

2009-2010

**HOUSE
HOMELAND SECURITY,
MILITARY & VETERANS**

MINUTES



**NORTH CAROLINA GENERAL
ASSEMBLY**

HOUSE COMMITTEE

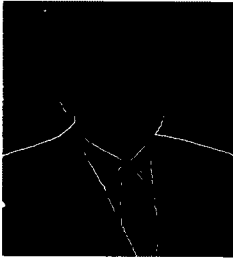
ON

**HOMELAND SECURITY, MILITARY,
AND VETERANS AFFAIRS**

2009-2010 SESSION

CHAIRMAN- REP. LARRY D. HALL

NORTH CAROLINA GENERAL ASSEMBLY
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
2009-2010 SESSION



Rep. Larry Hall
Chair



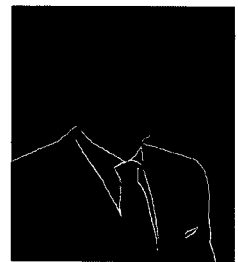
Rep. John Blust
Vice Chair



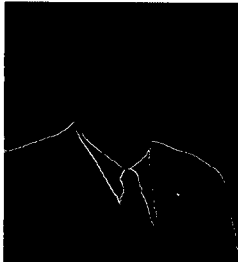
Rep. Elmer Floyd
Vice Chair



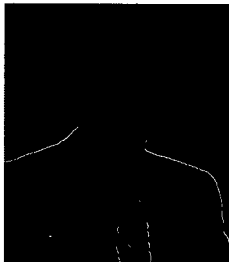
Rep. Richard Killian
Vice Chair



Rep. Grier Martin
Vice Chair



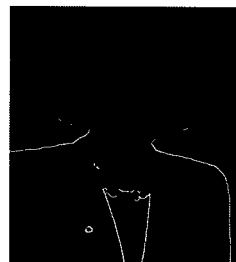
Rep. Jeff Barnhart



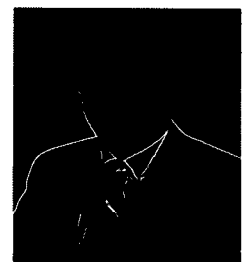
Rep. Van Braxton



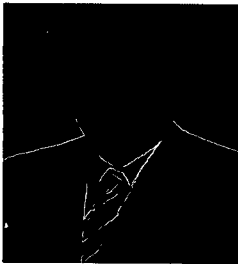
Rep. George Cleveland



Rep. Margaret Dickson



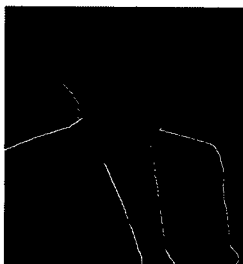
Rep. Rick Glazier



Rep. Mark Hilton



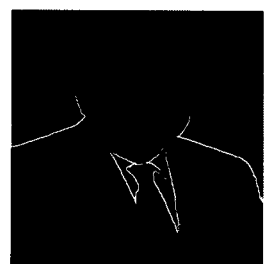
Rep. David Lewis



Rep. Marian McLawhorn



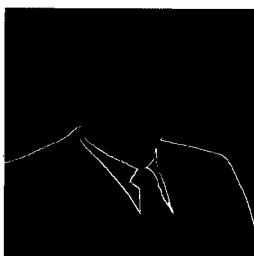
Rep. Efton Sager



Rep. Ron Sutton



Rep. Alice Underhill



Rep. Ray Warren

ATTENDANCE

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

[illegible]

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

[illegible]

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, February 25, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

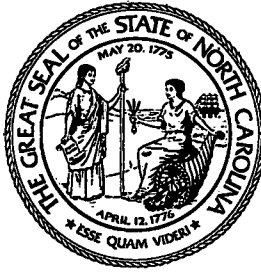
This is an informational and organizational meeting. No bills will be considered.

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at
11:55 a.m. on February 20, 2009.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, February 24, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**

Representative Larry D. Hall, Chairman

- **Member Introductions**

- **Staff Introductions**

- **Presentation – Overview of NCCU Institute for Homeland Security
& Work Force Development**

Dr. Harvey McMurray

Mr. Chris Herring, Director

- **Adjourn**

North Carolina House of Representatives
Homeland Security, Military, and Veterans Affairs Committee Briefing
North Carolina Central University Department of Criminal Justice
Institute for Homeland Security & Workforce Development
February 25, 2009

1. Department and Institute Overview – Dr. Harvey McMurray, Department Chair
2. Brief Overview of Accomplishments – Mr. M. Chris Herring, Institute Director
 - a. Student Engagement
 - b. Federal Law Enforcement & The Private Security Sector: *Information Sharing In The War Against Terrorism*
 - c. Army War College Colloquium: *Opportunities For Engaging Minority Communities In Securing Our Nation*
 - i. Department of the Army's Annual Worldwide Antiterrorism Conference Participation
 - d. Rural Domestic Preparedness Consortium Partnership
 - i. Press Release
 - ii. News Letter
 - iii. Special Events Planning for Law Enforcement Professionals
 - iv. Our Proposed Courses-Focus on Volunteers and Prisoner/Jail Intelligence
 - v. Course Offerings
3. Previous Participants and Organizations
4. Partnerships & Resources
5. Proposed Initiatives – Mr. M. Chris Herring, Institute Director
 - i. Domestic Terrorism Mitigation
 - ii. Natural Disasters Assessment & Mitigation
 - iii. Faith Community Engagement and Mobilization
 - iv. Radiation Threat Detection and Mitigation
6. Questions – Dr. Harvey McMurray & Mr. M. Chris Herring

The Department of Criminal Justice at a Glance

Mission Statement

The mission of the Department of Criminal Justice is to prepare students to become leaders, outstanding practitioners, scholars, and advocates for social justice in a diverse and global society.

- 1972 Criminal Justice Program was established in 1972 as a unit within the Department of Political Science.
- 1981 As a result of student enrollment in criminal justice and the Consent Decree (1978), the University of North Carolina allocated funds to build what is now known as the Albert N. Whiting Criminal Justice Building.
- 1983 Moved from Edmonds Building to Whiting Criminal Justice Building.
- 1984 The Graduate Program was established, which resulted in the offering of the Master of Science Degree in Criminal Justice.
- 1992 The Department of Criminal Justice established as a free standing department.

The department has increased its undergraduate enrollment from 291 in Fall 2001 to 562 in Fall 2007 and its graduate enrollment increased from 44 to 49 during the same time period.
- 1996 Certification awarded by the North Carolina Criminal Justice Education and Training Standards Commission.
- 1999 Juvenile Justice Institute was established by the NC General Assembly (Senate Bill 399) to influence juvenile justice policy and practices by providing research, technical assistance and the dissemination of information.
- 2001 Center for the Advancement of Justice Studies & Policy established to address crime prevention and control concerns from an interdisciplinary perspective in North Carolina, the United States and internationally (with an emphasis on Africa).
- 2001 Established on-line criminal justice degree program.
- 2005 Institute for Homeland Security and Workforce Development established to promote public safety through research, education and community outreach.
- 2006 Re-Certification awarded by the North Carolina Criminal Justice Education and Training Standards Commission.
- 2007 Program revisions to include addition of Professional Track for Graduate Program.
- 2009 Current level of external funding exceeds \$1 million.

**FEDERAL LAW ENFORCEMENT
AND
THE PRIVATE SECURITY SECTOR:**

**INFORMATION SHARING
IN THE WAR AGAINST
TRANSNATIONAL TERRORISM
WORKSHOP**



**SPONSORED BY THE
NORTH CAROLINA CENTRAL UNIVERSITY
DEPARTMENT OF CRIMINAL JUSTICE
AND
THE INSTITUTE FOR HOMELAND SECURITY AND
WORKFORCE DEVELOPMENT**

June 5, 2007



Colloquium Brief

Strategic Studies Institute

*U.S. Army War College and
North Carolina Central University*



OPPORTUNITIES FOR ENGAGING MINORITY COMMUNITIES IN SECURING OUR NATION

**Dr. Dallas D. Owens
Strategic Studies Institute**

KEY INSIGHTS:

- Successful engagement of minority communities by community, state, and national security agencies requires cultural understanding and appreciation for diversity within and among the agencies and willingness by agency leaders to initiate contact, either directly or through mutually-trusted agents.
- Understanding generational differences within minority communities is important for successful engagement, especially for long-established communities that continue to receive new members from foreign locations.
- Security agencies must have the ability to communicate effectively with minority communities to establish mutual trust and successfully engage their members.
- Disadvantaged and at-risk communities, with or without minority populations, are especially vulnerable to disasters and require particular attention when planning for mitigation, response, and recovery.
- There is a long and honorable tradition of service by minorities in securing their nation; that service must continue to be recognized, as the basis for continued participation and leadership by minority members.

The Department of Criminal Justice, North Carolina Central University, in cooperation with the Strategic Studies Institute, U.S. Army War College, conducted a colloquium titled "Opportunities For Engaging Minority Communities in Securing Our Nation" on February 11, 2008. The conference, held at The Research Triangle Park, North Carolina, attracted over 75 participants and attendees, who addressed methods for successful engagement by security and public health agencies with Latino, Muslim, and at-risk communities. Participants included community, state, and regional leaders from the communities of interest, law enforcement agencies, health service providers, homeland security agencies, and educational institutions.

The program examined five aspects of minority community engagement in national security issues: two concerned engagement in specific minority communities (Muslim and Latino), one a "field" of engagement (public health), one a traditional type of engagement (military service), and one a prerequisite

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for successful community engagement (effective leadership). The five aspects included (1) dynamics of engaging the growing Latino community, with emphasis on police department best practices to include Latino concerns and participation in community security; (2) participation of the Muslim community in planning for and response to natural disasters and terrorism threats; (3) providing public health services to all at-risk communities, which are often minority or those with significant minority populations; (4) the relationship between the military and its minority officers; and (5) aspects of service and leadership in minority communities. Three panels and two featured sessions were organized to meet the five program objectives; presentations by each panelist and speaker were necessarily related to the other four.

Engaging the Latino Community.

Four law enforcement leaders from three North Carolina cities discussed issues with engaging their growing Latino communities, with emphasis on police department best practices. The cities ranged from small (Salisbury) to large (Charlotte); three of the four panelists were Latino. All agreed that a high percentage of non-documented Latinos reside in their cities, but contend that their mission is to serve all residents and their status should not affect the quality of that service. They equally contend that without adequate communication and trust, service will not be possible. Their Latino communities are vulnerable to crime, yet distrustful of police because of experiences in their native countries, isolation from the greater community, and, for some, fear of prosecution for their illegal status.

Each of the three departments have developed programs to engage the Latino community and have achieved some success; their size, initiative, consciousness of the issue, and relatively high level of resources probably position them for success more than the State's many smaller jurisdictions. Even so, they admit to difficulty in recruiting and retaining officers with language skills and cultural training. All recognize the value of using trusted individuals and institutions as a means to gain initial access to community leaders and, eventually, the larger community membership.

Gangs exist, but do not constitute a problem deserving extraordinary measures; it is preferable to respond to individuals breaking the law, not to organizations.

Engaging the Muslim Community.

Four Imams, representing two North Carolina Muslim communities, assessed their constituents' relationship to security organizations. They recommended methods to successfully engage their constituents to enhance participation in planning for and responding to natural disasters and terrorism threats. The Imams emphasized trust and successful communications, as well as the need for understanding cultural diversity within Muslim communities. One community's diversity is obvious in its description—its members speak 20-30 languages and are one-third African American, one-third South Asian, and one-third Middle-eastern and North African. Of the two-thirds that trace their recent links to foreign locations, there are generational divides and varying experiences, many very negative, with foreign security organizations.

None of the Imams have seen a desire for violent jihad among their community members and contend that no authority for such inclinations exists. Some of their young are exposed to unhealthy violent views, and there is concern that a few may be misled. The Imams see their communities as victims of the violence, not its perpetrators, and their experience with security organizations has been mostly positive; other religious groups have been very supportive. Community members have not participated much in security organizations, the first generation members because of negative experiences in their countries of origin and the next generation because they are motivated to seek higher paying and more prestigious jobs.

The Imams recommended five actions to improve engagement with their community members: (1) educate the general population and security agencies about the Muslim community, (2) educate the community about rights and responsibilities to the country, (3) make the community aware of the importance of safety and security, (4) ensure laws are strict but fair and

protect all residents equally, and (5) plan for and ensure that responses to attack will be reasoned, balanced, and legally applied to all groups.

Engaging Minority Communities in Public Health.

Public health professionals assume that all vulnerable populations are likely to need additional support to prepare for and recover from disasters. Vulnerable populations can be found in all communities, but those that are less healthy, less prosperous, and more isolated from services contain higher percentages of the vulnerable. That is often the case in minority communities or those with significant minority populations. Vulnerable individuals include those that (1) have communications constraints; (2) are receiving institutional care (medical, justice, nursing, etc.); (3) are in deferential statuses (dependents); (4) have medical conditions requiring periodic care, medications, and treatments; or (5) have social difficulties with or distrust authorities and service providers.

The public health vision is to remove health care disparities from vulnerable populations, in both normal times and those of disaster. The two concerns that must be addressed to achieve this vision are poor lifestyles and emerging infections. If public health providers are to successfully prepare for disasters, they must meet challenges that include (1) engaging and sustaining community-based efforts, (2) testing disaster plans, (3) having time to devise and implement plans, (4) being given adequate resources, and (5) being considered a high priority by local, state, and federal governments.

Resources have increased in recent years, some from the Center for Disease Control (CDC) in response to the anthrax scare and concern over influenza outbreaks, especially the threat of a pandemic. Vaccine programs have been instituted, surveillance teams established, public health and Federal Emergency Management Agency (FEMA) deployable links established, and both special and all-hazard threat plans developed.

North Carolina's Public Health System report card for disaster preparation is good, meeting nine of ten national planning and programmatic

requirements. However, many of the state's citizens remain pessimistic about their safety, especially African-Americans, Hispanics, and women. Much work remains to overcome citizens' lack of confidence. Providers must include communities more in the planning process to better communicate plans and accomplishments and thereby gain their trust.

Minorities in the Military.

The Buffalo Soldier Greater North Carolina Chapter, in period uniform and equipment, provided historical narratives to illustrate contributions to the Nation's security by African-American soldiers. The presentations emphasized the bravery and quality of service of these soldiers, even during times when they were not treated with equality and respect by the Army or their Nation.

The luncheon speaker, an Air Force colonel and author, discussed the modern relationship between the military and its minority officers. The contrast with the Buffalo Soldier era illustrates the huge strides made in minority participation, especially in achievements in leadership positions. The speaker noted the underrepresentation of minorities at the General Officer level, but stated it is more productive to emphasize the preparation of aspirant lower- and mid-grade officers rather than dwell on reasons for the current discrepancy. He voiced confidence that the conditions within the military are encouraging for minorities' full and successful participation.

Developing Minority Community Service and Leadership.

Each of the three panels examined aspects of service and leadership in minority communities. The Director of North Carolina's Commission on Volunteerism and Community Service described the State's participation in a National program, Citizen Corps. This Department of Homeland Security initiative for volunteerism has five programs: (1) Volunteers for Police Service, (2) Neighborhood Watch, (3) The Community Emergency Response Team, (4) Medical Reserve Corps, and (5) the Fire Corps. These programs are

selected and supported by the 92 Citizen Corps Councils established across the State, and they serve 74 percent of the State's population. The councils are comprised of community leaders, to include key individuals such as the Chief of Police, Superintendent of Schools, Fire Chief, and others who can ensure that adopted programs (any or all of the five) will have community support. These leaders must recognize the need for and ensure minority participation.

Teams created in the community can be based in a variety of locations, college campuses, high schools, businesses, or other community groups. The State organization conducts "train-the-trainer" classes, using a FEMA curriculum. Although successful to date, the goal is to continue expanding until 100 percent of the State's population is served.

Conclusion: The Way Ahead.

This colloquium demonstrated that minority communities can be positively engaged in securing our Nation. Many of the barriers to engagement (poor communications, distrust, lack of understanding) are known, many of the security organizational changes and resource requirements are clear, and the need for minority community leadership and motivation is understood. The panels provided case studies that show how motivated, informed, and cooperating leaders can do much to reach common security goals. But panelists and speakers represented only a small sample of the many agencies, communities, and organizations that are involved in the process — and they were selected because they have achieved a degree of success. We can be encouraged by their presentations, but should not assume that they necessarily represent attitudes and behaviors found in many communities in North Carolina or beyond its borders. Even these "success stories" indicate that much remains to be done to initiate minority participation, and, once initiated, it cannot be allowed to lapse through neglect. The resources required by organizations and communities to ensure successful engagements to secure their communities are never enough and always in demand from other worthy programs. Communities where policies are

implemented must continue to recognize the value of engagement for security and press for these policies to remain a priority. Policymakers must recognize the necessity of minority community participation in the process to secure the Nation, empower security agencies to engage these communities, and allocate sufficient resources to make them successful.

The views expressed in this brief are those of the author and do not necessarily reflect the official policy or position of the Department of the Army, the Department of Defense, or the U.S. Government. This colloquium brief is cleared for public release; distribution is unlimited.

More information on the Strategic Studies Institute's programs may be found on the Institute's homepage at www.StrategicStudiesInstitute.army.mil.

You are here: [Home](#) -> [Army](#), [Military](#), [Terrorism](#) -> Army antiterrorism conference to focus on awareness, 'tempering the weapon'

Army antiterrorism conference to focus on awareness, 'tempering the weapon'

Posted by [SOF Editor](#) on January 26th, 2009 [No Comments](#) [Printer-Friendly](#)

Lots of people like surprises. Lt. Col. Brian K. Numerick, however, is not one of them - not when he's working, anyway.

In fact, Numerick and his Army Antiterrorism Branch colleagues and business partners go to great lengths to avoid surprises, to expect the unexpected. After all, any time terrorists have breathing room to attempt attacks on U.S. interests, American lives are at stake.

January has been especially busy for the branch as it prepares for Army's 9th Annual Worldwide Antiterrorism Conference Jan. 26-30 in Orlando, Fla. More than 300 subject matter-experts from the private and DOD sectors are expected to attend.

"Everyone knows terrorists would take any opportunity to harm U.S. Soldiers, bases, or missions," said Numerick, chief of the AT branch here. "That's why the Army proactively prepares for terrorist attacks and that's why we are prepared to respond should an attack occur.

Antiterrorism is the Army's defensive component of combating terrorism. The AT program focuses on risk management, planning, training and exercises, resource generation, comprehensive program reviews, and random AT measures. Much of the work involves coordination with AT partners in law enforcement, physical security, intelligence, information operations, and other related fields.

"Antiterrorism succeeds when the entire Army community is involved," Numerick said. "Soldiers, civilians, contractors, and family members must understand their roles and responsibilities. All leaders must insist on effective antiterrorism measures. Through resourcefulness and careful planning, Army strengths will prevail over terrorist intentions."

The Office of the Provost Marshal General, in coordination with the Office of the Deputy Chief of Staff, Operations, Plans, and Training Directorate (G-3/5/7), is hosting the conference. Expected participants include the Army War College, the National Joint Terrorism Task Force, North Carolina Central University, and the El Paso, Texas, Intelligence Center. In short, Numerick said, a successful AT program involves coordinated effort and focused partnerships.

"The biggest challenge to any antiterrorism program is preventing attacks, but that's not the only challenge," Numerick said. "We must take preventive measures everywhere the Army operates from Army National Guard armories in Indiana to Army Corps of Engineers dams in Oregon to Soldiers involved in combat overseas and any place in between."

The conference provides a forum for Army commands, Army service component commands, direct reporting units, and Army National Guard AT representatives to reinforce AT program improvements and changes over the last year. Further, it provides Army AT program officials with the opportunity to share knowledge, broaden perspectives, and exchange ideas and best practices.

"A lack of recent terror attacks against Army interests could lead some persons into a false sense

of security that, ironically, is itself a vulnerability," Numerick said. "The best way to combat terrorism is to be unpredictable and to continually improve your security posture."

This year's conference theme is "Tempering the Weapon - Broadening Perspectives on Antiterrorism." Conference organizers seek to educate and professionally develop Army AT personnel, build synergy for AT strategic goals and initiatives, and involve AT officers in solving key AT issues.

The conference will feature training, briefings, workshops, and panel discussions. Planned discussion topics include unit and stand-alone facility programs, intelligence support, doctrine development, resource requirements development and validation, and AT measures in contracting.

Because of its proactive approach, Army's AT program enjoyed several successes in 2008. In September, the Army published a revision to its antiterrorism policy. This new policy broadens antiterrorism requirements and efforts inclusive of Army activities not located on installations.

In addition, the Army expanded its AT coordination and assistance program - or CAP. CAP assists those who have limited manpower and expertise with tasks like building antiterrorism strategies and plans.

But even with multiple successes, Numerick admits it's hard to evaluate the effectiveness of an AT program.

"If success is measured in terms of absence of attacks, then we've been very successful," he said. "Of course, collective efforts have likely interrupted some potential attacks this past year. So, we can never be sure if that is a direct result of the Army AT program or simply reduced or ineffective attempts by our adversaries.

"Still," Numerick said, "It's good to have success indicators, but to really evaluate the program we look for indicators that show we are staying ahead of terrorist actions. Our first priority is to build and sustain awareness through education and training, which we believe is key to preventing terrorist attacks."



**FOR IMMEDIATE RELEASE
MARCH 18, 2008**

**CONTACT: MIJI BELL
(919) 530-6295**

NCCU JOINS RURAL DOMESTIC PREPAREDNESS CONSORTIUM

The Rural Domestic Preparedness Consortium (RDPC) is pleased to announce the addition of North Carolina Central University (NCCU) as the newest academic partner preparing rural emergency responders nationwide for incidents of an all-hazards nature.

RDPC is a United States Department of Homeland Security (DHS) Training and Exercise Integration division partnership of academic institutions with a vision of creating an environment wherein rural communities across America will have the knowledge, skills and abilities necessary to enhance the safety, security and quality of life for their citizens. Current members of the Consortium include East Tennessee State University, Eastern Kentucky University, The University of Findlay, Iowa Central Community College, and NorthWest Arkansas Community College.

"I strongly believe that the federal government must work with local communities to provide them the expertise and training to prepare for all disasters – natural and man-made," said Congressman David Price (D-NC), whose district includes NCCU. "I'm proud that North Carolina Central University will be an integral part of this collaborative effort, which will directly impact the public safety of the rural communities in our state and across the country."

NCCU has a long history of working with rural communities in homeland security and related areas over the past fifteen years. Academic units involved include the departments of Criminal Justice, Public Health Education, Environmental, Earth and Geospatial Sciences, Physics, Biology, Mathematics and Computer Sciences Public Administration, Social Work, Political Science and the Schools of Law, Education, Library Sciences and Business, among others. In addition, NCCU has established partnerships with organizations and agencies that have outreach to rural communities such as the National Association of Blacks in Criminal Justice, Governor's Crime Commission (NC), Strategic Studies Institute (US Army War College), and the North Carolina Consortium on Undergraduate Research. Principals for the curriculum development and training have a broad range of experience in homeland security, community building, and dealing with the psychological concerns related to stressful life events.

"I am pleased that we are joining such distinguished institutions in furthering the goal of protecting our homeland," says NCCU Chancellor Charlie Nelms. "We are at our best when we collectively act through partnerships such as the Consortium to promote the security of our nation."

The Consortium is led by Eastern Kentucky University's Justice and Safety Center (JSC). All training delivered by RDPC is certified by DHS and is offered tuition-free for a broad scope of stakeholders, including the traditional emergency response disciplines, and other emergency support functions as defined by the National Response Plan, as well as critical infrastructure owners and operators. NCCU's efforts will be led by its Institute for Homeland Security and Workforce Development and Department of Criminal Justice.

###



The Rural Domestic Preparedness Consortium announces:

Event Security Planning For Law Enforcement Professionals - Pilot #3

**Delivered by the Rural Domestic Preparedness Training Center
To be held at the RBC Center in Raleigh, North Carolina
June 17-18, 2008
8am - 5pm**

Participants enter at the VIP Entrance near the Will Call Box. Training will take place in the Media Room. For more information on the training facility please visit <http://www.rbccenter.com/>

Event security planning is a critical part of successful event planning. This is a planning and management level course designed to introduce basic principles and skills associated with planning security for planned events in small communities and rural areas.

COURSE DETAILS

This is a 16 hour planning and management level course that reinforces the importance and magnitude of security planning required to execute a safe and effective event.

The maximum number of participants for this pilot is 25. All registrants must be a U.S. Citizen. Photo identification is required upon registration. There is no registration fee for this class.

Audience: This course is designed for law enforcement personnel and/or local officials.

Scope: At the conclusion of this course, participants will be able to recognize and plan adequate strategies and security measures to prevent or mitigate security incidents related to planned events. Course topics include intelligence planning; developing and using risk assessments; planning for command, control and



communications (C3); anticipating staffing needs and other resources; planning for incident management; law enforcement activities associated with planned events security planning; role of public information and media relations in security planning; and, developing the security plan and briefing.

Prerequisites: Students should have a general working knowledge of NIMS and ICS prior to attending this course. All students should review the materials found at <http://training.fema.gov/EMIweb/downloads/IS700-NIMS.pdf> (read/review lessons 1 & 2, pages 1-7) to ensure they have the baseline knowledge required prior to attendance.

Testing/Certification: The course requires each student to participate in a pre and post test and to complete a course evaluation.

Registration Information: This course will be offered at no charge to attendees. A continental breakfast and working lunch will be provided on both days of the training. The attached registration form must be completed and returned no later than June 9, 2008. Seating is limited and will be allocated on a first come, first serve basis.

If you would like more information about this course, contact:

**Leah Baldwin, Project Administrator or
Michelle Day, Project Administrator**
Rural Domestic Preparedness Training Center
Eastern Kentucky University
50 Stratton Building
521 Lancaster Avenue
Richmond, Kentucky 40475
859-622-8106
Fax: 859-622-8038
Michelle.day@eku.edu
Leah.baldwin@eku.edu

BACKGROUND

The Rural Domestic Preparedness Consortium was established by Congress to develop and deliver training in support of rural homeland security requirements. RDPC will conduct requirements assessments in the form of national surveys, focus groups, and other outreach strategies; match needs to existing programs or curricula; identify gaps; develop and deliver training; disseminate preparedness-related information specifically tailored for rural communities; and facilitate communications between the Department of Homeland Security and the rural emergency response community on relevant preparedness training issues. RDPC will coordinate its efforts with the National Domestic Preparedness Consortium as well as Training and Exercise Integration partners in order to identify opportunities for collaboration.



RDPC Training Courses Currently Available for Delivery

ILT AWR 144 Port and Vessel Security for Public Safety & Maritime Personnel - This eight-hour course examines the regulatory framework and security requirements that are currently in place at the maritime facilities located in rural communities. The role of the company (facility owner) and vessel security officer is also examined. The course details security measures and training mandated for maritime facilities and personnel employed in those facilities. Recent developments such as the Transportation Worker Identity Credential (TWIC) program and SAFEPort Act are discussed. Students will leave the class with a better understanding of how to respond to emergencies in rural maritime facilities. This course was developed by The University of Findlay and will be delivered in an instructor-led format. To schedule call 859-622-8994 or email info@ruraltraining.org. (Max 40 students per class)

ILT Event Security Planning for Public Safety Professionals (*final certification pending*) - This sixteen-hour course is designed to provide awareness level skills to officers from state and local public safety agencies with the essential skills and knowledge for planning and managing the security for special events and to identify guiding principles for special events security. The course is an adaptation of a non-certified Community Oriented Policing Services (COPS) curriculum and includes a software tool to assist participants in developing a basic event security plan. This course was developed by Eastern Kentucky University and will be delivered in an instructor-led format. Final certification is pending. To schedule call 859-622-8994 or email info@ruraltraining.org. (Max 40 students per class)

ILT Rail Car Incident Response (*final certification pending*) - This eight-hour course is designed to increase the knowledge of first responders to better recognize and characterize the different types of freight rail cars, potential leaks, and courses of action to be taken based on initial site assessment. The course will increase the participant's knowledge of safety and hazardous conditions that may exist at the scene and become familiar with safe practices adapted by the railroad industry. This course was developed by The University of Findlay and will be delivered in an instructor-led format. Final certification is pending. To schedule call 859-622-8994 or email info@ruraltraining.org. (Max 40 students per class)

WBT PER 281: Homeland Security Terrorism Prevention Certificate for Law Enforcement Professionals - Interactive, web-based course designed in conjunction with the Naval Postgraduate School to teach law enforcement professionals the strategies vital for securing their communities. Course participants explore terrorism prevention concepts through a variety of interactive activities and apply them in decision-based exercises. The developer of this course is the Institute for Preventive Strategies at The Center for Rural Development. Visit www.preventivestrategies.net to enroll. (Unlimited number of participants)

ILT AWR 186: Emergency Responders and the Deaf and Hard of Hearing Community - This eight-hour course is designed to provide deaf and hard of hearing individuals and emergency responders with the information and skills needed to prepare for, respond to, and recover from emergency situations involving people with hearing loss. The course was developed by the Community Emergency Preparedness Information Network (CEPIN). To schedule call 859-622-8994 or email info@ruraltraining.org. (40 per class) *Through cooperative agreement with the CEPIN.*

ILT AWR 151: Understanding the Dangers of Agroterrorism - The goal of this course is to increase awareness among local and regional emergency response teams about the potential targets and impacts of agroterrorism. By creating a new alliance among traditional first responders and the agricultural industry communities, plans can be developed to mitigate acts of agroterrorism. The course raises awareness about the need to identify and defend against pathogens, chemical and biological

RDPC FY05 Training Courses Currently Under Development

LT Disaster Management for School-based Incidents: Partnering Rural Law Enforcement and Local School Systems - This eight-hour course for school administrators and emergency responders will educate rural law enforcement personnel as well as school administrators and staff on how to effectively respond to an emergency at a school building or an entire school system. The training will provide representatives of rural law enforcement departments with a foundation of knowledge and skills that will enable them to progressively establish a school-based emergency response plan and crisis management team through information sharing and training. This course will be developed by The University of Findlay and delivered in an instructor-led format. Scheduled to complete pilots in November 2008. To schedule call 859-622-8994 or email info@ruraltraining.org. (Max 40 students per class)

WBT Crisis Management in a Rural School - School Shooting Webcast - This 1.5-hour webcast will provide important information regarding the planning and preparedness rural schools should take in preparing for incidents of violence. The course will include a training exercise for the participants that will emphasize the importance of staff buy-in to aid the mitigation effort and effective and adaptable response to a school shooting incident. This course will be developed by The University of Findlay. Scheduled to broadcast in January 2008. The archived broadcast will be accessible to students as a stand-alone training program. Will be available at www.ruraltraining.org.

