Senate

May 20, 2008

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE**  
**CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Sarah Preston

ACW-12

Irene Godínez

El Pueblo, Inc.

Paula A. Wolf

El Pueblo, Inc.

Tony Aslow

La Rebelde Tax

Mildred Spearman

NCDOC

## MINUTES

### RULES AND OPERATIONS OF THE SENATE

MAY 20, 2008

The Committee on Rules and Operations of the Senate met on May 20, 2008 at 2:45 p.m. at Senator Tony Rand's Senate Chamber Desk. Fifteen members of the committee were present.

#### **SENATE BILL 1358 (CS#1) – STREET GANG PREVENTION ACT**

Senator Rand presented the committee with a proposed Committee Substitute (#2) for Senate Bill 1358 (CS#1) – Street Gang Prevention Act.

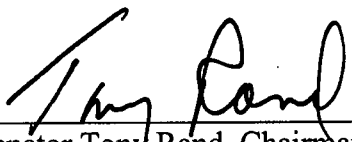
Senator Hoyle moved for the adoption of the Senate Committee Substitute (#2) - 1358 – Street Gang Prevention Act.

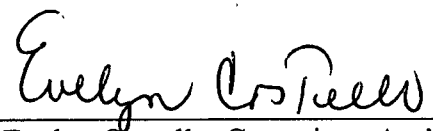
Senator Graham, the introducer of the above bill, spoke to the importance of this bill and the need to have it passed during this session.

Senator Clodfelter moved for a favorable report of Senate Committee Substitute Bill 1358 (CS#2) – Street Gang Prevention Act. The committee gave the bill a favorable report.

Senator Rand stated that Senate Committee Substitute 1358 (CS#2) - Street Gang Prevention Act and House Bill (CS#2) – 274 – Street Gang Prevention Act would go into a Conference Committee to iron out the differences between the two bills..

The meeting adjourned at 3:00 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, May 20, 2008

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

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE  
AS TO COMMITTEE SUBSTITUTE BILL NO. 2**

<b>S.B.(CS #1) 1358</b>	Street Gang Prevention Act.	
	Draft Number:	PCS 85424
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

**TOTAL REPORTED: 1**

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

3

SENATE BILL 1358

Judiciary I (Civil) Committee Substitute Adopted 7/10/07  
Rules and Operations of the Senate Committee Substitute Adopted 5/20/08

Short Title: Street Gang/Prevention and Intervention. (Public)

Sponsors:

Referred to:

March 26, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADOPT A STRATEGIC APPROACH TO PREVENT YOUTH  
3 INVOLVEMENT IN STREET GANG ACTIVITY, AND TO BE ENTITLED THE  
4 "NORTH CAROLINA STREET GANG PREVENTION AND INTERVENTION  
5 ACT."  
6 The General Assembly of North Carolina enacts:  
7 SECTION 1. This act shall be known and may be cited as the "North  
8 Carolina Street Gang Prevention and Intervention Act."  
9 SECTION 2. G.S. 143B-543 reads as rewritten:  
10 "§ 143B-543. Legislative intent.  
11 It is the intent of the General Assembly to prevent juveniles who are at risk from  
12 becoming delinquent. The primary intent of this Part is to develop community-based  
13 alternatives to youth development centers and to provide community-based ~~delinquency~~  
14 ~~delinquency, and substance abuse-abuse, and gang~~ prevention strategies and programs.  
15 Additionally, it is the intent of the General Assembly to provide noninstitutional  
16 dispositional alternatives that will protect the community and the juveniles.  
17 These programs and services shall be planned and organized at the community level  
18 and developed in partnership with the State. These planning efforts shall include  
19 appropriate representation from local government, local public and private agencies  
20 serving juveniles and their families, local business leaders, citizens with an interest in  
21 youth problems, youth representatives, and others as may be appropriate in a particular  
22 community. The planning bodies at the local level shall be the Juvenile Crime  
23 Prevention Councils."  
24 SECTION 3. G.S. 143B-549 reads as rewritten:  
25 "§ 143B-549. Powers and duties.  
26 (a) Each County Council shall review annually the needs of juveniles in the  
27 county who are at risk of delinquency or who have been adjudicated undisciplined or  
28 delinquent and the resources available to address those needs. In particular, each County

1 Council shall assess the needs of juveniles in the county who are at risk or who have  
2 been associated with gangs or gang activity, and the local resources that are established  
3 to address those needs. The Council shall develop and advertise a request for proposal  
4 process and submit a written plan of action for the expenditure of juvenile sanction and  
5 prevention funds to the board of county commissioners for its approval. Upon the  
6 county's authorization, the plan shall be submitted to the Department for final approval  
7 and subsequent implementation.

8 (b) Each County Council shall ensure that appropriate intermediate dispositional  
9 options are available and shall prioritize funding for dispositions of intermediate and  
10 community-level sanctions for court-adjudicated juveniles under minimum standards  
11 adopted by the Department.

12 (c) On an ongoing basis, each County Council shall:

- 13 (1) Assess the needs of juveniles in the community, evaluate the adequacy  
14 of resources available to meet those needs, and develop or propose  
15 ways to address unmet needs.
- 16 (2) Evaluate the performance of juvenile services and programs in the  
17 community. The Council shall evaluate each funded program as a  
18 condition of continued funding.
- 19 (3) Increase public awareness of the causes of delinquency and of  
20 strategies to reduce the problem.
- 21 (4) Develop strategies to intervene and appropriately respond to and treat  
22 the needs of juveniles at risk of delinquency through appropriate risk  
23 assessment instruments.
- 24 (5) Provide funds for services for treatment, counseling, or rehabilitation  
25 for juveniles and their families. These services may include  
26 court-ordered parenting responsibility classes.
- 27 (6) Plan for the establishment of a permanent funding stream for  
28 delinquency prevention services.
- 29 (7) Develop strategies to intervene and appropriately respond to the needs  
30 of juveniles who have been associated with gang activity or who are at  
31 risk of becoming associated with gang activity.

32 (d) The Councils may examine the benefits of joint program development  
33 between counties within the same judicial district."

34 **SECTION 4.** G.S. 143B-557 reads as rewritten:

35 **"§ 143B-557. Powers and duties of the Council.**

36 The State Council shall have the following powers and duties:

- 37 (1) Advise the Department in the review of the State's juvenile justice  
38 planning, the development of the community juvenile justice councils,  
39 and the development of a formula for the distribution of funds to  
40 Juvenile Crime Prevention Councils.
- 41 (2) Advise all State agencies serving juveniles for the purpose of  
42 developing a consistent philosophy with regard to providing services  
43 to juveniles and promoting collaboration and the efficient and effective  
44 delivery of services to juveniles and families through State, local, and

1 district programs and fully address problems of collaboration across  
2 State agencies with the goal of serving juveniles.

- 3 (3) Review and comment on juvenile justice, delinquency prevention,  
4 gang prevention, and juvenile services grant applications prepared for  
5 submission under any federal grant program by any governmental  
6 entity of the State.

- 7 (4) Review the juvenile justice system's operation and prioritization of  
8 funding needs.

- 9 (5) Review the progress and accomplishment of State and local juvenile  
10 justice, delinquency prevention, and juvenile services projects.

- 11 (5a) Review the level of gang activity throughout the State and assess the  
12 progress and accomplishments of the State, and of local governments,  
13 in preventing gangs and addressing the needs of juveniles who have  
14 been identified as being associated with gang activity.

- 15 (6) Develop recommendations concerning the establishment of priorities  
16 and needed improvements with respect to juvenile justice, delinquency  
17 prevention, gang prevention, and juvenile services and report its  
18 recommendations to the General Assembly on or before March 1 each  
19 year.

- 20 (7) Review and comment on the proposed budget for the Department."

21 **SECTION 5.** The Department of Public Instruction and the Department of  
22 Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative  
23 Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Joint  
24 Legislative Education Oversight Committee by December 1, 2008, on:

- 25 (1) The prevalence of school violence and gang activity;  
26 (2) The use of Department Juvenile Crime Prevention Council programs  
27 for out-of-school suspension alternative learning programs for students  
28 who are identified as being associated with gangs;  
29 (3) Current programs that are designed to educate school personnel and  
30 parents on signs that a student may be involved or associated with a  
31 gang;  
32 (4) Effective practices for reducing school violence and gang activity that  
33 have been successfully implemented in other states; and  
34 (5) Any findings and recommendations, including any proposed  
35 legislation, for further implementation and coordination between the  
36 Department of Juvenile Justice and Delinquency Prevention and the  
37 Department of Public Instruction to address issues related to  
38 prevention and intervention of youth gang activity.

39 **SECTION 6.** The Department of Crime Control and Public Safety shall  
40 report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice  
41 Oversight Committee by December 1, 2008, on the protocols and procedures used to  
42 enter identifying information of juveniles in the GangNet database system. The report  
43 shall include any recognized standards for continuing the listing of juveniles in the

1 database, the benefits, if any, of maintaining juvenile listings for extended periods, and  
2 any recommendations concerning the listing of juveniles in GangNet.

3 **SECTION 7.** The Governor's Crime Commission shall develop the criteria  
4 for eligibility for funds appropriated for gang prevention and intervention. The criteria  
5 shall include a matching requirement of twenty-five percent (25%), one-half of which  
6 may be in in-kind contributions, and presentation of a written plan for the services to be  
7 provided by the funds. Funds shall be available to public and private entities or agencies  
8 for juvenile and adult programs that meet the criteria established by the Governor's  
9 Crime Commission.

10 The Governor's Crime Commission shall report to the Chairs of the House of  
11 Representatives and Senate Appropriations Committees and the Chairs of the House of  
12 Representatives and Senate Appropriations Subcommittees on Justice and Public Safety  
13 by April 15, 2009, on this program. The report shall include all of the following:

- 14 (1) The grant award process.
- 15 (2) A description of each grant awarded.
- 16 (3) The performance criteria for evaluating grant programs.
- 17 (4) A list of State grants awarded in the 2008 grant cycle.

18 **SECTION 8.** Section 7 of this act becomes effective July 1, 2008. The  
19 remainder of this act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**S**

**D**

**SENATE BILL 1358**  
**Judiciary I (Civil) Committee Substitute Adopted 7/10/07**  
**PROPOSED COMMITTEE SUBSTITUTE S1358-CSRK-65 [v.5]**

5/20/2008 12:29:59 PM

Short Title: Street Gang/Prevention and Intervention.

(Public)

---

Sponsors:

---

Referred to:

---

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO ADOPT A STRATEGIC APPROACH TO PREVENT YOUTH INVOLVEMENT IN STREET GANG ACTIVITY, AND TO BE ENTITLED THE "NORTH CAROLINA STREET GANG PREVENTION AND INTERVENTION ACT."

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known and may be cited as the "North Carolina Street Gang Prevention and Intervention Act."

**SECTION 2.** G.S. 143B-543 reads as rewritten:

**"§ 143B-543. Legislative intent.**

It is the intent of the General Assembly to prevent juveniles who are at risk from becoming delinquent. The primary intent of this Part is to develop community-based alternatives to youth development centers and to provide community-based ~~delinquency~~ delinquency, ~~and substance abuse~~ and gang prevention strategies and programs. Additionally, it is the intent of the General Assembly to provide noninstitutional dispositional alternatives that will protect the community and the juveniles.

These programs and services shall be planned and organized at the community level and developed in partnership with the State. These planning efforts shall include appropriate representation from local government, local public and private agencies serving juveniles and their families, local business leaders, citizens with an interest in youth problems, youth representatives, and others as may be appropriate in a particular community. The planning bodies at the local level shall be the Juvenile Crime Prevention Councils."

**SECTION 3.** G.S. 143B-549 reads as rewritten:

**"§ 143B-549. Powers and duties.**

(a) Each County Council shall review annually the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or

1 delinquent and the resources available to address those needs. In particular, each County  
2 Council shall assess the needs of juveniles in the county who are at risk or who have  
3 been associated with gangs or gang activity, and the local resources that are established  
4 to address those needs. The Council shall develop and advertise a request for proposal  
5 process and submit a written plan of action for the expenditure of juvenile sanction and  
6 prevention funds to the board of county commissioners for its approval. Upon the  
7 county's authorization, the plan shall be submitted to the Department for final approval  
8 and subsequent implementation.

9 (b) Each County Council shall ensure that appropriate intermediate dispositional  
10 options are available and shall prioritize funding for dispositions of intermediate and  
11 community-level sanctions for court-adjudicated juveniles under minimum standards  
12 adopted by the Department.

13 (c) On an ongoing basis, each County Council shall:

- 14 (1) Assess the needs of juveniles in the community, evaluate the adequacy  
15 of resources available to meet those needs, and develop or propose  
16 ways to address unmet needs.
- 17 (2) Evaluate the performance of juvenile services and programs in the  
18 community. The Council shall evaluate each funded program as a  
19 condition of continued funding.
- 20 (3) Increase public awareness of the causes of delinquency and of  
21 strategies to reduce the problem.
- 22 (4) Develop strategies to intervene and appropriately respond to and treat  
23 the needs of juveniles at risk of delinquency through appropriate risk  
24 assessment instruments.
- 25 (5) Provide funds for services for treatment, counseling, or rehabilitation  
26 for juveniles and their families. These services may include  
27 court-ordered parenting responsibility classes.
- 28 (6) Plan for the establishment of a permanent funding stream for  
29 delinquency prevention services.
- 30 (7) Develop strategies to intervene and appropriately respond to the needs  
31 of juveniles who have been associated with gang activity or who are at  
32 risk of becoming associated with gang activity.

33 (d) The Councils may examine the benefits of joint program development  
34 between counties within the same judicial district."

35 **SECTION 4. G.S. 143B-557 reads as rewritten:**

36 **"§ 143B-557. Powers and duties of the Council.**

37 The State Council shall have the following powers and duties:

- 38 (1) Advise the Department in the review of the State's juvenile justice  
39 planning, the development of the community juvenile justice councils,  
40 and the development of a formula for the distribution of funds to  
41 Juvenile Crime Prevention Councils.
- 42 (2) Advise all State agencies serving juveniles for the purpose of  
43 developing a consistent philosophy with regard to providing services  
44 to juveniles and promoting collaboration and the efficient and effective

1 delivery of services to juveniles and families through State, local, and  
2 district programs and fully address problems of collaboration across  
3 State agencies with the goal of serving juveniles.

4 (3) Review and comment on juvenile justice, delinquency prevention,  
5 gang prevention, and juvenile services grant applications prepared for  
6 submission under any federal grant program by any governmental  
7 entity of the State.

8 (4) Review the juvenile justice system's operation and prioritization of  
9 funding needs.

10 (5) Review the progress and accomplishment of State and local juvenile  
11 justice, delinquency prevention, and juvenile services projects.

12 (5a) Review the level of gang activity throughout the State and assess the  
13 progress and accomplishments of the State, and of local governments,  
14 in preventing gangs and addressing the needs of juveniles who have  
15 been identified as being associated with gang activity.

16 (6) Develop recommendations concerning the establishment of priorities  
17 and needed improvements with respect to juvenile justice, delinquency  
18 prevention, gang prevention, and juvenile services and report its  
19 recommendations to the General Assembly on or before March 1 each  
20 year.

21 (7) Review and comment on the proposed budget for the Department."

22 **SECTION 5.** The Department of Public Instruction and the Department of  
23 Juvenile Justice and Delinquency Prevention shall report to the Joint Legislative  
24 Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Joint  
25 Legislative Education Oversight Committee by December 1, 2008, on:

26 (1) The prevalence of school violence and gang activity;

27 (2) The use of Department Juvenile Crime Prevention Council programs  
28 for out-of-school suspension alternative learning programs for  
29 students who are identified as being associated with gangs;

30 (3) Current programs that are designed to educate school personnel and  
31 parents on signs that a student may be involved or associated with a  
32 gang;

33 (4) Effective practices for reducing school violence and gang activity that  
34 have been successfully implemented in other states; and

35 (5) Any findings and recommendations, including any proposed  
36 legislation, for further implementation and coordination between the  
37 Department of Juvenile Justice and Delinquency Prevention and the  
38 Department of Public Instruction to address issues related  
39 to prevention and intervention of youth gang activity.

40 **SECTION 6.** The Department of Crime Control and Public Safety shall  
41 report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice  
42 Oversight Committee by December 1, 2008, on the protocols and procedures used to  
43 enter identifying information of juveniles in the GangNet database system. The report  
44 shall include any recognized standards for continuing the listing of juveniles in the



1 database, the benefits if any of maintaining juvenile listings for extended periods, and  
2 any recommendations concerning the listing of juveniles in GangNet.

3 **SECTION 7.** The Governor's Crime Commission shall develop the criteria  
4 for eligibility for funds appropriated for gang prevention and intervention. The criteria  
5 shall include a matching requirement of twenty-five percent (25%), one-half of which  
6 may be in in-kind contributions, and presentation of a written plan for the services to be  
7 provided by the funds. Funds shall be available to public and private entities or agencies  
8 for juvenile and adult programs that meet the criteria established by the Governor's  
9 Crime Commission.

10 The Governor's Crime Commission shall report to the Chairs of the House of  
11 Representatives and Senate Appropriations Committees and the Chairs of the House of  
12 Representatives and Senate Appropriations Subcommittees on Justice and Public Safety  
13 by April 15, 2009, on this program. The report shall include all of the following:

- 14 (1) The grant award process.
- 15 (2) A description of each grant awarded.
- 16 (3) The performance criteria for evaluating grant programs.
- 17 (4) A list of State grants awarded in the 2008 grant cycle.

18 **SECTION 8.** Section 7 of this act becomes effective July 1, 2008. The  
19 remainder of the act is effective when it becomes law.

## MINUTES

### RULES AND OPERATIONS OF THE SENATE

JULY 10, 2008

The Committee on Rules and Operations of the Senate met on July 10, 2008 at 15 p.m. in Room 300-C. Thirteen members of the committee were present. Senator Rand presided.

#### **HOUSE BILL 2432 – STUDY/LOCAL DISASTER MGMT. CAPABILITY -**

Senator Rand asked Col. Harris to speak on House Bill 2432. Col. Harris stated that this gives the NC National Guard a second two star, Major General Position and will provide federal recognition for such.

Senator Forrester asked if it could be an Air Force General? Col. Harris stated it could be either Army or Air Force.

Senator Apodaca moved for a favorable report of the above bill and the committee gave the bill a favorable report.

#### **HOUSE BILL 2785 – CUMBERLAND ASSESSMENTS/INSTALLMENTS –**

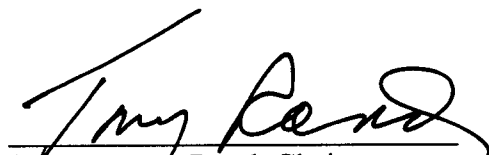
Senator Rand presented the committee with a proposed **Senate Committee Substitute** for the above bill- **State Take Cape Fear Locks/Dams 1, 2, and 3.**

Senator Apodaca moved that the Senate Committee Substitute be heard by the committee.