LT A Training Program for Healthcare Students to Improve Rural Preparedness in Large Scale Incidents: Clinical Simulations - This 16-hour training program is presented for "first receivers", who provide additional support to first responders, on how to effectively manage healthcare operations in the initial stages of a biological/chemical disaster. This course will be developed by Eastern Tennessee State University and delivered in an instructor-led format. Scheduled to complete pilots in March 2009. To schedule call 859-622-8994 or email info@ruraltraining.org. (Max 25 students per class)

LT A Training Program for Emergency Responders to Improve Rural Preparedness in Large Scale Incidents: Clinical Simulations - This 16-hour training program is presented for emergency responders on the healthcare considerations and issues in the initial stages of a biological/chemical disaster. This course will be developed by Eastern Tennessee State University and delivered in an instructor-led format. Scheduled to complete pilots in March 2009. To schedule call 859-622-8994 or email info@ruraltraining.org. (Max 25 students per class)

LT Threat/Hazard Likelihood Assessment and Capabilities Analysis for Rural Communities - This 8-hour course will discuss the need for threat and vulnerability assessments and risk analysis, bringing to the table all community constituents from both the public and private sectors. The information drawn from a proper and all-inclusive threat and vulnerability assessment strategies will provide the essential background information necessary to design and implement an effective community-wide comprehensive emergency response plan that involves both the public and private sectors. This course will be developed by NorthWest Arkansas Community College and delivered in an instructor-led format. Scheduled to begin pilots in October 2008. To schedule call 859-622-8994 or email info@ruraltraining.org. (Max 30 students per class)

LT Comprehensive Community Resource Inventory Strategies - This course will discuss the need for community resource inventory practices and effective strategies and tools used for a community-wide resource inventory. This will involve the inventory of resources from both the public and private sectors

Emergency Responses to Nuclear Reactor, Environmental and Terrorists Events

In the near future additional reliance will be placed on nuclear power generation as an alternative to fossil fuels. Additionally with nuclear weapons and materials becoming increasingly available in Iran, North Korea, Pakistan and with the lack of control over much nuclear material in the former Soviet arsenal, there is the need to be able to respond to various environmental and terrorist nuclear population exposure events. To develop response strategies in both instances it will be useful to analyze extensive longitudinal data on the large-scale population health effects of nuclear accidents that have occurred in Eastern Europe (e.g. Latvia, Lithuania, Russia, Ukraine) and former Soviet states (e.g., Kazakhstan; the polygon atomic bomb test site).

As a consequence we propose to take advantage of numerous scientific collaborations we have developed over the last six years with the heads of major population studies in several former Soviet states to assemble data on the health effects of different types of nuclear accidents in both civilian populations and in the nuclear work force (both in atomic energy production and fissionable materials production). This data will include information on both emergency reactions (evacuation protocols), environmental clean-up and the clinical management of exposed populations of different types (e.g., workers as well as highrisk population subgroups) for the long term risks of cancer, circulatory and neurodegenerative diseases.

This data archive will provide information for analyses of health effects using special biomedically sophisticated mathematical models to a.) evaluate the efficacy of the emergency protocols that were employed, b.) predict future health effects on populations based on different exposure patterns, and c.) provide cost estimates of various types of emergency responses – all analyses being based on the longitudinal monitoring of large scale, heterogeneous human populations. Thus lessons can be learned as to what strategies worked best, for what outcomes of studies, and at what costs (short and long term).

Countries with whom we have met senior representatives (both in Durham, N.C. and at the relevant research projects in former Soviet states e.g. Kiev the Ukraine) include Latvia, Lithuania, Russia (Obinsk, Moscow (Institute for Biophysics; the Khvechatov Institute), Chelabynsk, Polygon nuclear test site, Arzamov-16, Tomsk.. We additionally have worked with WHO (Geneva, Professor Repacholi) and various Russian federation Research groups--all of whom have expressed a desire for scientific collaboration.

The first year of this project will involve establishing the data archive and developing enhancements of our analytic and modeling capacities. The second, and followup years, will involve producing more detailed analyses of population health effects, publishing reports, and interacting with U.S. officials on possible transfer of data results and technologies for possible future application in the U.S.

Significance

Taking advantage of this massive data base on longterm health effects of various observed population nuclear events will allow more rapid and cost effective dissemination of tested emergency responses to many types of nuclear events in human populations.

Budget

1.) Personnel (programmers and analysts)	\$650,000 (Fringe and Salaries)
2.) Computers	\$100,000
3.) Rental Space	\$100,000
4.) Travel to Russian and European collaborators	\$75,000
5.) Data Processing at Contributing Centers	\$150,000
Total	\$1,075,000

A. Description

1) What are the objectives of this project?

To develop a data archive to store information on the social, economic and health effects of major nuclear accidents on both civilian and first responder populations. Much of this data comes from large scale accidents occurring in Eastern Europe and Russia that have no parallel in scope in the U.S. or Europe.

With this data, analyses can be done and simulations carried out for analogous situations that could occur in North Carolina (e.g., reactor accident at Shearon-Harris: environmental accident involving spill of radioactive waste in transport).

Contact has already been made with the leaders of studies of such large scale nuclear accidents in Chernobyl and with agencies monitoring the exposue and health of all Russian nuclear power workers in power plants and nuclear fuel storage and processing

2) What is the current status of this project?

Contacts have been made to assess the interest of study leaders in participating in the study. Funds would allow the beginning of transfer of data and preliminary studies.

3) What capability gap(s) will this project address?

There is no comparable data in the U.S. on the wide range of types of nuclear accidents covered in this data and no U.S. studies with such large populations affected. Also, since the population consequences, some of the events have been followed for up to 50 years on the various accidents long-term consequences can be examined (e.g., the period of time to maintain exclusion zones)

4) What is the regional nature of this project?

There are large scale nuclear facilities in N.C. (e.g., Shearon-Harris) to which the findings of our analyses could apply. Additionally, transport of new, and spent, nuclear fuels through N.C. are likely as is the development of new nuclear power plants in the region.

5) Why was this project selected over other options?

There is no other data source of comparable scope and quality on which the analyses could be based.

B. State Homeland Security Strategy

Which goals and objectives in the 2007-2009 State Homeland Security Strategy does this project support?

This project will support planning for catastrophic events, including the development of plans, protocols and procedures to manage a catastrophic event. The events considered will

involve environmental hazards (accidental spills), reactor accidents and terrorist's acts with nuclear materials.

C. State Preparedness Report

1. Which National Priority does this project support?

DHS National Priority List Strengthen Medical Surge and Mass Prophylaxis

2. Which capabilities or initiatives for the identified National Priority does this project support?

The study will better identify at-risk population groups (e.g., pregnant women, children, infants, elderly and persons with select chronic diseases), exclusion zone criterion, protection of first responders, and provide estimates of acute and chronic health implications of radiation exposure specific to age, gender and under different exposure scenarios using existing data sets and mathematical models.

NCCU Institute for Homeland Security
Previous Participants and Attendees by Organization

Raleigh-Wake CERT Inc.
Islamic Association of Raleigh
Guilford County Emergency Coordinator
Durham County Emergency Management
United States Pentagon – Office of the Provost Marshal General-MP Operations & Anti-terrorism Division
United States Air force – 99SFG/CC-Nellis AFB, Nevada
Federal Bureau of Investigations
North Carolina Governor's Office -Volunteerism and Citizen Corp
North Carolina Department of Corrections-Secretary's Office
Cary Police Department
Chapel Hill Police Department
Charlotte-Mecklenburg Police Department
Creedmoor Police Department
Durham Police Department
Durham City Council
Greensboro Police Department
North Carolina Central University Police Department
Duke University Police Department
Peace College Police Department
Nashville Police Department
Salisbury Police Department
Raleigh Police Dept
Catawba County Sheriff's Department
North Carolina State Highway Patrol
North Carolina Justice Academy
Guardsmark, LLC.
IBM Security
Wyeth Biotech Security
RBC Center
Research Triangle Institute International
National Association of Blacks in Criminal Justice (NABCJ)
Duke University Triangle Center on Terrorism and Homeland Security
Brunswick Community College
Durham Technical Community College
North Carolina Central University Law School
North Carolina Central University Department of Public Health Education
North Carolina Central University Department of Math and Computer Science
Eastern Kentucky University
Coastal Federal Credit Union
Bank of America
RBC Financial Group
First Citizens Bank
Wachovia Bank
SAS
Kane Realty Corporation

NCCU Institute for Homeland Security & Workforce Development

Resources and Partners

Mr. Stephen Miller, Retired Military Intelligence Officer & Joint Terrorism Task Force

Member (Adjunct Professor)

Mr. Robert Gattison, Customs/ICE SAC, Retired (Adjunct Professor)

Mr. Matthew Hamidullah, Federal Prison Warden, Retired (Adjunct Professor)

Mr. Arthur Beeler, Federal Prison Warden, Retired (Adjunct Professor)

Mr. Larry Perkins, Assistant General Manager RBC Center, Crowd Control Expert, Serves on

(DHS Committee)

Mr. James Pridgen, Director - Global Executive Protection and Risk Mitigation

Cummins Inc. (Serves on DHS Committee)

Dr Roxane Cohen Silver, Dept. of Psychology and Social Behavior

University of California, Irvine (Serves on DHS Committee)

Dr. Mengie Parker, NCCU Department of Criminal Justice, National Gain Expert

Dr. Lahoma Romocki, NCCU School of Public Health

Dr. Branislov VlohoVIC, NCCU College of Science and Technology

Dr. Ravanasamudram N Uma, NCCU Department of Math & Computer Science

Dr. Dana Greene, NCCU Department of Sociology

Attorney William Nicholson, NCCU Department of Criminal Justice, Emergency Management

Legal Issues

House Pages

Nominations

Name Of Committee: SECURITY Date: 2/25/09

1. Name: Chris Jackson

County: Guilford

Sponsor: Blust

2. Name: Ethan Roper

County: Cleveland

Sponsor: Moore

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: JARNAL PERRY

2. Name: JUDY TURNER

3. Name: ROD FINGER Rodney Finger

4. Name: _____

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

Name of Committee

02/25/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

MANLFO

NCCU INSTITUTE FOR HOMELAND
SECURITY & WORKFORCE DEV
DURHAM, NC 27707

HERRING

Harvey
McMurtry

NCCO

Stella Huggins

NCCM

SPRING ALAN

rode

Kimberly Hill

Levy's Office

Abby Emanuelson

N MISS - NE

VISITOR REGISTRATION SHEET

Homeland Security

Name of Committee

02/25/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Joe Donovan

SLVSVets

Thomas C. Caves, Jr.

NC Dept. of Crime Control & Public Safety

Charles A. Bennett

North Carolina Central University Criminal Justice

Tralissa Jones

North Carolina Central University/Criminal Justice

Joe Lanier

SZD WICKER

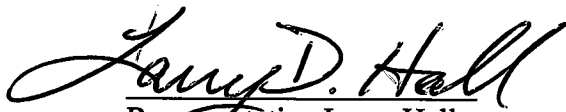
MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, FEBRUARY 25, 2009
ROOM 1425 LB
10:00 A.M.
REPRESENTATIVE LARRY D. HALL, PRESIDING

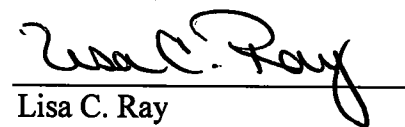
The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, February 25, 2009 at 10:00 a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's Elmer Floyd, Richard Killian, and Grier Martin; Representatives, Braxton, Cleveland, McLawhorn, Sager, Sutton, Underhill, and Warren. Staff present Hal Pell, and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Chris Jackson from Guilford County, and Ethan Roper from Cleveland County. He then asked the committee members and staff to introduce themselves and include their district and county.

Presentation: North Carolina Central University Department of Criminal Justice Institute For Homeland Security & Workforce Development given by Dr. Harvey Murray, Department Chair, and Mr. M. Chris Herring, Institute Director. (See Attachment 1)

There being no further business to come before the committee, the meeting adjourned.


Representative Larry Hall
Chair


Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, March 4, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 15	Military Family Assistance Centers/Funds.	Representative Tarleton
HB 98	License Renewal/Deploying Reservists.	Representative Killian Representative Sager Representative Dollar Representative Burris-Floyd
HB 279	U.S.S. North Carolina/No Fee for Military.	Representative McElraft Representative Hurley Representative Burris-Floyd Representative Frye

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11:30am on February 27, 2009.**

☒ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)

**AMENDED NOTICE
HB 279 REMOVED**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, March 4, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS: {Amended Notice HB 279 Removed}

BILL NO.	SHORT TITLE	SPONSOR
HB 279	U.S.S. North Carolina/No Fee for Military.	Representative McElraft Representative Hurley Representative Burris-Floyd Representative Frye

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:40P.M. on **March 03, 2009**.

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, March 04, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**

Representative Larry D. Hall, Chairman

- The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 15	Military Family Assistance Centers/Funds. (if favorable, Appropriations)	Representative Tarleton
HB 98	License Renewal/Deploying Reservists. (if favorable, Transportation)	Representative Killian Representative Sager Representative Dollar Representative Burris-Floyd
HB 279	U.S.S. North Carolina/No Fee for Military. (if favorable, Finance)	Representative McElraft Representative Hurley Representative Burris-Floyd Representative Frye

- **Comments**

- **Adjourn**

0015

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT APPROPRIATING FUNDS FOR THE CREATION OF ADDITIONAL FAMILY ASSISTANCE
CENTERS TO BENEFIT MILITARY PERSONNEL AND THEIR FAMILIES.

Introduced by Representative(s): Tarleton.

Glavin *Ball* *John* *Wainwright Jr*
Hurley *for*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PA D 1st READING

FEB 2 2009

AND REFERRED TO COMMITTEE

ON

LES, CALENDAR AND OPERATIONS OF THE HOUSE

REP	ON MOTION OF
	<i>Shelley</i>
	WITHDRAWN FROM
	<i>Rule</i>
FEB 12 2009	
RECOMMITTED TO COMMITTEE	
ON:	<i>Homeland Sec.</i>

if fav. Appropriations



HOUSE BILL 15: Military Family Assistance Centers/Funds

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations	Date:	March 1, 2009
Introduced by:	Rep. Tarleton	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *This act would appropriate \$600,000 for the 2009-2010 fiscal year, to be used for the establishment of two additional Military Family Assistance Centers. This act becomes effective July 1, 2009.*

BACKGROUND: In 2008, three Military Family Assistance Centers became operational, and are located in Lenoir, Greensboro, and Greenville. The Centers provide assistance to servicemembers and their families when the servicemember is deploying, deployed, and redeploying, from military service. They are located in modular buildings at National Guard armories. Each Center has one full-time position, and they are paid out of State funds. The assistance includes counseling, financial assistance, and health care assistance. The Centers aid members of the North Carolina National Guard, as well as other Armed Forces servicemembers.

BILL ANALYSIS: This act would appropriate \$600,000 to add two additional Military Family Assistance Centers.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 15

Short Title: Military Family Assistance Centers/Funds. (Public)

Sponsors: Representatives Tarleton; M. Alexander, Bell, Cotham, England, Faison,
Fisher, E. Floyd, Glazier, Goodwin, Martin, and Setzer.

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

February 2, 2009

A BILL TO BE ENTITLED
AN ACT APPROPRIATING FUNDS FOR THE CREATION OF ADDITIONAL FAMILY
ASSISTANCE CENTERS TO BENEFIT MILITARY PERSONNEL AND THEIR
FAMILIES.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of six hundred thousand dollars (\$600,000) for the 2009-2010 fiscal year to fund two additional family assistance centers to benefit members of the North Carolina National Guard and their families and to benefit members of the armed forces and their families. The centers shall be located in different regions of the State and shall provide support for deploying, deployed, and redeployed members of the North Carolina National Guard and armed forces, primarily by providing family assistance, counseling, financial assistance, and help with health care matters. As used in this section, the term "armed forces" means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including their reserve components.

SECTION 2. This act becomes effective July 1, 2009.



* H 1 5 - V - 1 *

PUBLIC BILL

H.B. 0098

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A MEMBER OF THE RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY.

Primary Sponsors

Introduced by Representative(s): Killian,

EFTON M SAGER, Dollar Burris-Floyd

• McGee	• S. Randleman	• Pearl Ken	• M. Elbert
• Justice	• Hurley	• Avila	• Wiley
• Boles	• Jeff Miller	• Shawcross	• Guier
• TILLIS	• Curtis Blackwood	• Cleveland	• Blust

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

FEB 11 2009

AND REFERRED TO COMMITTEE

ON... RULES, CALENDAR, AND
OPERATIONS OF THE HOUSE

Homeland Security
if law, Transportation

• Johnson

• Justice
• Bawls



HOUSE BILL 98: License Renewal/Deploying Reservists

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Transportation	Date:	March 3, 2009
Introduced by:	Reps. Killian, Sager, Dollar, Burris-Floyd	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 98 would modify drivers license renewal provisions for active duty reserve forces in three ways: 1) expand drivers license renewal periods for reserve force members ordered to report for active duty to allow renewal of the license before deployment, regardless of the time period before expiration; 2) extend the validity of a drivers license that expired while the reserve member was on active duty outside the State; and 3) allow an active duty reserve member stationed outside the State to renew a drivers license by mail.*

CURRENT LAW: G.S. 90-7(f)(3a) allows a person to apply to the Division of Motor Vehicles to renew a drivers license during the 180-day period before the license expires and prohibits the Division from accepting renewal applications before that period.

BILL ANALYSIS: House Bill 98 would make the following changes to existing motor vehicle law:

Section 1 – Would insert a new definition into Chapter 20 (Motor Vehicles) of the General Statutes, defining "Reserve components of the Armed Forces of the United States" to be the Army and Air National Guard.

Section 2 – Would insert a new subdivision into G.S. 20-7(f) (Duration and Renewal of Licenses) to provide for 'renewal for certain members of the reserve forces'.

- Proposed subdivision a. would allow the Division of Motor Vehicles to renew the drivers license of a reservist with orders for deployment on active duty outside of the State, regardless of the date of expiration of the license.
- Proposed subdivision b. would classify as valid, a drivers license that expired while a reservist was on active duty outside the State, and would consider the license to be valid until 30 days after the reservist's date of release from active duty. Licenses that were revoked, rescinded or invalidated under some other provision of law would not be declared valid under this provision.

House Bill 98 would further amend G.S. 20-7(f) to allow reservists on active duty stationed outside of the State to renew their drivers license by mail, as is currently the case for active duty armed forces.

Sections 3 and 4 – would capitalize the term Armed Forces wherever it occurs throughout Chapter 20 of the General Statutes.

EFFECTIVE DATE: This act would be effective when it becomes law and would apply to all licenses expiring on or after its effective date.

H98-SMRD-6(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 98

Short Title: License Renewal/Deploying Reservists. (Public)

Sponsors: Representatives Killian, Sager, Dollar, Burris-Floyd (Primary Sponsors); K. Alexander, Avila, Barnhart, Blackwell, Blackwood, Blust, Boles, Burr, Cleveland, Current, Frye, Guice, Harrison, Howard, Hurley, Justice, Justus, Lewis, Lucas, Martin, McCormick, McElraft, McGee, Mills, Neumann, Randleman, Stevens, Tarleton, Tillis, and Wiley.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Transportation.

February 11, 2009

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE A MEMBER OF THE RESERVE COMPONENTS OF THE
ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF
DEPLOYMENT ORDERS AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR
AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 is amended by adding a new subdivision to read:

"(33c) Reserve components of the Armed Forces of the United States. – The organizations listed in Title 10 United States Code, section 10101; specifically including the Army and Air National Guard."

SECTION 2. G.S. 20-7(f) reads as rewritten:

"(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed pursuant to the provisions of this subsection:

...

(3b) Renewal for certain members of the reserve forces.

a. The Division may renew a drivers license, without limitation on the period of time before the license expires, if the person applying for renewal is a member of a reserve component of the Armed Forces of the United States and provides orders showing deployment on active duty and duty station outside this State.

b. A person who is a member of a reserve component of the Armed Forces of the United States whose license bears an expiration date which occurred while the person was deployed on active duty outside this State shall be considered to have a valid license until 30 days after the date of release from active duty upon showing proof of the release date, unless the license was rescinded, revoked, or otherwise invalidated under some other provision of law.

(4) Renewal by mail. – The Division may renew by mail a drivers license issued by the Division to a person who meets any of the following descriptions:

a. Is a member of the Armed Forces or a reserve component of the Armed Forces of the United States serving on active duty in the armed forces of the United States and is stationed outside this State.



b. Is a resident of this State and has been residing outside the State for at least 30 continuous days.

When renewing a license by mail, the Division may waive the examination that would otherwise be required for the renewal and may impose any conditions it finds advisable. A license renewed by mail is a temporary license that expires 60 days after the person to whom it is issued returns to this State.

...."

SECTION 3. G.S. 20-7(r) reads as rewritten:

"(r) Waiver of Vision Test. – The following license holders shall be exempt from any required eye exam when renewing a drivers license by mail under either subsection (f) of this section or subsection (q) of this section if, at the time of renewal, the license holder is serving in a combat zone or a qualified hazardous duty zone:

(1) A member of the ~~armed forces~~ Armed Forces of the United States.

(2) A member of the ~~national guard or of a reserve component of the armed forces~~ Armed Forces of the United States."

SECTION 4. The Revisor of Statutes shall change the term "armed forces" to "Armed Forces" wherever that term appears in Chapter 20 of the General Statutes.

SECTION 5. This act is effective when it becomes law and applies to all licenses expiring on or after the effective date of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 98
PROPOSED COMMITTEE SUBSTITUTE H98-PCS50167-RD-2

Short Title: License Renewal/Deploying Reservists.

(Public)

Sponsors:

Referred to:

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A MEMBER OF THE RESERVE COMPONENTS OF THE
ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF
DEPLOYMENT ORDERS AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR
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"(f) Duration and Renewal of Licenses. – Drivers licenses shall be issued and renewed pursuant to the provisions of this subsection:

...
(3b) Renewal for certain members of the reserve forces.

a. The Division may renew a drivers license, without limitation on the period of time before the license expires, if the person applying for renewal is a member of the Armed Forces or of a reserve component of the Armed Forces of the United States and provides orders that place the member on active duty and duty station outside this State.

b. A person who is a member of the Armed Forces or of a reserve component of the Armed Forces of the United States whose license bears an expiration date that occurred while the person was on active duty outside this State shall be considered to have a valid license until 30 days after the date of release from active duty upon showing proof of the release date, unless the license was rescinded, revoked, or otherwise invalidated under some other provision of law.

(4) Renewal by mail. – The Division may renew by mail a drivers license issued by the Division to a person who meets any of the following descriptions:

a. Is a member of the Armed Forces or a reserve component of the Armed Forces of the United States serving on active duty in the armed forces of the United States and is stationed outside this State.

b. Is a resident of this State and has been residing outside the State for at least 30 continuous days.



1 When renewing a license by mail, the Division may waive the examination
2 that would otherwise be required for the renewal and may impose any
3 conditions it finds advisable. A license renewed by mail is a temporary
4 license that expires 60 days after the person to whom it is issued returns to
5 this State.

6"

7 **SECTION 3.** G.S. 20-7(r) reads as rewritten:

8 "(r) Waiver of Vision Test. – The following license holders shall be exempt from any
9 required eye exam when renewing a drivers license by mail under either subsection (f) of this
10 section or subsection (q) of this section if, at the time of renewal, the license holder is serving
11 in a combat zone or a qualified hazardous duty zone:

12 (1) A member of the ~~armed forces~~ Armed Forces of the United States.

13 (2) A member of ~~the national guard or of a~~ reserve component of the ~~armed~~
14 ~~forces~~ Armed Forces of the United States."

15 **SECTION 4.** The Revisor of Statutes shall change the term "armed forces" to
16 "Armed Forces" wherever that term appears in Chapter 20 of the General Statutes.

17 **SECTION 5.** This act is effective when it becomes law and applies to all licenses
18 expiring on or after the effective date of this act.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 98

S. B. No. _____

COMMITTEE SUBSTITUTE _____

DATE 3/4/09

Amendment No. 1

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Sutton

1 moves to amend the bill on page 1, line 18.

2 () WHICH CHANGES THE TITLE

3 by inserting between the words 'of' and 'a'

4 the phrase "the Armed Forces or of";

5

6 and on page 1, lines 21 by inserting between

7 the words 'of' and 'a' the phrase

8 "the Armed Forces or of".

9

10

11

12

13

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15

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19

SIGNED

ADOPTED ☒ FAILED ☐ TABLED ☐

PRINCIPAL CLERK'S OFFICE

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 98

DATE 3/21/09

S. B. No. _____

Amendment No. 2

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

(Rep.)
Sen.)

MARTIN

1 moves to amend the bill on page 1, line 19

2 () WHICH CHANGES THE TITLE

3 by rewriting the line to read:

4 _____

5 the United States and provides

6 which place the member on

7 active;

9 and on page 1, line 23

10 _____

11 which occurred while the person

12 by deleting the word "deployed"

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED

[Signature]

ADOPTED ☒

FAILED ☐

TABLED ☐

PRINCIPAL CLERK'S OFFICE

House Pages

Homeland Security & Vet Affairs

Name Of Committee: _____

Date: 3.4.2009

1. Name: Cameron Pierce

County: Burke

Sponsor: Hugh Blackwell

2. Name: Brandon Whitmire

County: Wayne

Sponsor: Sager

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

1. Name: Caitan Adams

Sgt-At-Arms

2. Name: Rodney Finger

3. Name: Judy Turner

4. Name: _____

Corville Family

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs
Name of Committee

03/04/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Leslie Arnold	SOG-Daily Bulletin
Patrick B. Offin	NMIRS
Johanna Reese	DOT
Brenda P. Grady	DMV-Driver License
Ork Cotton	NC NGA
Charlie Smith	NC DVA
COL Tom Harriu	NC National Guard
TIM POWLIN	" " "
Julia Garville	St. Paul Education Center
James Garville	St. Paul Education Center
Teca Garville	Commerce Overseas Corp. Kinston
Chris Garville	Commerce Overseas Corp. "

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Norlan Graves	Rep. Larry Hall.
Christy Agner	Dept. of Admin.
ALAN MELVIN	SHP - VIPER
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
Reuben Young	CG & PS
Hubert Owens	COMMON CAUSE
J. Pinsky	" "
Anthony Brown	renee

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 15 . A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE
CREATION OF ADDITIONAL FAMILY ASSISTANCE CENTERS TO BENEFIT MILITARY
PERSONNEL AND THEIR FAMILIES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 98 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MEMBER OF THE RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on TRANSPORTATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, MARCH 04, 2009
ROOM 1425 LB
10:00A.M.
REPRESENTATIVE LARRY D. HALL

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, March 04, 2009 at 10:00 a.m. on room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives, Braxton, Cleveland, Dickson, Lewis, Sager, Sutton, Underhill, and Warren. Staff members present include Hal Pell, and Ben Popkin.