Senator Rand explained the bill.

Senator Brunstetter moved for a favorable report of the above bill. The committee gave the proposed **Senate Committee Substitute 2785 – State Take Cape Fear Locks/Dams 1, 2 and 3.**

The meeting adjourned at 2:00 p.m.

  
Senator Tony Rand, Chairman

  
Evelyn Costello, Committee Asst.

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

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

Thursday, July 10, 2008

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

**FAVORABLE**

H.B.(CS #1) 2432	Study/Local Disaster Mgmt. Capability.
	Sequential Referral: None
	Recommended Referral: None

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

H.B.	2785	Cumberland Assessments/Installment Payments.
		Draft Number: PCS 60550
		Sequential Referral: None
		Recommended Referral: None
		Long Title Amended: Yes

**TOTAL REPORTED: 2**

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**H**

**2**

**HOUSE BILL 2432\***  
**Committee Substitute Favorable 6/11/08**

Short Title: Study/Local Disaster Mgmt. Capability.

(Public)

---

Sponsors:

---

Referred to:

---

May 26, 2008

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, IN CONSULTATION WITH THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS, TO STUDY AND DEVELOP PLANS TO ENHANCE DISASTER MANAGEMENT CAPABILITIES AT THE COUNTY LEVEL; AND TO ALLOW THE ADJUTANT GENERAL OF THE NATIONAL GUARD TO APPOINT A DEPUTY ADJUTANT GENERAL WHO HOLDS THE RANK OF MAJOR GENERAL.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Division of Emergency Management, in consultation with the North Carolina Association of County Commissioners, shall study ways and develop plans to increase the capabilities of counties to plan for, respond to, and manage disasters at the local level. Plans developed shall include time lines for implementation and estimates of funding needs and shall address:

- (1) Mandating, if determined necessary, the establishment and maintenance of emergency management agencies at the county level.
- (2) Increasing the number of counties employing full-time emergency management coordinators, such that every county in the State, either individually or pursuant to a joint undertaking between two or more counties, has a full-time local emergency management coordinator available.
- (3) Implementing an emergency management certification requirement for all local emergency management coordinators and other essential local emergency management personnel.
- (4) Developing a model registry for use by the counties in identifying functionally and medically fragile persons in need of assistance during a disaster and in allocating resources to meet those needs.
- (5) Establishing a registry program for functionally and medically fragile persons in all counties.

1           **SECTION 2.** The Division of Emergency Management shall report the  
2 results of its study and provide the plans developed to the Chairs of the Joint Select  
3 Committee on Emergency Preparedness and Disaster Management Recovery and the  
4 House of Representatives and Senate Appropriations Subcommittees on Natural and  
5 Economic Resources no later than December 1, 2008.

6           **SECTION 3.** G.S. 127A-19 reads as rewritten:  
7 **"§ 127A-19. Adjutant General.**

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

16       Subject to the approval of the Governor and in consultation with the Secretary,  
17 Department of Crime Control and Public Safety, the Adjutant General may appoint (i) a  
18 deputy adjutant general for Army National Guard, who may hold the rank of major  
19 general, and (ii) an assistant adjutant general for Army National Guard, and an assistant  
20 adjutant general for Air National Guard, each of whom may hold the rank of brigadier  
21 general and who shall serve at the pleasure of the Governor. The Adjutant General may  
22 also employ such staff members and other personnel as may be authorized by the  
23 Secretary and funded."

24           **SECTION 4.** This act is effective when it becomes law.

May 21, 2008

**H 2432. STUDY/LOCAL DISASTER MGMT. CAPABILITY (=S 1775).** Filed 5/21/08. *TO DIRECT THE NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, IN CONSULTATION WITH THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS, TO STUDY AND DEVELOP PLANS TO ENHANCE DISASTER MANAGEMENT CAPABILITIES AT THE COUNTY LEVEL.*

Identical to S 1775, filed 5/20/08.

**Intro. by Martin, Glazier, McComas,  
Wainwright.**

**STUDY**

June 11, 2008

**H 2432. STUDY/LOCAL DISASTER MGMT. CAPABILITY.** Filed 5/21/08. House committee substitute makes the following changes to 1st edition. Amends GS 127A-19 to amend those that the Adjutant General may appoint, subject to the approval of the Governor and in consultation with the Secretary, Department of Crime Control and Public Safety, to include a deputy adjutant general, who may hold the rank of major general (was, a deputy adjutant general for Army National Guard). Makes a conforming title change.

HB 2432

NATIONAL GUARD 2 STAR GENERAL - ~~SECRET~~

Section 3, that modifies GS 127A-19, will provide for the Deputy Adjutant General to hold a rank up to Major General. Currently, the language limits the rank for the Deputy Adjutant General to Brigadier General. Talking points for the change:

- The federal government has given the NC National Guard a second two-star, Major General, position and will provide federal recognition for such. This allowance for federal recognition for the Deputy Adjutant General has been given to only 16 states and recognizes the size of the NC National Guard and the breadth of missions and responsibilities the NC National Guard has both at home and abroad.
- Today, the only restriction that precludes us from using this second two-star position is the fact that the state statutes limit the Deputy Adjutant General position to a one-star.
- This change to statute has zero fiscal effect on the state.
- This change does not affect the selection process for general officers within the state. Selections must still be done with the approval of the Governor and in consultation with the Secretary, Crime Control and Public Safety.

Col. Harris is here

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

2

**HOUSE BILL 2785\***  
**Corrected Copy 6/11/08**

Short Title: Cumberland Assessments/Installment Payments. (Local)

Sponsors: Representatives Glazier, Dickson, Lucas, Brisson (Primary Sponsors); and  
McAllister.

Referred to: Local Government I, if favorable, Finance.

May 29, 2008

A BILL TO BE ENTITLED  
AN ACT RELATING TO THE PAYMENT OF ASSESSMENTS IN FULL OR BY  
INSTALLMENTS IN CUMBERLAND COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-199 reads as rewritten:

**"§ 153A-199. Payment of assessments in full or by installments.**

Within 30 days after the day that notice of confirmation of the assessment roll is published, each owner of assessed property shall pay his assessment in full, unless the board of commissioners has provided that assessments may be paid in annual installments. If payment by installments is permitted, any portion of an assessment not paid within the 30-day period shall be paid in annual installments. The board shall in the assessment resolution determine whether payment may be made by annual installments and set the number of installments, which may not be more than ~~40~~15. With respect to payment by installment, the board may provide

- (1) That the first installment with interest is due on the date when property taxes are due, and one installment with interest is due on the same date in each successive year until the assessment is paid in full, or
- (2) That the first installment with interest is due 60 days after the date that the assessment roll is confirmed, and one installment with interest is due on that same day in each successive year until the assessment is paid in full."

**SECTION 2.** This act applies to Cumberland County only.

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



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2007

H

D

HOUSE BILL 2785\*

Corrected Copy 6/11/08

PROPOSED SENATE COMMITTEE SUBSTITUTE H2785-CSLB-121 [v.1]

Short Title: State Take Cape Fear Locks/Dams 1, 2, and 3.

(Local)

Sponsors:

Referred to:

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE STATE TO ACQUIRE LOCKS AND DAMS ONE, TWO,  
AND THREE ON THE CAPE FEAR RIVER FROM THE UNITED STATES.

Whereas, locks and dams #1, #2, and #3 on the Cape Fear River were  
constructed by the United States in the period from 1915 to 1935; and

Whereas, it is understood that the Congress some time ago authorized a  
mission for the Army Corps of Engineers related to the locks and dams in Bladen  
County that hinged on maintaining commerce through the locks on the Cape Fear River;  
and there has been no commercial traffic on the Cape Fear River in about twelve years,  
and there may be no federal role in the maintenance of the locks and dams #2 and #3;  
and

Whereas, the Army Corps of Engineers is engaged in planning and  
implementing extensive work in the Wilmington Harbor area. The work has and will  
involve dredging, blasting, facility relocation, and related activities. In order to be  
allowed to do the work, the Army Corps of Engineers is working through a commitment  
to the U.S. Fish and Wildlife Service that involves mitigation activities to compensate  
for the projected negative environmental impacts on wildlife habitat and other  
environmental features in the harbor area as a result of the Corps' work to improve the  
harbor for commerce; and

Whereas, as part of the mitigation negotiated, the U.S. Army Corps of  
Engineers has committed to construction of a fish passage option (not yet completely  
defined) for Lock and Dam #1 (just upriver from the Wilmington Harbor area in Bladen  
County) and the "study" of fish passage options and other issues related to Lock and  
Dam #2 and the Huske Lock and Dam #3 (both also in Bladen County); and

Whereas, leaving Lock and Dam #1 in place with a rock arch rapids structure  
would also protect the water-supply intakes for the City of Wilmington and the Lower  
Cape Fear Water and Sewer Authority; and

Whereas, there is concern upriver in Bladen, Cumberland, and Harnett Counties (and to a lesser degree, Sampson, Lee, Chatham, and Moore Counties) that the Army Corps of Engineers is only committed to "study" the second and the third lock and dam complexes. An implication of the Army Corps of Engineers' "study" commitment is that there is currently no funding for any specific recommended activity for locks and dams #2 and #3 that might become identified by the negotiated study. A more basic concern is that there could possibly be no definitive plan or action recommended to leave the locks and dams #2 and #3 in place in the mentioned study; and

Whereas, the nature of the concerns in Bladen, Cumberland, Harnett, and other counties touches on at least three points: (i) a rock arch rapids "fish ladder" on only Lock and Dam #1 does not allow migrating fish to get past locks and dams #2 or #3; (ii) absence of locks and dams #2 and #3 jeopardizes existing and/or potential water supply intakes above those two locks and dams; and (iii) absence of locks and dams #2 and #3 would lower the river surface by upwards of 20 feet and potentially compromise water quality in the middle and lower subbasins of the Cape Fear River; and

Whereas, preliminary legislative steps are being initiated to create an opportunity for a smooth transition of ownership of the locks, dams, and adjoining property from the Army Corps of Engineers to the State of North Carolina, subject to the resolution of these and some other questions regarding the condition of the lock and dam complexes. Such a step would allow for the maximum utilization of the transportation benefit represented by the locks and the recreational benefit created by a river managed by the dams; and

Whereas, there is a proposed water supply intake behind Lock and Dam #2 that would serve Smithfield Packing. There are existing water supply intakes behind Lock and Dam #3 serving DuPont Works and the City of Fayetteville, and it is critical that these and other future water supply intakes be protected for the significant human populations in the region; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** The State of North Carolina may accept from the United States locks and dams #1, #2, and #3 on the Cape Fear River, along with all adjacent lands currently owned by the United States, after the three locks and dams have been properly refurbished and the rock arch rapids fish ladders have been successfully constructed.

**SECTION 2.** The Secretary of Transportation in consultation with the Board of Commissioners of Bladen County, shall negotiate the transfer from the United States. When the Secretary of Transportation reaches an acceptable agreement with the United States, he shall recommend its approval to the Council of State. The agreement is then subject to approval by the Council of State. Upon approval, as part of a successful transfer arrangement with the United States, the Council of State shall allocate the property to the Department of Transportation, the Department of Environment and Natural Resources, or such other State department as it deems appropriate.

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

# THE NEWSOBSERVER

newsobserver.com

Published: Jun 19, 2008 12:30 AM

Modified: Jun 19, 2008 06:44 AM

[MORE PHOTOS](#)

## A rapid cure for Cape Fear

### River could be haven for spawning fish if new 'ladders' added

**MIKE ZLOTNICKI, Staff Writer**  
**Comment on this story**

CAPE FEAR RIVER - Imagine 115 miles of pristine southern river, teeming with fish and other wildlife.

Modern boat ramps and recreation facilities dot the banks. Anglers from all over the country arrive each spring, hoping to catch anadromous fish -- those that live in saltwater and spawn in freshwater. That river could be the Cape Fear River, with a little funding and a lot of rock.

The Cape Fear is the longest river wholly contained in North Carolina. Three dams impede the progress of fish up the river. Adjacent locks move boat traffic around the dams, but the fish remain trapped, mostly unable to continue upstream. Removing the dams would present a particular set of problems.

Rock arch rapids could be the answer, and a series of events including recent proposed legislation could restore fish to the Cape Fear.

Rock arch rapids (also called rock arch weirs) are something of an aquatic stepladder, allowing fish to swim the "face" of the dam because the face is a long gradual slope of stone. Once the fish get to the top, they simply swim over the dam to favored spawning grounds.

In March, a group of men with different backgrounds and similar goals surveyed the situation. Tim Barefoot and Doug Springer of Wilmington and Mike Ward of Raleigh met on a blustery morning and launched Barefoot's skiff in downtown Wilmington.

Barefoot, a sport fishing advocate, is affiliated with the Recreational Fishing Alliance, a national advocacy group. Springer is the Cape Fear River Keeper and also runs eco-tours. Ward is a sport angler and sometimes angling lobbyist. They picked up U.S. Fish and Wildlife Service biologist Mike Wicker at Lock and Dam No. 1 -- about 39 miles upstream of Wilmington.

"It's been pretty well determined that [Lock and Dam Nos. 1 and 3] are needed," Wicker said, referring to the lock and dam numbers, as Barefoot eased his boat into the lock for passage upriver. "[No. 1] for Wilmington and [No. 3] for Fayetteville."

One problem in removing the dams is that the municipalities get their drinking water from behind the dams.

The locks and dams were first constructed in 1916 and used heavily for commercial boat traffic. Trains and trucks gradually diminished that. Now, the locks serve mostly recreational boaters and few of those.

"I may have none today, five or six tomorrow or none for a week," said Robin Hall, an Army Corps of Engineers employee who works the lock. It took about seven minutes for the lock to fill and then giant gates opened. In the spring, Hall "locks" through shad and striped bass, but very



This weathered fish ladder is inadequate for allowing fish access over a dam on the Cape Fear River.

Photos by Mike Zlotnicki

few make it past No. 3.

"If the striper fishing comes back, it could be as good as the Roanoke," said Wicker, referring to the Roanoke River, which has seen a resurgence of striped bass that draws anglers from all over the country. "Above each lock and dam you have about 20 miles of river not being utilized. The most important stretch of river [for spawning fish] is above Lock and Dam No. 3. It has better dissolved oxygen content plus rock gravel bottoms."

Wicker said it would be cheaper to remove the dams, but water supply and quality concerns and other factors rule that out. The cost of a rock arch rapid at Lock and Dam No. 1 would be about \$7 million.

Wicker provided documents that stated the river should support a population of 2 million striped bass (there are currently about 10,000), 5,000 Atlantic sturgeon and 25,000 short-nosed sturgeon (about 100 currently). In addition, 3 million pounds of American shad is possible instead of the current estimate of 200,000 pounds, and 12 million pounds of river herring instead of the 1,000 pounds currently served.

A boon in Cape Fear River populations also would benefit the saltwater species of the southern coast, as many of the fry and smaller species would be prey items for red drum, speckled trout, tarpon and other species.

As the crew headed upriver, a flock of wild turkeys foraged a rock throw away. Noisy kingfishers kept pace with the boat, and around one bend soldiers from Fort Bragg held maneuvers in armed boats. The group thanked the soldiers for their service as they motored past. The day ended at Lock and Dam No. 3, where the group met with Rep. Margaret Dickson, a Cumberland County Democrat, and Roger Sheats of the Cape Fear River Assembly. They discussed river issues before departing.

Dickson has introduced House Bill 1813 to allow the state to acquire all three locks and dams.

From her office in Fayetteville, Dickson explained her interest in the river and the bill.

"There are two main points to the bill," she said. "The first is that the water level remain stable and dependable for thousands of people who depend on the river; and an economic development opportunity to develop a recreational fishery on the river like there is on the Roanoke River. We want the Feds to bring them [the locks] up to speed and turn them over to us. Our economy is not the same as it was in the 20th century. Developing many economies is something we need to do, and recreational fishing is one of them in a lower wealth part of the state."

And there's hope for the fish.

Wicker said the corps is already on the hook to provide fish passage at Lock and Dam No. 1 because of previously agreed upon mitigation relative to the Wilmington Harbor Deepening Project. He also said that the North Carolina State Ports Authority would like to build a turning basin for large ships upstream of Wilmington on the Northeast Cape Fear River. The mitigation of the project, which would be in a primary nursery area, would pay for upgrading all of one of the remaining dams and a portion of the other.

"We would be willing to contribute monies toward that effort," he said.

The hold-up?

"It's a bureaucratic process," Wicker said. "The obvious is not easy to grasp sometimes. It's such an opportunity to have something nice with very little effort."

After the trip, Springer recalled his vision for the river.

"If we get the ladders in place, and North Carolina picks up the locks and dams, the river could be considered a state or national park," he said. "Overnight, we could create a 100-mile park. It could be our Yosemite with gateways on both ends."

But first, the fish need some ladders.

**All rights reserved. This copyrighted material may not be published, broadcast or redistributed in any manner.**

© Copyright 2008, The News & Observer Publishing Company

A subsidiary of The McClatchy Company

MINUTES

RULES AND OPERATIONS OF THE SENATE

JULY 16, 2008

The Committee on Rules and Operations of the Senate met on July 16, 2008 at Senator Rand's Chamber Desk in the Senate at 4:15 p.m. Fourteen members of the Rules and Operations of the Senate Committee were present.

**HOUSE COMMITTEE SUBSTITUTE 2788 – 2008 – APPOINTMENTS BILL.**


Senator Rand presented the committee with a proposed Senate Committee Substitute for House Committee Substitute for House Bill B 2788 – 2008 – Appointments Bill.

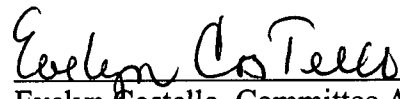
Senator Dalton moved for the adoption of the proposed Senate Committee Substitute.

Senator Rand explained that this was the 2008 Appointment Bill sent over from the House.

Senator Brock moved for a favorable report for the Senate Committee Substitute for House Committee Substitute for House Bill 2788 – 2008 Appointments Bill..

The committee gave the proposed Senate Committee Substitute for House Bill 2788 - 2008 Appointments Bill a favorable report.

  
\_\_\_\_\_  
Senator Tony Rand, Chairman

  
\_\_\_\_\_  
Evelyn Costello, Committee Assistant

**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE**

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

Wednesday, July 16, 2008

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**

<b>H.B.(CS #1) 2788</b>	2008 Appointments Bill.	
	Draft Number:	PCS 80647
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

**TOTAL REPORTED: 1**

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

D

**HOUSE BILL 2788**  
**Committee Substitute Favorable 7/14/08**  
**PROPOSED SENATE COMMITTEE SUBSTITUTE H2788-PCS80647-LG-43**

Short Title: 2008 Appointments Bill.

(Public)

Sponsors:

Referred to:

June 2, 2008

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.

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 the 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.** Daniel Gonzalez of Buncombe County and Karen S. Velasquez of Wake County are appointed to the Acupuncture Licensing Board for terms expiring on June 30, 2011.