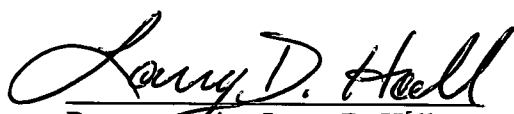
Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Hugh Blackwell from Wayne County, and Cameron Pierce from Burke County. He also recognized Sgt-At-Arms Carlton Adams, Rodney Finger, and Judy Turner.

The first bill before the committee was **House Bill 15, AN ACT APPROPRIATING FUNDS FOR THE CREATION OF ADDITIONAL FAMILY ASSISTANCE CENTERS TO BENEFIT MILITARY PERSONNEL AND THEIR FAMILIES.** Rep. Tarleton explains HB 15 would provide assistance to service members and their families when the service member is deployed, and redeploying, from military service. The assistance includes counseling, financial assistance, and health care assistance. The Centers aid members of the North Carolina National Guard, as well as other Armed Forces service members. Representative Warren made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations and the motion unanimously passed.

The Chair called upon Representative Killian, bill sponsor for **HB 98, AN ACT TO AUTHORIZE A MEMBER OF THE RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY.**

Representative Killian explains HB 98 would expand drivers license renewal periods for reserve force members ordered to report for active duty to allow renewal of the license before deployment, regardless of the time period before expiration; extend the validity of the drivers license that expired while the reserve member was on active duty outside the State, and allow an active duty reserve member stationed outside the State to renew a drivers license by mail. Representative Blust made a motion for a favorable report to the committee substitute bill, unfavorable as to the original bill and recommendation that the bill be re-referred to the Committee on Transportation. Motion unanimously passed.

There being no further business to come before the committee, the meeting adjourned.


Representative Larry D. Hall
Chair

Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, March 11, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS: The Following Bills Will Be Heard

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 99	Military Police/Credit for B.L.E.T. Training.	Representative Killian Representative Burr Representative Wiley Representative Warren
HB 297	Expand Emergency Personnel Deduction.	Representative Holloway Representative Faison Representative Martin Representative Randleman
HB 356	Increase Emergency Resp. Personnel Deduction.	Representative Wilkins, Jr. Representative Setzer Representative Underhill Representative Barnhart
HB 366	Locate Veterans Affairs Nursing Home at WCU.	Representative Haire

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9:30A.M.** on **March 06, 2009.**

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, March 11, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman

- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 99	Military Police/Credit for B.L.E.T. Training. (if favorable, Rules, Calendar, and operations of the House)	Representative Killian Representative Burr Representative Wiley Representative Warren
HB 297	Expand Emergency Personnel Deduction. (if favorable, Finance)	Representative Holloway Representative Faison Representative Martin
HB 356	Increase Emergency Resp. Personnel Deduction. (if favorable, Finance)	Representative Randleman Representative Wilkins, Jr. Representative Setzer Representative Underhill
HB 366	Locate Veterans Affairs Nursing Home at WCU. (if favorable, Appropriations)	Representative Barnhart Representative Haire

- **Comments**
- **Adjourn**

PUBLIC BILL

H.B. 0099

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO STUDY ALLOWING MILITARY PERSONNEL WHO HAVE COMPLETED MILITARY POLICE TRAINING FOR ANY BRANCH OF THE UNITED STATES ARMED FORCES TO RECEIVE CREDIT TOWARD COMPLETION OF THE BASIC LAW ENFORCEMENT TRAINING REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE, DIVISION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.

Introduced by Representative(s): Killian

W.P. Brim; Wiley; N. W. ... Primary Sponsor

<i>M. Lee</i>	<i>Dr. Randleman</i>	<i>Barclay</i>	<i>Pearl Burris Floyd</i>
<i>Crustie</i>	<i>Hurley</i>	<i>Arila</i>	<i>McElraft</i>
<i>Boles</i>	<i>Spencer</i>	<i>Gust</i>	<i>Dillon</i>
<i>Tillis</i>	<i>Curtis Blackwood</i>	<i>Cleveland</i>	<i>Blust</i>

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

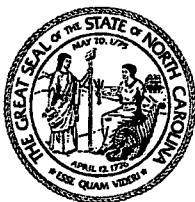
Personal Clerk's Use Only

PASSED 1st READING
FEB 11 2009
AND REFERRED TO COMMITTEE
ON ~~... RULES, CLERKING, AND~~
~~OPERATIONS OF THE HOUSE~~

*Homeland Security if far
of far Rules, etc.
Rules*

*Harrison
Jones*

Barth
Barnhart



HOUSE BILL 99: Military Police/Credit for B.L.E.T. Training

2009-2010 General Assembly

Committee:	Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar, and Operations of the House	Date:	March 9, 2009
Introduced by:	Reps. Killian, Burr, Wiley, R. Warren	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 99 would direct the Department of Justice to study the feasibility and implications of allowing candidates for law enforcement certification to be given credit toward basic law enforcement training requirements by substituting prior military police officer training and service for required coursework.*

CURRENT LAW: G.S. 17C-6 authorizes the North Carolina Criminal Justice Education and Training Standards Commission (Commission) to promulgate rules and regulations to "(2) Establish minimum educational and training standards that must be met in order to qualify for entry level employment and retention as a criminal justice officer..."

The Commission-mandated basic law enforcement training currently requires a total of 618 hours of training taking approximately 16 weeks to complete and consisting of 35 blocks of instruction on relevant topics (motor vehicle law, arrest, search and seizure, etc.).¹

BILL ANALYSIS: House Bill 99 would direct the Department of Justice to study the feasibility and implications of allowing candidates for law enforcement certification to be given credit toward basic law enforcement training requirements by substituting prior military police officer training and service for required coursework. The act would require that the study examine the cost effectiveness, efficiency, and liability issues relating to this proposed change.

The act would then direct the Department of Justice to report its findings, including recommended policy changes or legislation, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than February 1, 2010.

EFFECTIVE DATE: This act is effective when it becomes law.

H99-SMRD-10(e1) v2

¹ <http://www.jus.state.nc.us/NCJA/bletJan09.htm>
Research Division

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 99

Short Title: Military Police/Credit for B.L.E.T. Training. (Public)

Sponsors: Representatives Killian, Burr, Wiley, R. Warren (Primary Sponsors); K. Alexander, Avila, Barnhart, Blackwell, Blackwood, Blust, Boles, Burris-Floyd, Cleveland, Current, Dollar, Folwell, Frye, Guice, Harrison, Howard, Hughes, Hurley, Jones, Justice, Justus, Lewis, Lucas, Martin, McCormick, McElraft, McGee, Neumann, Randleman, Stevens, Tarleton, and Tillis.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar, and Operations of the House.

February 11, 2009

A BILL TO BE ENTITLED
AN ACT TO STUDY ALLOWING MILITARY PERSONNEL WHO HAVE COMPLETED
MILITARY POLICE TRAINING FOR ANY BRANCH OF THE UNITED STATES
ARMED FORCES TO RECEIVE CREDIT TOWARD COMPLETION OF THE BASIC
LAW ENFORCEMENT TRAINING REQUIRED BY THE NORTH CAROLINA
DEPARTMENT OF JUSTICE, DIVISION OF CRIMINAL JUSTICE EDUCATION AND
TRAINING STANDARDS COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Justice shall study the feasibility and implications of allowing candidates for law enforcement certification to be given credit towards completion of the basic law enforcement training requirements by substituting prior military police officer training and service for required coursework. The study shall examine the cost effectiveness, efficiency, liability, and any other issue arising from the substitution of prior military training, for required basic law enforcement training, that may affect the quality of training of candidates for law enforcement certification.

SECTION 2. The Department of Justice shall report its findings to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than February 1, 2010. Along with its findings, the Department of Justice shall make recommendations for changes in policies and submit any recommended legislation for changes in the General Statutes.

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



0297

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR CERTAIN EMERGENCY SERVICES WORKERS, FIREFIGHTERS, AND LAW ENFORCEMENT OFFICERS.

Introduced by Representative(s): ^{Holloway} ~~PAISON~~ • MARTIN • Randlema ^(Primary Sponsors)
• M. Cornick • Hurley • Starns • Blust
• Moore

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

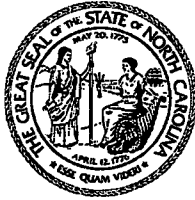
SED 1st READING

FEB 26 2009

AND REFERRED TO COMMITTEE

ON Homeland Security

Emergency and Veterans
Affairs, & Law Finance



HOUSE BILL 297: Expand Emergency Personnel Deduction

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Finance	Date:	March 9, 2009
Introduced by:	Reps. Holloway, Faison, Martin, Randleman	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *This act would enlarge the class of emergency workers who would be eligible for a State income tax deduction, and increase the deduction amount. This act is effective for taxes imposed for taxable years beginning on or after January 1, 2009.*

CURRENT LAW: Volunteer firefighters and emergency rescue workers, who meet the eligibility requirements, may deduct \$250 from their taxable income. An individual may not claim both deductions in the same calendar year.

BILL ANALYSIS:

- The act creates a new term, "emergency services" worker.
- An "Eligible emergency services worker" includes any communications, firefighter, law enforcement, and rescue squad personnel—not just volunteers.
- The act provides definitions of the types of workers, and would retain the eligibility requirements under the current law.
- The deduction from income amount would be increased to \$1,000.
- The provision that precluded more than one deduction in the same calendar year would be deleted.

EFFECTIVE DATE: This act would be effective for taxes imposed for taxable years beginning on or after January 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 297

Short Title: Expand Emergency Personnel Deduction. (Public)

Sponsors: Representatives Holloway, Faison, Martin, Randleman (Primary Sponsors);
Blust, Dockham, Hilton, Hurley, Lucas, McCormick, Moore, Setzer, Starnes,
Tarleton, and Wainwright.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Finance.

February 26, 2009

A BILL TO BE ENTITLED
AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR CERTAIN
EMERGENCY SERVICES WORKERS, FIREFIGHTERS, AND LAW ENFORCEMENT
OFFICERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-134.6(d)(6) reads as rewritten:

"(d) Other Adjustments. – The following adjustments to taxable income shall be made in
calculating North Carolina taxable income:

...
(6) A taxpayer who is an eligible ~~firefighter or an eligible rescue~~
~~squad~~ emergency services worker may deduct from taxable income the sum
of ~~two hundred fifty dollars (\$250.00)~~ one thousand dollars (\$1,000). In the
case of a married couple filing a joint return, each spouse may qualify
separately for the deduction allowed under this subdivision. In order to claim
the deduction allowed under this subdivision, the taxpayer must submit with
the tax return any documentation required by the Secretary. ~~An individual~~
~~may not claim a deduction as both an eligible firefighter and as an eligible~~
~~rescue squad worker in a single taxable year.~~ The following definitions apply
in this subdivision:

- a. Eligible emergency services worker. – An eligible emergency
communications worker, eligible firefighter, eligible law
enforcement officer, or eligible rescue squad worker.
- b. Eligible emergency communications worker. – An individual who is
responsible for internal communications or dispatch services at a 911
center, a fire department, a law enforcement agency, or a rescue or
emergency medical services squad.
- c. Eligible firefighter. – An ~~unpaid~~ member of a ~~volunteer~~ fire
department who attended at least 36 hours of fire department drills
and meetings during the taxable year.
- b.d. Eligible law enforcement officer. – An individual holding an active
law enforcement certification.
- e. Eligible rescue squad worker. – An ~~unpaid~~ member of a ~~volunteer~~
rescue or emergency medical services squad who attended at least 36
hours of rescue squad training and meetings during the taxable year."



1 **SECTION 2.** This act is effective for taxable years beginning on or after January 1,
2 2009.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 297

DATE 3/11/0

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

(Rep.) Lewis
(Sen.) _____

1 moves to amend the bill on page 1, line _____

2 () WHICH CHANGES THE TITLE

3 by deleting lines 23-26 and

4 relettering the subdivisions,

5 _____

6 and on lines 20 and 21

7 by deleting the words

8 "~~an~~ eligible emergency communications

9 worker."

10 _____

11 and on line 31 by adding the

12 following "~~certification~~ certification

13 and is currently serving

14 as a law enforcement officer."

15 regular or auxiliary

16 _____

17 _____

18 _____

19 _____

SIGNED [Signature]

ADOPTED ✓ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

0356

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE DEDUCTION FOR VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD WORKERS.

Introduced by Representative(s): Wilkins.

de la Huth J. Lett Underhill Bainhart
Primary Sponsors

<i>Let</i>	<i>Harve</i>	<i>Johnson</i>	<i>Blackwell</i>
<i>Gapp</i>	<i>R. Tucker</i>	<i>B. Underhill</i>	<i>Wray</i>
<i>Fisher</i>	<i>E. Warner</i>	<i>T. R. Lett</i>	<i>Reid M. C. Starn</i>
<i>Y. J. Stan</i>	<i>B. Warner</i>	<i>M. Brinson</i>	

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

G. Wood
c. to Blackwood

Farr

Oran Wright

PASSED 1st READING
MAR 2 2009
AND REFERRED TO COMMITTEE
ON Homeland Security,

etary and Veterans
airs, & Gov. Finance

SAGER
Dean
G. Pierce
McLaurin

W. C. Cuz



HOUSE BILL 356: Increase Emergency Resp. Personnel Deduction

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Finance	Date:	March 9, 2009
Introduced by:	Reps. Wilkins, Setzer, Underhill, Barnhart	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *This act increases the amount of the State income tax deduction for eligible volunteer firefighters and rescue workers. This act is effective for taxes imposed for taxable years beginning on or after January 1, 2009.*

CURRENT LAW: Volunteer firefighters and emergency rescue workers, who meet the eligibility requirements, may deduct \$250 from their taxable income on their State tax return. An individual that is eligible as a firefighter and an emergency rescue worker may not claim both deductions in the same calendar year.

BILL ANALYSIS: This bill would increase the amount deductible from income from \$250 to \$400.

EFFECTIVE DATE: This act is effective for taxes imposed for taxable years beginning on or after January 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 356

Short Title: Increase Emergency Resp. Personnel Deduction. (Public)

Sponsors: Representatives Wilkins, Setzer, Underhill, Barnhart (Primary Sponsors);
M. Alexander, Blackwell, Blackwood, Brisson, Crawford, England, Faison,
Fisher, Gibson, Haire, Insko, Johnson, McLawhorn, Owens, Pierce, Rapp, Sager,
Spear, Stam, Steen, Stewart, Sutton, Tarleton, Tolson, Tucker, Wainwright,
E. Warren, R. Warren, Wray, and Yongue.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Finance.

March 2, 2009

**A BILL TO BE ENTITLED
AN ACT TO INCREASE THE DEDUCTION FOR VOLUNTEER FIREFIGHTERS AND
RESCUE SQUAD WORKERS.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-134.6(d)(6) reads as rewritten:

"(d) Other Adjustments. – The following adjustments to taxable income shall be made in calculating North Carolina taxable income:

(6) A taxpayer who is an eligible firefighter or an eligible rescue squad worker may deduct from taxable income the sum of ~~two hundred fifty dollars (\$250.00)~~ four hundred dollars (\$400.00). In the case of a married couple filing a joint return, each spouse may qualify separately for the deduction allowed under this subdivision. In order to claim the deduction allowed under this subdivision, the taxpayer must submit with the tax return any documentation required by the Secretary. An individual may not claim a deduction as both an eligible firefighter and as an eligible rescue squad worker in a single taxable year. The following definitions apply in this subdivision:

a. Eligible firefighter. – An unpaid member of a volunteer fire department who attended at least 36 hours of fire department drills and meetings during the taxable year.

b. Eligible rescue squad worker. – An unpaid member of a volunteer rescue or emergency medical services squad who attended at least 36 hours of rescue squad training and meetings during the taxable year."

SECTION 2. This act is effective for taxable years beginning on or after January 1,

2009.



0366

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

**AN ACT TO DESIGNATE THE MILLENNIAL CAMPUS AT WESTERN CAROLINA UNIVERSITY AS THE
SITE FOR ONE OF THE VETERANS AFFAIRS NURSING HOMES FUNDED IN 2006.**

Haire
Introduced by Representative(s): Haire.

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

MAR 3 2009

AND REFERRED TO COMMITTEE

ON *Homeland Security*

*ilitary and Veterans
Affairs, & **APPROPRIATIONS***



HOUSE BILL 366: Locate Veterans Affairs Nursing Home at WCU

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations	Date:	March 9, 2009
Introduced by:	Rep. Haire	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 366 would direct the Department of Administration to locate a proposed Veterans Affairs nursing home on the Millennial Campus of Western Carolina University.*

CURRENT LAW: Part XXIII of Session Law 2006-66 appropriated \$8,773,300 of State funds in order to obtain federal matching funds for the establishment of two new Veterans Affairs nursing homes in the State. The first nursing home will be located in Kinston and one additional site is envisioned to be located in the west of the State.

BILL ANALYSIS: House Bill 366 would direct the Department of Administration to locate a proposed Veterans Affairs nursing home on the Millennial Campus of Western Carolina University and would direct the Department of Administration to secure funding and begin building the home as soon as possible.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: There are currently two Veterans Affairs nursing homes operating in this State, one in Salisbury and one in Fayetteville. A third home is scheduled to begin construction in Kinston sometime this summer, and the location of the fourth home is the subject of this bill.

H366-SMRD-11(e1) v2

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 366

Short Title: Locate Veterans Affairs Nursing Home at WCU. (Public)

Sponsors: Representatives Haire; and E. Floyd.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations.

March 3, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO DESIGNATE THE MILLENNIAL CAMPUS AT WESTERN CAROLINA
3 UNIVERSITY AS THE SITE FOR ONE OF THE VETERANS AFFAIRS NURSING
4 HOMES FUNDED IN 2006.

5 Whereas, in 2006 the North Carolina General Assembly appropriated \$8,773,300 to
6 the Department of Administration to provide the State match portion of funds needed to secure
7 federal grant funding for the construction of two Veterans Affairs nursing homes, one in the
8 eastern part of the State and one in the western part of the State; and

9 Whereas, the Veterans Affairs nursing home that is to be located in the eastern part
10 of the State is to be located in Kinston; and

11 Whereas, a site has not yet been selected for the Veterans Affairs nursing home to
12 be located in the western part of the State; and

13 Whereas, it is in the best interest of veterans in the western part of this State for the
14 nursing home to be constructed and become operational as soon as possible; and

15 Whereas, the needs of the veterans who will occupy such a nursing home are
16 diverse and require an interdisciplinary approach; and

17 Whereas, Western Carolina University could assist the United States Department of
18 Veterans Affairs in developing innovative programs for the care of persons with Alzheimer's
19 disease and dementia and specifically could augment the services available to veterans by
20 permitting its students to assist with the provision of nursing, physical therapy, speech
21 pathology, recreation therapy, emergency medical care, social work, athletic training, nutrition,
22 and other services; and

23 Whereas, this would serve the dual purpose of enhancing veterans' lives and
24 educating the next generation of health care providers; Now, therefore,
25 The General Assembly of North Carolina enacts:

26 **SECTION 1.** The Veterans Affairs nursing home that is to be located in the
27 western part of North Carolina shall be located on the Millennial Campus of Western Carolina
28 University. State matching funds necessary to secure federal grant funding for the nursing
29 home were appropriated in S.L. 2006-66. The Department of Administration shall attempt to
30 secure the federal matching portion of funds necessary to commence building the nursing home
31 as soon as possible and shall commence construction as soon as possible.

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



Minutes of Meeting

STATE VETERANS AFFAIRS COMMISSION

April 23, 2007

An official meeting of the State Veterans Affairs Commission convened on Monday, April 23, 2007, at the DAV Headquarters on New Bern Avenue, Raleigh, NC. The following were present:

MEMBERS:

William C. (Cleve) Cox, Chairman
 Benjamin Halterman
 Richard McLawhorn
 Darrell M. Holt
 Rev. Lenwood V. Long
 Charles Parkhurst
 Walter J. Marm
 Roy L. Pressley
 Robert C. Sanford
 Ray G. Smith

ADVISORY COMMITTEE MEMBERS

F. Paul Dallas, Commander, EX-POW
 American Ex-Prisoners of War
 James C. Goins
 Veterans of Foreign Wars
 David Irby, Commander
 Disabled American Veterans

Assistant Secretary for Veterans Affairs:	Charles F. Smith
Assistant Director:	E. Wayne Peedin
State Veterans Homes Program Manager:	James A. Woodard
Cemetery Program Manager:	Eli D. Panee
Recorder:	Diane I. Norris

Guests: Britt Cobb, Secretary, Dept. of Administration
 Brenda Brubaker, VVA State Council
 Jesse Torres, Military Order of the Purple Heart
 Andrejs Bedelis, Marine Corps League
 Wally Tyson, DAV
 Joe McNair
 Bob Cox
 Delores Parkhurst

Chairman Cox called the meeting to order at 10:02 a.m. Rev. Lenwood Long opened the meeting with prayer followed by the Pledge of Allegiance to the Flag.

Chairman Cox began thanking the Commission and Advisory Committee members for attending the meeting. He welcomed Mr. Richard McLawhorn to the Commission and expressed his appreciation to the DAV for the use of their facility. Next, Chairman Cox

mentioned that the agenda was full and that the meeting would be long because of some very important issues that needed to be discussed.

Mr. Charles Smith started with a welcome to the Commission members and Commanders of the Service Organizations. He thanked Mr. David Irby for the use of the facility for the meeting. Then Mr. Charles Smith introduced Mr. Britt Cobb, Secretary for Department of Administration.

Secretary Cobb thanked the members for serving on the NC Veterans Affairs Commission. Also, he praised Mr. Charles Smith for his work in serving the veterans of North Carolina and mentioned that he is a great spokesperson for them. He noted that the Commission would be going into an executive session in reference to the State Scholarship Program for children of veterans. This program impacts a lot of the veterans and their children in North Carolina, as well as the future.

Then Secretary Cobb mentioned the construction of two new NC State Veterans Nursing Homes in North Carolina. One will be located in Kinston, North Carolina. The second site has not been determined. However, two State Legislators have expressed interest in having the home located in their respective districts. Each will be giving a presentation on their proposed site for the NC State Veterans Nursing Home located in the Western part of North Carolina. He reminded the Commission members that each Legislator had assisted in securing the funding for these facilities and requested the members to give their undivided attention during the presentations. This matter is of a critical nature and very important to both. The Commission was asked to listen to the facts before making their recommendation. In closing, Secretary Cobb again thanked the Commission for their dedication and service.

Chairman Cox thanked Secretary Cobb for attending the meeting and mentioned that he concurred with his praise of Mr. Charles Smith. Mr. Cox expressed appreciation for Mr. Smith's dedication to the veterans.

Administrative matters were next: Mr. Charles Parkhurst made a motion to approve the January 22, 2007 minutes; it was seconded by Mr. Ray Smith. The motion was and approved unanimously. Next, the travel vouchers were signed and collected.

Mr. Charles F. Smith began his report stating that nationwide North Carolina ranks 9th in veteran population and 4th in the number of veterans receiving disability compensation. Currently, the veteran population is 780,000 and about half is over the age of 60. However, the veteran population is growing as a result of OEF (Operation Enduring Freedom) and OIF (Operation Iraqi Freedom). There are 105,000 veterans receiving disability compensation and 132,000 veterans and survivors of veterans receiving benefits. From last year, this is an increase of about 3,300. Veterans, survivors or dependents in North Carolina receive annually about \$1.4 billion. This averages about \$115 million per month. There are 83,000 military retirees in North Carolina and the monthly payroll for them equates to \$130 million. The total of veterans receiving non service-connected benefits has decreased. These are disabled veterans living in poverty

conditions that have wartime service, but do not have a service-connected disability. The agency targets these veterans and assists them in filing for non service-connected VA benefits. It is estimated about 40 veterans are dying per day.

Mr. Charles Smith continued his report with the High School Diploma program, in which the Legislators had extended the program to include veterans that served in Korea and Vietnam. Mr. Charles Smith approves the application and processes the paperwork to the Department of Public Instruction. The diplomas are signed by the Superintendent of the Dept. of Public Instruction and by the Chairman of the Board of Education. This past February, the Elks sponsored a graduation ceremony for 30 veterans. General Boykin, a 3-Star General, gave the graduation address.

The NC Division of Veterans Affairs (NCDVA) in cooperation with the Governor's office is sponsoring an outreach program for veterans separating from active duty. Of these veterans, the NCDVA receives 98% of the Form DD-214's. This totals about 15,000 per year. Once the form is received, a letter is generated. The Governor welcomes the veteran to North Carolina, mentions Federal and State benefits, and references a Care Line (website/telephone contact). This Care Line enables the veterans to go to the website or call for information on State agencies that may be of assistance to them. The Governor hopes to expand the Care Line from 5 days/8 hours per day to 7 days/ 24 hours a day. This program is designed to reach those veterans and their families that are having difficulty adjusting. These letters reach about 95% of the veterans.

Another program initiated by NCDVA, is a letter of condolence from the Governor's office to the families of veterans. The letter and a North Carolina Flag is displayed in a case and presented to a family member. There have been about 85 deaths to date and 100 have been given to families.

NCDVA is giving assistance to UNC-TV with the World War II Documentary project. Julia Carpenter from UNC-TV attended a previous meeting and gave a presentation about this project to the Commission. This documentary will be about North Carolina Veterans during the World War II era. It will spotlight North Carolina's story through veterans and their families. Eight hours of the documentary will be centered on North Carolina. On September 23, 2007, there will be a program that runs 7 nights, 14 ½ hours that will be airing on PBS in reference to this project. The finished product will be used in the North Carolina School systems.

Mr. Wayne Peedin thanked Secretary Cobb for attending the meeting. Then he began with the employees report starting with the turnovers. One Veterans Service Officer in Hickory resigned; One Veterans Service Officer in Morganton is on short-term disability, Jerry Hatfield is working 3 days a week to fill in; One Veterans Service Officer in Asheville has been activated, Eddie Padgent is filling in; One Veterans Service Officer in Elizabeth City retired, William Turner was hired for that position Terry McMillan is working in Durham, a re-instituted position; Lee Pascasio is retiring as of May 1, 2007 Larry Conley's mother passed. Next, Mr. Peedin gave the State Service Office Report for the first quarter of 2007. Correspondence received was 13,000 pieces of mail and

sent about 9,000. The total number of cases reviewed by the staff is 22, 837. This is a tremendous increase. North Carolina is ranked 4th in the nation for service-connected veterans (0-90%) and 3rd for veterans rated 100% service-connected. These rankings are directly related to the outstanding services provided by our Veterans Service Officers, County, District and State. The quarterly District Service Office report was next. Correspondence is 110,226; Request for Service is 30,373; Claims filed for Compensation is 1,028; Non Service-Connected is 429; EVR's is 1,154; and Education and Scholarships is 769.

Mr. Peedin mentioned that an agenda for the Regional Schools was given to all Commission members listing the dates and locations of the training sites. A few of the topics discussed will be the medical care, a few changes in the scholarship form, RSVP call process, VA will discuss the Decision Review Officers/Notice of Disagreement/Appeals/Personal Hearings/NOD's/Best way to assist veterans resolve claims/claim development/changes in laws/age 65 – what to and not to submit/fee basis eligibility/VSO's that are accredited/VSO's access to medical files and finally, the waiver process for VA debts.

The Scholarship program was discussed. There were a few changes to the scholarship form involving the income reported, requiring a resume, and requested additional information to aid in the selection process. There were fewer applications received this year, which may be due to the change in the due date from March 31 to March 1. With the changes incorporated into the program, the process went a lot smoother this year. Mr. Peedin closed by thanking the Commission for their time.

Chairman Cox expressed appreciation to Mr. Peedin for his Christian character.

Mr. Smith distributed a list of bills introduced to the Legislature that involves the military or veteran's issues. He encouraged the Commission to get their respective organizations motivated and respond to their Legislators about these issues.

Mr. Eli Panee was introduced and began with the report on the Cemetery Program. The three State Cemeteries are averaging 25 burials per month, which is an increase from the previous year. At two of the cemeteries (Western Carolina and Coastal Carolina), they have had over 2,600 each burials since they opened for services. Sandhills State Veterans Cemetery opened in 1997 and has had 2,300 services. Between the maintenance of the grounds and the services, the staff is very busy at the cemeteries. In addition, since the cemeteries are open for services 7 days a week, there have been no Sunday burials.

In reference to the expansion in Jacksonville, the drawings that were previously disapproved had been re-submitted to the US Department of Veterans Affairs, State Construction Office and the Office of the Fire Marshall for review and approval. The federal funding should be approved in the October 1, 2007 budget and the expansion project should begin shortly after.

State Construction Office approved \$300,000.00 in Repair and Renovations (R&R)

funding for the Sandhills State Veterans Cemetery. A designer has been selected and drawing submitted for the project. Mr. Panee will be meeting with State Construction to review them.

The Department of Transportation (DOT) has submitted a copy of the drawings to NC Division of Veterans Affairs for the redesigning of the entrance to Fort Bragg. After reviewing the drawings, the project may require land that would eliminate 1,400 – 1,600 gravesites. The entrance to the cemetery and maintenance building would also be affected by this acquisition of land by DOT. Mr. Charles Smith is discussing the matter with State Property and Secretary Cobb.

Chairman Cox thanked Mr. Panee for his dedication and service and introduced Mr. James Woodard, State Veterans Home Program Manager.

Mr. James Woodard updated the Commission on the projects at both homes. In Fayetteville the following projects are in progress: Trust Fund funding - Dining room renovations (receptacles), entrance sign, Home Free Security System (receptacles); R&R Funding – Domestic Hot Water System (\$99,700.00), shower repairs, sidewalks addition, A-Wing renovation (\$35,717.00). Mr. Woodard discussed the entrance sign for Fayetteville. Mr. Ben Halterman made a motion to approve the construction of the entrance sign at a cost not exceed \$10,000 at the Fayetteville home; it was seconded by Mr. Charles Parkhurst and approved unanimously.

The Utility Project (Steam and Chilled Water System, Camera Security System, Parking Lot, Storage Building) in Salisbury is on hold awaiting approval of a 50-year license for the land from the Federal government. The State will proceed with this project as soon as the license issue is resolved.

Next, Mr. Woodard mentioned the Veteran Choice Card. These were printed and will be distributed to veterans throughout North Carolina. The names of the State Veterans Nursing Homes and telephone numbers are listed on the cards.

Mr. Woodard presented a rate comparison from the Fayetteville and Salisbury area. Privately owned homes were surveyed and the rates were reviewed. Based on the information collected, the State Veterans Homes rates (*current rate \$145 less federal per diem \$62 = \$83.00 cost to veteran residents*) were about ½ the cost of the average in both areas. The Fayetteville area average was Semi-Private Rate \$167.42, Private Rate \$173.38 and the Salisbury area average was Semi-Private Rate \$160.86, Private Rate \$170.63. There was an increase in January 2007; however, Mr. Woodard mentioned that previous increases were based on a calendar year and he expressed interest in changing to the fiscal budget year. Also, it was mentioned that the start-up costs for the new homes would need to be put aside. The Legislature does not allocate funding for the State Veterans Homes Program. When a request was made for start-up funds for the Salisbury home, the Legislature took funds from the NC State Veterans Nursing Home Trust Fund and allocated them for this purpose. Therefore, it is imperative to start saving for the operation for the current and future homes. After a discussion of the rates, Mr. Woodard

made a recommendation to the Commission to increase the basic cost of care rate \$5.00 per day (*\$150.00 less federal per diem less federal per diem \$63 = \$87.00 cost to veteran residents*) to be effective July 1, 2007. Mr. Ben Halterman made a motion to approve the recommendation for the \$5.00 increase to the basic cost of care rate effective July 1, 2007, it was seconded by Mr. Ray Smith and approved unanimously.

Lastly, Mr. Woodard discussed the two proposed sites for the Western North Carolina location. He reminded the Commission that there would be two special guests at the meeting. Representative Haire and Representative Goforth will give presentations for the proposed sites from their respective districts. However, the Commission needs to make a recommendation that would best serve the veterans of North Carolina. In comparing both sites, the following information was mentioned. The veteran population within a 50-mile radius in the Cullowhee area is 60,591 (Jackson County 3,688), and in the Black Mountain area it is 102,544 (Buncombe County 22,981). Within the same radius there are 13 hospitals, 42 nursing homes and 4,132 nursing home beds in the Cullowhee area and there are 26 hospitals, 68 nursing homes and 6,959 nursing home beds in the Black Mountain area. Cullowhee is 58.3 miles (one way) from the VAMC and 8.28 miles (one way) from the nearest hospital. Black Mountain is 8 miles (one way) from the VAMC and 15.3 miles (one way) from the nearest hospital.

In giving these statistics Mr. Woodard mentioned his concern for both sites giving the following information about the two current facilities located in Fayetteville and Salisbury. He began with the total population for the Fayetteville area is 175,275 and the Salisbury area is 254,607, all within a 50-mile radius of both facilities. Fayetteville is a 150-bed facility and it is difficult to keep it filled, as opposed to the Salisbury facility, which is a 99-bed facility it is usually at capacity 94 or 95% occupancy. In addition the majority of the residents in these homes come from the counties where the facilities are located. In Fayetteville 55% of the residents are from Cumberland County (veterans population 41,938) and in Salisbury 33% of the residents are from Rowan County (veterans population 12,890). As indicated above Jackson County's veteran population is 3,688 and Buncombe County's is 22,981. As noted, NCDVA has a concern about both locations.

In addition, Mr. Woodard mentioned that residents receiving A&A (aid and attendance) benefits from the VA are entitled to receive their pharmaceuticals from the VAMC at no cost to the veterans. However, with the VAMC being located 116.06 miles (roundtrip rate) from the facility, there would be several costs passed down to the veteran resident. First, the State would have to hire additional staff and purchase an extra vehicle for pharmaceutical pick-ups; secondly, the families would have to pay their own transportation costs for outpatient services at the VAMC (over 50 miles roundtrip); thirdly, cost of purchasing their pharmaceuticals from a local vendor would be a direct cost to the resident; and lastly, hiring a full-time pharmacist for the facility, the cost of extra staff personnel would be passed on to the veteran resident. The last option would not solve the impending problems from the facility being located so far away from the NC State Veterans Nursing Home.

Next, the Class 1-A and Class IV scholarships granted since January 22, 2007 need to be ratified. Mr. Charles Parkhurst made a motion to ratify the Class 1-A and Class IV scholarships granted since January 22, 2007, it was seconded by Rev. Lenwood Long and approved unanimously.

Mr. Charles Smith explained the Class II and Class III scholarships to the Commission. After a detailed explanation, the Commission went into executive session to discuss scholarships.

The Commission reviewed the information regarding the Class II scholarships. After some decision Mr. Ray Smith made a motion to award 100 Class II scholarships seconded by Mr. Pressley and the motion was approved unanimously.

Mr. Charles Smith distributed information on the Class III scholarships to the Commission. The first category in Class III is the veteran must be non-service connected disabled, receive a VA pension, and served at least 90 days during a period of war. Second category is the applicants must have a financial need and a child of a veteran that has died non-service connected. The third category is any veteran that served in a combat zone. Mr. Ben Halterman made a motion to award the 100 Class III scholarships according to the General Statutes; it was seconded by Mr. Richard McLawhorn and approved unanimously.

Chairman Cox briefly spoke to the Commission on the importance of the two presentations on the location of the Western North Carolina locations that would follow lunch. He asked every member to consider all the facts presented. Rev. Lenwood Long gave thanks for the lunch that was provided.

Chairman Cox introduced Representative Haire (119th House District) and he began his presentation stating that during the last session of the General Assembly \$8.77 million was appropriated for the establishment of two State Veterans Homes. One home is to be located in Eastern North Carolina and the second in the West. He discussed the merits of the Western Carolina University Campus (Jackson County) location. A "Joint Statement" signed by 7 County Commissioners in support of the Jackson County location was distributed. Letters from The Eastern Band of Cherokee Indians, American Legion of the United States and American Legion Post 104 endorsed the location as well. Representative Haire took a moment to recognize Senator John Snow (50th Senate District), and Senator Snow expressed his interest in the Jackson County location for the State Veterans Home. Then, he discussed the medical facilities and care offered in the area and the fact that they had a four-part presentation.

Representative Haire introduced Mark Leonard, CEO, of WestCare Health Systems. Mr. Leonard thanked Representative Haire and the Commission for the opportunity of being there and for their service to our country. He discussed the quality of care and healthcare services that would be available to the veteran residents of the NC State Veterans Home located in Jackson County. He introduced Janet Milsap, Vice-President for Staff Services and Brian Thomas, Director of Planning and Marketing. WestCare

consists of 2 hospitals (Sylva – 86 beds and Bryson City – 48 beds), Medical Park (Franklin), and Mount Trace Nursing Center. Medical Park in Franklin is a 21,000 sq. ft. office building/clinic. They also own and operate a 106-bed nursing home facility. Other services offered are regional home health (hospice), EMS, pharmacy, sport medicine, and radiation therapy (Cancer Center). A PowerPoint presentation was presented to the Commission about WestCare and their services. WestCare is a private entity that would be interested in providing services as well as managing the NC State Veterans Home.

Next, Debra Klavohn, Dean of Health Sciences, with Southwestern Community College spoke on their Health Training Program. They offer over 20 health science programs, from EMS to nursing to radiology to physical therapy assistant. They partner with local facilities to train our students and they would be interested in offering training to their students at the NC State Veterans Home facility.

Dr. Anne Johnson, Interim Dean of Applied Sciences at Western Carolina University, stated that as of July 1, 2007, we will be the College of Health and Human Sciences. They are one of 16 state universities. Some of the degrees that would be directly applicable to the NC State Veterans Home are nursing, physical therapy, communications disorders, recreational therapy, nutrition and dietetic, medical records, health information administration, environmental health, gerontology, and social work. The Millennium Campus is a 344-acre expansion project that would develop as an academic community. This neighborhood would be constructed on the campus will focus on healthcare, aging, and retirement. They have received funding for the planning of this campus; however, are waiting the funding for the construction. There will be public, private and government facilities located on this campus that will interact with the school.

Representative Haire offered a few additional comments on the location. He mentioned conversation about WestCare establishing a clinic on the Millennium Campus. Then, he stated that a site in Franklin, North Carolina for an outpatient clinic had been approved. This facility will not dispense medications. However, no congressional funding has been approved. Currently, there is a request for \$40 million in the budget for construction for a School of Gerontology to be location at Western Carolina University. As a member of the appropriations committee, he assured the Commission that this request is in the budget and would be funded, either through State funding or bond issues.

Dr. Brenda Clearly, PhD, RN, FANN, Executive Director, North Carolina School of Nursing was introduced. She mentioned that since she has moved to the western region of North Carolina it has been growing in healthcare services. She spoke of her experiences in the VAMC.

Representative Haire added that he thought that this was a good location for the NC State Veterans Home and thanked the Commission for their time. Then, he stated that he is an Air Force veteran. He cares about veterans and their quality of life. Less than a mile away the veterans can go to a football game, the Performing Arts Center, or a basketball game. The location of the VAMC to Black Mountain was mentioned – only three miles away, which is not the most important issue. What is the quality of life that is offered

them? In closing, he thanked Mr. Charles Smith, Mr. James Woodard and Mr. Cleve Cox. The guests from Jackson County addressed questions from the Commission members. Representative Haire thanked the Commission for their time.

Representative Bruce Goforth was introduced and thanked the Commission for their invitation to speak at the meeting. Beginning with the fact that Mr. Charles Smith and Representative Goforth have worked over a year to acquire the land at Black Mountain. It is only 4 miles from the VAMC. The Buncombe County location would serve 19 counties within a 50-mile radius consisting of 102,544 veterans, and 45,121 veterans over the age of 65. The Jackson County location would serve 11 counties within a 50-mile radius consisting of 66,591 veterans, and 28,127 veterans over the age of 65. The comparison is Buncombe County's 102,544 to Jackson County's 60,591 veterans. In addition, within the Jackson County veteran's statistics, 40,000 veterans would have to come through Buncombe County. The access to Black Mountain would be off the main interstates, therefore, would be very accessible for the veterans within a 50-mile radius.

The Black Mountain Site is only 4 miles from the VAMC. This distance allows easy access for pharmaceuticals. This site is also within close proximity to a local hospital. There are schools in Asheville that offer nursing programs. Representative Goforth distributed letters supporting the Black Mountain location from the Asheville Chamber of Commerce, Representative Bob England, Representative Walter Church, Representative Phillip Frye, Representative Ray Warren, Representative Cullie M. Tarleton, Representative Debbie Clary, and Representative Carolyn Justus. The location needs to be the best for the veteran and not about politics. Representative Goforth stated that if he thought that Jackson County was the best location for the State Veterans Home, he would support it. However, the Black Mountain location would serve over 102,544 veterans in a 50-miles radius. The property is available, the community supports this facility, and the education for staffing is local. Representative Goforth addressed questions.

Chairman Cox mentioned that the veterans of North Carolina are well served by the VA Medical Centers. Veterans do not pay for services and receive their pharmaceuticals through them at a very low cost. The location of the VAMC is essential to the veteran residents in a State Veterans Home. It was also mentioned that the State Veterans Homes physicians can write a prescription for pharmaceuticals, and the VAMC would dispense them to the home. The veterans in the North Carolina State Veterans Nursing Homes that receive Aid and Attendance are able to receive their medications at no charge from the VAMC. In addition, a law was recently passed that if a veteran is 50% or greater they receive their medications at no charge, regardless of A&A. Due to laws and restrictions, the State Veterans Homes are not permitted to order a 90-day supply of drugs/prescriptions. The VAMC mandates that pharmaceutical orders must be received by 1:00 p.m. to be picked up the same day. We also have a contract with a private pharmacy that provides and delivers medications for our veterans, in the event that the VAMC pharmacy is closed. The use of the secondary supplier is a direct cost to the veteran. Next, the Commission discussed the cost for the 1:10 minute trip to the VAMC from the Jackson County location would be enormous over time. From the cost of an additional vehicle, increased fuel costs, adequate staffing and etc... These costs could be

passed on to the resident through increasing the cost of care rates or would be funded through operational funds. In the latter case, funds that would be used for veteran's immediate needs would be diverted for the additional cost of location.

Representative Goforth thanked the Commission for their support and expressed his appreciation to them.

It was mentioned that the US Department of Veterans Affairs would have to approve the site for the State Veterans Homes Grant Program. There would be a demographic study presented to them that would involve the 50-mile radius of the following: hospitals, schools, veteran population, etc... Based on the information and studies presented a recommendation of Black Mountain was made to the Commission. After a lengthy discussion about the two proposed sites for the Western North Carolina State Veterans Home location, the Commission asked for a vote. Mr. Ben Halterman made a motion to recommend the Black Mountain location with a roll call vote response per the General Statutes; it was seconded by Mr. Lenwood Long.

Rev. Lenwood V. Long	Black Mountain
Roy L. Pressley	Jackson County
Charles Parkhurst	Black Mountain
Robert C. Sanford	Jackson County
Benjamin Halterman	Black Mountain
Darrell M. Holt	Black Mountain
Walter J. Marm	Black Mountain
Ray G. Smith	Black Mountain
Richard McLawhorn	Black Mountain
William C. (Cleve) Cox, Chairman	Black Mountain

With 8 votes for Black Mountain and 2 for Jackson County, the Commission recommended the Black Mountain location for the Western North Carolina location.

The next meeting will be October 12, 2007, during the Fall Conference in Atlanta Beach at the Clamdigger Inn. Mr. Charles Smith stated that notification detailing the dates and accommodation information would be forwarded to them in the mail.

Rev. Lenwood Long closed the meeting with prayer. The meeting was adjourned at 2:30 p.m.

Article 8.

State Veterans Home.

§ 165-45. Short Title.

This Article may be referred to as the "State Veterans Home Act". (1995, c. 346, s. 1.)

§ 165-46. Establishment.

The State of North Carolina shall construct, maintain, and operate veterans homes for the aged and infirm veterans resident in this State under the administrative authority and control of the Division of Veterans Affairs of the Department of Administration. There is vested in such Division any and all powers and authority that may be necessary to enable it to establish and operate the homes and to issue rules necessary to operate the homes in compliance with applicable State and federal statutes and regulations. (1995, c. 346, s. 1.)

§ 165-47. Exemption from certificate of need.

Any state veterans home established by the Division of Veterans Affairs shall be exempt from the certificate of need requirements as set out in Article 9 of Chapter 131E, or as may be hereinafter enacted. (1995, c. 346, s. 1.)

§ 165-48. North Carolina Veterans Home Trust Fund.

(a) Establishment. – A trust fund shall be established in the State treasury, for the Division of Veterans Affairs, to be known as the North Carolina Veterans Home Trust Fund.

(b) Composition. – The trust fund shall consist of all funds and monies received by the Veterans Affairs Commission or the Division of Veterans Affairs from the United States, any federal agency or institution, and any other source, whether as a grant, appropriation, gift, contribution, bequest or individual reimbursement, for the care and support of veterans who have been admitted to a State veterans home.

(c) Use of Fund. – The trust fund created in subsection (a) of this section shall be used by the Division of Veterans Affairs:

- (1) To pay for the care of veterans in said State veterans homes;
- (2) To pay the general operating expenses of the State veterans homes, including the payment of salaries and wages of officials and employees of said homes; and
- (3) To remodel, repair, construct, modernize, or add improvements to buildings and facilities at the homes.

(d) Miscellaneous. – The following provisions apply to the trust fund created in subsection (a) of this section:

- (1) All funds deposited and all income earned on the investment or reinvestment of such funds shall be credited to the trust fund.

- (2) Any monies remaining in the trust fund at the end of each fiscal year shall remain on deposit in the State treasury to the credit of the North Carolina Veterans Home Trust Fund.
- (3) Nothing contained herein shall prohibit the establishment and utilization of special agency accounts by the Division of Veterans Affairs, as may be approved by the Veterans Affairs Commission, for the receipt and disbursement of personal funds of the State veterans homes' residents or for receipt and disbursement of charitable contributions for use by and for residents. (1995, c. 346, s. 1.)

§ 165-49. Funding.

(a) The Division of Veterans Affairs of the Department of Administration may apply for and receive federal aid and assistance from the United States Department of Veterans Affairs or any other agency of the United States Government authorized to pay federal aid to states for the construction and acquisition of veterans homes under Title 38, United States Code, section 8131 et seq., or for the care or support of disabled veterans in State veterans homes under Title 38, United States Code, section 1741 et seq., or from any other federal law for said purposes.

(b) The Division of Veterans Affairs may receive from any source any gift, contribution, bequest, or individual reimbursement, the receipt of which does not exclude any other source of revenue.

(c) All funds received by the Division shall be deposited in the North Carolina Veterans Home Trust Fund, except for any funds deposited into special agency accounts established pursuant to G.S. 165-48(d)(3). The Veterans Affairs Commission shall authorize the expenditure of all funds from the North Carolina Veterans Home Trust Fund. The Veterans Affairs Commission may delegate authority to the Assistant Secretary of Veterans Affairs for the expenditure of funds from the North Carolina Veterans Home Trust Fund for operations of the State Veterans Nursing Homes. (1995, c. 346, s. 1; 2001-117, s. 1.)

§ 165-50. Contracted operation of homes.

The Veterans Affairs Commission may contract with persons or other nongovernmental entities to operate each State veterans home. Contracts for the procurement of services to manage, administer, and operate any State veterans home shall be awarded on a competitive basis through the solicitation of proposals and through the procedures established by statute and the Division of Purchase and Contract. A contract may be awarded to the vendor whose proposal is most advantageous to the State, taking into consideration cost, program suitability, management plan, excellence of program design, key personnel, corporate or company resources, financial condition of the vendor, experience and past performance, and any other qualities deemed necessary by the Veterans Affairs

Commission and set out in the solicitation for proposals. Any contract awarded under this section shall not exceed five years in length. The Veterans Affairs Commission is not required to select or recommend the vendor offering the lowest cost proposal but shall select or recommend the vendor who, in the opinion of the Commission, offers the proposal most advantageous to the veterans and the State of North Carolina. (1995, c. 346, s. 1.)

§ 165-51. Program staff.

The Division shall appoint and fix the salary of an Administrative Officer for the State veterans home program. The Administrative Officer shall be an honorably discharged veteran who has served in active military service in the armed forces of the United States for other than training purposes. The Administrative Officer shall direct the establishment of the State veterans home program, coordinate the master planning, land acquisition, and construction of all State veterans homes under the procedures of the Office of State Construction, and oversee the ongoing operation of said veterans homes. The Division may hire any required additional administrative staff to help with administrative and operational responsibilities at each established State Veterans Home. (1995, c. 346, s. 1; 2001-117, s. 2.)

§ 165-52. Admission and dismissal authority.

The Veterans Affairs Commission shall have authority to determine administrative standards for admission and dismissal, as well as the medical conditions, of all persons admitted to and dismissed from any State veterans home, and to issue any necessary rules, subject to the requirements set out in G.S. 165-53. (1995, c. 346, s. 1.)

§ 165-53. Eligibility and priorities.

(a) To be eligible for admission to a State veterans home, an applicant shall meet the following requirements:

- (1) The veteran shall have served in the active armed forces of the United States for other than training purposes;
- (2) The veteran shall have been discharged from the armed forces under honorable conditions;
- (3) The veteran shall be disabled by age, disease, or other reason as determined through a physical examination by a State veterans home physician; and
- (4) The veteran shall have resided in the State of North Carolina for two years immediately prior to the date of application.

(b) Eligible veterans will be admitted into a State veterans home or place on waiting lists for admission into a home according to the following priorities:

- (1) Eligible wartime veterans will receive priority over eligible nonwartime veterans and will be admitted to the first available

bed capable of providing the level of care required. Eligible wartime veterans with equal care requirements will be ranked in chronological order based on the earliest date of receipt of the veteran's application for care.

- (2) All other eligible veterans will be ranked in chronological order based on the earliest date of receipt of the veteran's application for care. If more than one application is received on the same date, the Administrative Officer will determine their sequential order on the list according to medical need.

(c) Nonveterans may occupy no more than twenty-five percent (25%) of the total beds in a State veterans home. When any space is available for nonveterans, priority will be established for the following relatives of eligible veterans in the following order:

- (1) Spouse.
- (2) Widow or widower whose spouse, if living, would be an eligible veteran.
- (3) Gold Star parents, defined as the mother or father of a veteran who died an honorable death while in active service to the United States during time of war or emergency. (1995, c. 346, s. 1; 2001-117, s. 3.)

§ 165-54. Deposit required.

Each resident of any State veterans home shall pay to the Division of Veterans Affairs the cost of maintaining his or her residence at the home. This deposit shall be placed in the North Carolina Veterans Home Trust Fund and shall be in an amount and in the form prescribed by the Veterans Affairs Commission in consultation with the Assistant Secretary for Veterans Affairs. (1995, c. 346, s. 1.)

§ 165-55. Report and budget.

(a) The Assistant Secretary for Veterans Affairs shall report annually to the Secretary of the Department of Administration on the activities of the State Veterans Homes Program. This report shall contain an accounting of all monies received and expended, statistics on residents in the homes during the year, recommendations to the Secretary, the Governor, and the General Assembly as to the program, and such other matters as may be deemed pertinent.

(b) The Assistant Secretary for Veterans Affairs, with the approval of the Veterans Affairs Commission, shall compile an annual budget request for any State funding needed for the anticipated costs of the homes, which shall be submitted to the Secretary of the Department of Administration. State appropriated funds for operational needs shall be made available only in the event that other sources are insufficient to cover essential operating costs. (1995, c. 346, s. 1.)

House Pages

Homeland Security, Military
Name Of Committee: Veteran Affairs Date: March 10, 2009

1. Name: Jessica Sheleg
County: Durham
Sponsor: Hackney
2. Name: Megan Jarrett
County: Guilford
Sponsor: Harrison
3. Name: _____
County: _____
Sponsor: _____
4. Name: _____
County: _____
Sponsor: _____
5. Name: _____
County: _____
Sponsor: _____

Sgt-At-Arms

1. Name: John Brandon
2. Name: Judy Turner
3. Name: Rod Finger
4. Name: _____

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

03/11/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

TOM BOWLIN	NC NATIONAL GUARD
Wayne Woodard	NC Dept of Justice
Sara Nienow	NC DOC
R.M. Westbrook	UTU
Richard O'Brien	PFFPNC
Paul Anders	PFFPNC
Leslie Arnold	SOG/Daily Bulletin
Kathy Hawkes	RNLPSS Energy
Anonymous	netcc

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

03/11/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Norlan Graves	Rep. Hall
JAMES WOODARD	NC DVA
Charlie Smith	N.C. DVA
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
MARK EDWARDS	NC DEPT. OF INSURANCE
Kristi Huff	NCHCFA
Rep. Holloway	NC GA

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 99 A BILL TO BE ENTITLED AN ACT TO STUDY ALLOWING MILITARY PERSONNEL WHO HAVE COMPLETED MILITARY POLICE TRAINING FOR ANY BRANCH OF THE UNITED STATES ARMED FORCES TO RECEIVE CREDIT TOWARD COMPLETION OF THE BASIC LAW ENFORCEMENT TRAINING REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE, DIVISION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 356 A BILL TO BE ENTITLED AN ACT TO INCREASE THE DEDUCTION FOR
VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD WORKERS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, MARCH 11, 2009
ROOM 1425 LB
10:00A.M.
REPRESENTATIVE LARRY D. HALL

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, March 11, 2009 at 10:00 a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives, Barnhart, Braxton, Cleveland, Hilton, Lewis, McLawhorn, Sager, Sutton, Underhill, and Warren. Staff members present include Hal Pell, and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Jessica Sheleg from Durham County, and Megan Jarrett from Guilford County. He also recognized Sgt-At-Arms John Brandon, Judy Turner, and Rod Finger.

The first bill before the committee was **House Bill 99, AN ACT TO STUDY ALLOWING MILITARY PERSONNEL WHO HAVE COMPLETED MILITARY POLICE TRAINING FOR ANY BRANCH OF THE UNITED STATES ARMED FORCES TO RECEIVE CREDIT TOWARD COMPLETION OF THE BASIC LAW ENFORCEMENT TRAINING REQUIRED BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE, DIVISION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.** Rep. Killian explains HB 99 would direct the Department of Justice to study the feasibility and implications of allowing candidates for law enforcement certification to be given credit toward basic law enforcement training requirements by substituting prior military police officer training and service for required coursework. Rep. Floyd made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on Rules and the motion unanimously passed.

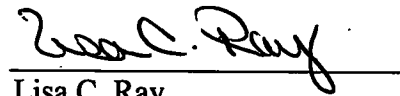
The Chair called upon Representative Holloway, bill sponsor for **HB 297, AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR CERTAIN EMERGENCY SERVICES WORKERS, FIREFIGHTERS, AND LAW ENFORCEMENT OFFICERS.** Representative Holloway explains HB 297 would enlarge the class of emergency workers who would be eligible for a State income tax deduction, and increase the deduction amount. This act is effective for taxes imposed for taxable years beginning on or after January 1, 2009. HB 297 was displaced.

The Chair called upon Representative Wilkins, bill sponsor for **HB 356, AN ACT TO INCREASE THE DEDUCTION FOR VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD WORKERS**. Rep. Wilkins explains HB 356 would increase the amount of the State income tax deduction for eligible volunteer firefighters and rescue workers. Rep. Sutton made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on Finance and the motion unanimously passed.

The Chair called upon Representative Haire, bill sponsor for **HB 366, AN ACT TO DESIGNATE THE MILLENNIAL CAMPUS AT WESTERN CAROLINA UNIVERSITY AS THE SITE FOR ONE OF THE VETERANS AFFAIRS NURSING HOMES FUNDED IN 2006**. Rep. Haire explains HB 366 would direct the Department of Administration to locate a proposed Veterans Affairs nursing home on the Millennial Campus of Western Carolina University. HB 366 was displaced.

There being no further business to come before the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, March 18, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS: Informational Meeting. No bills will be considered.

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11:30 a.m.** on **March 16, 2009**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)

N.C. GENERAL ASSEMBLY

Representative Larry D. Hall
417B Legislative Office Building
Raleigh, NC 27603-5925



HOUSE OF REPRESENTATIVES

House District 29
Larryh@ncleg.net
(919) 733-5872

PRESS RELEASE

FOR IMMEDIATE RELEASE

CONTACT

Rep. Earl Jones
Chairman Homeland Security, Military, And
Veterans Affairs
919-733-5872

March 17, 2009

**HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS COMMITTEE
TO HOLD INFORMATIONAL MEETING**

The Homeland Security, Military, And Veterans Affairs Committee is scheduled to have a presentation on Wednesday, March 18, 2009 at 10:00 a.m. in room 1425 of the Legislative Building.

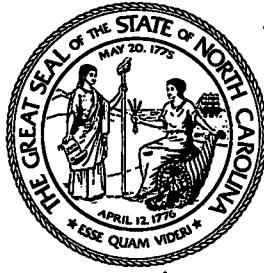
Mr. Doug Hoell, Director of the North Carolina Division of Emergency Management will be the keynote presenter for an informational session on the basic mission, organization, and responsibilities of the North Carolina Division of Emergency Management.