**SECTION 1.2.** Peter T. Daniel of Wake County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2011.

**SECTION 1.3.** Donald S. Johnson of Franklin County is appointed to the North Carolina Appraisal Board for a term expiring on June 30, 2011.

**SECTION 1.4.** The Honorable Leslie J. Winner of Mecklenburg County is appointed to the Board of Directors of the North Carolina Arboretum for a term expiring on June 30, 2012.

**SECTION 1.5.** Effective August 1, 2008, Dr. Bruce Vukoson of Chatham County, Ricky L. Parker, Ed.D., of Davidson County, and David M. Mills of Wake County are appointed to the North Carolina Board of Athletic Trainer Examiners for terms expiring on July 31, 2011.



1           **SECTION 1.6.** Robert W. Seligson of Wake County is appointed to the  
2 Centennial Authority for a term expiring on June 30, 2012.

3           **SECTION 1.7.** Linda S. Suggs of Wake County is appointed to the North  
4 Carolina Center for the Advancement of Teaching Board of Trustees for a term expiring  
5 on June 30, 2009, to fill the unexpired term of Sheryn Northey Waterman.

6           **SECTION 1.8.** Lynn K. Policastro of Wake County is appointed to the Child  
7 Care Commission for a term expiring on June 30, 2010.

8           **SECTION 1.9.** C. Lorance "Rance" Henderson of Burke County and Kevin  
9 W. Markham of Wake County are appointed to the Clean Water Management Trust  
10 Fund Board of Trustees for terms expiring on July 1, 2012.

11           **SECTION 1.10.** Malcolm I. "Butch" Heyworth of Mecklenburg County and  
12 Victor N. Shaw of Union County are appointed to the North Carolina Code Officials  
13 Qualification Board for terms expiring on July 1, 2012.

14           **SECTION 1.11.** Brenda Burgin Ross of Forsyth County is appointed to the  
15 North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2011.

16           **SECTION 1.12.** Effective September 1, 2008, Jo M. Liles of Hertford  
17 County, Julia B. Freeman of Haywood County, Representative Marian N. McLawhorn  
18 of Pitt County, Sheriff Richard H. Webster of Chatham County, Tammy Drew of  
19 Durham County, Jill Dinwiddie of Mecklenburg County, and Lorraine Tweed of Moore  
20 County are appointed to the Domestic Violence Commission for terms expiring on  
21 August 31, 2010.

22           **SECTION 1.13.** If House Bill 2436, 2007 Regular Session, becomes law,  
23 then Arnold Dennis of Durham County, Bennie Walker of Forsyth County, Dr. David  
24 B. Strahan of Haywood County, Patrice A. High of Halifax County, and Peggy T. Vick  
25 of Cumberland County are appointed to the Committee on Dropout Prevention for terms  
26 expiring on December 31, 2010.

27           **SECTION 1.14.** Effective December 1, 2008, H. Eugene Miller, Jr., of New  
28 Hanover County is appointed to the Economic Investment Committee for a term  
29 expiring on November 30, 2010.

30           **SECTION 1.15.** Effective January 1, 2008, Representative William L.  
31 Wainwright of Craven County is appointed to the North Carolina Emergency Medical  
32 Services Advisory Council for a term expiring on December 31, 2010.

33           **SECTION 1.16.** Effective January 1, 2009, the Honorable Foyle Hightower,  
34 Jr., of Anson County is appointed to the e-NC Authority Commission for a term  
35 expiring on December 31, 2011.

36           **SECTION 1.17.** Donnie W. Brewer of Pitt County is appointed to the  
37 Environmental Management Commission for a term expiring on June 30, 2010.

38           **SECTION 1.18.** Effective January 1, 2009, Elizabeth Webber of Orange  
39 County is appointed to the North Carolina Board of Funeral Service for a term expiring  
40 on December 31, 2011.

41           **SECTION 1.19.** Theodore "Ted" W. Triebel of Orange County is appointed  
42 to the North Carolina Home Inspector Licensure Board for a term expiring on July 1,  
43 2011, to fill the unexpired term of Terry B. Todd.

1           **SECTION 1.20.** Tonia W. Scott of Wake County is appointed to the North  
2 Carolina Housing Partnership for a term expiring on August 31, 2009, to fill the  
3 unexpired term of Lillie M. Brown-Doggett.

4           **SECTION 1.21.** Ray Littleturtle of Robeson County is appointed to the  
5 North Carolina State Commission of Indian Affairs for a term expiring on June 30,  
6 2010.

7           **SECTION 1.22.** Effective September 1, 2008, Richard A. Rosen of Orange  
8 County is appointed to the Commission on Indigent Defense Services for a term  
9 expiring on August 31, 2012.

10           **SECTION 1.23.** Danette Steelman-Bridges of Burke County, Robert P.  
11 Taylor of Cumberland County, and Valerie D. McMillan of Wilson County are  
12 appointed to the North Carolina Interpreter and Transliterator Licensing Board for terms  
13 expiring on June 30, 2011.

14           **SECTION 1.24.** Effective January 1, 2009, Ginny D. Williams of Beaufort  
15 County, Jens Saakvitne of Forsyth County, John C. Moskop, Ph.D., of Pitt County, and  
16 Judith B. Brunger of Wake County are appointed to the License to Give Trust Fund  
17 Commission for terms expiring on December 31, 2010.

18           **SECTION 1.25.** Effective January 1, 2009, T. Alan Boone of Watauga  
19 County is appointed to the North Carolina Locksmith Licensing Board for a term  
20 expiring on December 31, 2011.

21           **SECTION 1.26.** Effective September 1, 2008, Dr. Edward B. Fort of  
22 Guilford County is appointed to the North Carolina State Lottery Commission for a  
23 term expiring on August 31, 2013.

24           **SECTION 1.27.** Don Trobaugh of Guilford County is appointed to the  
25 Commission for Mental Health, Developmental Disabilities, and Substance Abuse  
26 Services for a term expiring on June 30, 2011.

27           **SECTION 1.28.** The Honorable Frederick L. Yates of Perquimans County,  
28 Steven Elliott Howell of Northampton County, and Frank B. "Bo" Lewis of Beaufort  
29 County are appointed to North Carolina's Northeast Commission for terms expiring on  
30 June 30, 2010.

31           **SECTION 1.29.** Tina C. Gordon of Wake County is appointed to the North  
32 Carolina Nursing Scholars Commission for a term expiring on June 30, 2011, to fill the  
33 unexpired term of Connie Moore Corey.

34           **SECTION 1.30.** Jeffrey A. Knight of Union County is appointed to the  
35 North Carolina On-Site Wastewater Contractors and Inspections Certification Board for  
36 a term expiring on July 1, 2011, to fill the unexpired term of Ralph Hollowell.

37           **SECTION 1.31.(a)** Edward W. Wood of New Hanover County is appointed  
38 to the North Carolina Parks and Recreation Authority for a term expiring on July 1,  
39 2009.

40           **SECTION 1.31.(b)** C. Michael Allen, Ph.D., of Mecklenburg County is  
41 appointed to the North Carolina Parks and Recreation Authority for a term expiring on  
42 July 1, 2011.

43           **SECTION 1.32.** Effective January 1, 2009, Clifton H. Smith of Lincoln  
44 County, Derek D. Kelly of Davidson County, the Reverend James R. Horton of Martin

County, Robert M. Shinn of Cabarrus County, and Sue Russell of Orange County are appointed to the Board of Directors of the North Carolina Partnership for Children, Inc., for terms expiring on December 31, 2011.

**SECTION 1.33.** Jeffrey Starkweather of Chatham County is appointed to the North Carolina Petroleum Underground Storage Tank Funds Council for a term expiring on June 30, 2009, to fill the unexpired term of Thomas S. Blue.

**SECTION 1.34.** James C. Stevens of Carteret County is appointed to the Private Protective Service Board for a term expiring on June 30, 2011.

**SECTION 1.35.** Melvin L. "Skip" Alston of Guilford County is appointed to the North Carolina Real Estate Commission for a term expiring on June 30, 2011.

**SECTION 1.36.** Joseph M. Bryan, Jr., of Guilford County, Saint Clair Basnight of Dare County, and Malcolm K. Fearing, III, of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2010.

**SECTION 1.37.** Curtis B. Venable of Buncombe County and the Honorable John B. Lewis Jr., of Pitt County are appointed to the Rules Review Commission for terms expiring on June 30, 2010.

**SECTION 1.38.** Effective September 1, 2008, Steve O. Hunt of Catawba County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on August 31, 2010.

**SECTION 1.39.(a)** Effective January 1, 2008, Sondra Dickens of Northampton County and Patrick Barnes of Chatham County are appointed to the North Carolina Small Business Contractor Authority for terms expiring on December 31, 2010.

**SECTION 1.39.(b)** Effective January 1, 2008, Jeff D. Talbot of Watauga County and Spencer Thompson of Mecklenburg County are appointed to the North Carolina Small Business Contractor Authority for terms expiring on December 31, 2011.

**SECTION 1.40.** Bryan S. Evans of Pitt County is appointed to the North Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2011.

**SECTION 1.41.** John Marvin Thompson of Wake County is appointed to the State Building Commission for a term expiring on June 30, 2011.

**SECTION 1.42.** Effective January 1, 2009, William P. Pope of Iredell County is appointed to the State Ethics Commission for a term expiring on December 31, 2012.

**SECTION 1.43.** Garry W. Cooper of Pamlico County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2010, to fill the unexpired term of John Wayne Strowd, Jr.

**SECTION 1.44.** Jeff D. Etheridge, Jr., of Columbus County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2010.

**SECTION 1.45.(a)** John E. Hammond, Ph.D., of Chatham County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2009, to fill the unexpired term of Lacey P. Barnes.

1           **SECTION 1.45.(b)** D. Steven Beam of Mecklenburg County and Linda  
2 Rouse Sutton of Lenoir County are appointed to the Board of Trustees of the Teachers'  
3 and State Employees' Comprehensive Major Medical Plan for terms expiring on June  
4 30, 2010.

5           **SECTION 1.46.** Alice Andrews Joyce of Orange County is appointed to the  
6 North Carolina Teaching Fellows Commission for a term expiring on June 30, 2012.

7           **SECTION 1.47.** Effective January 14, 2009, Representative Drew Saunders  
8 of Mecklenburg County is appointed to the North Carolina Turnpike Authority for a  
9 term expiring on January 14, 2013.

10          **SECTION 1.48.** Effective January 1, 2009, Representative E. Nelson Cole  
11 of Rockingham County and Representative Lucy T. Allen of Franklin County are  
12 appointed to the Virginia-North Carolina High-Speed Rail Compact Commission for  
13 terms expiring on December 31, 2010.

14  
15 **PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS**

16          **SECTION 2.1.** Courtney Brown of Iredell County and J. Richard Lee of  
17 Wake County are appointed to the Alarm Systems Licensing Board for terms expiring  
18 on June 30, 2011.

19          **SECTION 2.2.** Michael Leonard of Forsyth County is appointed to the  
20 Board of Directors of the North Carolina Arboretum for a term expiring on June 30,  
21 2012.

22          **SECTION 2.3.** Dr. Roy Alan Majors of Mecklenburg County is appointed to  
23 the North Carolina Board of Athletic Trainer Examiners for a term expiring on June 30,  
24 2011.

25          **SECTION 2.4.** Dennis Walters of Cumberland County is appointed to the  
26 North Carolina Capital Facilities Finance Agency Board of Directors for a term expiring  
27 on March 1, 2012.

28          **SECTION 2.5.** Margaret Anne Biddle of Wake County and Lorrie Looper of  
29 Watauga County are appointed to the Child Care Commission for a term expiring on  
30 June 30, 2010.

31          **SECTION 2.6.** Jim Conrad of Forsyth County is appointed to the North  
32 Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2010.

33          **SECTION 2.7.** Dr. Joye Willcox of Wake County is appointed to the North  
34 Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2011.

35          **SECTION 2.8.** J. Anderson Little of Orange County is appointed to the  
36 Dispute Resolution Commission for a term expiring on June 30, 2011.

37          **SECTION 2.9.** Effective September 1, 2008, Senator Doug Berger of  
38 Franklin County, Valerie Asbell of Hertford County, John H. Guard of Pitt County, The  
39 Honorable J. Thomas Davis of Rutherford County, and David Badger of Cherokee  
40 County are appointed to the Domestic Violence Commission for terms expiring on  
41 August 31, 2010.

42          **SECTION 2.10.** If House Bill 2436, 2007 Regular Session, becomes law,  
43 then Patsy Ray of Cumberland County, Dean Zoe Locklear of Robeson County, Lisa  
44 Daye of McDowell County, Bill Farmer of Mecklenburg County, and Margaret Ellis of

Vance County are appointed to the Committee on Dropout Prevention for terms expiring on December 31, 2010.

**SECTION 2.11.** Effective September 1, 2008, Margaret Wingate of Mecklenburg County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2011.

**SECTION 2.12.** Dr. Steven Landau of Johnston County is appointed to the North Carolina Emergency Medical Services Advisory Council for a term expiring on June 30, 2012.

**SECTION 2.13.** Effective January 1, 2009, George Parrott of Wake County is appointed to the North Carolina Board of Funeral Service for a term expiring on December 31, 2011.

**SECTION 2.14.** Effective September 1, 2008, Ted Alexander of Cleveland County, Sallie Surface of Northampton County, Jeanne Tedrow of Wake County, Rita Thuout of Gaston County, and Tom Smith of Wake County are appointed to the North Carolina Housing Partnership for terms expiring on August 31, 2011.

**SECTION 2.15.** Effective September 1, 2008, Sean P. Devereux of Buncombe County is appointed to the Commission on Indigent Defense Services for a term expiring on August 31, 2012.

**SECTION 2.16.** James L. Pittman of Robeson County is appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for a term expiring on June 30, 2011.

**SECTION 2.17.** Walt Israel of Gaston County and Cynthia Tart of Brunswick County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on July 1, 2011.

**SECTION 2.18.** Richard Allen of Anson County and Ronald Burris of Stanley County are appointed to the Private Protective Services Board for terms expiring on June 30, 2011.

**SECTION 2.19.** Ray West of Chatham County is appointed to the North Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2011.

**SECTION 2.20.** Marsha Jordan of Lincoln County is appointed to the North Carolina Real Estate Commission for a term expiring on June 30, 2011.

**SECTION 2.21.** Elmer Midgette of Dare County, William Kealy of Dare County, and Joanne Williams of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2010.

**SECTION 2.22.** Bruce Beasley of Wilson County is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term expiring on June 30, 2009, to fill the unexpired term of David C. Smith.

**SECTION 2.23.** Kirk Alan Preiss of Wake County is appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2009.

**SECTION 2.24.** Edward Hearn of Wake County is appointed to the North Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2011.

**SECTION 2.25.** Stephen Criscenzo of Wake County is appointed to the State Building Commission for a term expiring on June 30, 2011.

1           **SECTION 2.26.** Effective September 1, 2008, Norwood Clark of Wake  
2 County is appointed to the North Carolina State Lottery Commission for a term expiring  
3 on August 31, 2013.

4           **SECTION 2.27.** Laura Wilson of New Hanover County is appointed to the  
5 North Carolina State Ports Authority for a term expiring on June 30, 2010.

6           **SECTION 2.28.** Pam Silberman of Durham County, Marion Sullivan of  
7 Orange County, and Dr. Charles Hayek of Cleveland County are appointed to the Board  
8 of Trustees of the Teachers ' and State Employees' Comprehensive Major Medical Plan  
9 for terms expiring on June 30, 2010.

10           **SECTION 2.29.** Lonnie Beam of Gaston County is appointed to the North  
11 Carolina Teaching Fellows Commission for a term expiring on June 30, 2012.

12           **SECTION 2.30.** Chris Dickey of Cherokee County and A.M. "Buck"  
13 Demarest of Wake County are appointed to the Well Contractors Certification  
14 Commission for terms expiring on June 30, 2011.

15  
16 **PART III. EFFECTIVE DATE.**

17           **SECTION 3.1.** The headings to the parts and sections of this act are a  
18 convenience to the reader and are for reference only.

19           **SECTION 3.2.** Unless otherwise specified, all appointments made by this  
20 act are for terms to begin upon ratification of this act.

21           **SECTION 3.3.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**H**

**2**

**HOUSE BILL 2788**  
**Committee Substitute Favorable 7/14/08**

Short Title: 2008 Appointments Bill.

(Public)

---

Sponsors:

---

Referred to:

---

June 2, 2008

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE  
3 RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF  
4 REPRESENTATIVES.

5           Whereas, G.S. 120-121 authorizes the General Assembly to make certain  
6 appointments to public offices upon the recommendation of the Speaker of the House of  
7 Representatives; and

8           Whereas, the Speaker of the House of Representatives has made  
9 recommendations; Now, therefore,  
10 The General Assembly of North Carolina enacts:

11  
12 **PART I. SPEAKER'S RECOMMENDATIONS.**

13           **SECTION 1.1.** Daniel Gonzalez of Buncombe County and Karen S.  
14 Velasquez of Wake County are appointed to the Acupuncture Licensing Board for terms  
15 expiring on June 30, 2011.

16           **SECTION 1.2.** Peter T. Daniel of Wake County is appointed to the North  
17 Carolina Agricultural Finance Authority for a term expiring on July 1, 2011.

18           **SECTION 1.3.** Donald S. Johnson of Franklin County is appointed to the  
19 North Carolina Appraisal Board for a term expiring on June 30, 2011.

20           **SECTION 1.4.** The Honorable Leslie J. Winner of Mecklenburg County is  
21 appointed to the Board of Directors of the North Carolina Arboretum for a term expiring  
22 on June 30, 2012.

23           **SECTION 1.5.** Effective August 1, 2008, Dr. Bruce Vukoson of Chatham  
24 County, Ricky L. Parker, Ed.D. of Davidson County, and David M. Mills of Wake  
25 County are appointed to the North Carolina Board of Athletic Trainer Examiners for  
26 terms expiring on July 31, 2011.

27           **SECTION 1.6.** Robert W. Seligson of Wake County is appointed to the  
28 Centennial Authority for a term expiring on June 30, 2012.

1           **SECTION 1.7.** Linda S. Suggs of Wake County is appointed to the North  
2 Carolina Center for the Advancement of Teaching Board of Trustees for a term expiring  
3 on June 30, 2009, to fill the unexpired term of Sheryn Northey Waterman.

4           **SECTION 1.8.** Lynn K. PolICASTRO of Wake County is appointed to the Child  
5 Care Commission for a term expiring on June 30, 2010.

6           **SECTION 1.9.** C. Lorance "Rance" Henderson of Burke County and Kevin  
7 W. Markham of Wake County are appointed to the Clean Water Management Trust  
8 Fund Board of Trustees for terms expiring on July 1, 2012.

9           **SECTION 1.10.** Malcolm I. "Butch" Heyworth of Mecklenburg County and  
10 Victor N. Shaw of Union County are appointed to the North Carolina Code Officials  
11 Qualification Board for terms expiring on July 1, 2012.