Mr. Hoell will also brief the committee on the following bills:

- **HB374- Public Health Technical Changes**
- **HB376- Adequately Fund Seventh Hazmat Team**
- **HB377- Authorize Emergency Management Certification Program**
- **HB378- Statutorily Establish Division of Emergency Management**
- **HB379-Allows Mutual Aid Between State And Local Government**
- **HB416-Clarify Local Government Evaluations Authority**

Citizens are encouraged to come to share their comments with the Homeland Security, Military, and Veterans Affairs committee members.

###



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, March 18, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**

Representative Larry D. Hall, Chairman

- **Presentation** – North Carolina Division of Emergency Management-
Overview

Mr. H. Douglas Hoell, Jr.-Director

- **Questions & Comments**

- **Adjourn**



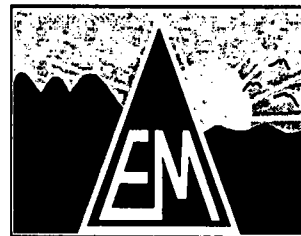
N. C. Division of Emergency Management - Overview



H. Douglas Hoell, Jr.

Director

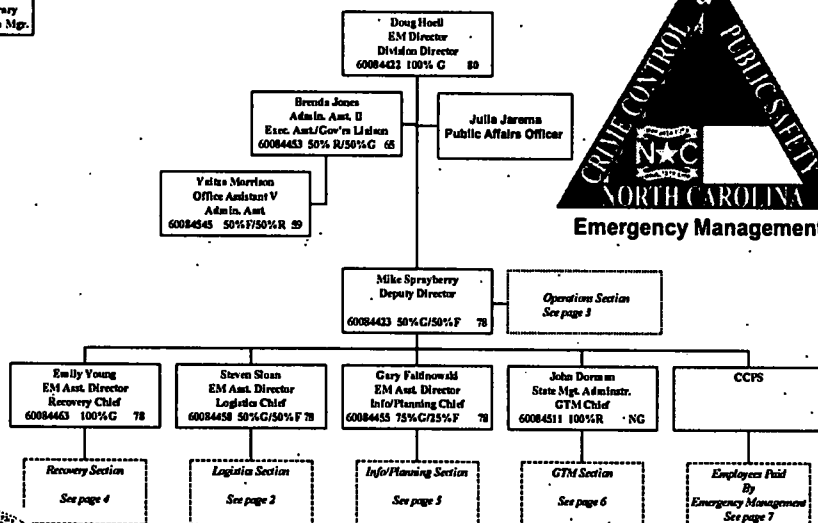
North Carolina Emergency Management



01/15/09

N. C. Department of Crime Control & Public Safety Division of Emergency Management

Legend
TL = Time Limited
EO = Temporary
= Program Mgr.

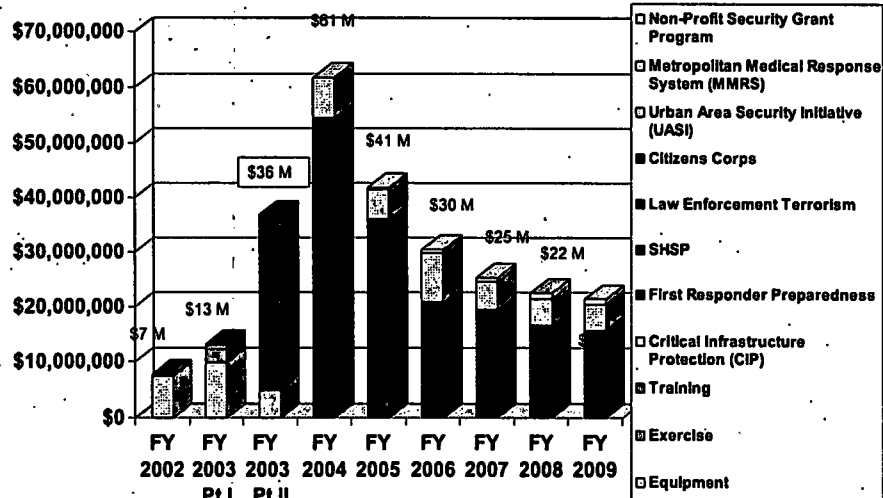


Division of Emergency Management

- Vision Statement: North Carolina - A State Prepared for all hazards and threats.
- Mission Statement: The Division of Emergency Management will coordinate efficient and effective mitigation of; preparedness for; response to; and recovery from all hazards or threats.
- Budget: \$5million State appropriation, \$3.7million EMPG, \$1.9million FNF



North Carolina HSGP Funding FY 2002 to 2009



March 18, 2009

VIPER - #1 Priority

Quick Facts

- 238 total sites planned for statewide coverage. 120 sites constructed and on the air 81 sites are fully funded and under construction 37 sites remaining to be funded and built
 - VIPER estimated to cost \$189 million \$107 million funded to date \$ 81.5 million remains to be funded
 - VIPER is 50% complete (number of sites) with 120 sites on the air
 - VIPER Infrastructure is 57% funded;
 - 43% of VIPER remains to be funded
 - 32,000 users are currently on the VIPER Network
 - 150 Emergency Responding agencies (including federal, state and local agencies) makeup the 32,000 radio users
 - SC has the same type Interoperable System; NC/SC can talk to each other using the same type user device.
- www.nccrimecontrol.org/VIPER viper@ncshp.org

North Carolina Accomplishments by National Priority

- **Implement the National Incident Management System and National Response Framework**
 - Continual maintenance of NIMS compliance requirements
- **Enhanced Regional Collaboration**
 - Urban Search and Rescue (USAR)
 - State Animal Response Teams (SART)
 - Establishment of Domestic Preparedness Regions (DPRs)
- **Implement the National Infrastructure Protection Plan**
 - Identification and protection of Critical Infrastructure sites
 - Increased security at State Ports and Charlotte Area Transit System
- **Strengthen Information Sharing and Collaboration**
 - Eastern Regional Information Center (ERIC)
 - Information Sharing and Analysis Center (ISAAC)
 - *Charlotte Regional Information and Analysis Center (CRIAC)*

March 18, 2009

North Carolina Accomplishments by National Priority

7

- **Strengthen Communication Capabilities**
 - Voice Interoperable Plan for Emergency Responders (VIPER)
- **Strengthen Chemical, Biological, Radiological, Nuclear and Explosive Detection Capabilities**
 - Hazardous Materials Regional Response Teams (RRTs)
 - State Bomb Squad Association (NCBSA)
 - Public Health Regional Surveillance Teams (PHRST)
 - Local and state level capabilities for Improvised Explosive Devices (IEDs)

March 18, 2009

North Carolina Accomplishments by National Priority

8

- **Strengthen Medical Surge and Mass Prophylaxis Capabilities**
 - Strategic National Stockpile (SNS)
 - Companion Animal Mobile Assistance Trailers (CAMET)
 - State Medical Assistance Teams (SMAT)
- **Strengthen Planning and Citizen Preparedness Capabilities**
 - Community Emergency Response Teams (CERT)
 - Citizen Corps Councils (CCP)
 - Disability and Elderly Emergency Management (DEEM)

March 18, 2009

HB2432

How to improve North Carolina's state of readiness.

- Strengthen Emergency Management
- Certification?
- Functionally and Medically Fragile
- Partnership (local/state)
- Promote nationally recognized standards
- Improve mutual aid
- Update GS-166A
- Input from County Mgrs., NCACC, NCLM, NCEMA, others.
- EM is a priority with government at all levels.



1. Local emergency management agency accreditation:

- Support the goal (not mandated) that all local government emergency management agencies strive to achieve national accreditation. (Maybe a five year goal.)
- The Committee recommends that any state or federal grant dollars available to local emergency management agencies be tied to the pursuit and achievement of a set of nationally recognized EM standards. (Must be achievable.)
- There should be a base EMPG amount established for each county.



2. Enhance Hazardous Materials Response Teams:

- Current law be updated to reflect the current existence of seven hazardous Materials Response Teams.
- The General Assembly appropriate \$350,000 in recurring funds to support the seventh team and the on-going maintenance of all teams. (Cut to \$115K, not in Governor's budget.)
- This recommendation is addressed under H376.



3. Strengthening local EM personnel:

- A voluntary certification program for state and local EM personnel be established.
- This program be developed by DEM with oversight by an Advisory Board.
- This recommendation is covered under H377 and S255.



4. Clearly establish NCDEM:

- DEM be formally constituted G.S. 143B-475(a)(2).
- Conforming changes be made in Chapter 166A.
- This recommendation is addressed in H378 and S253.



5. Strengthen Mutual Aid:

- Mutual aid agreements between the State and local governments within the state be clearly authorized by law.
- This recommendation is addressed by H379 and S254.
- Senator Nesbitt received input that current language might set up a path for future administrations to go direct to cities or local departments for mutual aid resources. Our desire is to work with the counties, and have counties coordinate the efforts within their jurisdictions.
- We will propose some modification to the language.



6. Evacuation:

- Local governments (county and municipal) be given clear authority to compel evacuations.
- Local governments be given clear immunity from liability in situations where local government evacuation orders are not heeded.
- This recommendation is covered under S256 and H416.



7. Establish a Voluntary Medical Registry Program:

- DEM be authorized and funded to develop a model registry program and make it available to local governments for their use.
- Local governments be authorized to maintain a registry of medically vulnerable persons.
- "Create at least one new permanent position with the NCDEM dedicated to represent these populations' needs, working in partnership with the Department of Health and Human Services and many other stakeholders"
- This recommendation is addressed in H382 and S258.



8. Maintain State EM National Accreditation:

- DEM has achieved national accreditation of the State's emergency management program. The group recommends that accreditation be maintained by the Division.
- No action required from the General Assembly.
- We would like the opportunity to work with any local EM programs who would like to pursue national accreditation.



QUESTIONS?





Voice Interoperability Plan for Emergency Responders

Quick Facts

- **238 total sites planned for statewide coverage.**
120 sites constructed and on-the-air
81 sites are fully funded and under construction
37 sites remaining to be funded and built
- **VIPER estimated to cost \$189 million**
\$107 million funded to date
\$ 81.5 million remains to be funded
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- **VIPER infrastructure is 57% funded;**
- **43% of VIPER remains to be funded**
- **32,000 users are currently on the VIPER Network**
- **150 Emergency Responding agencies (including federal, state and local agencies) makeup the 32,000 radio users**
- **SC has the same type Interoperable System; NC/SC can talk to each other using the same type user device.**

www.nccrimecontrol.org/VIPER

viper@ncshp.org

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

03/18/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

TOM BOWLIN	NC NATIONAL GUARD
Mike Daniska	NC Emergency Mgmt.
RUDY RUDISILL	CRIME CONTROL + PUBLIC SAFETY
Drexel Pratt	DHHS
Norlan Graves	Rep. Larry Hall
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
Michael Hodgson	NC Highway Patrol
Abby Emanuelson	NC - NMSS
Kim Beach	NBH
Chris Davis	DHHS - DSS
Kelly Quirk	Research

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

Name of Committee

03/18/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Pamela Taylor

NLGA - Program Evaluation

Yana Samberg

NCGA - Psm Eval Div

Kevin Massey

Racquel Williams

Rep Hall

Colleen Kacharek

Chief

House Pages

HOMELAND SECURITY

Name Of Committee: _____

Date: 18 MAR-09

1. Name: Maya Rowland

County: Durham

Sponsor: Hall

2. Name: Sarah Austin

County: Columbus

Sponsor: Hill

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: VERALD PERRY

2. Name: JUDY TURNER

3. Name: TOM WILDER

4. Name: ROD FINGER

5. Name: _____

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, MARCH 18, 2009
ROOM 1425 LB
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, March 18, 2009 at 10:00a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Braxton, Dickson, Hilton, McLawhorn, Sager, Sutton, Underhill, and Warren. The following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Maya Rowland from Durham County, and Sarah Austin from Columbus County. He also recognized Sgt. At Arms Jerald Perry, Judy Turner, Tom Wilder and Rod Finger.

Presentation: Mr. Doug Hoell, Director of the North Carolina Division of Emergency provided an informational session on the basic mission, organization, and responsibilities of the North Carolina Division of Emergency Management. (See Attachment)

Questions and comments were taken from members. There being no further business to come before the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, March 25, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 376	Adequately Fund Seventh Hazmat Team.	Representative Martin Representative Wainwright
HB 377	Authorize Emergency Mgmt. Certification Prog.	Representative Martin Representative Wainwright
HB 378	Statutorily Establish Division of Emerg. Mgmt.	Representative Martin Representative Wainwright

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11:30 a.m.** on **March 23, 2009**.

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, March 25, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman
- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 376	Adequately Fund Seventh Hazmat Team. (if favorable, Appropriations)	Representative Martin Representative Wainwright
HB 377	Authorize Emergency Mgmt. Certification Prog. (if favorable, State Government/Personnel)	Representative Martin Representative Wainwright
HB 378	Statutorily Establish Division of Emerg. Mgmt. (if favorable State Government/Personnel)	Representative Martin Representative Wainwright

- **Comments**
- **Adjourn**

PUBLIC BILL

H.B. 0376

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO FUND A SEVENTH STATE HAZARDOUS MATERIALS TEAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Martin Wainwright
Introduced by Representative(s): Martin and Wainwright (Primary Sponsors).

<i>Rep</i>	<i>Pierce</i>		

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

MAR 4 2009

AND REFERRED TO COMMITTEE

ON *Homeland Security*

War and Veterans Affairs,
Gov. **APPROPRIATIONS**



HOUSE BILL 376: Adequately Fund Seventh Hazmat Team

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations	Date:	March 24, 2009
Introduced by:	Reps. Martin, Wainwright	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 376 would amend the North Carolina Hazardous Materials Emergency Response Team Act to require that the State regional response program include at least seven hazmat teams located strategically across the State, and would appropriate \$115,000 in nonrecurring funds for 2009-2010 to support the seventh team.*

[As introduced, this bill was identical to S267, as introduced by Sen. Snow, which is currently in Senate Appropriations/Base Budget.]

CURRENT LAW: G.S. 166A-22 "Hazardous materials emergency response program" requires that the State regional response program, "...include at least six hazmat teams located strategically across the State that are available to provide regional response to hazardous materials or terrorist incidents..."

BILL ANALYSIS:

Section 1 – would amend G.S. 166A-22(a) to increase the required number of hazmat teams included in the State regional response program from six to seven.

Section 2 – of the bill would appropriate \$115,000 from the General Fund to the Department of Crime Control and Public Safety for the 2009-2010 fiscal year to support the seventh hazmat team.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

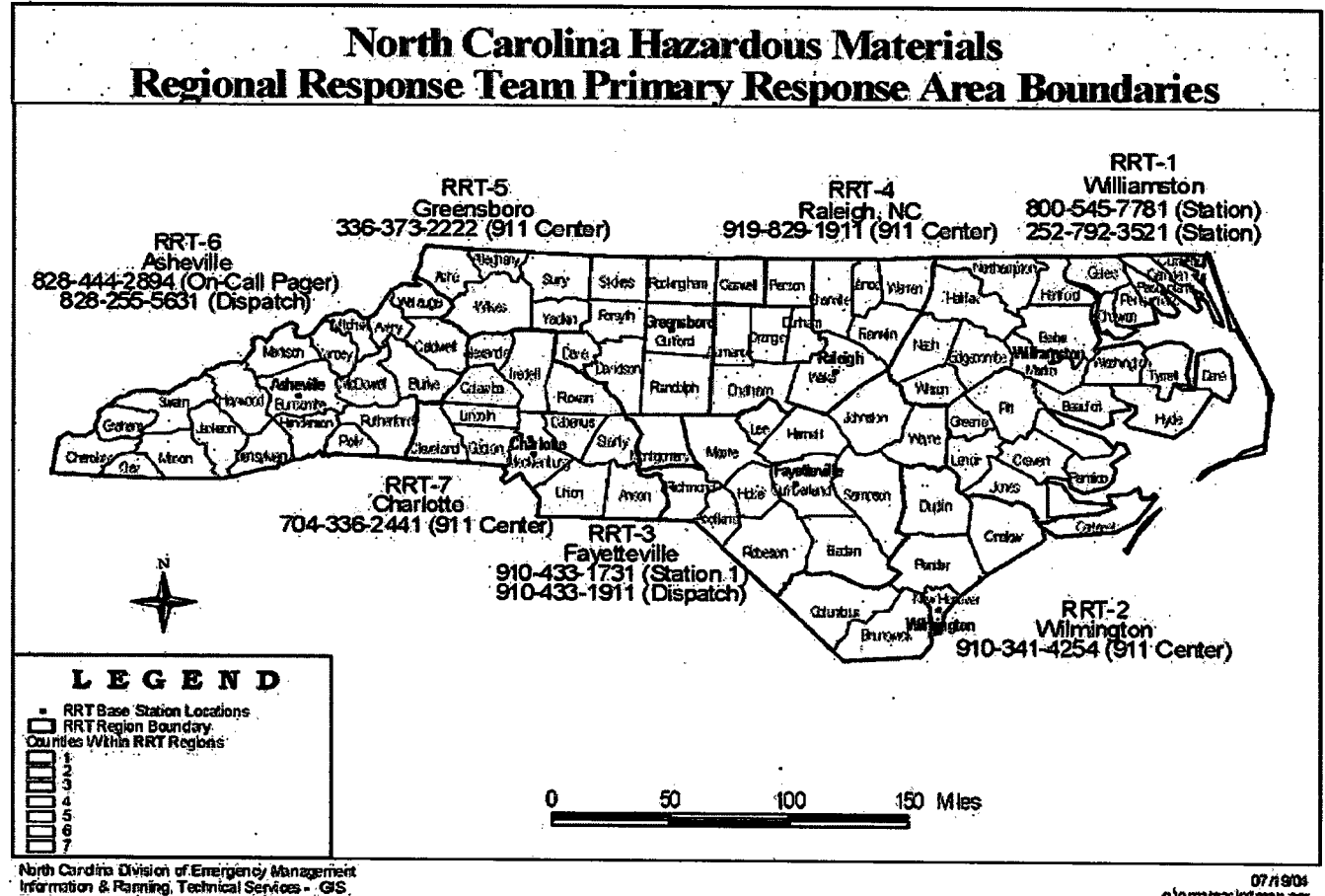
BACKGROUND: The stated purpose of the regional response/hazmat teams is to supplement the efforts of local government hazardous materials teams in incidents beyond the capabilities of the first responders.

The State regional response program currently consists of seven hazmat teams, organized into seven regions covering the entire State, based in the following locations: Williamston, Wilmington, Fayetteville, Raleigh, Greensboro, Asheville, and Charlotte. A State map identifying the hazmat teams' "primary response area boundaries" is provided on the next page of this summary¹.

¹ <http://www.dem.dcc.state.nc.us/HazMat/RRTPAGE2.htm>

House Bill 376

Page 2



H376-SMRD-26(e1) v1

PUBLIC BILL

H.B. 0377

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Introduced by Representative(s): *Martin and Wainwright* (Primary Sponsors).

Hansen - *Beral* _____ *Ally*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

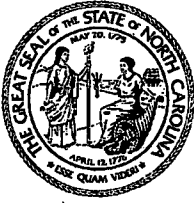
PASSED 1st READING

MAR 4 2009

AND REFERRED TO COMMITTEE

ON *Homeland Security,*

Italy and Veteran
airs, of Gov State
ment/State Personnel



HOUSE BILL 377: Authorize Emergency Mgmt. Certification Prog

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel	Date:	March 20, 2009
Introduced by:	Reps. Martin, Wainwright	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act would authorize the Division of Emergency Management to establish a voluntary emergency management certification program. This act is effective when it becomes law.*

[As introduced, this bill was identical to S255, as introduced by Sen. Snow, which is currently in Senate State and Local Government.]

BILL ANALYSIS:

Section 1: Amends the North Carolina Emergency Management Act to include the development and presentation of the Certification Program under the State emergency management program.

Section 2: Establishes the Emergency Management Certification Program. The act:

- Establishes standards and guidelines for administration of the program.
- Provides that the Division may consult and cooperate on the development of the program and a career development plan with: political subdivisions, other agencies, and with public and private colleges and universities.
- Authorizes the Secretary of the Department of Crime Control and Public Safety to establish an Emergency Management Training and Standards Advisory Board. Establishes the qualifications of members and the duties of the Board. The Board is exempted from the provisions of the State Government Ethics Act.
- Provides for procedures for the issuance of certification to applicants in the program, with additional rules for renewal and reinstatement of expired certifications.

EFFECTIVE DATE: This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 377*

Short Title:	Authorize Emergency Mgmt. Certification Prog.	(Public)
Sponsors:	Representatives Martin, Wainwright (Primary Sponsors); M. Alexander, England, Faison, E. Floyd, Glazier, Harrison, Hughes, Insko, Lucas, Pierce, Rapp, and Wray.	
Referred to:	Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel.	

March 4, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 166A-5(3)d. reads as rewritten:

"d. Development and presentation of training ~~programs—programs,~~
including the Emergency Management Certification Program established under Article 5 of this Chapter, and public information programs to insure the furnishing of adequately trained personnel and an informed public in time of need."

SECTION 2. Chapter 166A of the General Statutes is amended by adding a new Article to read:

"Article 5.

"Emergency Management Certification Program.

"§ 166A-54. Emergency Management Certification Program authority; purpose.

The Division of Emergency Management in the Department of Crime Control and Public Safety shall establish, as a voluntary program, an Emergency Management Certification Program as provided for in this Article. The purpose of the Program is to strengthen and enhance the professional competencies of emergency management personnel in State and local emergency management agencies.

"§ 166A-55. Program standards and guidelines.

(a) The Division shall establish standards and guidelines for administration of the Program, including:

- (1) Minimum educational and training standards that must be met in order to qualify for Type IV (entry), Type III (basic), Type II (intermediate), and Type I (advanced) emergency management certification.
- (2) Levels of education or equivalent experience that may be met in order to qualify for the certifications provided for in subdivision (1) of this subsection.
- (3) Levels of education or equivalent experience for instructors who participate in programs or courses of instruction.
- (4) Curricula, syllabi, and other educational materials.



1 (5) Mode(s) of delivery of educational and training programs.

2 (b) In developing the Program, the Division may consult and cooperate with political
3 subdivisions, agencies of the State, other governmental agencies, universities, colleges,
4 community colleges, and other institutions, public or private, concerning the development of
5 the program and a systematic career development plan, including conducting and stimulating
6 research by public and private agencies designed to improve education and training in the
7 administration of emergency management.

8 (c) The Division shall study and make reports and recommendations to the Secretary of
9 Crime Control and Public Safety and other appropriate agencies and officials concerning
10 compliance with federal guidance, training, educational, and technical assistance needs, and
11 equipment needs of State and local emergency management agencies.

12 **"§ 166A-56. Emergency Management Training and Standards Advisory Board.**

13 (a) The Secretary of Crime Control and Public Safety shall establish and appoint the
14 Emergency Management Training and Standards Advisory Board to provide oversight of
15 training and certification programs established pursuant to this Article.

16 (b) The composition of the Board shall include emergency management subject matter
17 experts representative of the State, its political subdivisions, and private industry.

18 (c) The duties of the Board shall include:

19 (1) Oversight of the Emergency Management Certification Program.

20 (2) Review of applications for certification.

21 (3) Issuance of certifications at least semiannually.

22 (d) The Board shall meet at least semiannually and at other times at the discretion of the
23 Secretary.

24 (e) The Board established pursuant to this section is not a board as defined in
25 G.S. 138A-3(1c).

26 **"§ 166A-57. Issuance of certification; reciprocity; renewal.**

27 (a) The Emergency Management Training and Standards Advisory Board shall issue
28 documentation of certification, in a form and manner prescribed by the Division, to each
29 applicant within North Carolina demonstrating successful completion of the requirements for
30 the level of certification sought by the applicant.

31 (b) The Board may issue documentation of certification to any person in another state
32 or territory if the person's qualifications were, at the date of registration or certification,
33 substantially equivalent to the requirements established pursuant to this Article.

34 (c) Every person certified pursuant to this Article who desires to maintain certification
35 shall apply for renewal of certification within five years of the date of original certification or
36 certification renewal.

37 (d) Renewal of Type I (advanced) certification is subject to completion of at least 24
38 hours of continuing education requirements as established by the Board.

39 (e) A certification that is not renewed in accordance with this section automatically
40 expires. The Board may approve reinstatement of an expired certification upon good cause
41 shown by the applicant.

42 (f) Certifications that have expired for more than five years shall not be reinstated."

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

H.B. 0378

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Martin G. Wainwright

Introduced by Representative(s): Martin and Wainwright (Primary Sponsors).

<i>H. Thompson</i>	<i>Cheryl</i>		<i>Repp</i>
<i>Heath</i>	STEEN		

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

MAR 4 2009

AND REFERRED TO COMMITTEE

ON *Homeland Security*
Emergency Management
Division of State Personnel



HOUSE BILL 378: Statutorily Establish Division of Emerg. Mgmt

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel	Date:	March 24, 2009
Introduced by:	Reps. Martin, Wainwright	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 378 would statutorily establish the Division of Emergency Management within the Department of Crime Control and Public Safety.*

[As introduced, this bill was identical to S253, as introduced by Sen. Snow, which is currently in Senate State and Local Government.]

CURRENT LAW: The Division of Emergency Management (Division) was established in 1988 by Executive Order Number 73. The Division is referenced in the following chapters of the General Statutes:

- Chapter 20 - Motor Vehicles.
- Chapter 104E - North Carolina Radiation Protection Act.
- Chapter 113A - Pollution Control and Environment.
- Chapter 143 - State Departments, Institutions, and Commissions
- Chapter 143B - Executive Organization Act of 1973.
- Chapter 166A - North Carolina Emergency Management Act.

BILL ANALYSIS:

Section 1 – would add the Emergency Management Division onto the list of subunits of departments whose "...functions, powers, duties and obligations..." are transferred to and vested in the Department of Crime Control and Public Safety by G.S. 143B-475.

Section 2 – would insert a definition for the Division of Emergency Management into the definition section of the North Carolina Emergency Management Act (Chapter 166A of the General Statutes).

Section 3 – would amend Article 11 (Department of Crime Control and Public Safety) of Chapter 143B (Executive Organization Act of 1973) by inserting a new Part 7 "Emergency Management Division". This new Part 7 would clearly establish the Division of Emergency Management, within the Department of Crime Control and Public Safety and provide it with the following powers and duties:

- "To exercise the powers and duties exercised prior to the enactment of this section."
- "To exercise the powers and duties conferred on it by Chapter 166A of the General Statutes."
- "To exercise any other powers vested by law."

EFFECTIVE DATE: This act is effective when it becomes law.

H378-SMRD-27(e1) v3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 378*

Short Title: Statutorily Establish Division of Emerg. Mgmt. (Public)

Sponsors: Representatives Martin, Wainwright (Primary Sponsors); England, E. Floyd, Glazier, Harrison, Hughes, Insko, Lucas, Pierce, Rapp, Spear, Steen, Tarleton, Womble, and Wray.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel.

March 4, 2009

A BILL TO BE ENTITLED
AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL
AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS
RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY
PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-475 is amended by adding a new subdivision to read:

"(11) Emergency Management Division, Department of Crime Control and Public Safety. The purpose of this subdivision is to statutorily vest in the Department the powers previously conferred on the Division by executive order or otherwise."

SECTION 2. G.S. 166A-4 is amended by adding a new subdivision to read:

"(2a) Division. – The Division of Emergency Management established in Part 7 of Article 11 of Chapter 143B of the General Statutes."

SECTION 3. Article 11 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 7. Emergency Management Division."

"§ 143B-508. Division of Emergency Management of the Department of Crime Control and Public Safety."

(a) There is established, within the Department of Crime Control and Public Safety, the Division of Emergency Management, which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations.

(b) The Division of Emergency Management shall have the following powers and duties:

(1) To exercise the powers and duties exercised prior to the enactment of this section, in accordance with G.S. 143B-475(a)(11).

(2) To exercise the powers and duties conferred on it by Chapter 166A of the General Statutes.

(3) To exercise any other powers vested by law."

SECTION 4. This act is effective when it becomes law.



House Pages

Homeland Security

Name Of Committee: _____

Date: _____

25-MAR-09

1. Name: Emily Scott-Cruz

County: Henderson

Sponsor: Carolyn Justus

2. Name: Hope McPherson

County: Robeson

Sponsor: Pierce

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt.-At-Arms

1. Name: GERALD PERRY

2. Name: JUDY TURNER

3. Name: ROD KINGER

4. Name: _____

5. Name: _____

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

03/25/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mike SPRAYBERRY	NCEM
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
Racquel Williams	Rep. Hall
AMITON ANON	NCAAC
Linda Neal	NC GA
Connie Gates	naacp
MIRIAM THOMPSON	NAACP → I will email you info you can bring to committee & invite local H/Kou I to come

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

Name of Committee

03/25/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

Rich Westbrook

UTU

Rachel O'Brien

PFFPNC

Aaron Gallagher

OSBM

Charlie Smith

NC DUA

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 377 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF
EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY
MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT
SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER
MANAGEMENT RECOVERY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
STATE GOVERNMENT/STATE PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 378 A BILL TO BE ENTITLED AN ACT TO STATUTORILY ESTABLISH THE
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF
EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT
RECOVERY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
STATE GOVERNMENT/STATE PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, MARCH 25, 2009
ROOM 1425 LB
10:00AM
REPRESENTATIVE LARRY D. HALL

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, March 25, 2009 at 10:00a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Braxton, Cleveland, Dickson, Hilton, McLawhorn, Sager, Sutton, Underhill, and Warren. The following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Emily Scott-Cruz from Henderson County and Hope McPherson from Robeson County. He also recognized Sgt. At Arms Jerald Perry, Judy Turner, and Rod Finger.

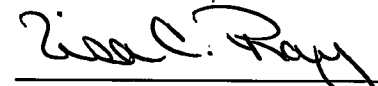
The first bill before the committee was **HB 377, AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.** The chair called upon Rep. Martin to explain the bill. Representative Floyd moves for a favorable report and recommendation that the bill be re-referred to the Committee on State Government/ State Personnel. The Committee concurs and the bill passes.

HB 378, AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. The Chair called upon Rep. Martin to explain the bill. Representative Underhill moves for a favorable report and recommendation that the bill be re-referred to the Committee on State Government/State Personnel. The Committee concurs and the bill passes.

HB 376, AN ACT TO FUND A SEVENTH STATE HAZARDOUS MATERIALS TEAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. The Chair called upon Rep. Martin to explain bill for informational purposes only. No vote was taken on the bill. The bill was displaced.

Questions and comments were taken by Mike SprayBerry from the N.C.E.M. There being no further business to come before the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, April 1, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 379	Allows Mutual Aid Between State & Local Gov.	Representative Martin Representative Wainwright
HB 380	Strengthen Local Emergency Management.	Representative Martin Representative Wainwright
HB 416	Clarify Local Government Evacuation Authority.	Representative Martin Representative Wainwright
HB 631	Wearing of Medals by Public Safety Personnel.	Representative Martin Representative Warren Representative Killian

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1:00P.M.** on **March 30, 2009**.

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, April 01, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman
- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 379	Allows Mutual Aid Between State & Local Gov. (if favorable, State Government/State Personnel)	Representative Martin Representative Wainwright
HB 380	Strengthen Local Emergency Management.	Representative Martin Representative Wainwright
HB 416	Clarify Local Government Evacuation Authority. (if favorable, Judiciary I)	Representative Martin Representative Wainwright
HB 631	Wearing of Medals by Public Safety Personnel. (if favorable, Judiciary I)	Representative Martin Representative Warren Representative Killian

- **Comments**
- **Adjourn**

H.B. 0379

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Martin Wainwright

Introduced by Representative(s): Martin and Wainwright (Primary Sponsors).

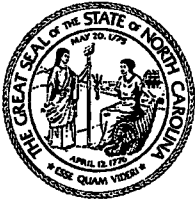
<i>Harrison</i>	<i>Crawford</i>	<i>Chase</i>	<i>Reyes</i>
<i>Steen</i>			

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING
MAR 4 2009
AND REFERRED TO COMMITTEE
ON Homeland Security

*Maryland Veterans
Affairs, & for State
Government/State Personnel*



HOUSE BILL 379: Allows Mutual Aid Between State & Local Gov

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel	Date:	March 30, 2009
Introduced by:	Reps. Martin, Wainwright	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *This act adds amends the statute which provides for mutual aid agreements to authorize such agreements between the State and local governments. This act is effective when it becomes law.*

[As introduced, this bill was identical to S254, as introduced by Sen. Snow, which is currently in Senate State and Local Government.]

CURRENT LAW:

The Governor, who has direction and control of the State emergency management program, may enter into mutual aid agreements with the federal government, and with other states. Chief executive officers of political subdivisions may enter into such agreements with each other on behalf of the local government. Any such agreements entered into with jurisdictions outside of the State require the Governor's approval. During a state of disaster, with the concurrence of the Council of State, the Governor has the authority to procure, by purchase, condemnation, seizure or by other means, to construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency management without regard to the limitation of any existing law.

BILL ANALYSIS:

This act amends the statute which sets out the authority for the entry into mutual aid agreements. The amendment would authorize the Governor to enter into mutual aid agreements with local government subdivisions, with the concurrence of a local government subdivision's governing body. The agreements must be consistent with the State's emergency management program and plans.

EFFECTIVE DATE: This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 379*

Short Title:	Allows Mutual Aid Between State & Local Gov.	(Public)
Sponsors:	Representatives Martin, Wainwright (Primary Sponsors); M. Alexander, Crawford, England, E. Floyd, Glazier, Harrison, Hughes, Insko, Lucas, McGee, Pierce, Rapp, Steen, and Wray.	
Referred to:	Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel.	

March 4, 2009

A BILL TO BE ENTITLED
AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND
POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT
SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER
MANAGEMENT RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 166A-10 reads as rewritten:

"§ 166A-10. Establishment of mutual aid agreements.

(a) The Governor may establish mutual aid agreements with other states and with the federal government provided that any special agreements so negotiated are within the Governor's authority.

(a1) The Governor may establish mutual aid agreements with political subdivisions in the State with the concurrence of the subdivision's governing body.

(b) The chief executive of each political subdivision, with the concurrence of the subdivision's governing body, may develop mutual aid agreements for reciprocal emergency management aid and assistance. Such agreements shall be consistent with the State emergency management program and plans.

(c) The chief executive officer of each political subdivision, with the concurrence of the governing body and subject to the approval of the Governor, may enter into mutual aid agreements with local chief executive officers in other states for reciprocal emergency management aid and assistance. These agreements shall be consistent with the State emergency management program and plans.

(d) Mutual aid agreements may include but are not limited to the furnishing or exchange of such supplies, equipment, facilities, personnel and services as may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel and similar items; and on such terms and conditions as deemed necessary."

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



PUBLIC BILL

~~Proposed~~ Committee Substitute For
H.B. 380

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS
RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND
DISASTER MANAGEMENT RECOVERY.

Introduced by Representative(s): *Draxton, Wainwright (Primary Sponsors)*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

The Committee on *Local Government*
majority being present, having considered
this bill, recommend that it do ☒ pass.

Rep. D. Van Brayton

For the Committee

*did be referred to Committee
on Homeland Security, military
and Veterans Affairs*

FAVORABLE TO COMM. SUB.

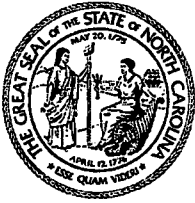
UNFAVORABLE TO BILL

MAR 18 2009

AND PLACED ON
CALENDAR FOR

re-referred

Homeland Security etc



HOUSE BILL 380: Strengthen Local Emergency Management

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	March 30, 2009
Introduced by:	Reps. Martin, Wainwright	Prepared by:	Ben Popkin
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 380 is a public bill that would strengthen local emergency management capabilities as recommended by the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery.*

[As introduced, this bill was identical to S252, as introduced by Sen. Snow, which is currently in Senate State and Local Government.]

CURRENT LAW: Article 1 of Chapter 166A of the General Statutes is the Emergency Management Act. The State emergency management program includes preparations for, response to, and recovery from war or peacetime disasters. The Governor has general direction and control of the State emergency management program, but may delegate or subdelegate that authority. The Secretary of Crime Control and Public Safety is responsible to the Governor for emergency management activities and may subdelegate this authority to a member of the Secretary's department. G.S. 166A-5. The Division of Emergency Management (DEM) is part of the Department of Crime Control and Public Safety.

The governing board of each county is responsible for emergency management within its geographical limits. Each county coordinates its emergency management efforts, including the activities of the municipalities within the counties. The governing board of each county may establish an emergency management agency and may appoint a coordinator of the agency. The law permits the formation of joint agencies (currently defined as "a county and one or more municipalities within its borders"). To carry out emergency management functions, each county and municipality may make appropriations and fund them through revenues, such as property taxes. G.S. 166A-7.

BILL ANALYSIS: House Bill 380 does all of the following:

- Clarifies that the promulgation of standards for local plans must be consistent with federal and State laws and regulations.
- Requires DEM to review biannually and update as necessary the standards for local plans and programs.
- Expands the types of joint agencies that counties and municipalities may form to include any of the following combinations:
 - A county and one or more municipalities within the county's borders.
 - Two or more counties.
 - Two or more counties and one or more municipalities within the borders of those counties.
- Clarifies that counties which establish an emergency management agency may be eligible to receive State and federal assistance for various emergency management purposes.
 - Removes the \$1,000 per fiscal year cap on funding from the State for the operation of a county emergency management program.

House Bill 380

Page 2

- Provides that where the appropriation does not allocate funds *between* counties, DEM determines the amount allocated to each county.
 - The size of the allocation is based in part on the degree to which local programs meet State standards and requirements promulgated by DEM. Where appropriate, DEM shall consider whether a county lacks sufficient resources to meet its standards.

EFFECTIVE DATE: This act becomes effective October 1, 2009.

BACKGROUND: During the 2008 Short Session, the General Assembly directed DEM, in consultation with the North Carolina Association of County Commissioners, to study ways to strengthen North Carolina's emergency management capabilities, especially at the local government level. (S.L. 2008-162). DEM reported the results of its study to the Joint Select Committee on Emergency Preparedness in November of 2008. The Joint Select Committee on Emergency Preparedness made a number of legislative proposals to the 2009 General Assembly, including House Bill 380.

Brad Krehely, counsel to House Local Government II, substantially contributed to this summary.

H380-SMRD-30(e2) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

2

**HOUSE BILL 380*
Committee Substitute Favorable 3/18/09**

Short Title: Strengthen Local Emergency Management. (Public)

Sponsors:

Referred to:

March 4, 2009

A BILL TO BE ENTITLED
AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS
RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY
PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 166A-5(3) reads as rewritten:

"(3) Functions of State Emergency Management. – The functions of the State emergency management program include:

- a. Coordination of the activities of all agencies for emergency management within the State, including planning, organizing, staffing, equipping, training, testing, and the activation of emergency management programs.
- b. Preparation and maintenance of State plans for man-made or natural disasters. The State plans or any parts thereof may be incorporated into department regulations and into executive orders of the Governor.
- b1. Coordination with the State Health Director to amend or revise the North Carolina Emergency Operations Plan regarding public health matters. At a minimum, the revisions to the Plan shall provide for the following:
 1. The epidemiologic investigation of a known or suspected threat caused by nuclear, biological, or chemical agents.
 2. The examination and testing of persons and animals that may have been exposed to a nuclear, biological, or chemical agent.
 3. The procurement and allocation of immunizing agents and prophylactic antibiotics.
 4. The allocation of the National Pharmaceutical Stockpile.
 5. The appropriate conditions for quarantine and isolation in order to prevent further transmission of disease.
 6. Immunization procedures.
 7. The issuance of guidelines for prophylaxis and treatment of exposed and affected persons.
- c. Promulgation of standards and requirements for local plans and ~~programs~~programs consistent with federal and State laws and regulations, determination of eligibility for State financial assistance provided for in G.S. 166A-7 and provision of technical assistance to local governments. Standards and requirements for local plans and



1 programs promulgated under this sub-subdivision shall be reviewed
2 by the Division of Emergency Management at least biannually and
3 updated as necessary.

- 4 d. Development and presentation of training programs and public
5 information programs to insure the furnishing of adequately trained
6 personnel and an informed public in time of need.
- 7 e. Making of such studies and surveys of the resources in this State as
8 may be necessary to ascertain the capabilities of the State for
9 emergency management, maintaining data on these resources, and
10 planning for the most efficient use thereof.
- 11 f. Coordination of the use of any private facilities, services, and
12 property.
- 13 g. Preparation for issuance by the Governor of executive orders,
14 proclamations, and regulations as necessary or appropriate.
- 15 h. Cooperation and maintenance of liaison with the other states, federal
16 government and any public or private agency or entity in achieving
17 any purpose of this Article and in implementing programs for
18 emergency, disaster or war prevention, preparation, response, and
19 recovery.
- 20 i. Making recommendations, as appropriate, for zoning, building and
21 other land-use controls, and safety measures for securing mobile
22 homes or other nonpermanent or semipermanent works designed to
23 protect against or mitigate the effects of a disaster.
- 24 j. Coordination of the use of existing means of communications and
25 supplementing communications resources and integrating them into a
26 comprehensive State or State-federal telecommunications or other
27 communications system or network."

28 **SECTION 2. G.S. 166A-7 reads as rewritten:**

29 **"§ 166A-7. County and municipal emergency management.**

30 (a) The governing body of each county is responsible for emergency management, as
31 defined in G.S. 166A-4, within the geographical limits of such county. All emergency
32 management efforts within the county will be coordinated by the county, including activities of
33 the municipalities within the county.

- 34 (1) The governing body of each county is hereby authorized to establish and
35 maintain an emergency management agency for the purposes contained in
36 G.S. 166A-2.
- 37 (2) The governing body of each county which establishes an emergency
38 management agency pursuant to this authorization will appoint a coordinator
39 who will have a direct responsibility for the organization, administration and
40 operation of the county program and will be subject to the direction and
41 guidance of such governing body.
- 42 (3) In the event any county fails to establish an emergency management agency,
43 and the Governor, in his discretion, determines that a need exists for such an
44 emergency management agency, then the Governor is hereby empowered to
45 establish an emergency management agency within said county.

46 (b) All incorporated municipalities are authorized to establish and maintain emergency
47 management agencies subject to coordination by the county. ~~Joint agencies composed of a~~
48 ~~county and one or more municipalities within its borders may be formed.~~

49 (b1) Counties and incorporated municipalities are authorized to form joint emergency
50 management agencies composed of a county and one or more municipalities within the county's

1 borders, between two or more counties, or between two or more counties and one or more
2 municipalities within the borders of those counties.

3 (c) Each county and incorporated municipality in this State is authorized to make
4 appropriations for the purposes of this Article and to fund them by levy of property taxes
5 pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues, whose
6 use is not otherwise restricted by law.

7 (d) In carrying out the provisions of this Article each political subdivision is authorized:

8 (1) To appropriate and expend funds, make contracts, obtain and distribute
9 equipment, materials, and supplies for emergency management purposes and
10 to provide for the health and safety of persons and property, including
11 emergency assistance, consistent with this Article;

12 (2) To direct and coordinate the development of emergency management plans
13 and programs in accordance with the policies and standards set by the
14 State; Division of Emergency Management, consistent with federal and State
15 laws and regulations;

16 (3) To assign and make available all available resources for emergency
17 management purposes for service within or outside of the physical limits of
18 the subdivision; and

19 (4) To delegate powers in a local state of emergency under G.S. 166A-8 to an
20 appropriate official.

21 (e) Each county which establishes an emergency management agency pursuant to State
22 standards and which meets requirements for local plans and programs may be eligible to
23 receive State and federal financial assistance, including State and federal funding
24 appropriated for emergency management planning and preparedness, and for the maintenance
25 and operation of a county emergency management program. Such financial assistance ~~for the~~
26 ~~maintenance and operation of a county emergency management program will not exceed one~~
27 ~~thousand dollars (\$1,000) for any fiscal year and is subject to an appropriation being made for~~
28 ~~this purpose. Eligibility of each county will be determined annually by the State. Where the~~
29 ~~appropriation does not allocate appropriated funds among counties, the amount allocated to~~
30 ~~each county shall be determined annually by the Division of Emergency Management. The size~~
31 ~~of this allocation shall be based in part on the degree to which local plans and programs meet~~
32 ~~State standards and requirements promulgated by the Division, including those relating to~~
33 ~~professional competencies of local emergency management personnel. However, in making an~~
34 ~~allocation determination, the Division shall, where appropriate, take into account the fact that a~~
35 ~~particular county may lack sufficient resources to meet the standards and requirements~~
36 ~~promulgated by the Division."~~

37 **SECTION 3.** This act becomes effective October 1, 2009.

0416

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER
EVACUATIONS IN CERTAIN SITUATIONS, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Martin Wainwright
Introduced by Representative(s): Martin and Wainwright (Primary Sponsors).

James *Johnson* *Pierl* *Ray*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

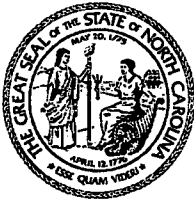
PASSED 1st READING

MAR 5 2009

AND REFERRED TO COMMITTEE

ON *Homeland Security*

litary, and Veterans
airs, & Gov. Judiciary I



HOUSE BILL 416: Clarify Local Government Evacuation Authority

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary I	Date:	March 31, 2009
Introduced by:	Reps. Martin, Wainwright	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 416 clarifies the authority of municipalities and cities to enact ordinances ordering evacuations during a state of emergency and the immunity of persons or entities engaged in statutorily authorized emergency related activities.*

CURRENT LAW: Under current law, the governing body of a municipality or county is authorized to enact ordinances permitting prohibitions and restrictions of "movements of people in public places" during a state of emergency. G.S. 14-288.12, 14-288.13. In addition, under current law, all functions authorized under the North Carolina Emergency Management Act of 1977 (Article 1 of Chapter 166A of the General Statutes), and "all other activities relating to emergency management" are declared to be governmental functions for purposes of the immunity granted by statute to persons or entities carrying out such activities. G.S. 160A-14(a).

BILL ANALYSIS: The bill clarifies the scope of permitted regulations or prohibitions by counties or municipalities upon the movement of people in public places, by specifically authorizing these local governments to enact ordinances requiring evacuation, prescribing required routes, methods and destinations of evacuations, controlling movements of people into, out of, and within a disaster area, and controlling the occupancy of premises within the disaster area. (Because G.S. 14-288.13(b) (counties) incorporates the prohibitions and restrictions included in G.S. 14-288.12(b) (municipalities), the bill's amendment of G.S. 14-288.12(b) accomplishes the same result for both municipalities and counties.)

The bill also amends G.S. 166A-14(a) to clarify that all activities relating to emergency management, whether provided for in Chapter 166A or elsewhere in the General Statutes, are declared to be governmental functions for purposes of immunity granted by statute to persons and entities carrying out those emergency management related functions.

EFFECTIVE DATE: This bill is effective when it becomes law.

BACKGROUND: This bill seeks to implement recommendations contained in the December 1, 2008, report of the North Carolina Division of Emergency Management to the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery, that "local governments be given clear authority to compel evacuations in their jurisdiction (with language that mirrors that currently authorized for the Governor); and local governments be given clear immunity from liability in situations where local government evacuation orders are not heeded."

Section 1 of the bill accomplishes the first purpose. Section 2 of the bill accomplishes the purpose of clarifying that local government activities related to emergency management authorized under any statute, including those permitted under Section 1 of this bill, are governmental functions. As currently drafted, however, Section 2 of the bill appears to grant immunity to injury, death, or property damage resulting from the evacuation orders themselves, and not from the failure of the public to heed such orders. For this reason, it does not appear that the bill accomplishes the second evacuation-related recommendation of the Joint Select Committee, i.e., giving local governments "clear immunity from liability in situations where local government evacuation orders are not heeded." To do so, the bill should state that persons or entities responsible for issuing or carrying out evacuation orders are not

House Bill 416

Page 2

liable for injuries, death, or property damage resulting from the failure to heed those orders or to comply with the directives of persons or entities carrying out those orders.

§ 14-288.1. Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this Article:

- ...
- (3) "Declared state of emergency": A state of emergency found and proclaimed by the Governor under the authority of G.S. 14-288.15, by any mayor or other municipal official or officials under the authority of G.S. 14-288.12, by any chairman of the board of commissioners of any county or other county official or officials under the authority of G.S. 14-288.13, by any chairman of the board of county commissioners acting under the authority of G.S. 14-288.14, by any chief executive official or acting chief executive official of any county or municipality acting under the authority of any other applicable statute or provision of the common law to preserve the public peace in a state of emergency, or by any executive official or military commanding officer of the United States or the State of North Carolina who becomes primarily responsible under applicable law for the preservation of the public peace within any part of North Carolina.
- ...
- (10) "State of emergency": The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or whenever the occurrence of any such condition is imminent.

§ 14-288.12. Powers of municipalities to enact ordinances to deal with states of emergency.

(a) The governing body of any municipality may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

(b) The ordinances authorized by this section may permit prohibitions and restrictions:

- (1) Of movements of people in public places;
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
- (3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages;
- (4) Upon the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline; and
- (5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

The ordinances may delegate to the mayor of the municipality the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

(c) This section is intended to supplement and confirm the powers conferred by G.S. 160A-174(a), and all other general and local laws authorizing municipalities to enact ordinances for the protection of the public health and safety in times of riot or other grave civil disturbance or emergency.

(d) Any ordinance of a type authorized by this section promulgated prior to June 19, 1969 shall, if otherwise valid, continue in full force and effect without reenactment.

(e) Any person who violates any provision of an ordinance or a proclamation enacted or proclaimed under the authority of this section is guilty of a Class 3 misdemeanor.

§ 14-288.13. Powers of counties to enact ordinances to deal with states of emergency.

(a) The governing body of any county may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

(b) The ordinances authorized by this section may permit the same prohibitions and restrictions to be imposed as enumerated in G.S. 14-288.12(b). The ordinances may delegate to the chairman of the board of county commissioners the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

(c) No ordinance enacted by a county under the authority of this section shall apply within the corporate limits of any municipality, or within any area of the county over which the municipality has jurisdiction to enact general police-power ordinances, unless the municipality by resolution consents to its application.

(d) Any person who violates any provision of an ordinance or a proclamation enacted or proclaimed under the authority of this section is guilty of a Class 3 misdemeanor.

§ 166A-14. Immunity and exemption.

(a) All functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the State nor any political subdivision thereof, nor, except in cases of willful misconduct, gross negligence or bad faith, any emergency management worker, firm, partnership, association, or corporation complying with or reasonably attempting to comply with this Article or any order, rule or regulation promulgated pursuant to the provisions of this Article or pursuant to any ordinance relating to any emergency management measures enacted by any political subdivision of the State, shall be liable for the death of or injury to persons, or for damage to property as a result of any such activity.

H416-SMRD-34(e1) v2

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 416*

Short Title: Clarify Local Government Evacuation Authority. (Public)

Sponsors: Representatives Martin, Wainwright (Primary Sponsors); England, E. Floyd, Goforth, Harrison, Hughes, Lucas, Pierce, and Rapp.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary I.

March 5, 2009

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO
ORDER EVACUATIONS IN CERTAIN SITUATIONS, AS RECOMMENDED BY THE
JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER
MANAGEMENT RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-288.12(b) reads as rewritten:

"(b) The ordinances authorized by this section may permit prohibitions and restrictions:

- (1) Of movements of people in public places; places, including directing and compelling the evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction, to prescribe routes, modes of transportation, and destinations in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area, and the occupancy of premises therein;
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
- (3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages;
- (4) Upon the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline; and
- (5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

The ordinances may delegate to the mayor of the municipality the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time."

SECTION 2. G.S. 166A-14(a) reads as rewritten:

"(a) All functions hereunder and all other activities relating to emergency management as provided for in this Chapter or elsewhere in the General Statutes are hereby declared to be governmental functions. Neither the State nor any political subdivision thereof, nor, except in cases of willful misconduct, gross negligence or bad faith, any emergency management worker, firm, partnership, association, or corporation complying with or reasonably attempting to comply with this Article or any order, rule or regulation promulgated pursuant to the provisions of this Article or pursuant to any ordinance relating to any emergency management measures



1 enacted by any political subdivision of the State, shall be liable for the death of or injury to
2 persons, or for damage to property as a result of any such activity."

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

PUBLIC BILL

0631

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL.

Introduced by Representative(s): ^{MARTIN} Martin, ^{DAK} KILLIAN (Primary Sponsors)

Lewis Gapp Hanson

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

AR 18 2009

AND REFERRED TO COMMITTEE

ON Homeland Security
B. Gov. Judiciary I



HOUSE BILL 631: Wearing of Medals by Public Safety Personnel

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary I	Date:	March 30, 2009
Introduced by:	Reps. Martin, R. Warren, Killian	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *This act would authorize public safety employees to wear military decorations on their uniforms during specified days. This act is effective when it becomes law.*

CURRENT LAW: The authority to approve the wear of highway patrol award insignia for the North Carolina Highway Patrol is given by statute to the Patrol Commander, with the approval of the Secretary of the Department of Crime Control and Public Safety.

BILL ANALYSIS: The act provides that uniformed public safety officers may wear military service medals on their uniforms during the following dates:

- The business week prior to Memorial Day and Veterans Day
- On Memorial Day and Veterans Day
- The day after Memorial Day and Veterans Day

The act defines "military service medals" as any medal, badge, or other decoration awarded by either the active or reserve components of the Armed Forces of the United States. Federal law defines "Reserve components of the Armed Forces of United States to include the National Guard. The act would apply to law enforcement, firefighters, and emergency medical services personnel who are employees of a public safety agency. The employer of eligible personnel would have the authority to prohibit the wearing of military service medals if the wear would pose a safety hazard to the officer or the public.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: Army Regulations provide the following on wear of military awards on civilian clothing:

"Retired personnel and former members of the Army (as described above) may wear all categories of medals described in this regulation on appropriate civilian clothing. This includes clothes designed for veteran and patriotic organizations on Veteran's Day, Memorial Day, and Armed Forces Day, as well as at formal occasions of ceremony and social functions of a military nature. Personnel may wear either full-size or miniature medals. Personnel who wear medals on civilian clothes should place the medals on the clothing in approximately the same location and in the same manner as for the Army uniform, so they look similar to medals worn on the Army uniform."

AR 670-1, para. 30-6.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 631
PROPOSED COMMITTEE SUBSTITUTE H631-PCS50378-RK-7

Short Title: Wearing of Medals by Public Safety Personnel.

(Public)

Sponsors:

Referred to:

March 18, 2009

A BILL TO BE ENTITLED

AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 165 of the General Statutes is amended by adding a new section to read:

"§ 165-44.01. Wearing of medals by public safety personnel.

(a) Uniformed public safety officers may wear military service medals during the business week prior to Veterans Day and Memorial Day, the day of Veterans Day and Memorial Day, and the business day immediately following Veterans Day and Memorial Day.

(b) The employer of a uniformed public safety officer shall retain the right to prohibit the wearing of military service medals pursuant to this subsection if the employer determines that wearing the military service medals poses a safety hazard to the uniformed public safety officer or to the public. Any prohibition under this subsection shall only be effective if adopted after this section becomes law.

(c) This section shall be interpreted in accordance with all applicable federal laws and regulations.

(d) The following definitions shall apply in this section:

(1) Military service medal. – Any medal, badge, ribbon, or other decoration awarded by the active or reserve components of the armed forces of the United States, the North Carolina Air National Guard, or the North Carolina Army National Guard to members of those forces.

(2) Public safety officer. – An employee of a public safety agency who is a law enforcement officer, a firefighter, or emergency medical services personnel."

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



* H 6 3 1 - P C S 5 0 3 7 8 - R K - 7 *

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 631

Short Title: Wearing of Medals by Public Safety Personnel. (Public)

Sponsors: Representatives Martin, R. Warren, Killian (Primary Sponsors); Gulley, Harrison, Lewis, Lucas, and Rapp.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary I.

March 18, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC
3 SAFETY PERSONNEL.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 7 of Chapter 165 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 165-44.01. Wearing of medals by public safety personnel.**

8 (a) Uniformed public safety officers may wear military service medals during the
9 business week prior to Veterans Day and Memorial Day, the day of Veterans Day and
10 Memorial Day, and the business day immediately following Veterans Day and Memorial Day.

11 (b) The employer of a uniformed public safety officer shall retain the right to prohibit
12 the wearing of military service medals pursuant to this subsection if the employer determines
13 that wearing the military service medals poses a safety hazard to the uniformed public safety
14 officer or to the public. Any prohibition under this subsection shall only be effective if adopted
15 after this section becomes law.

16 (c) This section shall be interpreted in accordance with all applicable federal laws and
17 regulations.

18 (d) The following definitions shall apply in this section:

19 (1) Military service medal. – Any medal, badge, or other decoration awarded by
20 the active or reserve components of the armed forces of the United States,
21 the North Carolina Air National Guard, or the North Carolina Army National
22 Guard to members of those forces.

23 (2) Public safety officer. – An employee of a public safety agency who is a law
24 enforcement officer, a firefighter, or emergency medical services personnel."

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



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 631

S. B. No. _____

COMMITTEE SUBSTITUTE _____

DATE 4/1/09

Amendment No. 1

(to be filled in by
Principal Clerk)

(Rep.) Sutton
Sen.)