12           **SECTION 1.11.** Brenda Burgin Ross of Forsyth County is appointed to the  
13 North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2011.

14           **SECTION 1.12.** Effective September 1, 2008, Jo M. Liles of Hertford  
15 County, Julia B. Freeman of Haywood County, Representative Marian N. McLawhorn  
16 of Pitt County, Sheriff Richard H. Webster of Chatham County, Tammy Drew of  
17 Durham County, Jill Dinwiddie of Mecklenburg County, and Lorraine Tweed of Moore  
18 County are appointed to the Domestic Violence Commission for terms expiring on  
19 August 31, 2010.

20           **SECTION 1.13.** If House Bill 2436, 2007 Regular Session, becomes law,  
21 then Arnold Dennis of Durham County, Bennie Walker of Forsyth County, Dr. David  
22 B. Strahan of Haywood County, Patrice A. High of Halifax County, and Peggy T. Vick  
23 of Cumberland County are appointed to the Committee on Dropout Prevention for terms  
24 expiring on December 31, 2010.

25           **SECTION 1.14.** Effective December 1, 2008, H. Eugene Miller, Jr. of New  
26 Hanover County is appointed to the Economic Investment Committee for a term  
27 expiring on November 30, 2010.

28           **SECTION 1.15.** Effective January 1, 2008, Representative William L.  
29 Wainwright of Craven County is appointed to the North Carolina Emergency Medical  
30 Services Advisory Council for a term expiring on December 31, 2010.

31           **SECTION 1.16.** Effective January 1, 2009, the Honorable Foyle Hightower,  
32 Jr. of Anson County is appointed to the e-NC Authority Commission for a term expiring  
33 on December 31, 2011.

34           **SECTION 1.17.** Donnie W. Brewer of Pitt County is appointed to the  
35 Environmental Management Commission for a term expiring on June 30, 2010.

36           **SECTION 1.18.** Effective January 1, 2009, Elizabeth Webber of Orange  
37 County is appointed to the North Carolina Board of Funeral Service for a term expiring  
38 on December 31, 2011.

39           **SECTION 1.19.** Theodore "Ted" W. Triebel of Orange County is appointed  
40 to the North Carolina Home Inspector Licensure Board for a term expiring on July 1,  
41 2011, to fill the unexpired term of Terry B. Todd.

42           **SECTION 1.20.** Tonia W. Scott of Wake County is appointed to the North  
43 Carolina Housing Partnership for a term expiring on August 31, 2009, to fill the  
44 unexpired term of Lillie M. Brown-Doggett.



1           **SECTION 1.21.** Ray Littleturtle of Robeson County is appointed to the  
2 North Carolina State Commission of Indian Affairs for a term expiring on June 30,  
3 2010.

4           **SECTION 1.22.** Effective September 1, 2008, Richard A. Rosen of Orange  
5 County is appointed to the Commission on Indigent Defense Services for a term  
6 expiring on August 31, 2012.

7           **SECTION 1.23.** Danette Steelman-Bridges of Burke County, Robert P.  
8 Taylor of Cumberland County, and Valerie D. McMillan of Wilson County are  
9 appointed to the North Carolina Interpreter and Transliterator Licensing Board for terms  
10 expiring on June 30, 2011.

11           **SECTION 1.24.** Effective January 1, 2009, Ginny D. Williams of Beaufort  
12 County, Jens Saakvitne of Forsyth County, John C. Moskop, Ph.D. of Pitt County, and  
13 Judith B. Brunger of Wake County are appointed to the License to Give Trust Fund  
14 Commission for terms expiring on December 31, 2010.

15           **SECTION 1.25.** Effective January 1, 2009, T. Alan Boone of Watauga  
16 County is appointed to the North Carolina Locksmith Licensing Board for a term  
17 expiring on December 31, 2011.

18           **SECTION 1.26.** Effective September 1, 2008, Dr. Edward B. Fort of  
19 Guilford County is appointed to the North Carolina State Lottery Commission for a  
20 term expiring on August 31, 2013.

21           **SECTION 1.27.** Don Trobaugh of Guilford County is appointed to the  
22 Commission for Mental Health, Developmental Disabilities, and Substance Abuse  
23 Services for a term expiring on June 30, 2011.

24           **SECTION 1.28.** The Honorable Frederick L. Yates of Perquimans County,  
25 Steven Elliott Howell of Northampton County, and Frank B. "Bo" Lewis of Beaufort  
26 County are appointed to North Carolina's Northeast Commission for terms expiring on  
27 June 30, 2010.

28           **SECTION 1.29.** Tina C. Gordon of Wake County is appointed to the North  
29 Carolina Nursing Scholars Commission for a term expiring on June 30, 2011, to fill the  
30 unexpired term of Connie Moore Corey.

31           **SECTION 1.30.** Jeffrey A. Knight of Union County is appointed to the  
32 North Carolina On-Site Wastewater Contractors and Inspections Certification Board for  
33 a term expiring on July 1, 2011, to fill the unexpired term of Ralph Hollowell.

34           **SECTION 1.31.(a)** Edward W. Wood of New Hanover County is appointed  
35 to the North Carolina Parks and Recreation Authority for a term expiring on July 1,  
36 2009.

37           **SECTION 1.31.(b)** C. Michael Allen, Ph.D. of Mecklenburg County is  
38 appointed to the North Carolina Parks and Recreation Authority for a term expiring on  
39 July 1, 2011.

40           **SECTION 1.32.** Effective January 1, 2009, Clifton H. Smith of Lincoln  
41 County, Derek D. Kelly of Davidson County, the Reverend James R. Horton of Martin  
42 County, Robert M. Shinn of Cabarrus County, and Sue Russell of Orange County are  
43 appointed to the Board of Directors of the North Carolina Partnership for Children, Inc.,  
44 for terms expiring on December 31, 2011.

1           **SECTION 1.33.** Jeffrey Starkweather of Chatham County is appointed to  
2 the North Carolina Petroleum Underground Storage Tank Funds Council for a term  
3 expiring on June 30, 2009, to fill the unexpired term of Thomas S. Blue.

4           **SECTION 1.34.** James C. Stevens of Carteret County is appointed to the  
5 Private Protective Service Board for a term expiring on June 30, 2011.

6           **SECTION 1.35.** Melvin L. "Skip" Alston of Guilford County is appointed to  
7 the North Carolina Real Estate Commission for a term expiring on June 30, 2011.

8           **SECTION 1.36.** Joseph M. Bryan, Jr. of Guilford County, Saint Clair  
9 Basnight of Dare County, and Malcolm K. Fearing, III of Dare County are appointed to  
10 the Roanoke Island Commission for terms expiring on June 30, 2010.

11           **SECTION 1.37.** Curtis B. Venable of Buncombe County and the Honorable  
12 John B. Lewis Jr. of Pitt County are appointed to the Rules Review Commission for  
13 terms expiring on June 30, 2010.

14           **SECTION 1.38.** Effective September 1, 2008, Steve O. Hunt of Catawba  
15 County is appointed to the North Carolina Sheriffs' Education and Training Standards  
16 Commission for a term expiring on August 31, 2010.

17           **SECTION 1.39.(a)** Effective January 1, 2008, Sondra Dickens of  
18 Northampton County and Patrick Barnes of Chatham County are appointed to the North  
19 Carolina Small Business Contractor Authority for terms expiring on December 31,  
20 2010.

21           **SECTION 1.39.(b)** Effective January 1, 2008, Jeff D. Talbot of Watauga  
22 County and Spencer Thompson of Mecklenburg County are appointed to the North  
23 Carolina Small Business Contractor Authority for terms expiring on December 31,  
24 2011.

25           **SECTION 1.40.** Bryan S. Evans of Pitt County is appointed to the North  
26 Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2011.

27           **SECTION 1.41.** John Marvin Thompson of Wake County is appointed to  
28 the State Building Commission for a term expiring on June 30, 2011.

29           **SECTION 1.42.** Effective January 1, 2009, William P. Pope of Iredell  
30 County is appointed to the State Ethics Commission for a term expiring on December  
31 31, 2012.

32           **SECTION 1.43.** Garry W. Cooper of Pamlico County is appointed to the  
33 State Fire and Rescue Commission for a term expiring on June 30, 2010, to fill the  
34 unexpired term of John Wayne Strowd, Jr.

35           **SECTION 1.44.** Jeff D. Etheridge Jr. of Columbus County is appointed to  
36 the North Carolina State Ports Authority for a term expiring on June 30, 2010.

37           **SECTION 1.45.(a)** John E. Hammond, Ph.D. of Chatham County is  
38 appointed to the Board of Trustees of the Teachers' and State Employees'  
39 Comprehensive Major Medical Plan for a term expiring on June 30, 2009, to fill the  
40 unexpired term of Lacey P. Barnes.

41           **SECTION 1.45.(b)** D. Steven Beam of Mecklenburg County and Linda  
42 Rouse Sutton of Lenoir County are appointed to the Board of Trustees of the Teachers'  
43 and State Employees' Comprehensive Major Medical Plan for terms expiring on June  
44 30, 2010.

1           **SECTION 1.46.** Alice Andrews Joyce of Orange County is appointed to the  
2 North Carolina Teaching Fellows Commission for a term expiring on June 30, 2012.

3           **SECTION 1.47.** Effective January 14, 2009, Representative Drew Saunders  
4 of Mecklenburg County is appointed to the North Carolina Turnpike Authority for a  
5 term expiring on January 14, 2013.

6           **SECTION 1.48.** Effective January 1, 2009, Representative E. Nelson Cole  
7 of Rockingham County and Representative Lucy T. Allen of Franklin County are  
8 appointed to the Virginia-North Carolina High-Speed Rail Compact Commission for  
9 terms expiring on December 31, 2010.

10  
11 **PART II. EFFECTIVE DATE.**

12           **SECTION 2.1.** The headings to the parts and sections of this act are a  
13 convenience to the reader and are for reference only.

14           **SECTION 2.2.** Unless otherwise specified, all appointments made by this  
15 act are for terms to begin when this act becomes law.

16           **SECTION 2.3.** This act is effective when it becomes law.

## MINUTES

### RULES AND OPERATIONS OF THE SENATE

JULY 18, 2008

The Committee on Rules and Operations of the Senate met at 11:00 a.m. on Friday, July 18, 2008 at Senator Rand's Senate Chamber Desk. Eighteen members of the committee were present.

#### **HOUSE BILL 2431 – EMERGENCY PREPAREDNESS STUDY**

Senator Rand presented the committee with a proposed Senate Committee Substitute for House Bill 2431– Emergency Preparedness Study.

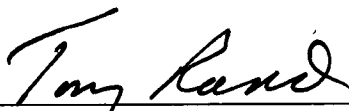
Senator Hoyle moved for the adoption of the proposed **Senate Committee Substitute – for House Bill 2431 – Studies Act of 2008.**


Senator Rand explained the bill and the studies contained therein.

Senator Weinstein moved for a favorable report for the proposed Senate Committee Substitute for H.B. 2431 – Studies Act of 2008.

The committee 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**

Friday, July 18, 2008

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

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

H.B.	<b>2431</b>	Emergency Preparedness Study.	
		Draft Number:	PCS 51074
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

**TOTAL REPORTED: 1**

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

1

HOUSE BILL 2431\*

Short Title: Emergency Preparedness Study.

(Public)

Sponsors: Representatives Martin, Glazier, McComas, Wainwright (Primary Sponsors); Barnhart, Coleman, Daughtry, Harrison, Justice, Kiser, Lucas, Pate, Rapp, Tarleton, Tillis, Underhill, Weiss, West, Williams, and Wray.

Referred to: Homeland Security, Military, and Veterans Affairs.

May 26, 2008

A BILL TO BE ENTITLED

AN ACT TO CONTINUE THE JOINT LEGISLATIVE STUDY COMMITTEE ON  
EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT  
RECOVERY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Select Committee on Emergency Preparedness and Disaster Management Recovery is established. The Committee consists of 30 members, 15 of whom are appointed by the President Pro Tempore of the Senate and 15 of whom are appointed by the Speaker of the House of Representatives. A Cochair or other member of the Committee continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment. Members serve at the pleasure of the appointing officer. The Committee is authorized to meet during the session and, pursuant to G.S. 120-19.6, is authorized to meet between sessions and during recesses of the General Assembly.

**SECTION 2.** The Committee shall study issues related to emergency preparedness and disaster management recovery, including:

- (1) Whether the State building code sufficiently addresses issues related to commercial and residential construction in hurricane and flood prone areas.
- (2) The public health infrastructure in place to respond to natural and nonnatural disasters, including pandemic flu preparation and response. A study of the pandemic flu preparation and response should include an assessment of potential threat; funding and mechanisms needed to produce and distribute a vaccine for the avian flu; review of quarantine and isolation laws and processes; coordination issues for local and State public health officials; coordination between State departments of public health, crime control and public safety, and agriculture;

1 establishment of public education infrastructure for any necessary  
2 emergency vaccination program; assessment of needs of public health  
3 infrastructure; and hospital capacity to respond.

4 (3) Hurricane preparedness, evacuation, and response.

5 (4) Energy security, including: identifying the State's energy profile;  
6 determining the State's essential energy facilities and their  
7 connections; evaluating potential threats and the possible  
8 consequences of disruptive events; reviewing long-term strategies;  
9 outlining strategies for communication to the media and public;  
10 offering response options for each type of emergency; identifying the  
11 response measures and options that industry and government can take;  
12 coordinating local, State, and federal level issues; ensuring protection  
13 from cyber attack of computer control systems; and monitoring of  
14 State's energy supply.

15 (5) Bioterrorism preparedness and response.

16 (6) Flood and natural disaster preparation and response.

17 (7) Any other topic the Committee believes is related to its purpose.

18 **SECTION 3.** The Committee shall meet upon the call of its House and  
19 Senate Cochairs. A quorum of the Committee shall be a majority of its members. The  
20 Committee may be organized into Subcommittees in order to facilitate discussion and to  
21 develop recommendations on the several important specialized issues for statewide  
22 consideration.

23 **SECTION 4.** The Committee, while in discharge of its official duties, may  
24 exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of  
25 the General Statutes. The Committee may contract for professional, clerical, or  
26 consultant services as provided by G.S. 120-32.02.

27 **SECTION 5.** Members of the Committee shall receive per diem,  
28 subsistence, and travel allowance as provided in G.S. 120-3.1. The expenses of the  
29 Committee shall be considered expenses incurred for the joint operation of the General  
30 Assembly. Individual expenses of five thousand dollars (\$5,000) or less, including per  
31 diem, travel, and subsistence expenses of members of the Committee, and clerical  
32 expenses shall be paid upon the authorization of a Cochair of the Committee.  
33 Individual expenses in excess of five thousand dollars (\$5,000) shall be paid upon the  
34 written approval of the President Pro Tempore of the Senate and the Speaker of the  
35 House of Representatives. All expenses of the Committee shall be paid from the  
36 Legislative Services Commission's Reserve for Studies.

37 **SECTION 6.** The Legislative Services Officer shall assign professional and  
38 clerical staff to assist the Committee in its work. The House of Representatives' and the  
39 Senate's Directors of Legislative Assistants shall assign clerical support staff to the  
40 Committee. The Committee may meet at various locations around the State in order to  
41 promote greater public participation in its deliberations. The Legislative Services  
42 Commission shall grant adequate meeting space to the Committee in the State  
43 Legislative Building or the Legislative Office Building.

1           **SECTION 7.** The Committee may submit an interim report on the results of  
2 its study, including any proposed legislation, at any time. The Committee shall submit a  
3 final report on the results of its study, including any proposed legislation, to the  
4 members of the Senate and the House of Representatives, on or before December 31,  
5 2009. The Committee shall file a copy of each Committee report with the President Pro  
6 Tempore's office, the Speaker's office, and the Legislative Library. The Committee shall  
7 terminate on December 31, 2009, or upon the filing of its final report, whichever occurs  
8 first.

9           **SECTION 8.** This act is effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**H**

**D**

**HOUSE BILL 2431\***  
**PROPOSED SENATE COMMITTEE SUBSTITUTE H2431-PCS51074-SU-94**

Short Title: Studies Act of 2008.

(Public)

Sponsors:

Referred to:

May 26, 2008

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 2008."

**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 2007 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) Criminal Law Issues:

- a. Prohibit Execution/Severe Mental Disability (H.B. 553 – Insko, Harrison)
- b. Felony Murder Rule (H.B. 787 – Earle, Harrison)
- c. Report Denial of Some Pistol Permits (H.B. 1287 – Sutton, Jeffus, Harrison)

(2) Other:

- a. Energy-Efficient State Motor Vehicle Fleet (H.B. 2720 – Thomas, Harrison, Martin)

- b. Permit/Motor Coach Companies (S.B. 285 – Swindell)
- c. State Agency Related 501(c)(3) Corporations (McComas)
- d. Educational Assistance For Minimum Wage Workers (H.B. 1550 – Blackwood, Wilkins, Johnson, Pierce)
- e. Increase Small Brewery Limits (H.B. 1630 – Harrison, Fisher, Jones, Crawford)
- f. Television Access to State Government (H.B. 2647 – Goodwin)

**SECTION 2.2.** Mandatory Boating Safety Education (H.B. 2139 – Wray, Alexander, Underhill) – The Commission may study the feasibility of implementing mandatory boating education in this State. In conducting its study, the Commission shall evaluate the feasibility of requiring all persons to satisfy boating education requirements prior to operating a motorboat or personal watercraft.

**SECTION 2.3.** Capital Murder Statute (H.B. 1526 – Bryant, Hall, Luebke, Harrison) – The Commission may study issues related to streamlining and making more cost effective the determination of whether a first degree murder case may be tried as a capital case.

**SECTION 2.4.** Homeowners Associations (H.B. 1695 – Ray, Weiss) – The Commission may study issues related to the protection and participation of homeowners in the governance of their homeowner associations, particularly as to assessments and record keeping of the associations.

**SECTION 2.5.** Youthful Offender Expunction (H.B. 898 – Bordsen) – The Commission may study issues related to expunction of youthful offenders' criminal records, and allowing the Criminal Justice Education and Training Standards Commission and the Sheriffs' Education and Training Standards Commission access to the records of expunction.

**SECTION 2.6.** Improvements in Consumer Credit Reporting Practices (S.B. 1714 – Clodfelter) – The Commission may study improvements in consumer credit reporting practices, including the means to provide that credit histories reported by businesses and other credit reporting entities that have fewer than 500 customers or accounts are included as part of customers' consumer credit reports or credit histories. In its study, the Commission may consider all of the following:

- (1) The reasons businesses and other credit reporting entities that have fewer than 500 customers or accounts are not currently included as part of customers' consumer credit reports or credit histories.
- (2) The consequences of businesses and other credit reporting entities that have fewer than 500 customers or accounts not being included as part of customers' consumer credit reports or credit histories.
- (3) The number of consumers that would benefit from the reporting of additional payment information and whether they fall into any demographic groups.
- (4) The desirability and feasibility of including every business as part of its customers' consumer credit reports.
- (5) The estimated cost of including every business as part of its customers' consumer credit reports and how to pay for the cost, if any.

(6) Any other issues the Commission considers relevant to this topic.

**SECTION 2.7.** Standards Applied in Disputed Child Custody Cases (S.B. 1880 – Clodfelter) – The Commission may study the standards applied in disputed child custody cases and the need for any modification of existing standards, including the possible adoption of a presumptive joint custody standard in some or all disputed child custody cases.

**SECTION 2.8.** Expiration of Concealed Handgun Permits (Boseman) – The Commission may study timing issues involved in renewing a concealed handgun permit, including whether there should be a time limit for sheriffs to review renewal applications so that permits do not expire before the review process is complete.

**SECTION 2.9.** Motorsports/Economic Impact (Purcell) – The Commission may study the economic impact of motorsports, including drag, motorcycle, and automotive racing, in North Carolina, with particular emphasis on Rockingham County.

**SECTION 2.10.** Self-Propelled Dredge – The Commission may study the feasibility and cost of constructing a self-propelled, submerged dredge, capable of being launched from shore and controlled remotely, to be used for purposes of removing material that interferes with navigation and for beach nourishment.

**SECTION 2.11.** Certificate of Need Process and its Impact on the Availability of Local Health Care Services (H.B. 2598 – Howard) – The Commission may study the law and process for issuing a Certificate of Need (CON) for new construction and expansion or renovation of existing health care facilities. In conducting the study, the Commission may consider the following:

- (1) The impact on rural or underserved communities of the denial of a CON to construct or expand existing health care facilities.
- (2) The legal requirements governing Department of Health and Human Services determinations on applications for CON.
- (3) Recent CON determinations made by the Department of Health and Human Services and the particular bases for the determinations.
- (4) Whether past CON determinations have adversely affected rural or underserved areas with respect to health care access by community residents.
- (5) What modifications can be made to the legal requirements governing CON determinations to mitigate the hardships to residents and health care facilities resulting from CON application denials or limitations.

**SECTION 2.12.** Impact of Smoking Prohibitions in Foster Care Homes (Purcell) – The Commission may study whether smoking prohibitions that apply to foster care homes are having an impact on the availability of foster care homes. In conducting the study, the Commission shall consider whether smoking bans are a sensible approach to protecting the health of foster care children or whether smoking bans may cause a reduction in the number of available foster care homes.

**SECTION 2.13.** For each Legislative Research Commission committee created during the 2007-2009 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

1           **SECTION 2.14.** For each of the topics the Legislative Research  
2 Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the  
3 Commission may report its findings, together with any recommended legislation, to the  
4 2009 Regular Session of the General Assembly upon its convening.

5           **SECTION 2.15.** From the funds available to the General Assembly, the  
6 Legislative Services Commission may allocate additional monies to fund the work of  
7 the Legislative Research Commission.

8  
9       **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT**  
10       **COMMITTEE STUDIES**

11  
12           **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may  
13 study the topics listed in this Part and report its findings, together with any  
14 recommended legislation, to the 2009 Regular Session of the General Assembly upon  
15 its convening.

16           **SECTION 3.2.** DNR Orders (Kinnaid) – The Committee may study "Do  
17 Not Resuscitate" (DNR) orders issued by an attending physician in the absence of a  
18 declaration for natural death.

19           **SECTION 3.3.** Regulation of Dental Laboratories – The Committee may  
20 study issues concerning the safety of dental restorations and the regulation of dental  
21 laboratories. In conducting the study, the Committee shall consider the advisability of  
22 requiring (i) at least one certified dental technician in each dental laboratory, (ii) all  
23 dental laboratories to register with the State, and (iii) written documentation of all  
24 materials included in a final restoration and the point of origin where the restoration was  
25 manufactured. The Committee may also consider the model legislation proposed by the  
26 National Association of Dental Laboratories in its deliberations.

27           **SECTION 3.4.** Electronic Health Information Management (S.B. 1802 –  
28 Malone) – The Committee may study the development of a coordinated statewide  
29 electronic health information network to facilitate the integration of health information  
30 technology into health care systems and support the timely, accurate, and secure  
31 exchange of health information. Coordinated health information management must be  
32 accomplished in consultation with representatives from potential participants, including  
33 public, private, and teaching hospitals; rural clinics; community health centers; free  
34 clinics; the Department of Health and Human Services; and health care providers'  
35 professional organizations.

36           **SECTION 3.5.** Bedding Laws – The Committee may study issues  
37 concerning bedding laws, Part 8 of Article 8 of Chapter 130A of the General Statutes,  
38 including the Bedding Law Account.

39           **SECTION 3.6.** Increase in Medical Records Copy Fees (H.B. 1361 –  
40 Wilkins, England) – The Committee may study whether after 15 years the fee initially  
41 authorized under G.S. 90-411 should be increased to more closely reflect current  
42 copying and handling costs. When considering a fee increase, the Committee shall take  
43 into account the financial impact of the fee increase on consumers and others requesting  
44 medical record copies.

**PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT  
COMMITTEE STUDIES**

**SECTION 4.1.** The Joint Legislative Transportation Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2009 Regular Session of the General Assembly upon its convening.

**SECTION 4.2.** Credit Card Acceptance by Commission Contract Agents (H.B. 2312 – Cole) – The Committee may study issues related to acceptance of credit cards, charge cards, or debit cards by commission contract agents and the Division of Motor Vehicles

**SECTION 4.3.** Wrecker Service Rules (H.B. 2789 – Cole) – The Committee may study issues related to wrecker service rules.

**SECTION 4.4.** Inland Port Compact (H.B. 2258 – Gillespie) – The Committee may study whether North Carolina should enter into a compact with the states of South Carolina and Tennessee, and the Commonwealth of Virginia, to coordinate efforts to establish an Inland Port, and any other issue related to inland ports.

**PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE  
STUDIES**

**SECTION 5.1.** The Joint Legislative Education Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2009 Regular Session of the General Assembly upon its convening.

**SECTION 5.2.** Dismissal, Demotion, or Suspension Without Pay of Noncertified School Employees (H.B. 1827 – Harrison, Jeffus, Womble) – The Committee may study the legal and policy issues regarding the dismissal, demotion, or suspension without pay of noncertified school employees and their current employment status as at-will employees. The Committee may consider whether noncertified employees should only be dismissed, demoted, or suspended without pay for just cause.

**SECTION 5.3.** Feasibility of Tuition Forgiveness and Other Incentives to Increase the Number of Social Workers in Community Mental Health in Underserved Counties in North Carolina (H.B. 2203 – Insko, Love, Glazier) – The Committee may study the feasibility of tuition forgiveness and other incentives to increase the number of social workers in community mental health in underserved counties in North Carolina. In conducting the study, the Committee may assess the feasibility of a Community Mental Health Scholars Tuition Forgiveness Program (Program) for the purpose of expanding the number of professional master's level social workers in community mental health to serve underserved counties. The Committee's study may also include (i) identifying policy or system barriers to the creation of a tuition forgiveness program or to hiring of graduates in underserved counties; (ii) recommending a structure for a tuition forgiveness program if such a program is found feasible; and (iii) recommending

1 other possible incentives to increase the number of MSW social workers providing  
2 community mental health services.

3 **SECTION 5.4.** Impacts of Raising the Compulsory Attendance Age for  
4 Public School Attendance from Sixteen to Seventeen or Eighteen (H.B. 2289 – Parmon,  
5 Bryant, Fisher, Tarleton) – The Committee, in coordination with the Department of  
6 Public Instruction, may study the impacts of raising the compulsory public school  
7 attendance age from 16 to 17 or 18. In its study, the Committee shall consider all of the  
8 following:

- 9 (1) Impacts, including fiscal impacts, that raising the compulsory school  
10 attendance age has had in states that have raised the compulsory school  
11 attendance age in the last 15 years.
- 12 (2) Conclusions that can be drawn as to the impact the compulsory school  
13 attendance age has made in the dropout and high school completion  
14 rates for states who require compulsory school attendance to ages 16,  
15 17, and 18, respectively.
- 16 (3) Best practices for working with at-risk populations of students who  
17 remain in school that have been employed in states that have raised the  
18 compulsory attendance age in the last 15 years.
- 19 (4) The fiscal impact of raising the compulsory school attendance age  
20 from 16 to 17 and 16 to 18, respectively, for each local administrative  
21 school unit in North Carolina.

## 22 **PART VI. ENVIRONMENTAL REVIEW COMMISSION STUDIES**

23 **SECTION 6.1.** The Environmental Review Commission may study the  
24 topics listed in this Part and report its findings, together with any recommended  
25 legislation, to the 2009 Regular Session of the General Assembly upon its convening.

26 **SECTION 6.2.** Costs and Benefits of the Adoption of California Motor  
27 Vehicle Emissions Standards in North Carolina (S.B. 1871 – Clodfelter; H.B. 2526 –  
28 Harrison, Martin, Samuelson, Thomas) – The Commission, in consultation with the  
29 Division of Air Quality of the Department of Environment and Natural Resources, may  
30 study the costs and benefits of the adoption of the California motor vehicle emissions  
31 standards in this State. The Commission shall determine:

- 32 (1) The projected emissions of carbon dioxide for each year through the  
33 year 2020 from motor vehicles in North Carolina if the California  
34 motor vehicle emissions standards were adopted in North Carolina, as  
35 compared to emissions of carbon dioxide projected for the same period  
36 from motor vehicles in North Carolina if the California motor vehicle  
37 emissions standards are not adopted. In making the comparison, the  
38 Commission shall factor in any reduction of emissions of carbon  
39 dioxide in North Carolina that are projected to result from the  
40 implementation of the federal emissions standards and the federal fuel  
41 efficiency standards.  
42  
43

(2) The projected increase in costs to North Carolina sellers and purchasers of new vehicles if the California motor vehicle emissions standards were adopted in North Carolina.

(3) The projected reduction in quantity and cost of fuel to North Carolina consumers if the California motor vehicle emissions standards were adopted in North Carolina as compared to the quantity and cost of fuel if the California motor vehicle emissions standards are not adopted. In making the comparison, the Commission shall determine quantity and cost of fuel during the first five years of the useful life of the vehicle and over the projected useful life of the vehicle.

For purposes of this study, the following definitions apply:

(1) "California motor vehicle emissions standards" means the functional equivalent, if implemented in this State, of the low-emission vehicle program established under the laws of the State of California as set forth in final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and promulgated under the authority of Division 26 of the California Health and Safety Code.

(2) "Federal emissions standards" means the regulations as set forth in Parts 85 and 86 of Title 40 of the Code of Federal Regulations (July 1, 2007 Edition).

(3) "Federal fuel efficiency standards" means the corporate average fuel economy (CAFE) standards, as set forth in Chapter V of Title 49 of the Code of Federal Regulations (October 1, 2007 Edition).

In conducting this study, the Commission may employ independent consultants as provided by G.S. 120-32.02 and G.S. 120-70.44. The Commission may also convene an advisory committee of interested parties to assist in the design and implementation of the study.

**SECTION 6.3.** Stormwater Permitting – The Commission may study the feasibility of implementing a stormwater management program under G.S. 143-214.7 without requiring the issuance of a State permit prior to construction. The study shall consider the potential for accepting an engineering certification that the stormwater management system complies with stormwater requirements set out in statute or in the rules of the Environmental Management Commission in place of a permit review by the Department of Environment and Natural Resources. The study shall address issues related to enforcement of stormwater requirements; the impact on stormwater programs delegated to and implemented by units of local government; consistency with federal requirements under the Clean Water Act, including limits on non-point source runoff under a Total Maximum Daily Load for impaired waters; the ability to accurately track nutrient reductions under nutrient sensitive waters strategies; implications for other environmental review processes, included related permitting programs; potential impacts on the State's ability to protect water quality and aquatic resources. The study shall also consider the costs and benefits to the property owner or developer.

1           **SECTION 6.4.** Consolidation of Environmental Regulatory Programs – The  
2 Commission may study the desirability of abolishing existing environmental regulatory  
3 programs and replacing them with a new, full-time Environmental Management  
4 Commission modeled on the Utilities Commission in order to improve efficiency,  
5 communication, and coordination within State government in the development and  
6 implementation of environmental and natural resources policy.

7           **SECTION 6.5.** Wind Permitting (H.B. 1821 – Harrison) – The Commission  
8 may study methods for implementing a State level permitting system and siting  
9 requirements for commercial-scale wind energy systems that will ensure that wind  
10 energy systems are sited in an orderly manner compatible with environmental  
11 preservation, sustainable development, and the efficient use of resources. In  
12 undertaking the study, the Commission may consider procedures for environmental  
13 review of commercial-scale wind energy systems, and standards necessary to minimize  
14 impacts in the following areas: noise, visual, environmental, sensitive habitats, wildlife,  
15 public health, safety. The Commission may form a technical advisory committee to  
16 include representatives from various stakeholder groups to assist in conducting this  
17 study.

18           **SECTION 6.6.** Hazard Disclosures in Coastal Real Estate Transactions  
19 (H.B. 1628 – Harrison) – The Commission may study issues related to hazard  
20 disclosures in coastal real estate transactions.

21           **SECTION 6.7.** Date Certain for Phase-out of Hog Lagoons (H.B. 1822 –  
22 Jones, Harrison)

23           **SECTION 6.8.** Protection of Conservation Land from Eminent Domain  
24 (Harrison)

25           **SECTION 6.9.** Recycle Plastic Bags/Alternatives to Plastic Bags (H.B. 2527  
26 – Harrison, Martin, Bryant, Justice)

27           **SECTION 6.10.** Ban on Toxic Brominated Fire Retardants (PBDEs)  
28 (Harrison) – The Commission may study, in consultation with the Child Fatality Task  
29 Force, a ban on toxic brominated fire retardants.

30           **SECTION 6.11.** Recycling Program for Fluorescent Lamps (H.B. 838 –  
31 Harrison, Fisher) – The Commission, in conjunction with the Division of Waste  
32 Management and the Division of Pollution Prevention and Environmental Assistance of  
33 the Department of Environment and Natural Resources, may study the issue of a  
34 recycling program for fluorescent lamps.

## 35 36 **PART VII. REVENUE LAWS STUDY COMMITTEE STUDIES**

37  
38           **SECTION 7.1.** The Revenue Laws Study Committee may study the topics  
39 listed in this Part and report its findings, together with any recommended legislation, to  
40 the 2009 Regular Session of the General Assembly upon its convening.

41           **SECTION 7.2.** Franchise Tax/Effect on Construction Industry (Gibson) –  
42 The Committee may study the treatment of certain liability accounts as they relate to the  
43 computation of the franchise tax capital stock, surplus, and undivided profits base of  
44 corporations in the construction industry.



**PART VIII. JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE STUDIES**

**SECTION 8.1.** The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2009 Regular Session of the General Assembly upon its convening.

**SECTION 8.2.** Expanding Access to The Department of Health and Human Services' Prescription Drug Database to Include County Sheriffs And Deputy Sheriffs (H.B. 2163 – McLawhorn; H.B. 2292 – Boylan) – The Committee may study whether, and under what circumstances, the prescription drug database maintained by the Department of Health and Human Services should be accessible to county sheriffs and deputy sheriffs.

**SECTION 8.3.** Inmate Access to Education, Training, and Work Release Programs (S.B. 1499 – Atwater) – The Committee may study methods for (i) increasing inmates' access to educational and vocational training opportunities at all State prison facilities and (ii) increasing the number of work release slots at minimum security prisons.

**PART IX. NORTH CAROLINA STUDY COMMISSION ON AGING STUDIES**

**SECTION 9.1.** The North Carolina Study Commission on Aging may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2009 Regular Session of the General Assembly upon its convening.

**SECTION 9.2.** State's Readiness to Respond to the Coming Wave of Older Adults (H.B. 2324 – Farmer-Butterfield, Pierce, Boylan) – The Commission may study the State's readiness to respond to increasing numbers of older adults residing in North Carolina. In conducting the study, the Commission may:

- (1) Identify information and resources to provide needs assessment, planning, and delivery of services and programs to current and future older adults.
- (2) Oversee the design and implementation of a Consumer Needs, Assets, and Expectations Assessment.
- (3) Oversee the design and implementation of a State and Local Awareness and Preparedness Assessment.
- (4) Identify and secure studies of related issues, such as retirement migration patterns, that impact the planning process for North Carolina's older adult population.
- (5) Oversee design and implementation of a process to strengthen State and local planning.

**PART X. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES**

**SECTION 10.1.** The Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2009 Regular Session of the General Assembly upon its convening.

**SECTION 10.2.** Study Certain Mental Health Commitment Statutes (H.B. 2202 – Insko) – The Committee may study the involuntary commitment statutes in Chapter 122C of the General Statutes, in particular G.S. 122C-263(a), to determine if an individual lawfully ordered to undergo an examination by a physician or eligible psychologist is being appropriately supervised to protect the health and safety of the individual and others during the period of the individual's examination.

**PART XI. JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE STUDIES**

**SECTION 11.1.** The Joint Legislative Commission on Seafood and Aquaculture may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2009 Regular Session of the General Assembly upon its convening.

**SECTION 11.2.** The Commission may study the feasibility of increasing the production, processing, and marketing of aquaculture products in the State. The study shall include an analysis of:

- (1) The current and potential economic impact of the aquaculture industry in the State.
- (2) The current and potential environmental impacts of the aquaculture industry in the State.
- (3) Regulatory changes that may be necessary to increase the production, processing, and marketing of aquaculture products in the State.
- (4) Programs to promote the production, processing, and marketing of aquaculture products in other states.
- (5) The desirability of establishing a State-funded shellfish hatchery.
- (6) Funding necessary to increase the production, processing, and marketing of aquaculture products in the State.

**PART XII. DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO HEARING LOSS IN OLDER ADULTS IN NORTH CAROLINA (S.B. 1644 – Malone; H.B. 2182 – Farmer-Butterfield, Boylan)**

1           **SECTION 12.1.** The Department of Health and Human Services, Division  
2 of Services for the Deaf and Hard of Hearing, shall study the impact of hearing loss on  
3 North Carolina's older adult population. The study shall examine the following:

- 4           (1) The availability of and access to qualified professionals for diagnosis  
5           and treatment.
- 6           (2) The availability of and access to hearing aid purchase assistance  
7           programs for low-income individuals.
- 8           (3) The development of an inventory of adaptive technology options  
9           available to assist older adults with hearing loss.
- 10          (4) Resources and programs available in other states.

11           **SECTION 12.2.** The Department of Health and Human Services shall  
12 present findings and recommendations to the Study Commission on Aging on or before  
13 November 1, 2009.