1 moves to amend the bill on page 1, line 19

2 () WHICH CHANGES THE TITLE

3 by inserting after the word "badge,"
4 the word "ribbon,"

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

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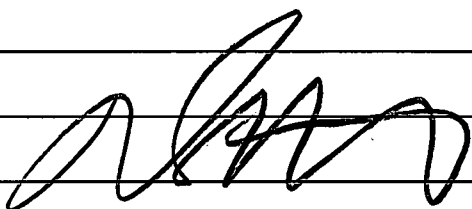
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19 _____

SIGNED 

✓ ADOPTED L.D. Hall FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 379 A BILL TO BE ENTITLED AN ACT TO ALLOW MUTUAL AID
AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE
STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY
PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
STATE GOVERNMENT/STATE PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

House Pages

HOMELAND SECURITY

Name Of Committee: _____

Date: 14 APR 09

1. Name: Danielle Hartsfield

County: Cumberland

Sponsor: Rep Floyd

2. Name: Donice Bynum

County: Nash

Sponsor: Rep. Angela Bryant

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: GERALD PERRY SR.

2. Name: JUDY TURNER

3. Name: ROD FINGER

4. Name: _____

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

04/01/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Racquel Williams	Rep. Hall
Norlan Graves	Rep. Hall
Abby Gendron	NMAJ - NC
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
Brenda M. Jones	Div. of Emergency Mgmt.
Charlie Smith	NC Division of Veterans Affairs
Don H. Felt	NC Division of Emergency Mgmt.
Cam Cook	B.P. M. H. L.
Anthony Snow	re: see

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☒ Committee Substitute for

HB 380 A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL
EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT
SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER
MANAGEMENT RECOVERY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 631 A BILL TO BE ENTITLED AN ACT TO FACILITATE THE WEARING OF
MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
JUDICIARY I.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, APRIL 01, 2009
ROOM 1425 LB
10:00A.M.
REPRESENTATIVE LARRY D. HALL

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, April 01, 2009 at 10:00 a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's Elmer Floyd, Richard Killian, and Grier Martin; Representatives, Braxton, Cleveland, Dickson, Glazier, Hilton, McLawhorn, Sager, Sutton, Underhill, and Warren. Staff members present include Hal Pell, and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Danielle Hartsfield from Cumberland County, and Donice Bynum from Nash County. He also recognized Sgt-At-Arms Jerald Perry, Judy Turner, and Rodney Finger.

The first bill before the committee was **House Bill 379, AN ACT TO ALLOW MUTUAL AID AND AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.** Rep. Martin explains that HB 379 would amend the statute which sets out the authority for the entry into mutual aid agreements. The amendment would authorize the Governor to enter into mutual aid agreements with local government subdivisions, with the concurrence of a local government subdivision's governing body. The agreements must be consistent with the State's emergency management program and plans. Representative Sutton made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on State Government/State Personnel and the motion unanimously passed.

The Chair called upon Representative Martin, bill sponsor for **HB 380, AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.** Rep. Martin explains HB 380 would strengthen local emergency management capabilities as recommended by the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery. Representative Glazier made a motion for a favorable report and the motion unanimously passed.

The Chair called upon Representative Martin, bill sponsor for **HB 631, AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL**. Representative Martin explains HB 631 would authorize public safety employees to wear military decorations on their uniforms during specified days. The act provides that uniformed public safety officers may wear military service medals on their uniforms during the following dates: The business week prior to Memorial Day and Veterans Day, on Memorial Day and Veterans Day, and the day after Memorial Day and Veterans Day. The act defines "military service medals" as any medal, badge, or other decoration awarded by either the active or reserve components of the Armed Forces of the United States to include the National Guard. The act would apply to law enforcement, firefighters, and emergency medical services personnel who are employees of a public safety agency. The employer of eligible personnel would have the authority to prohibit the wearing of military service medals if the wear would pose a safety hazard to the officer or public. Representative Killian made a motion for a favorable report to the committee substitute bill, unfavorable as to the original bill and recommendation that the bill be re-referred to the Committee on Judiciary I. Motion unanimously passed.

The Chair called upon Representative Martin, bill sponsor for **HB 416, AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY**. Representative Martin explains that HB 416 would clarify the authority of municipalities and cities to enact ordinances ordering evacuations during a state of emergency and the immunity of persons or entities engaged in statutorily authorized emergency related activities. Representative Dickson made a motion for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary I and the motion unanimously passed.

There being no further business to come before the committee, the meeting adjourned.


Representative Larry D. Hall
Chair

Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, April 8, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS: Presentation by: BRAC Regional Task Force – Paul Dordal

The following bills will be considered:

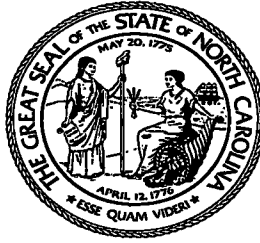
BILL NO.	SHORT TITLE	SPONSOR
HB 511	EMS/Fire Dept. Sales Tax Refund.	Representative Williams, III Representative Goforth Representative Lucas Representative Warren
HB 697	Remove Restriction/LEO Disability Benefits.	Representative Dickson Representative Martin Representative McLawhorn Representative Wiley

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12:00P.M.** on April 03, 2009.

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, April 08, 2009
10:00AM
Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman
- **Presentation – Brac Regional Task Force**

Paul Dordal, BGen, USAF (ret)

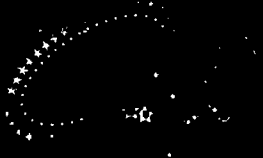
- The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 511	EMS/Fire Dept. Sales Tax Refund.	Representative Williams, III Representative Goforth Representative Lucas Representative Warren
HB 697	Remove Restriction/LEO Disability Benefits.	Representative Dickson Representative Martin Representative McLawhorn Representative Wiley

- **Comments**
- **Adjourn**

BRAC REGIONAL TASK FORCE

Paul Dordal, BGen, USAF (ret)
Executive Director



Committee on Homeland Security, Military Affairs
and Veteran's Affairs
April 8, 2009

BRAC Changes at Fort Bragg and Pope AFB

- **Ft. Bragg is the largest Army post in the country**
 - Growing to more than 80,000 soldiers and employees.
 - Includes BRAC actions, Army Transformation, and Grow the Army initiatives.
- **U.S. Army Forces Command and Army Reserve Command Headquarters transfer from Atlanta in 2011.**
- **Pope AFB real property transfers to the Army in 2010.**
 - 440th Reserve Airlift Wing has relocated from Milwaukee to Pope AFB.

Community Impact of Changes at Fort Bragg

- **Population growth: projecting 40,000 additional people**
- **Creates a shortage of schools, classrooms, and teachers**
- **Impact on housing, roads, airports, workforce, infrastructure, public safety, medical and quality of life**
- **There are challenges and opportunities for the region and the state associated with this growth**
- **A regional approach is essential to plan and prepare for the changes and state and federal support is required.**

BRAC Regional Task Force Purpose and Scope

- **Purpose:** Unify the community planning effort by coordinating the requirements and shortfalls for the counties and municipalities affected by BRAC actions at Ft. Bragg and Pope AFB.
- **Scope:** Serve as the liaison between the military; the communities in the organization; state agencies associated with these requirements; and federal agencies designated to provide community assistance for BRAC.

BRAC RTF Programs

Regional Planning

Plan and prepare regional communities for BRAC changes and transformation. Plan for long term sustainability and smart growth.

Workforce and Educational Programs

Develop innovative education and workforce training programs to meet the requirements of emerging defense and high tech industry clusters.

Economic Transformation

Emphasize and promote the strengths inherent to a defense industry sector in North Carolina to attract new industry.

Critical Issues

■ School Construction Shortfall:

- \$274 million requirement for 6,674 mission related students

■ Force Protection: Closing Bragg Blvd and widening Murchison Road.

- \$80 million project is a security issue for FORSCOM/Ft. Bragg
- I-295 to connect Ft. Bragg to the Interstate System

■ Regional Communications interoperability

- Working with NC Crime Control & Public Safety on VIPER requirements for compatible emergency response radios

Economic Impact Employment (2013)

- 19,200 jobs will be created as a result of growth at Fort Bragg
 - 4,024 active-duty military jobs; 2,146 military civilian jobs; 1,972 embedded contractor jobs; 1,000 private defense contractors; PLUS
 - An additional 11,044 jobs will be created in the local economy to support increased population and military spending

Economic Impact Gross Regional Product (GRP)

- Analogous to Gross Domestic Product (GDP) used for benchmarking activities in the national economy
- Projected to be in excess of \$25 billion by 2013.
 - Approx. \$4.7 - \$5.5 billion from Fort Bragg and Pope AFB pre-BRAC
 - Over \$1 billion from the planned military growth

**Economic Impact
Personal & Disposable Income**

- **Personal income is projected to grow to \$44.95 billion by 2013. This includes \$1.28 billion from the planned military growth**
- **Disposable income (personal income less taxes) is expected to be \$39.35 billion by 2013. This includes \$1.09 billion from the planned military growth**

**Economic Opportunities
Due to Mission Growth at Ft. Bragg**

- **On Post: over \$2.2 billion in military construction during a 5 year period.**
 - **\$5 billion - \$7 billion on military installations**
- **Opportunities for prime contracts, partnerships, subcontracts, suppliers.**
- **Increased defense related business from in and out of state.**
 - **Additional hospitality, convention and meeting space needed.**
- **Office and warehouse space needed for contractors.**
- **Requires a skilled talent pool for defense related businesses!**

**Community Impact
of Changes at Ft. Bragg**

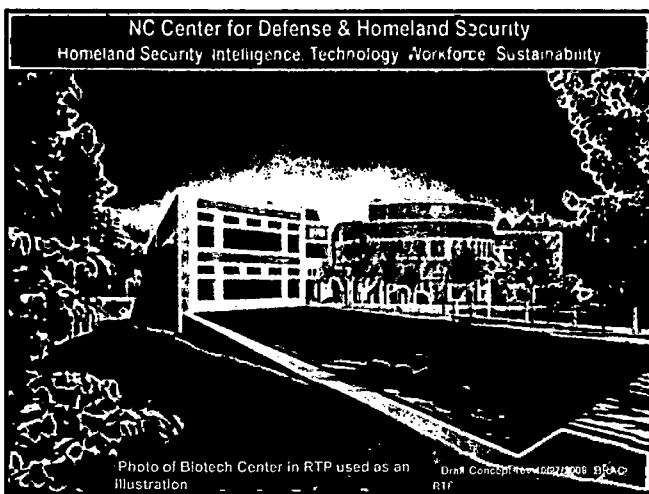
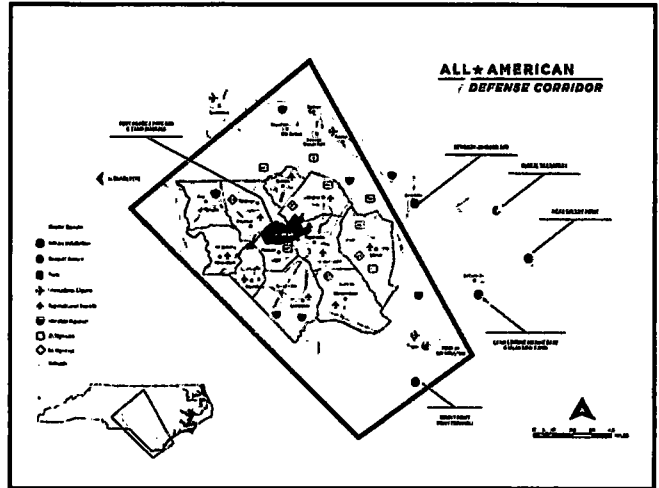
- **FORSCOM/USARC Headquarters will transfer approximately 3,000 positions from Atlanta in 2011**
 - **Senior decision makers that decide how to organize and equip the entire U.S. Army**
 - **Manage more than \$30 billion of DOD budget**
- **Hospitality requirements: 20,000 + visits a year**
- **Excellent workforce and economic opportunities**
- **Potential to attract new defense related industry and expand existing businesses**

**Economic Transformation
Goals**

- 1. Define and establish Defense & Homeland Security (D&HS) as industry sectors in North Carolina**
- 2. Establish a North Carolina Center for Defense & Homeland Security (D&HS)**
- 3. Create partnerships and alliances between industry, universities and DOD programs**
- 4. Promote and market North Carolina to attract, build and expand D&HS companies in the region to create new high tech jobs**

"All-American Defense Corridor"

- Gov Perdue announced the AADC in September 2007 to market and promote Southeastern North Carolina to attract new defense-related companies to the state.
- **Emphasize our strengths:**
 - Six major military installations
 - World-class research & development capabilities
 - Motivated and skilled talent pool
 - Outstanding quality of life
 - Excellent transportation systems
- **Objective is to establish Defense & Homeland Security industry sectors with higher skilled, higher paying jobs**



NC Center for Defense & Homeland Security

- **Establish a Center of Excellence that will serve as a focal point for developing the intellectual capital and business intelligence necessary to understand DOD and Homeland Security programming and funding.**
- **Establish a statewide authority through the University of North Carolina system as the framework to connect NC assets, including Research and Development initiatives to D&HS programs.**

KEY FUNCTIONS

- Provide strategic planning to organize and effectively align existing NC D&HS related assets and state funded organizations to make the state as competitive as possible in the areas of acquisition & procurement and Research & Development programs
- Work with other state agencies, such as the NC Military Business Center, DSTA and the Military Foundation to grow and support Defense and Homeland Security industries and business in North Carolina.

Center Functions

- Establish a Skilled and Trained Workforce:
 - Serve as a clearing house and think tank for identifying emerging industry workforce skills and coordinating with educational entities to provide training
 - Strengthen workforce and educational programs utilizing the US DOL grant and university and college programs as the basis for workforce training.
 - Expand the virtual network to all schools in the region to connect a distributed learning system across the educational spectrum. Expand to other regions.

CENTER GOALS

- Meet the procurement and service needs of the six major military installations in North Carolina. Develop and supply new equipment as needed by the military at NC installations.
- Connect the capabilities and capacities of NC companies with D&HS acquisition and procurement needs
- Attract new D&HS related companies to North Carolina and create higher skilled higher paying jobs
- Ensure the long term sustainability of our military installations

SUMMARY

- BRAC growth is already occurring.
 - Biggest impact will be felt in 2011 and after.
 - FORSCOM/USARC move is the catalyst for establishing a Defense & HS industry in North Carolina
- All American Defense Corridor is attracting attention and defense related companies to the Ft. Bragg region
- NC Center for Defense & Homeland Security will make NC more competitive
- Defense & HS industry assessment is on-going to target industries for relocating to this area

A Model: All American Center for Workforce Innovation

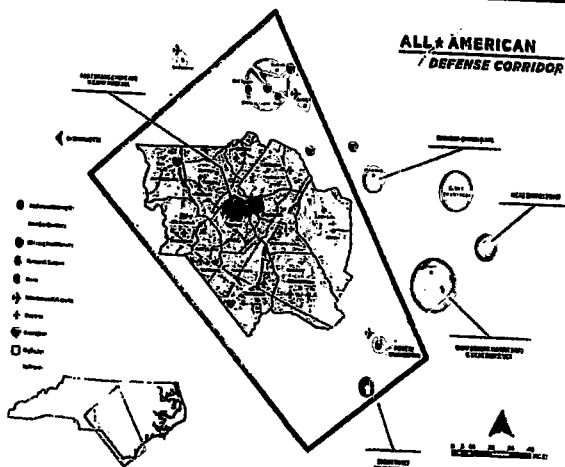
BRAC Regional Task Force
Fort Bragg and Pope Air Force Base

Introduction

The BRAC Regional Task Force (RTF) was formally established in June 2006 as a regional partnership of local governments to coordinate and unify planning and preparation for BRAC 2005 and other transformational growth actions with the surrounding communities. Formation of the BRAC RTF evolved from the state's BRAC Initiative in 2005 led by Lt. Gov. Perdue when Fort Bragg was identified through the BRAC process as a growth installation. Gov. Easley supported the regional concept and hosted the initial meeting in Raleigh, which brought together community leaders from the 11 BRAC counties. The N.C. Department of Commerce facilitated forming the BRAC RTF as a regional partnership.

With the award of a \$5 million grant from DOL in July 2006, the BRAC RTF is focusing on programs designed to develop and maintain a talented workforce in the region matched to current or emerging high skill, high wage industry clusters. Focus clusters include: homeland security, military preparedness and strategic defense, enhanced training and simulation, technology innovation, skilled labor and trades, education and healthcare.

One of the outcomes of the workforce project development is the All American Center for Workforce Innovation — introduced in October 2007. The Center opened in June 2008 and is providing potential students the opportunity to engage in 3D simulation and modeling training, career exploration and planning, training and education resources, and connections with employers. The Center's hub is based at Fayetteville Technical Community College and was recently expanded with the placement of i3D systems in the regional community colleges.



Recent Milestones

NOV 2008 BRAC RTF contracted with Training and Development Associates to conduct a six-month study of the emerging defense and homeland security cluster in the 11-county region. Components of the project include asset mapping, gap analysis and strategic recommendations to implement education, workforce and economic initiatives for optimal growth of and benefit from this sector.

DEC 2008 BRAC RTF joined with the NC Department of Commerce Division of Workforce Development, Futures, Inc. and Hensel Phelps — the prime contractor for the new joint FORSCOM/USARC headquarters to design a Web site to communicate hiring and sub-contracting needs for this \$288 million construction project. The goal is to attract and utilize the best craft talent and suppliers our region has to offer. www.buildbragg.com

JAN 2009 The Board of Directors awarded a \$1.1 million contract to Futures, Inc. to design and deploy a regional, Web-based career exploration and talent acquisition platform by August of 2009. Components of the integrated system will include self-assessment, career exploration, educational and training linkage and employment connection. This is a critical virtual component of the All American Center for Workforce Innovation and will help integrate and align area education, workforce and economic development efforts.

FEB 2009 Social resources is one of the 10 key program areas of the BRAC RTF's Workforce Demonstration Program proposal and implementation plan. Fayetteville State University and UNC-Pembroke have joined to conduct a six-month research study on the economic impacts of BRAC on the region's socio-economically disadvantaged. Challenges and opportunities will be assessed and an actionable plan to close gaps and maximize benefits will be key deliverables.

BRAC Regional Task Force

Paul R. Dordal
Executive Director
P.O. Box 70999
Fort Bragg, NC 28307
910-436-1345



Our Goals

- Developing skilled talent for the region's targeted high growth, high-skill, and high-wage industries, which include homeland security and national military preparedness.
- Strengthening collaboration between the region's education and training institutions to better prepare the entire workforce spectrum (from low-wage, low-skill to high-wage, high-skill) through increased life long learning opportunities.
- Enhancing the region's entrepreneurial climate to create and expand businesses, and generate new high-growth, high-skill, and high-wage employment opportunities.

Our Outcomes

By 2011, the BRAC Regional Task Force initiative will:

- Build coalitions between educators, employers, and workforce and economic developers to better prepare today's students for tomorrow's workforce.
- Improve connections between cluster businesses with workforce shortages and talent development centers.
- Increase the number of skilled workers in targeted high-growth, high-skill, and high-wage industry clusters.
- Build commitment and enthusiasm among educators, workforce development, employers, economic developers, and students for life long learning.

Our Successes

- Throughout the past year regional economic developers working hand-in-hand with Greenfield Associates have made numerous contacts with defense companies and related industries interested in the All American Defense Corridor. Targeted efforts led to the relocation and opening of Tacronics – an armored military vehicle manufacturer – in Robeson County. Other military contractors such as Boeing, Lockheed Martin, Sierra Nevada Corporation and others have moved or are considering a move to our region based on BRAC growth.
 - Last year, the BRAC RTF allocated U. S. Department of Labor Workforce Demonstration Program grant funds to purchase and deploy one portable i3D system to the other seven community colleges in our region. Additionally, BRAC RTF together with Fayetteville Tech procured additional funding from the Golden LEAF Foundation for one portable i3D system in one high school in each of our 11-county public school systems. Systems will be in place at the designated high schools soon.
 - Partnering with Kenan Fellows, BRAC RTF has established a pilot program in the region. Fellowships will partner public school teachers with object and curricular developers to collaborate on i3D utilization in an instructional setting. BRAC RTF is working with the Kenan Fellows Program for Curriculum and Leadership Development at NCSU and the NC Cooperative Extension.
 - Futures, Inc. in collaboration with Communities in Schools and the National Life/Work Center will provide a two-year site license for every middle school in the BRAC region to launch Real Game Online. Fully digital, the Real Game Online weaves core academic skills, essential workplace skills, character traits, and environmental education into each learning session. Real Game Online is also a component of the regional career exploration and talent pipeline to engage middle school students in visioning their future and developing financial literacy.
 - BRAC RTF held a Regional Education Summit recently to create the model for a STEM (Science, Technology, Engineering, Math) Community Collaborative through the All American Center for Workforce Innovation. The group will pilot two 21st Century STEM distributed learning communities in the region utilizing the advanced visualization and connectivity of our AACWI. Distributed learning will provide top quality industry-validated instructional resources cost effectively, and responsive to local economic opportunities and imperatives.
 - After the October 2008 Regional Public Engagement for Living in the New Normal, Supporting Children and Families through Trauma and Loss, the organization for follow-on activities was passed to Cumberland County Partnership for Children. Since that time, Kara Hollingsworth has been hired as their Military and Government Affairs Liaison. Plans are progressing to conduct a communications campaign, resource mapping and team building workshops and Webinars, monthly roundtables, and create military reference centers in public libraries.
-

A Model: Workforce Innovation Center

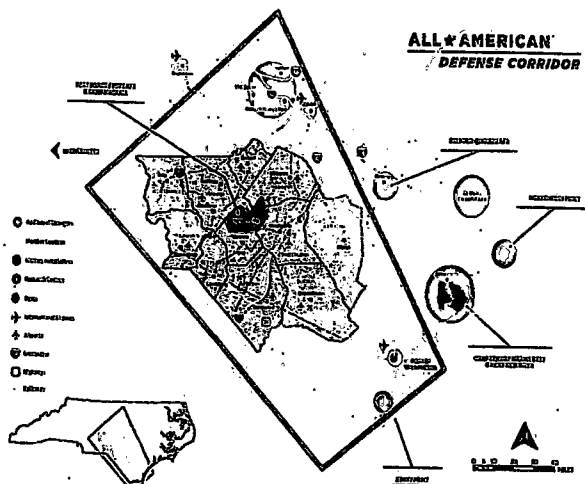
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With the award of a \$5 million grant from DOL in July 2006, the BRAC RTF is focusing on programs designed to develop and maintain a talented workforce in the region matched to current or emerging high skill, high wage industry clusters. Focus clusters include: homeland security, military preparedness and strategic defense, enhanced training and simulation, technology innovation, skilled labor and trades, education and healthcare.

One of the outcomes of the workforce project development is the All American Center for Workforce Innovation — introduced in October 2007. The Center, when complete, will provide potential students the opportunity to engage in career exploration and planning, training and education resources, and connections with employers. The Center's hub is based at Fayetteville Technical Community College, but will eventually include all community colleges and other campuses and classrooms in the region.



Milestones

OCT
2005

North Carolina Gov. Mike Easley directs the formation of the BRAC Regional Task Force (RTF) as a partnership of local governments

NOV
2005

November 2005 — Base Realignment and Closure (BRAC) 2005 legislation becomes law

MAY
2006

BRAC RTF commissions *Work Force Development Plan* and *Community Impact Assessment*. Early in 2006, two reports indicate serious challenges to the region's competitive position long-term, and targeting critical workforce and education issues are strongly suggested.

OCT
2006

BRAC RTF receives a \$1.9 million grant from OEA and \$265,000 from North Carolina to develop a Comprehensive Regional Growth Plan to identify the impacts in the 11-county area associated with BRAC 2005.

JUL
2007

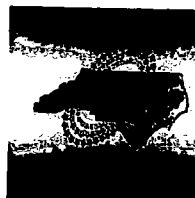
U. S. Department of Labor (DOL) awards BRAC RTF \$5 million Workforce Investment Act (WIA) Pilot Demonstration Program grant to develop a model for workforce transformation and training for BRAC growth communities.

SEP
2007

Lt. Governor Bev Perdue announces the establishment of the "ALL AMERICAN DEFENSE CORRIDOR." "North Carolina has a tremendous opportunity to create a new defense and homeland security sector to provide 21st century job opportunities for our people. The creation of the All American Defense Corridor sends a powerful signal that North Carolina is indeed the most military friendly state in America."

OCT
2007

The All American Center for Workforce Innovation opens at Fayetteville Technical Community College as a training and education, career and employer-connected resource for the region.



BRAC Regional Task Force
Paul R. Dordal, Executive Director
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(5/1/08)

Our Goals

Developing skilled talent for the region's targeted high growth, high-skill, and high-wage industries, which include homeland security and national military preparedness

Strengthening collaboration between the region's education and training institutions to better prepare the entire workforce spectrum (from low-wage, low-skill to high-wage, high-skill) through increased life long learning opportunities

Enhancing the region's entrepreneurial climate to create and expand businesses, and generate new high-growth, high-skill, and high-wage employment opportunities

Our Outcomes

By 2011, the BRAC Regional Task Force Initiative will:

- Build coalitions between educators, employers, and workforce and economic developers to better prepare today's students for tomorrow's workforce.

- Improve connections between cluster businesses with workforce shortages and talent development centers.

- Increase the number of skilled workers in targeted high growth, high skill and high wage industry clusters.

- Create more entrepreneurial and small business support opportunities in targeted clusters.

- Build commitment and enthusiasm among educators, workforce development, employers, economic developers, and students for life long learning.

Our Successes

Early targeted economic development efforts led to the relocation and opening of Tactronics – an armored military vehicle manufacturer – in Robeson County. This represents 50 initial jobs and a significant investment in the local economy. Other military contractors such as Lockheed Martin, Sierra Nevada Corporation and similar firms have already moved into or are considering such moves to our 11-county All American Defense Corridor, based on the coming BRAC growth.

An overall Workforce Steering Group with several Advisory Committees was formed and has met for several months. Members represent K – 12 school systems, community colleges, universities, local elected officials, workforce development boards, economic development partnerships, and businesses from across our 11-county impact area. Additional advisory groups are being formed for research and development, economic development, and military/defense industry business associations.

The All American Center for Workforce Innovation (AACWI) – physical, virtual, and conceptual – is becoming a reality at a local community college, Fayetteville Tech. State-of-the-art interactive 3D capability is under development and will help train modeling and simulation professionals for both military and civilian applications. It will eventually be used to deliver interactive lessons, training simulations, and even instructors out to other campuses, colleges, and classrooms, including K-12 school systems.

A virtual career exploration and connection platform demonstration project is being launched for Wounded Warriors. This pilot initiative will showcase the AACWI, is funded through the DOL Workforce Demonstration Program grant and will be expanded to other populations such as exiting military and

spouses plus the general public in the near future.

A Job Connection Initiative Task Force has been formed and is working on developing a true one-stop portal for job seekers and employers initially in our burgeoning construction/skilled trades industry cluster. Agencies such as ESC/JobLink, North Carolina Military Business Center, ACAP, NC DOL Apprenticeship, and community college trades programs are coming together with prime and sub-contractors to encourage and facilitate local hiring. Once the pipeline and process is in place, it will be expanded to other sectors.

A Request for Proposals committee has been formed to standardize the organization's processes for developing, releasing, evaluating, and awarding work to companies and consultants in support of the Workforce Demonstration Program grant.

The WDP Implementation Plan was completed in conjunction with Leonard Resource Group in March.

Research-based initiatives have been introduced and implemented in the region through the Joint Education and Workforce Advisory Group. CareerStart, Real Game Online, Project Citizen, Leadership Programs, and Career Readiness Certification are initiatives that will enable students to make informed career decisions and better equip them to join the workforce.

Living in The New Normal Public Engagement is a Military Child Education Coalition initiative supporting children in transition by mobilizing communities to promote an environment of resilience and non-victimization, recognition of the elements of courage, and identification of effective resources. The BRAC RTF, in collaboration with Fort Bragg and Pope Air Force Base leadership, is initiating the Public Engagement across our region.

The North Carolina Center for Defense & Homeland Security

Prepared for:

BRAC Regional Taskforce

Fayetteville State University

Fayetteville Technical Community College

The brief was developed based on our analysis of data and research, examination of best practices across the country, tours of military-related assets and interviews with important players in the state's military support system. We are grateful for the assistance of personnel from the UNC system, Fayetteville State University (FSU), Fayetteville Technical Community College FTCC, the NC Military Business Center (NCMBC), the NC Military Foundation (NCMF), the Partnership for Defense Innovation (PDI) and its Defense and Security Technology Accelerator (DSTA) and the BRAC Regional Task Force (BRAC RTF). We also appreciate the input of Senator Tony Rand, Representative Margaret Dickinson, and Fayetteville Mayor Tony Chavonne. We relied on data and analysis from the defense industry cluster, resource mapping and gap analysis presently being prepared for BRAC RTF by the consulting team of Training Development & Associates (TDA), Booz Allen Hamilton, the Center for Economic Competitiveness, UNC School of Government and Futures Inc.