14  
15           **PART XIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO**  
16           **STUDY THE FEASIBILITY OF OPERATING A LICENSED ADULT CARE**  
17           **HOME IN A PUBLIC HOUSING FACILITY (S.B. 2011 – Swindell; H.B. 2704**  
18           **– Farmer-Butterfield, Tolson, Bordsen, Boylan)**

19  
20           **SECTION 13.1.** The Department of Health and Human Services, Division  
21 of Aging and Adult Services and Division of Medical Assistance, shall study the  
22 feasibility and possible savings to the State of operating a licensed adult care home in a  
23 public housing facility. The study shall determine:

- 24           (1) Whether this model is needed to complement the care options  
25           currently available to older adults in North Carolina.
- 26           (2) Whether this model is allowable under current State and federal laws  
27           and rules, and if not, what changes are needed.
- 28           (3) How State-County Special Assistance and federal public housing  
29           subsidies would work together and whether this could result in a  
30           reduced State-County Special Assistance rate for these types of entities  
31           and possible savings for the State.

32           **SECTION 13.2.** The Department shall report its findings and  
33 recommendations to the House of Representatives Appropriations Subcommittee on  
34 Health and Human Services, the Senate Appropriations Committee on Health and  
35 Human Services, and to the Study Commission on Aging, on or before August 1, 2009.

36  
37           **PART XIV. DIRECT THE DEPARTMENT OF HEALTH AND HUMAN**  
38           **SERVICES TO STUDY ISSUES RELATING TO RESPITE CARE (H.B. 2398 –**  
39           **FARMER-BUTTERFIELD, PIERCE, BOYLAN)**

40  
41           **SECTION 14.1.** The Department of Health and Human Services, Division  
42 of Aging and Adult Services, shall study the adequacy of service standards and funding  
43 for group respite services. The study shall include determining whether opportunities  
44 exist to streamline and enhance the provision of respite services.

1           **SECTION 14.2.** The Department of Health and Human Services, Division  
2 of Medical Assistance, shall study including respite services as part of the Medicaid  
3 State Plan.

4           **SECTION 14.3.** The Department shall report findings and recommendations  
5 to the Study Commission on Aging on or before November 1, 2009.  
6

7   **PART XV. STATE ETHICS COMMISSION TO STUDY IMPLEMENTATION**  
8 **AND EFFECTIVENESS OF THE STATE GOVERNMENT ETHICS ACT**  
9

10           **SECTION 15.1.** The State Ethics Commission shall conduct a study of the  
11 implementation and effectiveness of S.L. 2006-201, the State Government Ethics Act.  
12 The study shall examine issues related to the administration of the laws created under  
13 this act by the State Ethics Commission, the Secretary of State, the State Board of  
14 Elections, and any applicable State agency. The study shall identify the areas of the  
15 ethics and lobbying process in which public input is needed, the need for notice to the  
16 public of interpretations of the law, the effectiveness of the ethics and lobbying  
17 education process, the volume of requests for advice, the adequacy of staffing to timely  
18 meet the needs of the act, and the general perception of the community affected by the  
19 State Government Ethics Act. The State Ethics Commission shall consult with the  
20 Legislative Ethics Committee as part of this study. The study shall assess and identify  
21 proposed legislative changes in the governmental process and the law needed to  
22 promote and continue high ethical behavior by governmental officers and employees.  
23 The report shall include recommendations on changes to Chapter 138A and Chapter  
24 120C of the General Statutes. The State Ethics Commission shall report its findings and  
25 recommendations in writing to the Legislative Ethics Committee on or before by March  
26 1, 2009.  
27

28   **PART XVI. STUDY THE PARTICIPATION AND DROPOUT RATES OF**  
29 **STUDENTS WITH DISABILITIES IN LEARN AND EARN EARLY COLLEGE**  
30 **HIGH SCHOOLS, REDESIGNED HIGH SCHOOLS, THE NORTH CAROLINA**  
31 **VIRTUAL PUBLIC SCHOOL, AND NORTH CAROLINA PUBLIC HIGH**  
32 **SCHOOLS THAT HAVE BLOCK SCHEDULING (S.B. 1758 – Swindell; H.B.**  
33 **2356 – Glazier, Lucas, Yongue)**  
34

35           **SECTION 16.1.** The Department of Public Instruction shall analyze the  
36 participation of students with disabilities in Learn and Earn Early College High Schools,  
37 Redesigned High Schools, the North Carolina Virtual Public School, and North  
38 Carolina public high schools that are on block schedules. In conducting its analysis, the  
39 Department shall consider enrollment, graduation, and dropout rates for students with  
40 disabilities in these different programs. The Department shall report its findings and  
41 recommendations to the Joint Legislative Education Oversight Committee by March 15,  
42 2009.  
43

44   **PART XVII. Reserved**

**PART XVIII. NORTH CAROLINA BUILDING CODE COUNCIL TO REEXAMINE ADOPTION OF CERTAIN SECTIONS OF THE ELECTRICAL CODE**

**SECTION 18.1.** The North Carolina Building Code Council shall reexamine its adoptions of the following sections of the North Carolina Electrical Code to determine whether they are necessary and cost-effective: Section 210.12(B), Arc-Fault Circuit-Interrupter Protection; Section 338.10(B)(4)(a), Allowable Ampacities for SE Cables; and Section 406.11, Tamper Resistant Receptacles in Dwelling Units. The Council shall report its findings to the General Assembly on or before January 1, 2009.

**PART XIX. GENERAL STATUTES COMMISSION TO STUDY THE UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT (S.B. 1772 – Nesbitt; H.B. 2430 – Martin, Glazier)**

**SECTION 19.1.** The General Statutes Commission shall study the Uniform Emergency Volunteer Health Practitioners Act in consultation with interested parties and report to the General Assembly on the Commission's recommendations and legislative proposals by February 1, 2009.

**PART XX. NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, IN CONSULTATION WITH THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS, TO STUDY AND DEVELOP PLANS TO ENHANCE DISASTER MANAGEMENT CAPABILITIES AT THE COUNTY LEVEL (S.B. 1775 – NESBITT)**

**SECTION 20.1.** The Division of Emergency Management, in consultation with the North Carolina Association of County Commissioners, shall study ways and develop plans to increase the capabilities of counties to plan for, respond to, and manage disasters at the local level. Plans developed shall include time lines for implementation and estimates of funding needs and shall address:

- (1) Mandating, if determined necessary, the establishment and maintenance of emergency management agencies at the county level.
- (2) Increasing the number of counties employing full-time emergency management coordinators, such that every county in the State, either individually or pursuant to a joint undertaking between two or more counties, has a full-time local emergency management coordinator available.
- (3) Implementing an emergency management certification requirement for all local emergency management coordinators and other essential local emergency management personnel.

(4) Developing a model registry for use by the counties in identifying functionally and medically fragile persons in need of assistance during a disaster and in allocating resources to meet those needs.

(5) Establishing a registry program for functionally and medically fragile persons in all counties.

**SECTION 20.2.** The Division of Emergency Management shall report the results of its study and provide the plans developed to the Chairs of the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery and the House of Representatives Appropriations Subcommittee and Senate Appropriations Committee on Natural and Economic Resources on or before December 1, 2008.

**PART XXI. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA IN CONJUNCTION WITH THE STATE BOARD OF EDUCATION, THE STATE BOARD OF COMMUNITY COLLEGES, AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES TO STUDY THE ISSUE OF PROVIDING QUALIFIED IMMUNITY TO HEALTH PROFESSIONALS FOR THE DISCLOSURE OF CONFIDENTIAL INFORMATION WHEN THE DISCLOSURE IS FOR THE PURPOSE OF PREVENTING OR MITIGATING HARM TO OTHERS (S.B. 2080 – Rand, Hagan)**

**SECTION 21.1.** The Board of Governors of The University of North Carolina, in conjunction with the State Board of Community Colleges, the State Board of Education, and the North Carolina Independent Colleges and Universities shall study the issue of providing qualified immunity to mental health and health professionals for the disclosure of confidential information when the disclosure is for the purpose of preventing or mitigating harm to others, consistent with the recommendations of the UNC Campus Safety Task Force. The Board of Governors shall seek the input of licensing bodies of the mental health and health professionals when developing its recommendations.

**SECTION 21.2.** The Board of Governors of The University of North Carolina shall submit a final report of the results of this study to the Joint Select Committee on Governmental Immunity on or before December 1, 2008, including any legislative recommendations.

**PART XXII. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE ACCESSIBILITY OF ITS FACILITIES TO SEVERELY PHYSICALLY DISABLED INDIVIDUALS SEEKING BASIC ACCESS TO HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM (S.B. 1498 – Atwater)**

**SECTION 22.1.** The Board of Governors of The University of North Carolina shall study the accessibility of its facilities to severely physically disabled individuals seeking basic access to higher education at constituent institutions of The

University of North Carolina. In its study, the Board of Governors may consider all of the following:

- (1) What specific educational assistance the State has funded that would be available to severely physically disabled individuals.
- (2) What specific educational assistance the State currently funds that would be available to severely physically disabled individuals.
- (3) The role of the Division of Vocational Rehabilitation of the Department of Health and Human Services in providing educational assistance at public and private universities or secondary schools that was, or currently is, available to severely physically disabled individuals.
- (4) Whether the Division of Vocational Rehabilitation of the Department of Health and Human Services could provide for the personal care of severely physically disabled students at one or more constituent institutions of The University of North Carolina.
- (5) The desirability and feasibility of making the facilities of one constituent institution accessible to severely physically disabled students.
- (6) The estimated costs of making the facilities of one constituent institution accessible to severely physically disabled students and providing for the personal care of severely physically disabled students at this institution.
- (7) Whether the Illinois program to support its physically disabled population at its state universities offers any guidance to North Carolina.
- (8) Any other issues the Board of Governors deems pertinent to its study under this section.

**SECTION 22.2.** The Board of Governors of The University of North Carolina shall submit a report of its study to the Fiscal Research Division and to the Joint Legislative Education Oversight Committee, including its findings, recommendations, and any legislative proposals, on or before February 1, 2009.

**PART XXIII. DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE EFFECTIVENESS OF GEOGRAPHY EDUCATION IN MIDDLE AND HIGH SCHOOLS (H.B. 2171 – GLAZIER, FARMER-BUTTERFIELD)**

**SECTION 23.1.** The Department of Public Instruction shall study the effectiveness of geography education in middle schools and high schools and shall consider potential changes to geography education. The Department of Public Instruction shall report the results of this study, including any recommended changes to geography education, to the Joint Legislative Education Oversight Committee on or before January 15, 2009.

**PART XXIV. DIRECTING THE STATE BOARD OF EDUCATION TO CONDUCT A STUDY TO DEVELOP A FRAMEWORK FOR A NORTH CAROLINA BOARD CERTIFICATION PROCESS FOR PRINCIPALS AND ASSISTANT PRINCIPALS (H.B. 2513 – Cotham)**

**SECTION 24.1.** The State Board of Education, in cooperation with the Board of Governors of The University of North Carolina, shall conduct a study to develop a framework for a North Carolina Board Certified Principal and Assistant Principal Program (Program). The purpose of the Program shall be (i) to strengthen the leadership and professional skills of principals and assistant principals, (ii) to assist with the State's efforts to attract and retain highly qualified school leaders, and (iii) to enhance the learning environment in public schools to promote student achievement.

**SECTION 24.2.** In developing the framework, the State Board of Education and the Board of Governors shall consult with the Center for School Leadership Development, the Principals Executive Program, the North Carolina Association of School Administrators, the N. C. Principals/Assistant Principals Association, Inc., and the National Board for Professional Teaching Standards.

**SECTION 24.3.** As part of its study, the State Board of Education shall ensure that the framework for the Program:

- (1) Aligns continued professional development with the North Carolina Standards for School Executives.
- (2) Supports the development of principals and assistant principals as 21st century leaders.
- (3) Models the principal certification program after the teacher certification program developed by the National Board for Professional Teaching Standards.
- (4) Addresses the growing shortage of highly qualified leaders in North Carolina public schools by recommending strategies to attract and retain principals and assistant principals.
- (5) Provides principals and assistant principals who have successfully participated in the program with a supplementary salary incentive commensurate with the increased demands and responsibilities of the principalship.

**SECTION 24.4.** The State Board of Education shall develop a process to evaluate the effectiveness of the Program.

**SECTION 24.5.** The State Board of Education shall deliver a draft proposed framework to the Joint Legislative Education Oversight Committee by December 1, 2008, and report on the cost of implementing the Program for the 2009-2010 fiscal year.

**PART XXV. STATE BOARD OF EDUCATION TO STUDY K-12 PHYSICAL EDUCATION IN THE PUBLIC SCHOOLS (H.B. 2592 – Bell)**

**SECTION 25.1.** The State Board of Education shall study the current status of K-12 physical education in North Carolina. Each local school administrative unit



shall collect baseline data at the individual school level and report the baseline data to the Department of Public Instruction for analysis. At a minimum, the baseline data shall include:

- (1) Minutes in physical education on a weekly basis throughout the school year for every school.
- (2) Number of physical education classes per week throughout the school year for every school.
- (3) Average physical education class size for every school.
- (4) Student Body Mass Index (BMI) data for a statistically valid random sample of students of various ages from all 100 counties.
- (5) Nutrition and physical activity knowledge and behaviors of the same random sample of students.

The baseline BMI data shall not be self-reported by students or parents but shall be collected by a trained professional such as a school nurse or physical education teacher. The data shall be compiled in a single, statewide, publicly accessible database hosted by an entity approved by the Department of Public Instruction. Ideally, the data will be made available in a manner that can be sorted by individual school, local school administrative unit, and county. Local school administrative units shall seek guidance from the Department of Public Instruction in determining the appropriate sample size for the BMI data.

The State Board of Education shall report the findings of the study to the Joint Legislative Education Oversight Committee on or before December 1, 2008.

**PART XXVI. DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY PIEDMONT AND NORTHERN RAILWAY LINE IN GASTON COUNTY TO DETERMINE THE COST OF BRINGING THE FULL LINE BACK INTO SERVICE (H.B. 2547 – Neumann, Clary, Current)**

**SECTION 26.1.** The Department of Transportation is directed to study the Piedmont & Northern Railway line in Gaston County to determine the cost to bring the full line back into operation. The Department shall report its findings to the Joint Legislative Transportation Oversight Committee on or before January 15, 2009.

**PART XXVII. DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY AMENDING ITS STANDARDS FOR PLACEMENT OF SOUND BARRIERS IN ORDER TO PROTECT RESIDENTIAL COMMUNITIES LOCATED NEAR ITS FACILITIES (H.B. 2730 – T. Harrell, Harrison, Samuelson, Avila)**

**SECTION 27.1.** The Department of Transportation shall study the feasibility of amending its standards for construction of sound barriers to allow construction of sound barriers along existing highways that generate a significant noise impact, in order to mitigate the impact of noise on residential communities adjacent to those highways.

1           **SECTION 27.2.** The Department shall report the findings of its study,  
2 including costs associated with changing the standard and potential sources of funds for  
3 additional sound barrier construction, to the Joint Legislative Transportation Oversight  
4 Committee by March 1, 2009.

5  
6 **PART XXVIII. Reserved**

7  
8 **PART XXIX. Reserved**

9  
10 **PART XXX. NORTH CAROLINA FILM OFFICE OF THE DEPARTMENT OF**  
11 **COMMERCE TO DEVELOP PLAN TO CREATE FILM PRODUCTION**  
12 **FACILITIES IN THE STATE (Garrou)**

13  
14           **SECTION 30.1.** The North Carolina Film Office of the Department of  
15 Commerce shall, in consultation with the Film School of the North Carolina School of  
16 the Arts and industry leaders, develop a plan for the State to partner with the film  
17 industry to create production facilities in North Carolina. The Film Office shall report  
18 to the Joint Legislative Commission on Governmental Operations on the plan by  
19 January 1, 2009.

20  
21 **PART XXXI. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY**  
22 **ISSUES RELATING TO ACCESS TO HEALTH CARE**

23  
24           **SECTION 31.1.** The North Carolina Institute of Medicine shall convene a  
25 panel to continue to study issues related to access to appropriate and affordable health  
26 care for all North Carolinians.

27           **SECTION 31.2.** The Institute shall report to the Joint Legislative Health  
28 Care Oversight Committee, the House of Representatives Appropriations Subcommittee  
29 on Health and Human Services, the Senate Appropriations Committee on Health and  
30 Human Services, and the General Assembly, and may recommend legislation to the  
31 General Assembly. No later than January 15, 2009, the Institute shall make  
32 recommendations on the following:

- 33           (1) Previous studies by the Institute.  
34           (2) Other relevant current studies by the Institute.  
35           (3) Analysis of successful efforts in other states to improve access and  
36           affordability to health care.  
37           (4) Analysis of relevant federal initiatives.

38           In developing the proposed recommendations, the Institute of Medicine shall  
39 not study issues related to scope of practice and professional licensing. The Institute  
40 shall seek the advice and consultation of State and national experts in health care  
41 economics, health care systems development, health care delivery, health care access,  
42 indigent health care, medical education, health care finance, and other relevant areas of  
43 expertise. The Institute shall report its recommendations to the Joint Legislative Health  
44 Care Oversight Committee no later than January 15, 2009.

1           **SECTION 31.3.** In the event members of the General Assembly serve on  
2 this panel, they shall receive per diem, subsistence, and travel allowances in accordance  
3 with G.S. 120-3.1.  
4

5 **PART XXXII. NORTH CAROLINA INSURANCE UNDERWRITING**  
6 **ASSOCIATION, THE NORTH CAROLINA JOINT UNDERWRITING**  
7 **ASSOCIATION AND THE NORTH CAROLINA RATE BUREAU STUDY THE**  
8 **ABILITY OF THE NORTH CAROLINA INSURANCE UNDERWRITING**  
9 **ASSOCIATION TO RESPOND FINANCIALLY TO A SIGNIFICANT**  
10 **HURRICANE IN THIS STATE**  
11

12           **SECTION 32.1.** The President Pro Tempore of the Senate and the Speaker of  
13 the House of Representatives shall appoint a committee to study the potential impact of  
14 Category 3, 4 and 5 hurricanes on the North Carolina insurance market and to make  
15 recommendations to the General Assembly. The Committee shall include at least one  
16 representative from the Department of Insurance, the North Carolina Insurance  
17 Underwriting Association, the North Carolina Joint Underwriting Association, and the  
18 North Carolina Rate Bureau, and at least one member representing a national insurer,  
19 one representing a regional insurer and one member representing a domestic insurer.  
20

21           **SECTION 32.2.** The study shall consider the potential impact of Category 3,  
22 4 and 5 hurricanes on the North Carolina insurance market including: the ability of the  
23 North Carolina Insurance Underwriting Association and the North Carolina Joint  
24 Underwriting Association to pay claims, reinsurance purchases by the North Carolina  
25 Insurance Underwriting Association and the North Carolina Joint Underwriting  
26 Association, other potential financing options, assessments on the private market, and  
27 options for recoupment of assessments by the private market. The study shall also  
28 consider residual market experience and assessment structures in other states as a basis  
29 for comparison, land use issues, mitigation issues, and may consider any other factors  
30 deemed relevant by the appointed study committee representatives.  
31

32           **SECTION 32.3.** The study committee shall report the findings and  
33 recommendations to the General Assembly on or before February 1, 2009.  
34

35 **PART XXXIII. STUDY THE ROLE THAT REGIONAL EDUCATION**  
36 **SERVICE CENTERS THAT ARE CREATED WITHIN THE DEPARTMENT**  
37 **OF PUBLIC INSTRUCTION COULD PLAY IN THE DELIVERY OF**  
38 **PROFESSIONAL DEVELOPMENT THROUGHOUT THE STATE (S.B. 1764 –**  
39 **Swindell)**  
40

41           **SECTION 33.1.** The Joint Legislative Education Oversight Committee shall  
42 contract with a credible independent source, individual, or organization to study the  
43 roles that regional education service centers created within the Department of Public  
44 Instruction could play in the delivery of professional development throughout the State.  
The contractor shall not be an employee or independent contractor of any organization  
that delivers professional development to teachers in North Carolina.

**SECTION 33.2.** The study by the contractor shall:

- (1) Examine regional education service center models in other states;
- (2) Provide qualitative and quantitative data on the effectiveness of the models in other states;
- (3) Include input from consultants at the Department of Public Instruction and teachers and administrators from at least 15 local school administrative units that are of different sizes and from different geographic regions of the State; and

**SECTION 33.3.** The contractor's report shall:

- (1) Adequately reflect the study's methodology, sources of information, purpose and scope, analyses, evaluative assessments, recommendations, and conclusions;
- (2) State any known deficiencies or limitations of the study;
- (3) Be presented in both a printed form and an electronic version; and
- (4) Provide recommendations on the roles that regional education service centers created within the Department of Public Instruction could play in the delivery of professional development throughout the State.

**SECTION 33.4.** The contractor shall submit a written progress report every four weeks to the Joint Legislative Education Oversight Committee. The contractor shall complete the report within four months. At the completion of the study, the contractor shall submit a draft of the report document to the Joint Legislative Education Oversight Committee for review. Within 30 days of completing the study, the contractor shall submit a final report to the Joint Legislative Education Oversight Committee. The Joint Legislative Education Oversight Committee may, in its discretion, schedule a formal presentation of the report when it is submitted.

**PART XXXIV. CONTINUE THE JOINT LEGISLATIVE STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY (S.B. 1780 – Nesbitt; H.B. 2431 – Martin, Glazier, McComas, Wainwright)**

**SECTION 34.1.** The Joint Select Committee on Emergency Preparedness and Disaster Management Recovery is established. The Committee consists of 30 members, 15 of whom are appointed by the President Pro Tempore of the Senate and 15 of whom are appointed by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a Cochair of the Committee. A Cochair or other member of the Committee continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment. Members serve at the pleasure of the appointing officer.

**SECTION 34.2.** The Committee shall study issues related to emergency preparedness and disaster management recovery, including:

- (1) Whether the State building code sufficiently addresses issues related to commercial and residential construction in hurricane and flood prone areas.
- (2) The public health infrastructure in place to respond to natural and nonnatural disasters, including pandemic flu preparation and response. A study of the pandemic flu preparation and response should include an assessment of potential threat; funding and mechanisms needed to produce and distribute a vaccine for the avian flu; review of quarantine and isolation laws and processes; coordination issues for local and State public health officials; coordination between State departments of public health, crime control and public safety, and agriculture; establishment of public education infrastructure for any necessary emergency vaccination program; assessment of needs of public health infrastructure; and hospital capacity to respond.
- (3) Hurricane preparedness, evacuation, and response.
- (4) Energy security, including: identifying the State's energy profile; determining the State's essential energy facilities and their connections; evaluating potential threats and the possible consequences of disruptive events; reviewing long-term strategies; outlining strategies for communication to the media and public; offering response options for each type of emergency; identifying the response measures and options that industry and government can take; coordinating local, State, and federal level issues; ensuring protection from cyber attack of computer control systems; and monitoring of State's energy supply.
- (5) Bioterrorism preparedness and response.
- (6) Flood and natural disaster preparation and response.
- (7) Any other topic the Committee believes is related to its purpose.

**SECTION 34.3.** The Committee shall meet upon the call of its House and Senate Cochairs. A quorum of the Committee shall be a majority of its members. The Committee may be organized into subcommittees in order to facilitate discussion and to develop recommendations on the several important specialized issues for statewide consideration.

**SECTION 34.4.** The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

**SECTION 34.5.** Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly. Individual expenses of five thousand dollars (\$5,000) or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a Cochair of the Committee. Individual expenses in excess of five thousand dollars

1 (\$5,000) shall be paid upon the written approval of the President Pro Tempore of the  
2 Senate and the Speaker of the House of Representatives. All expenses of the  
3 Committee shall be paid from the Legislative Services Commission's Reserve for  
4 Studies.

5 **SECTION 34.6.** With approval of the Legislative Services Commission, the  
6 Legislative Services Officer shall assign professional and clerical staff to assist the  
7 Committee in its work. The House of Representatives' and the Senate's Directors of  
8 Legislative Assistants shall assign clerical support staff to the Committee. The  
9 Committee may meet at various locations around the State in order to promote greater  
10 public participation in its deliberations. The Legislative Services Commission shall  
11 grant adequate meeting space to the Committee in the State Legislative Building or the  
12 Legislative Office Building.

13 **SECTION 34.7.** The Committee may submit an interim report on the results  
14 of its study, including any proposed legislation, at any time. The Committee shall  
15 submit a final report on the results of its study, including any proposed legislation, to  
16 the General Assembly, on or before December 31, 2009. The Committee shall file a  
17 copy of each Committee report with the President Pro Tempore's office, the Speaker's  
18 office, and the Legislative Library. The Committee shall terminate on December 31,  
19 2009, or upon the filing of its final report, whichever occurs first.

20  
21 **PART XXXV. CHANGE REPORTING REQUIREMENTS OF THE JOINT**  
22 **LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH**  
23 **SCHOOL GRADUATION (S.B. 1806 – Malone)**

24  
25 **SECTION 35.1.** Section 7.32 (f)(8) of S.L. 2007-323 reads as rewritten:

26 "(8) The Commission ~~may submit an interim report, including any~~  
27 ~~recommendations and proposed legislation, to the Joint Legislative~~  
28 ~~Education Oversight Committee and the General Assembly by May 1,~~  
29 ~~2008, and shall submit a final~~ an interim written report of its findings  
30 and recommendations on or before the convening of the 2009 Session  
31 of the General Assembly. The Commission may submit an interim  
32 report, including any recommendations and proposed legislation, to the  
33 Joint Legislative Education Oversight Committee and the General  
34 Assembly by May 1, 2010, and shall submit a final written report of its  
35 findings and recommendations on or before the convening of the 2011  
36 Session of the General Assembly. All reports shall be filed with the  
37 President Pro Tempore of the Senate, the Speaker of the House of  
38 Representatives, and the Legislative Librarian. Upon filing its final  
39 report, the Commission shall terminate."

40  
41 **PART XXXVI. LEGISLATIVE STUDY COMMISSION ON URBAN GROWTH**  
42 **AND INFRASTRUCTURE ISSUES (S.B. 1841 – McKissick)**  
43

1           **SECTION 36.1.** There is created the Legislative Study Commission on  
2 Urban Growth and Infrastructure Issues. The purpose of the Commission is to  
3 determine what measures the General Assembly may take to foster regional water  
4 resource and transportation planning, incentive-based local land use planning, and more  
5 responsive and cost-effective planning to accommodate rapid population growth in  
6 North Carolina's urban areas.

7           **SECTION 36.2.** The Commission shall consist of 14 members as follows:

- 8           (1) Five members appointed by the Speaker of the House of  
9 Representatives.
- 10           (2) Five members appointed by the President Pro Tempore of the Senate.
- 11           (3) Four members representing North Carolina's urban areas appointed  
12 jointly by the Speaker of the House of Representatives and the  
13 President Pro Tempore of the Senate, including at least one member  
14 from Wake, Durham, or Orange County, one member from Forsyth or  
15 Guilford County, and one member from Mecklenburg County.

16           **SECTION 36.3.** The Speaker of the House of Representatives shall designate  
17 one Representative as cochair, and the President Pro Tempore of the Senate shall  
18 designate one Senator as cochair. Vacancies on the Commission shall be filled by the  
19 same appointing authority that made the initial appointment.

20           **SECTION 36.4.** The Commission shall study the following issues relating to  
21 urban growth and infrastructure:

- 22           (1) Options for fostering regional planning for water and transportation  
23 infrastructure.
- 24           (2) Strategies (including additional local land use regulatory tools) for  
25 encouraging the use of incentive-based planning by urban area local  
26 governments.
- 27           (3) Strategies to help urban communities maximize the benefits of growth  
28 and cope with the challenges presented by rapid growth in population,  
29 school enrollment, vehicle miles traveled on urban roads and  
30 highways, and related demands for other public services while  
31 preserving a viable economic climate and building greater regional  
32 cooperation.
- 33           (4) Any other matters the Commission considers necessary in furtherance  
34 of the purpose for which it is established.

35           **SECTION 36.5.** The Commission, while in the discharge of its official  
36 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1  
37 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the  
38 cochairs. The Commission may meet in the Legislative Building or the Legislative  
39 Office Building.

40           With approval of the Legislative Services Commission, the Legislative  
41 Services Officer shall assign professional staff to assist the Commission in its work. The  
42 House of Representatives' and the Senate's Directors of Legislative Assistants shall  
43 assign clerical staff to the Commission, and the expenses relating to the clerical  
44 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 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.

**SECTION 36.6.** The Commission shall report the results of its study and its recommendations to the 2009 General Assembly upon its convening.

**PART XXXVII. DIRECTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL FUNDING (S.B. 1993 – Swindell)**

**SECTION 37.1.** The Joint Legislative Study Committee on Public School Funding Formulas may review the implementation of any modifications to school funding formulas that are enacted by the General Assembly upon the recommendation of the Committee and shall evaluate the impact of those modifications.

**SECTION 37.2.** The Committee may report to the General Assembly at least once a year on its activities.

**SECTION 37.3.** The Committee shall terminate upon completion of its evaluation of modifications to public school funding formulas.

**PART XXXVIII. Reserved**

**PART XXXIX. JOINT LEGISLATIVE STUDY COMMITTEE ON CIVIL COMMITMENT OF SEXUAL PREDATORS WHO ARE DETERMINED TO BE INCAPABLE OF PROCEEDING TO TRIAL (Glazier)**

**SECTION 39.1.** There is created the Joint Legislative Study Committee on Civil Commitment of Sexual Predators Who Are Determined to be Incapable of Proceeding to Trial. The Committee shall consist of 10 members to be appointed as follows: the Speaker of the House of Representatives shall appoint five members of the House of Representatives and the President Pro Tempore of the Senate shall appoint five members the Senate.

The Speaker of the House of Representatives shall appoint a cochair, and the President Pro Tempore of the Senate shall appoint a cochair for the Committee. The Committee may meet at any time upon the joint call of the cochairs. Vacancies on the Committee shall be filled by the same appointing authority as made the initial appointment.



1           The Committee, while in the discharge of its official duties, may exercise all  
2 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The  
3 Committee may contract for professional, clerical, or consultant services as provided by  
4 G.S. 120-32.02.

5           Subject to the approval of the Legislative Services Commission, the  
6 Committee may meet in the Legislative Building or the Legislative Office Building. The  
7 Legislative Services Commission, through the Legislative Services Officer, shall assign  
8 professional staff to assist the Committee in its work. The House of Representatives'  
9 and the Senate's Directors of Legislative Assistants shall assign clerical support staff to  
10 the Committee, and the expenses relating to the clerical employees shall be borne by the  
11 Committee. Members of the Committee shall receive subsistence and travel expenses at  
12 the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

13           **SECTION 39.2.** The Committee shall study the State's current laws  
14 regarding defendants who are determined to be incapable of proceeding to trial and the  
15 State's current laws regarding involuntary commitment. The Committee shall further  
16 consider whether these laws adequately and appropriately address the public safety  
17 issues raised by certain defendants who are: (i) charged with committing a sex offense  
18 against a child, (ii) found incapable of proceeding to trial, and (iii) do not meet the  
19 criteria for involuntary commitment. In its study, the Committee shall review  
20 legislation adopted by other states addressing these issues. The Committee may also  
21 consider any other issues it deems relevant to this study.

22           **SECTION 39.3.** The Committee shall make a final report of its findings and  
23 recommendations to the 2009 General Assembly.  
24

## 25   **PART XL. STUDY COMMISSION ON COMPENSATION OF THE** 26   **GOVERNOR'S CABINET AND STATE ELECTED OFFICIALS** 27

28           **SECTION 40.1.** There is created the Study Commission on Compensation  
29 of the Governor's Cabinet and State Elected Officials to study whether compensation is  
30 fair and appropriate and whether such officials are paid according to the duties of their  
31 offices so that citizens of the highest quality may be attracted to public service. In  
32 conducting the study, the Commission shall study compensation of like officials in other  
33 states, as well as any other relevant matters, in order to make recommendations on this  
34 topic.

35           **SECTION 40.2.** The Commission shall consist of 18 members as follows:

- 36           (1) Five members of the Senate appointed by the President Pro  
37           Tempore of the Senate.
- 38           (2) Five members of the House of Representatives appointed by the  
39           Speaker of the House of Representatives.
- 40           (3) Four members appointed by the President Pro Tempore of the  
41           Senate to include at least one representative of business and  
42           industry in the private sector and at least one individual with  
43           expertise in personnel and human resources compensation  
44           matters.

- (4) Four members appointed by the Speaker of the House of Representatives to include at least one representative of business and industry in the private sector and at least one individual with expertise in personnel and human resources compensation matters.

Vacancies on the Commission shall be filled by the appointing authority. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a co-chair. A quorum of the Commission shall be ten members.

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, 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 at any time upon call of the chairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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 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. 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 40.3.** The Commission shall make a final report, including any proposed legislation, to the 2009 General Assembly by January 15, 2009. The Commission shall terminate upon filing its final report or on January 15, 2009, whichever is earlier.

## **PART XLI. CREATING THE POVERTY REDUCTION AND ECONOMIC RECOVERY LEGISLATIVE STUDY COMMISSION (H.B. 2687 – Pierce, Bryant)**

**SECTION 41.1.** The General Assembly finds that poverty in this State is widespread, especially in rural areas and other areas that have lost significant numbers of agricultural and manufacturing jobs. Further, the General Assembly finds that an understanding of the causes and effects of poverty are critical in the reduction of poverty and the economic recovery of low-wealth areas. To that end, there is created the Poverty Reduction and Economic Recovery Legislative Study Commission.

**SECTION 41.2.** The Commission shall consist of 20 voting members appointed as follows:

- (1) Ten members appointed by the Speaker of the House of Representatives, to include:
- a. Seven members of the House of Representatives.

- 1                   b. Three members of the general public, including persons with
- 2                   expertise in the fields of business and economic development,
- 3                   public health, and affordable housing.
- 4           (2) Ten members appointed by the President Pro Tempore of the Senate,
- 5           to include:
- 6           a. Seven members of the Senate.
- 7           b. Three members of the general public, including persons with
- 8           expertise in the fields of education, public safety, and child
- 9           welfare.

10           **SECTION 41.3.** The President Pro Tempore of the Senate and the Speaker  
11 of the House of Representatives may by mutual agreement vary the size and  
12 membership of the Commission.

13           **SECTION 41.4.** The Commission shall also include the following nonvoting,  
14 ex-officio members:

- 15           (1) The Commissioner of Labor, or that officer's designee.
- 16           (2) The Superintendent of Public Instruction, or that officer's designee.
- 17           (3) The Secretary of the Department of Health and Human Services, or
- 18           that officer's designee.
- 19           (4) The Secretary of the Department of Transportation, or that officer's
- 20           designee.
- 21           (5) The Secretary of the Department of Juvenile Justice and Delinquency
- 22           Prevention, or that officer's designee.
- 23           (6) The Secretary of the Department of Commerce, or that officer's
- 24           designee.
- 25           (7) The Chairman of the Employment Security Commission, or that
- 26           officer's designee.

27           **SECTION 41.5.** The Commission shall:

- 28           (1) Study and develop a coordinated, integrated approach to poverty
- 29           reduction and economic recovery across the State.
- 30           (2) Examine poverty in each region of the State with an emphasis on the
- 31           following counties: Alleghany, Avery, Bladen, Columbus,
- 32           Edgecombe, Graham, Halifax, Hoke, Northampton, Robeson,
- 33           Scotland, Tyrrell, Warren, Watauga, and Yancey.
- 34           (3) Examine other states' evidenced-based intervention methods and best
- 35           practices in poverty reduction and economic recovery.
- 36           (4) Study any other matter pertinent to poverty reduction and economic
- 37           recovery in North Carolina.

38           **SECTION 41.6.** The Speaker of the House of Representatives and the  
39 President Pro Tempore of the Senate shall each appoint a cochair for the Commission.  
40 The Commission may contract for consultant services as provided by G.S. 120-32.02.  
41 Upon approval of the Legislative Services Commission, the Legislative Services Officer  
42 shall assign professional and clerical staff to assist in the work of the Commission.  
43 Clerical staff shall be furnished to the Commission through the offices of the House of  
44 Representatives and the Senate Directors of Legislative Assistants. The Commission

1 may meet in the Legislative Building or the Legislative Office Building upon the  
2 approval of the Legislative Services Commission. Members of the Commission shall  
3 receive per diem, subsistence, and travel allowances at the rate established in  
4 G.S. 120-3.1, 138-5, or 138-6, as appropriate. The appointing authority shall fill  
5 vacancies.

6 The Commission, while in the discharge of its official duties, may exercise all  
7 the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4,  
8 including the power to request all officers, agents, agencies, and departments of the  
9 State to provide any information, data, or documents within their possession,  
10 ascertainable from their records, or otherwise available to them, and the power to  
11 subpoena witnesses.

12 **SECTION 41.7.** The Commission shall submit its final report by the 2010  
13 Regular Session of the 2009 General Assembly and may make interim reports it deems  
14 necessary. The Commission's final report shall include the results of the Commission's  
15 review and specific legislative recommendations. The Commission shall terminate upon  
16 filing its final report, or upon the convening of the 2010 Regular Session of the 2009  
17 General Assembly, whichever occurs first.

18  
19 **PART XLII. STUDY THE IMPACT OF PARTITION SALES OF REAL**  
20 **PROPERTY ON THE ECONOMIC USE AND LOSS OF HEIR PROPERTY**  
21 **AND FARMLAND BY HEIRS IN NORTH CAROLINA (H.B. 1527 – Bryant,**  
22 **Farmer-Butterfield, Allen, Harrison)**

23  
24 **SECTION 42.1.** There is created the Partition Sales Study Committee to  
25 address the issue of the impact of the partition sale procedures on the economic use and  
26 loss of heir property and farmland by heirs in North Carolina.

27 **SECTION 42.2.** The Committee shall be comprised of 18 members as  
28 follows:

29 (1) Nine members appointed by the Speaker of the House of  
30 Representatives as follows:

31 (a) Five members of the House of Representatives.

32 (b) A Clerk of Superior Court.

33 (c) Three members of the public with an expertise or stakeholder  
34 interest in the issue.

35 (2) Nine members appointed by the President Pro Tempore of the Senate  
36 as follows:

37 (a) Five members of the Senate.

38 (b) A Clerk of Superior Court.

39 (c) Three members of the public with an expertise or stakeholder  
40 interest in the issue.

41 The Speaker of the House of Representatives and the President Pro Tempore  
42 of the Senate shall each designate a cochair of the Committee. A quorum of the  
43 Committee shall be a majority of its members. The Committee shall meet upon the joint  
44 call of the cochairs.

1           **SECTION 42.3.** The Committee shall study the laws and procedures  
2 concerning partition sales in North Carolina and how these laws affect landowners in  
3 the State, examining both the effectiveness and equity of the current law and exploring  
4 potential alternatives. Specifically, the Committee shall:

- 5           (1) Review information about partition sales and examine current trends in  
6           partition sales in the State, especially related to sales initiated by  
7           strangers in interest to heirs or related cotenants.
- 8           (2) Analyze research and information from North Carolina and other states  
9           and jurisdictions regarding the effect of partition laws on desired land  
10          retention and economic development.
- 11          (3) Analyze information concerning the comparative frequency of  
12          partition sales vs. partition-in-kind in North Carolina.
- 13          (4) Identify and assess alternative partition sales laws from other states.
- 14          (5) Explore how best to balance competing interests of the tenants in  
15          common in the partition sales context.
- 16          (6) Identify and consult with academics who have studied partition sales  
17          nationally to determine their recommendations concerning best  
18          practices in partition proceedings.
- 19          (7) Identify current barriers to the adoption of best practices  
20          recommendations and to alternative laws adopted by other states and  
21          potential options to address these barriers.
- 22          (8) Prepare a report with a statement of the issues and a summary of the  
23          research including the Committee's recommendations concerning any  
24          needed improvements and draft legislation to address any inequities  
25          presented by partition sales in North Carolina.

26           **SECTION 42.4.** Members of the Committee shall receive per diem,  
27 subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as  
28 appropriate. Upon the prior approval of the Legislative Services Commission, the  
29 Legislative Services Officer shall assign professional and clerical staff to the Committee  
30 to aid in its work. The Committee may contract for professional, clerical, or consultant  
31 services as provided by G.S. 120-32.02. Subject to the approval of the Legislative  
32 Services Commission, the Committee may meet in the Legislative Building or the  
33 Legislative Office Building. The Committee, while in the discharge of its official duties,  
34 may exercise all the powers provided under the provisions of G.S. 120-19 and  
35 G.S. 120-19.1 through G.S. 120-19.4, including the power to request all officers, agents,  
36 agencies, and departments of the State to provide any information, data, or documents  
37 within their possession, ascertainable from their records, or otherwise available to them  
38 and the power to subpoena witnesses.

39           **SECTION 42.5.** The Committee shall submit a final report of the results of  
40 its study, including any legislative recommendations, to the 2009 General Assembly no  
41 later than March 1, 2009. The Committee shall terminate on March 1, 2009, or upon the  
42 filing of its final report, whichever occurs first.

43  
44 **PART XLIII. Reserved**

**PART XLIV. JOINT LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS (H.B. 2379 – Farmer-Butterfield)**

**SECTION 44.1.** There is created the Joint Legislative Study Commission on State Guardianship Laws. The purpose of the Commission is to review State law pertaining to guardianship and its relationship to other pertinent State laws such as the health care power of attorney, the right to a natural death, and durable power of attorney.

**SECTION 44.2.** The Commission shall consist of 19 members as follows:

- (1) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (2) Four members of the Senate appointed by the President Pro Tempore of the Senate.
- (3) The Director of the Administrative Office of the Courts or the Director's designee.
- (4) The Director of the Division of Aging and Adult Services in the Department of Health and Human Services or the Director's designee.
- (5) A county director of social services appointed by the President Pro Tempore of the Senate.
- (6) A clerk of superior court appointed by the Speaker of the House of Representatives.
- (7) A physician who specializes in geriatrics appointed by the President Pro Tempore of the Senate.
- (8) An attorney who has experience in guardianship matters appointed by the Speaker of the House of Representatives.
- (9) A representative of Disability Rights North Carolina.
- (10) A director of a local management entity appointed by the President Pro Tempore of the Senate.
- (11) A representative of the Mental Health Association in North Carolina appointed by the Speaker of the House of Representatives.
- (12) A member of an aging advocacy support group appointed by the President Pro Tempore of the Senate.
- (13) A director of public health appointed by the Speaker of the House of Representatives.

In addition, representatives designated by the following organizations shall serve as advisory, nonvoting members of the Commission:

- a. The North Carolina Bar Association.
- b. The Arc of North Carolina.
- c. The North Carolina Guardianship Association.
- d. The Alzheimer's Association – Western North Carolina Chapter.
- e. The Alzheimer's Association – Eastern North Carolina Chapter.

- f. The Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI).
- g. Area Agencies on Aging.
- h. County Departments on Aging.
- i. The North Carolina Hospital Association.
- j. A county director of mental health, developmental disabilities, and substance abuse services.

The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Commission shall be filled by the same appointing authority who made the initial appointment.

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 Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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. 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 44.3.** In conducting the study, the Commission shall consider issues related to guardianship for incompetent persons and minors including, but not limited to, the following:

- (1) Whether guardianship should be a remedy of last resort used only if less restrictive alternatives are insufficient.
- (2) The definition of incompetency or, if appropriate, incapacity.
- (3) Whether courts should be required to make express findings regarding the extent of a person's incapacity and limit the scope of the guardianship accordingly.
- (4) Legal rights retained or lost as a result of being adjudicated incompetent.
- (5) The role of public human services agencies in providing guardianship services.
- (6) Legal procedures and protections in guardianship proceedings.
- (7) Public monitoring of guardianship.
- (8) Examination of current training resources and the possible collaboration and coordination of current training resources for all stakeholders, including family members, individuals, corporate guardians, and public agencies.

- (9) Certification of all guardians and adoption of standards of practice for guardians.
- (10) Educating citizens with respect to guardianship and alternatives to guardianship.
- (11) Powers, duties, and liabilities of guardians, including guardians of the person.
- (12) Creation of an Office of Public Guardian.
- (13) Public guardianship, including the provision and funding of public guardianship services, treatment of disinterested public agent guardians, priorities regarding appointment of individuals, corporations, and public guardians, and possible conflicts of interest with the appointment of certain disinterested public agent guardians.
- (14) Funding for guardianship services provided by nonprofit agencies, including the need of current corporate guardians for additional resources in providing services to wards.
- (15) Implementation of additional corporate guardianship programs.
- (16) Enactment of the Uniform Guardianship and Protective Proceedings Act (UGPPA) or similar revisions to Chapter 35A of the General Statutes.
- (17) Jurisdictional provisions governing incompetency and guardianship proceedings and portability of guardianship for foreign guardians.
- (18) Role of court-appointed lawyers and guardians ad litem in guardianship proceedings to ensure adequate representation of respondents.
- (19) Whether guardianship statutes need revision to provide greater protection of the health and welfare of incapacitated adults.
- (20) Whether the State should track the number of people under private guardianship and, if so, proposed methods for the tracking.
- (21) Prudent investor rules.
- (22) Review of the State's adult protective services law.

**SECTION 44.4.** The Legislative Study Commission on State Guardianship Laws may make its final report to the 2009 General Assembly, prior to its convening. The Commission shall expire upon delivering its final report, or upon the convening of the 2009 General Assembly, whichever occurs first.

**SECTION 44.5.** 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.

#### **PART XLV. LEGISLATIVE STUDY COMMISSION TO REVIEW THE BENEFITS PROVIDED THROUGH THE NORTH CAROLINA NATIONAL GUARD PENSION FUND (S.B. 888 – Atwater)**

**SECTION 45.1.** There is established the North Carolina National Guard Pension Fund Study Commission to examine the current status of the North Carolina



1 National Guard Pension Fund authorized by Article 3 of Chapter 127A of the General  
2 Statutes. The Commission shall consider, but is not limited to, the following issues:

- 3 (1) The actuarial condition of the Fund and measures that might be taken  
4 by the General Assembly to ensure the long-term solvency of the  
5 Fund.
- 6 (2) Changes to the minimum and maximum monthly benefits that are paid  
7 from the Fund.
- 8 (3) Changes to the eligibility requirements, including the minimum age for  
9 receiving benefits and minimum years of creditable military service.

10 **SECTION 45.2.** The Commission shall consist of 11 members appointed as  
11 follows:

- 12 (1) Five members of the Senate appointed by the President Pro Tempore  
13 of the Senate.
- 14 (2) Five members of the House appointed by the Speaker of the House of  
15 Representatives.
- 16 (3) One member representing the national guard, recommended by the  
17 Governor and jointly appointed by the President Pro Tempore of the  
18 Senate and the Speaker of the House of Representatives.

19 **SECTION 45.3.** Upon approval of the Legislative Services Commission, the  
20 Legislative Services Officer shall assign professional and clerical staff to assist in the  
21 work of the Commission. Clerical staff shall be furnished to the Commission through  
22 the offices of the House of Representatives and Senate Directors of Legislative  
23 Assistants. The Commission may meet in the Legislative Building or the Legislative  
24 Office Building upon the approval of the Legislative Services Commission. The  
25 Commission, while in discharge of official duties, may exercise all the powers provided  
26 under the provisions of G.S. 120-19 through G.S. 120-19.4, including the power to  
27 request all officers, agents, agencies, and departments of the State to provide any  
28 information, data, or documents within their possession, ascertainable from their  
29 records, or otherwise available to them, and the power to subpoena witnesses. Members  
30 of the Commission shall receive per diem, subsistence, and travel allowances at the rate  
31 established in G.S. 120-3.1, 138-5, or 138-6, as appropriate. Vacancies shall be filled by  
32 the appointing authority.

33 **SECTION 45.4.** The Commission shall report its findings and  
34 recommendations to the Joint Legislative Commission on Governmental Operations no  
35 later than March 1, 2009, at which time the Commission shall terminate.

## 36 37 **PART XLVI. JOINT LEGISLATIVE STUDY COMMISSION ON MUNICIPAL** 38 **ANNEXATION**

39  
40 **SECTION 46.1.** There is established the Joint Legislative Study Commission  
41 on Municipal Annexation.

42 **SECTION 46.2.** The Commission shall be composed of 28 members as  
43 follows:

- (1) Twelve members appointed by the President Pro Tempore of the Senate.
- (2) Twelve members appointed by the Speaker of the House of Representatives.
- (3) One member representing the North Carolina League of Municipalities, appointed by the President Pro Tempore of the Senate.
- (4) One member representing the North Carolina League of Municipalities, appointed by the Speaker of the House of Representatives.
- (5) One member representing the North Carolina Association of County Commissioners, appointed by the President Pro Tempore of the Senate.
- (6) One member representing the North Carolina Association of County Commissioners, appointed by the Speaker of the House of Representatives.

Vacancies on the Commission shall be filled by the appointing authority. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a co-chair. A quorum of the Commission shall be fourteen members.

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, 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 at any time upon call of the chairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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 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. 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 46.3.** The Commission shall study municipal annexation in North Carolina. As a part of its study, the Commission may examine issues related to:

- (1) State law governing involuntary annexation, voluntary annexation by petition, and voluntary satellite annexation.
- (2) Municipal compliance with current annexation procedural standards.
- (3) Provision of services to persons in areas subject to annexation.
- (4) The effect of creation of an independent review procedure for municipal annexation decisions.

- (5) Current standards for judicial review and appeal of municipal annexation decisions.
- (6) The impact of the current annexation law on municipalities and the State as a whole.
- (7) Whether the State's current annexation law should be amended.
- (8) Any other issue related to annexation deemed relevant by the Commission.

**SECTION 46.4.** The Commission shall make a final report, including any proposed legislation, to the 2009 General Assembly upon its convening. The Commission shall terminate upon filing its final report or upon the convening of the 2009 General Assembly, whichever is earlier.

## **PART XLVII. EPILEPSY PATIENTS AND MEDICATION INTERCHANGE STUDY COMMISSION (Purcell)**

**SECTION 47.1.** Commission Established. – The Epilepsy Patients and Medication Interchange Study Commission is hereby established.

**SECTION 47.2.** Membership. – The Commission shall consist of 21 members as follows:

- (1) Three members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Three members of the House appointed by the Speaker of the House of Representatives.
- (3) Executive Director of the North Carolina Epilepsy Foundation, or the Executive Director's designee.
- (4) The State Health Director, or the Director's designee.
- (5) Director of the Epilepsy Information Service.
- (6) Six members appointed by the President Pro Tempore of the Senate as follows:
  - a. A representative recommended by the North Carolina Board of Pharmacy.
  - b. A representative recommended by the University of North Carolina at Chapel Hill School of Pharmacy.
  - c. A representative recommended by the North Carolina Medical Society.
  - d. A representative recommended by the Duke University School of Medicine, Department of Neurobiology.
  - e. A representative recommended by the Brody School of Medicine at East Carolina University, Neuroscience Program.
  - f. A representative of the epilepsy patient community at large recommended by the Director of the North Carolina Epilepsy Foundation.
- (7) Six members appointed by the Speaker of the House of Representatives as follows:

- a. A representative recommended by the North Carolina Association of Pharmacists.
- b. A representative recommended by the North Carolina Medical Board.
- c. A representative recommended by the University of North Carolina at Chapel Hill School of Medicine, Department of Neurology.
- d. A representative recommended by the Wake Forest University Baptist Medical Center, Department of Neurology.
- e. A representative of the pharmaceutical industry.
- f. A representative of the epilepsy patient community at large recommended by the Director of the North Carolina Epilepsy Foundation.

**SECTION 47.3.** Cochairs. – The Commission shall have two cochairs, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House of Representatives from among their respective appointees. The Commission shall meet upon the call of the cochairs.

**SECTION 47.4.** Quorum. – A quorum of the Commission shall consist of 13 members.

**SECTION 47.5.** Vacancies. – Any vacancy on the Commission shall be filled by the original appointing authority.

**SECTION 47.6.** Purpose and Duties. – The Commission shall study all facets of the issues involving the protection of epilepsy patients from medication interchange.

**SECTION 47.7.** 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 47.8.** Staff. – 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.

**SECTION 47.9.** Consultants. – The Commission may hire consultants to assist with the study as provided in G.S. 120-32.02(b).

**SECTION 47.10.** Meetings. – The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

**SECTION 47.11.** Report. – The Commission shall report its findings and recommendations to the General Assembly and the Joint Legislative Health Care Oversight Committee on or before February 1, 2009, at which time the Commission shall terminate.

## **PART XLVIII. HIGHER EDUCATION CIVIC EDUCATION STUDY**

**SECTION 48.1.** There is established the Higher Education Civic Education Study Commission to advise the State on the role of higher education in helping to

strengthen and enhance the ability of colleges and universities to participate in civic engagement activities with K-12 educational institutions, faith-based programs, or other service programs affecting the social development and literacy of school-aged children.

**SECTION 48.2.** The Commission shall consist of 19 members appointed as follows:

- (1) Four members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (3) Four members appointed by the President Pro Tempore of the Senate, two of whom represent higher education and have experience in implementing service-learning partnerships between higher education and K-12 education, one president or chancellor representing a public or private college or university, and one organization or community representative with experience in the area of youth development.
- (4) Four members appointed by the Speaker of the House of Representatives, two of whom represent K-12 education systems and have experience in implementing community partnerships between higher education and community-based service organizations, one chancellor or president of a public or private college or university, and one representative from the faith-based community.
- (5) Three members appointed by the Governor, one of whom represents the Board of Governors of The University of North Carolina, and one superintendent representing a low-wealth public education system.

**SECTION 48.3.** 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 Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

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. 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 48.4.** In conducting the study, the Commission shall:

- (1) Develop recommendations for implementation of mandatory service-learning as a graduation requirement for all higher education institutions receiving State funds.
- (2) Develop recommendations to include best practices for faculty, students and community partners entering into service-learning relationships.

- (3) Develop recommendations to address resource requirements necessary to assist higher education institutions in the implementation of service-learning partnerships.
- (4) Develop recommendations for monitoring and evaluating the impact of civic engagement programs on the performance of K-12 and higher education students.
- (5) Study any other issues deemed relevant by the Commission.

**SECTION 48.5.** The Commission shall make a final report, including any proposed legislation, to the 2009 General Assembly upon its convening. The Commission shall terminate upon filing its final report or upon the convening of the 2009 General Assembly, whichever occurs first.

## **PART XLIX. MORE AT FOUR YEARLY REVIEW**

**SECTION 49.1.** Section 7.24(a)(11) of S.L. 2007-323, as amended by Section 7.17(c) of S.L. 2008-107, reads as rewritten:

**"SECTION 7.24.(a)** The Department of Public Instruction shall continue the implementation of the "More at Four" prekindergarten program for at-risk four-year-olds who are at risk of failure in kindergarten. The program is available statewide to all counties that choose to participate, including underserved areas. The goal of the program is to provide quality prekindergarten services to a greater number of at-risk children in order to enhance kindergarten readiness for these children. The program shall be consistent with standards and assessments established jointly by the Department of Health and Human Services and the Department of Public Instruction. The program shall include:

...

- (11) A system of accountability to include a yearly review. The Department shall contract with an independent research organization to produce an annual report to include longitudinal review of the program and academic, behavioral, and other child-specific outcomes. The review shall also include a test of the feasibility of conducting a quasi experimental research design of with a representative sample or samples of children who complete the More at Four program every year and children of comparable demographics and grade levels that do not participate in a More at Four program. shall report on their sustained progress until the end of grade 9. The review shall also study a representative sample of children who do not enter the More at Four program but who are of the same grade level and demographic as those who complete the program and their sustained progress shall also be reviewed until the end of grade 9. The review shall be presented to the Joint Legislative Oversight Committee on Education by January 31 of every year."

## **PART L. OUT-OF-STATE TRAVEL**

1  
2           **SECTION 50.1.** For legislative studies authorized by this act, out-of-state  
3 travel must be authorized by the President Pro Tempore of the Senate or the Speaker of  
4 the House of Representatives, as appropriate.

5  
6       **PART LI. BILL AND RESOLUTION REFERENCES**

7  
8           **SECTION 51.1.** The listing of the original bill or resolution in this act is for  
9 reference purposes only and shall not be deemed to have incorporated by reference any  
10 of the substantive provisions contained in the original bill or resolution.

11  
12       **PART LII. EFFECTIVE DATE AND APPLICABILITY**

13  
14           **SECTION 52.1.** Except as otherwise specifically provided, this act is  
15 effective when it becomes law. If a study is authorized both in this act and in the  
16 Current Operations and Capital Improvements Appropriations Act of 2008, the study  
17 shall be implemented in accordance with the Current Operations and Capital  
18 Improvements Appropriations Act of 2008 as ratified.