April 2009

Regional Technology Strategies, Inc.

www.rtsinc.org

The North Carolina Center for Defense & Homeland Security

Introduction

North Carolina has a long history of dedication and long-term commitment to improving its economy. From the Good Roads movement and development of the UNC higher education system to the Research Triangle Park, NCSU Centennial Campus and the NC Biotechnology Center, our state has made the commitments necessary to improve the opportunities for its citizens. Recent events in the world, nation and state present the state with a new opportunity to proactively lead one of the next waves of economic innovation – the defense and homeland security industry – by creating the NC Center for Defense & Homeland Security.

Our state has not been immune to the impacts of the world economic downturn but it remains positioned to respond to global economic change. A December 2008 report by the NC Board of Science and Technology titled *Advancing Innovation in North Carolina* presents a compelling case for the state to focus on innovation – in our classrooms, our boardrooms, our offices, our factories – in fact throughout our state and economy. One of its key strategic recommendations is to collaboratively harness the strengths of our public and private research communities with our educational and workforce development system and private sector to grow and compete globally.

But where are the opportunities to apply this fulcrum? We are investing in biofuels and continuing to spread our strength in biotechnology in Kannapolis and regional arms of the Biotech Center. We are building on our investments in finance, health care and pharmaceuticals. We have made a commitment to invest in clean and green technology. Where else are the opportunities to build on innovation to grow our economy across all regions of our state?

The nation's increased focus on defense and homeland security combined with the State's strong military presence creates a unique opportunity for North Carolina to become recognized as the preeminent location for defense innovation and the economic progress it produces. An important step to take advantage of this unique time is to develop an *innovative technology center for the defense industry* that will move the state and region forward and more fully capitalize on defense-related opportunities.

Why a Center?

North Carolina hosts seven military installations and numerous Coast Guard facilities with the fourth largest active duty military population in the U.S.:

- ❖ Fort Bragg (Cumberland and Hoke counties)
- ❖ Camp Lejeune (Onslow County)
- ❖ Marine Corps Air Station Cherry Point (Craven County)
- ❖ Marine Corps Air Station New River (Onslow County)
- ❖ Military Ocean Terminal at Sunny Point (Brunswick County)
- ❖ Seymour Johnson Air Force Base (Wayne County)
- ❖ Pope Air Force Base (Cumberland County)

Combined, North Carolina's military assets generate over \$23 billion in annual economic activity and more than 416,000 jobs in all regions of the state.¹

While many states were losing installations and personnel in the latest BRAC (Base Realignment and Closure Commission) process, North Carolina's military presence was growing in terms of both size and leadership. Fort Bragg and Camp Lejeune and its associated air stations are growing significantly in military and civilian personnel and private contractors. Military construction is booming with over \$6 billion expected through 2013. The NC Department of Commerce projects that nearly 50,000 new jobs will be created from these expansions.

The increases in military presence noted above tell only part of the story. Perhaps even more important are the dramatic changes occurring in military leadership at the State's military facilities. In 2011 the Army will complete the redeployment of *Army Forces Command* (FORSCOM) and the *Army Reserve Command* (USARC) headquarters from Ft. McPherson in Atlanta, Georgia to Ft. Bragg. With these HQs come 3,000 decision-makers, the largest collection of senior leadership – in terms of 3 and 4 star generals – in the Army and an annual \$30 billion contracting budget. The relocation of FORSCOM and USARC HQs with its leadership and budget is correctly seen as a coup for North Carolina. When the BRAC move is completed Ft. Bragg will be the largest Army facility in the country with over 75,000 personnel.

The projection of 50,000 new jobs is breathtaking. But it does not account for what might occur if the state proactively focuses on the defense & homeland security sector. What might happen if we invest, innovate and build on the status quo? What might we create if our present and future military assets are seen as an unprecedented economic growth opportunity?

One might ask whether there is need to proactively build on this sector and opportunity. After all, the impacts to the state from the military presence are estimated to be over \$23

¹ NC Department of Commerce. *North Carolina's Military Footprint*. June, 2008.

billion annually now and are expected to increase by nearly \$3 billion by 2013. Aren't we already building on this opportunity?

In many ways the answer is yes. We have tremendous assets that help NC companies get military contracts. We have organizations that promote the state as military friendly – undoubtedly affecting the BRAC decisions to move assets to the state. The BRAC Regional Task Force (BRAC RTF) works to build the military and the community around Fayetteville. The university system and Department of Commerce pay close attention to military needs. The General Assembly has provided funds for developing the industry and the Governor's Office has championed the state as the most-military friendly state.

North Carolina companies typically win about \$3 billion annually in military contracts. While this is an impressive number it must be understood in the context of our military presence. Indeed, the state with the fourth highest number of military personnel ranks 23rd in percent of military procurement.² As noted above the annual contracting budget for FORSCOM alone is \$30 billion. What are the opportunities and how does the state capture a larger portion of the defense budget pie? The *Defense Industry Demand Analysis* conducted for the NC Military Business Center in 2005 provides details on the opportunities for the State. The question is how we capture more of the \$500 annual defense budget billion (half of which is contracted) for weapon systems, research and development, construction, technical services, manufactured goods and other products. The report concludes:

"...if the state can successfully expand its share of U.S. defense procurement from its current 1% to 1.5% by 2010, thirty thousand additional jobs will be created and \$150 million in additional annual tax revenue will be generated. Achieving this growth will require new thinking, new partnerships, and new initiatives."

The 2005 report highlighted the state's relatively low military procurement record and opened many eyes within the state. But an increase from 1% to 1.5% should be seen as just a start. If the state of North Carolina is going to meet *and exceed* its goal of bridging that gap it needs a focused effort aimed at assisting the defense and homeland security cluster. Meeting that goal is an important step for North Carolina. The North Carolina Center for Defense & Homeland Security can play a pivotal role in meeting this goal.

² Angelou Economics for the NC Military Business Center. *Defense Industry Demand Analysis*. June, 2005.

What roles should the Center play?

In the early 1980's the NC Board of Science & Technology identified the little known biotechnology field as a wave of the future. In 1984 the General Assembly created the NC Biotechnology Center to build this nascent technology into an economic dynamo. Since that time the state invested \$1.2 in the biosciences to help take a scientific idea to commercialization. Now, according to a recent report, the biotechnology industry generates nearly \$46 billion in annual economic activity and accounts for over 53,000 jobs within the state.³ (See sidebar below.) Could a similar entity move us forward in the defense industry?

The Board of Science and Technology's report, *Advancing Innovation in North Carolina*, provides a compelling vision of how the state should approach the 21st century innovation economy. It advocates that there are four core drivers of the innovation economy:

- ❖ Research and development
- ❖ Commercialization
- ❖ High-tech economic activity
- ❖ Human capital resources

Our analysis of the opportunities for the NC Center for Defense & Homeland Security suggests that that a similar focus is required. This entity can provide the guiding structure and the glue to put these core drivers to work for North Carolina. Our discussions with stakeholders in the state's defense industry suggest the following opportunities for the Center to leverage these core drivers (see figure 1):

- ❖ Provide a central focus for the state's military related economic development efforts
- ❖ Create and re-create a qualified workforce
- ❖ Develop and grow entrepreneurs and small businesses
- ❖ Connect the state's R&D to military research needs
- ❖ Leverage new technologies and R&D into commercial products
- ❖ Increase military procurement opportunities and increase commercial opportunities
- ❖ Recruit defense-related companies and subsidiaries

³ Battelle Technology Partnership Practice for the NC Biotechnology Center. *Biotechnology Impacts in North Carolina*. November 2008.

History of the North Carolina Biotechnology Center

"There is little doubt that the North Carolina Biotechnology Center represents a successful high-yield investment for the state." Battelle Technology Partnership Practice, 2008.

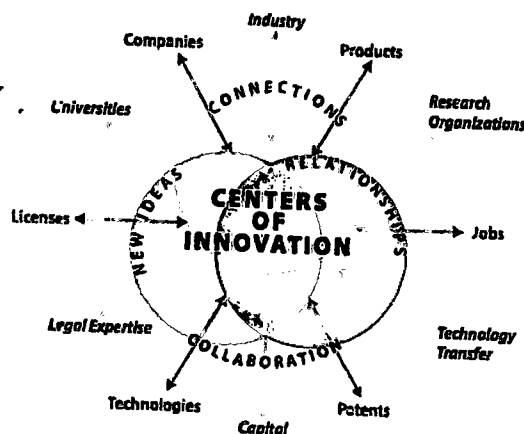
North Carolina leaders were quick to recognize the economic development potential of the biotechnology century. In 1981, when the field of biotech remained relatively new, the state created the North Carolina Biotechnology Center (NCBC). Initially, NCBC operated as a state agency but in 1984 it became an independent, private, non-profit organization. A Board of Directors, made up of representatives from private biotech firms and researchers from area universities, oversees the Center's operations.

The Center is active in promoting the industry in the state pursuing six corporate goals:

1. Strengthen North Carolina's academic and industrial biotechnology research capabilities.
2. Foster North Carolina's biotechnology industrial development.
3. Work with business, government and academia to move biotechnology from research to commercialization in North Carolina.
4. Inform North Carolinians about the science, applications, benefits and issues of biotechnology.
5. Enhance the teaching and workforce-training capabilities of North Carolina's educational institutions.
6. Establish North Carolina as a preeminent international location for the biotechnology industry.

NCBC offers a wide range of services in support of these goals including providing grants to perform research, marketing the state as a center of biotech, and providing financial support to institutions training the biotech workforce of tomorrow. The center does receive substantial support from the state General Assembly, although it remains an independent agency. A November 2008 report calculates that the biotechnology industry generates nearly \$46 billion in annual economic activity and accounts for over 53,000 jobs within the state.

One key to the Center's success is its location in the heart of the biotech cluster: Research Triangle Park. The center is close to most of the major players in the industry and is able to offer its facilities for use for networking opportunities, while branding RTP as an international center of biotech research.



Provide a central focus for the state's military related economic development efforts

The Biotech Center provided an early charge for the growing biotech industry. It gave the state visibility, prestige and a presence. It provided the coordination and collaboration that was required to bring together the various relevant elements. The D&HS would play that same coordinating, promoting, and collaborative role. It would work closely with the military installations, Governor's office, the NC Department of Commerce, university and community college systems and private sector. Lastly, the reality is that major decisions are made in Washington DC. The Center would be perfectly placed to connect military opportunities in DC with North Carolina firms, universities and other organizations.

Benefiting from the opportunities of defense contracting is not a simple task. As the central defense focus for the State, the Center will be the lead intelligence gathering organization. The Center will track military dollars, follow changes in procurement and analyze and publicize the opportunities for North Carolina companies, universities and other entities. Tracking the \$500 billion of annual defense spending, half of which flows outside of the Department of Defense, would be a prime focus. The Center would track new technologies, weapon systems, services needed, construction issues; anything that impacts opportunities for North Carolina.

Create and continually recreate a qualified workforce: The importance of employment opportunities is not limited to active and reserved duty soldiers. Hundreds of thousands of North Carolinians livelihoods depend on the D&HS cluster. Increasing their preparedness not only increases the performance of existing companies but also encourages the location of new businesses that often chase talent as much as they chase things like incentive packages.

Develop entrepreneurs and new small businesses: Although technology is important, developing a strong small business culture is equally important. These entrepreneurs are a key to translating R&D and technology into commercial products and services. Indeed, North Carolina's defense industry needs for contractors are often best met not by large multi-national corporations but by small businesses. Developing effective entrepreneurs who understand the complicated world of working with the military is vital to the state's future. Linking these entrepreneurs and small businesses to military contract and subcontract opportunities is key as well.

Connect the state's R&D to military research needs: The state has done an exemplary job of connecting our universities' research and development to opportunities in many industries with biotechnology and medical research prime examples. Increasing the focus on developing technologies to meet the needs of the defense industry will increase the state's brand as a R&D center. The recently funded *Institute for Homeland Security Solutions* in RTP is a prime example of opportunities in this arena.

Tap into new technologies: The defense industry has been at the forefront of developing new technologies and then spreading them to other industries. After all it was the Internet that famously got its start at the Department of Defense. North Carolina through

its strong research universities already has built a strong presence in research and technology development. Connecting this technology to the private sector for commercialization purposes is the next step.

Increase military procurement: North Carolina, through the assistance of such groups as the NC Military Business Center has done an increasingly good job connecting in-state companies with contracting opportunities. But as the gap between percentage of employment and percentage of contracts shows, more can be done. It is a statewide issue as well—contractors from aerospace companies in the far west to metal shops Down East will be well served by increased contracting opportunities. Our discussions with the NCMBC suggest that there are significant opportunities in this area given additional resources.

Recruit defense-related companies and subsidiaries: Many of the biggest contracting opportunities in military procurement are realistically only open to large and well-connected companies. Convincing these firms and their subsidiaries that North Carolina and the Fayetteville-Cumberland region is the place to be is a must for accessing these opportunities. The laundry list of potential firms includes those like Booz, Allen, Hamilton, L-3 Communications, Lockheed Martin, General Dynamics, Boeing, Northrop Grumman with existing North Carolina operations that might expand and others such as RAND, SAIC, Raytheon, and United Technologies that might locate in the state. These larger firms also attract subsidiaries and subcontractors – either homegrown or relocating from out-of-state.

The opportunities are there – we need policies and investments that bring those opportunities to reality. A state-led and supported center is a key element in that strategy. The proposed Center's efforts to increase the performance of the cluster should address and focus on the following opportunities as summarized in Figure 1 below.

Figure 1: A Center's Role in Meeting Defense and Homeland Security Opportunities

Opportunity	Center's Role
Provide a central focus for the state's military related economic development efforts	• Work directly with the Governor's Military Affairs liaison and the NC Department of Commerce • Connect the state to leaders in Washington DC for procurement opportunities • Function as the lead intelligence gathering organization • Provide a policy focus on incentives to promote private sector development • Support continual evaluation and re-evaluation of the defense & homeland security cluster to understand emerging opportunities • Work directly with military decision-makers to proactively respond to military needs • Promote the state as a hub of military activity • Develop military-related economic development opportunities across the state • Brand the state as a major player in defense related technology and private sector development
Create a workforce responsive to today's and tomorrow's military needs	• Provide a connection to the <i>Fayetteville Tech Community College All American Center for Defense Innovation Center</i>. This is a federally funded center to virtually and physically connect the region's workforce, economic, and educational assets with other regional assets and partners to create a synergy of effort and resources. • Coordinate efforts of the state's universities and community colleges in response to military needs • Connect companies to worker training opportunities
Develop and grow entrepreneurs and small businesses	• Support a general purpose defense-related business incubator • Provide technical assistance to entrepreneurs • Link small businesses to procurement opportunities • Provide a central location for company networking and collaboration • Develop or collaborate with angel and venture capital to fund growing defense related businesses
Connect the state's R&D to military research needs	• Assist university researchers understand opportunities in defense research • Connect research capabilities to defense needs • Collaborate with the university system to effectively connect expertise to military research
Tap into new technologies	• Develop a defense technology incubator to connect to both low-tech and high-tech opportunities • Develop a grant program for commercialization • Connect technologies to commercialization opportunities • Create a defense-related SBIR-STTR commercialization center
Increase military procurement for existing NC firms	• Have a hands-on and daily relationship and dialogue with the leaders and procurement officers at the state's military facilities • Coordinate and support existing procurement efforts • Connect universities and university technology to commercialization and entrepreneurial opportunities • Provide a physical presence for development and commercialization of products and services
Help recruit and expand existing military sector firms	• Encourage location of large defense contractors • Encourage location of suppliers and subsidiaries serving these contractors • Develop targeted economic development incentive programs for defense contractors

What are the Center's main tasks?

The roles described above suggest that the Center will have four main tasks: coordinating state-level activities to support the D&HS cluster for today and tomorrow; housing new, existing and expanded versions of successful support entities; providing new services currently needed to advance the industry; and marketing North Carolina as the national center of D&HS.

Coordinating and leveraging: Currently there is not one agency or entity in the state that plays the role of the Biotech Center as a center focus for the industry. Task number one for the Center would be to coordinate and leverage activities aimed at serving the defense and homeland security cluster in the state. Several statewide efforts provide effective support to different components of the industry, but there is no "one-stop shop" where a company can go to get advice about a range of issues from military procurement, defense-related technology and workforce development opportunities. The Center will be a natural to play this coordination role. Similarly the Center could play a strong leveraging role. For example there may be opportunities to connect Fayetteville State University and North Carolina A&T (two of the state's historically black universities or HBCUs) and the UNC system with Federal funding opportunities open to HBCUs and leverage these with private sector companies. The federally-funded *All-American Center for Workforce Innovation* at Fayetteville Tech would be a natural partner to the Center.

Hosting existing services: North Carolina currently has a wealth of effective entities that provide services to support the defense and homeland security cluster. However, these entities are spread out among different host agencies and institutions. For instance, the NC Military Business Center is run under the auspices of Fayetteville Technical Community college for administrative purposes while the Small Business Technology Development Center's procurement assistance program is housed in the university system. Co-locating some of these services in one physical location will allow for more coordination of services and will address any duplication of efforts that might be occurring. Collaborative opportunities will emerge by co-locating these various services and expand the impact of their work. A more streamlined funding mechanism may in some cases also allow for expansion of especially effective services. Funders may want to provide one significant infusion of funding to one entity rather than having to provide smaller amounts across multiple recipients.

In some cases the association with existing entities will be virtual. For instance, research done at university campuses will mostly continue at their facilities where the researchers are working and have access to equipment and students. In these cases, the Center will enter into collaborative agreements that further the work of the Center while opening opportunities to its virtual partners.

Developing New Services: While many existing organizations do provide services for the D&HS cluster, there are new areas that the proposed center should tackle. One example could be a general-purpose D&HS incubator. The incubator could serve as tool

for both high-tech and low-tech commercialization. Even with the addition of FORSCOM and USARC, North Carolina's strength is the housing of soldiers—companies that can meet the needs of the thousands of fighters living in the state have a great chance at success.

Other new services might include housing high-technology equipment whose use could be shared by both private industry and university researchers. Locating high profile, expensive and technologically advanced equipment, such as the soon-to-be-installed electron microprobe at FSU could provide a win-win scenario for the university system campuses and potential private sector users.

Capital availability is also a key stumbling block for growing entrepreneurial companies. Development of angel and venture capital funds (or collaborating with existing funds) would be a very effective tool – one used by the Biotech Center to great advantage. A grants program to develop and commercialize technology – again a proven tool of the Biotech Center – could also be effective.

Lastly the state should investigate the opportunity to develop a SBIR/STTR laboratory accelerator at the center perhaps in collaboration with the SBTDC and DSTA. Combined with the state's SBIR/STTR⁴ grant program, our university and private sector technology assets and burgeoning D&HS technology needs, such a program could jumpstart technological development. The university system and relevant campuses should analyze the value of placing some *technology transfer* personnel and functions at the Center as an important add-on to a SBIR-STTR program.

Branding North Carolina: The D&HS cluster would profit from an entity charged with marketing the State as "the place" for doing defense business. Alabama, at the Huntsville-based at the *Cummings Research Park*, has used a similar approach to create the NASA oriented aerospace cluster that drives Huntsville's and state's economy. The North Carolina Department of Commerce is charged with attracting and supporting businesses from a wide range of industries and they often rely on industry associations or specialized centers to do their own marketing. The Cummings Research Park provides information through a maintained website and publications on why the state of Alabama represents a good investment for aerospace companies. Such a high profile entity in NC can attract the attention of both military decision-makers and private sector military contractors. Our state has two prime examples of world-renowned centers, the Research Triangle Park and the NC Biotechnology Center. NCSU's Centennial Campus is a university-based example.

⁴ Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) are competitive Federal grant programs to encourage technological innovation and bring it to commercialization. They are designed to stimulate commercial R&D and entrepreneurship.

The Organizational Structure of the Center

There are several organizational structures that have been used in the US for similar centers. Some are university based, some private sector or non-profit real estate focused and others command and control driven by a state or regional agency. The North Carolina experience has demonstrated that a statewide authority can best serve the needs of the state and region. A statewide authority will leverage and strengthen defense related initiatives that are already underway and unify efforts to create a defense industry in North Carolina without duplication of existing successful efforts. The state recently created such an entity to develop the biofuels industry. The Biofuels Center can provide the example for a structure for the Center for Defense & Homeland Security.

This initiative will establish a statewide authority with a physical and centralized hub location for assessing D&HS requirements for current and future needs. The Center will work closely – perhaps under memorandums of understanding – with the UNC system, the Community College system and other existing entities such as the contracting assistance programs of the Military Business Center, and the technology accelerator of Defense and Security Technology Accelerator and will help connect and leverage these strengths to the military.

We envision that the authority will be governed by a board of directors that will include representation from both the private and public sector with intimate knowledge on such issues as the defense and homeland security industry in particular and economic and workforce development in general. The governing structure can be modeled on the newly created Biofuels Center.

A state authority means that a board of directors appointed by the governor and General Assembly would govern the Center. The Board would be responsible for appointing an executive director for the Center and for setting the overall vision and ensuring that the Center is progressing towards this vision. We believe that the General Assembly and the governor's office are in the best position to offer a statewide perspective on how to meet the challenges and opportunities in the defense and homeland security sector and therefore should have governance authority. It should be stressed that governance does not equate sole funding support—the Center will still seek financial support from a wide variety of federal and private sources, and will, in some cases, generate operational income.

The Center Timeline

The Biotech Center is now 25 years old. The NC Defense & Homeland Security should be seen as developing over a similar timeline. In particular the Center should have short, medium and long-term goals. These goals would be developed by the Center but might include:

- ❖ In the short-term: increase defense contracting particularly for new opportunities presented by BRAC and the re-location of major defense commands to North Carolina

- ❖ **In the medium-term: increase the defense research and development dollars flowing to the State's universities and other research entities. The Defense budget for R&D exceeds \$100 billion annually.**
- ❖ **In the long-term: increase the development and location of high-impact military systems within aerospace and other relevant technologies.**

The first step in beginning this transformation is the creation of the Center by an act of the General Assembly.

PUBLIC BILL

H.B. 0511

SESSION LAW _____

A BILL TO BE ENTITLED

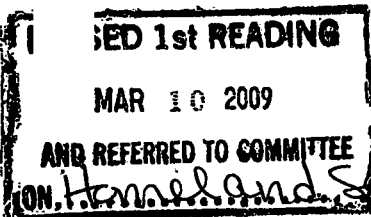
AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY
RESPONSE PERSONNEL.

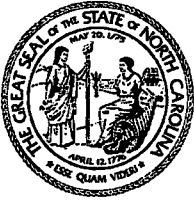
Introduced by Representative(s): ^{AW}Williams, ^{BS}~~Agnew~~; ~~Levens~~, E. Womack (Primary Sponsors)

The Law Clerk

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only





HOUSE BILL 511: EMS/Fire Dept. Sales Tax Refund

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Finance	Date:	April 1, 2009
Introduced by:	Reps. Williams, Goforth, Lucas, E. Warren	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *This act would allow semi-annual refunds of sales and use taxes for volunteer fire departments and emergency medical services squads. This act would be effective July 1, 2008, and apply to purchases made on or after that date.*

[As introduced, this bill was identical to S980, as introduced by Sen. Jenkins, which is currently in Senate Finance.]

CURRENT LAW: The following nonprofit entities are eligible for semi-annual refunds on sales and use taxes:

- Hospitals not operated for profit, including hospitals and medical accommodations operated by an authority created under the Hospital Authorities Law, Article 2 of Chapter 131E of the General Statutes.
- An organization that is exempt from income tax under section 501(c)(3) of the Code, other than an organization that is properly classified in any of the following major group areas of the National Taxonomy of Exempt Entities:
 - a. Community Improvement and Capacity Building.
 - b. Public and Societal Benefit.
 - c. Mutual and Membership Benefit.
- Qualified retirement facilities whose property is excluded from property tax under G.S. 105-278.6A.
- A university affiliated nonprofit organization that procures, designs, constructs, or provides facilities to, or for use by, a constituent institution of The University of North Carolina.

BILL ANALYSIS: Volunteer fire departments and volunteer emergency medical services squads, which are exempt from State income tax, would be added to the list of entities that are be entitled to semi-annual refunds of sales and use taxes on direct purchases of tangible personal property and services. Refunds are not available for electricity, telecommunications service, and ancillary service.

EFFECTIVE DATE: The act would be effective from July 1, 2008, and would apply to purchases on or after that date.

H511-SMRK-25(e1) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 511

Short Title: EMS/Fire Dept. Sales Tax Refund. (Public)

Sponsors: Representatives Williams, Goforth, Lucas, E. Warren (Primary Sponsors);
Faison, E. Floyd, McLawhorn, Randleman, Setzer, Spear, Starnes, Tarleton,
R. Warren, and Wray.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Finance.

March 10, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER
3 EMERGENCY RESPONSE PERSONNEL.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 105-164.14(b) is amended by adding a new subdivision to read:

6 "(b) Nonprofit Entities and Hospital Drugs. – A nonprofit entity included in the
7 following list is allowed a semiannual refund of sales and use taxes paid by it under this Article
8 on direct purchases of tangible personal property and services, other than electricity,
9 telecommunications service, and ancillary service, for use in carrying on the work of the
10 nonprofit entity:

11 ...
12 (2a) An organization that is exempt from income tax under the Code and is one
13 of the following:

14 a. A volunteer fire department.

15 b. A volunteer emergency medical services squad."

16 SECTION 2. This act is effective July 1, 2008, and applies to purchases made on
17 or after that date.



0697

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF DUTY.

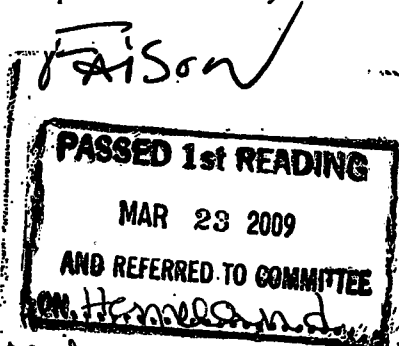
Dickson *Martin* *McLawhorn* *Wiley*

Introduced by Representative(s): Dickson, Martin, McLawhorn, and Wiley (Primary Sponsors).

<i>Hurley</i>	<i>KILLIAN</i>	<i>McLawhorn</i>	<i>Lucas</i>
<i>BRISKWA</i>	<i>Byer</i>	<i>Avila</i>	<i>Dollar</i>
<i>Cleveland</i>	<i>Curtis Blagburn</i>	<i>Steen</i>	<i>Garnier</i>
<i>Holloway</i>	<i>TARLTON</i>	<i>Weiss</i>	<i>Steen</i>

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

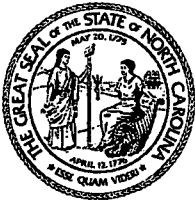
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Colham
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Harrison



HOUSE BILL 697: Remove Restriction/LEO Disability Benefits

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Pensions and Retirement	Date:	April 7, 2009
Introduced by:	Reps. Dickson, Martin, McLawhorn, Wiley	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 697 would remove the current requirement that law enforcement officers, firemen, and rescue squad workers who are members of the Local Government Employees' Retirement System have one year of creditable service before being eligible for disability retirement benefits for incapacitating injuries suffered while on duty.*

[As introduced, this bill was identical to S557, as introduced by Sen. Foriest, which is currently in Senate Pensions & Retirement & Aging.]

CURRENT LAW: G.S. 128-27(c) currently provides for disability retirement benefits for members of the North Carolina Local Government Employees' Retirement System meeting the following criteria:

1. Have five or more years of creditable service (one year or more for law enforcement officers, firemen, and rescue squad workers).
2. Be certified by the medical board:
 - a. to be mentally or physically incapacitated "for the further performance of duty",
 - b. to have incurred the incapacity at the time of active employment, and
 - c. to have remained continuously incapacitated, and be likely to remain permanently incapacitated.
3. The medical board will determine if the member is able to work and, if so, will determine if the disability retirement allowance will be reduced accordingly.
4. The medical board may not certify any member as disabled if the incapacity existed when they became a member of the retirement system, or if they have received payment for a disability that existed when they became a member of the retirement system.

BILL ANALYSIS: House Bill 697 would remove the current requirement that members of the Local Government Employees' Retirement System who are law enforcement officers, firemen, or rescue squad workers have one year or more of creditable service before being eligible for disability retirement benefits for incapacitating injuries suffered while on duty. These persons would still be required to meet the criteria listed above, but would no longer have a one year waiting period before becoming eligible for the disability retirement benefits.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

H697-SMRD-37(e1) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 697

Short Title: Remove Restriction/LEO Disability Benefits. (Public)

Sponsors: Representatives Dickson, Martin, McLawhorn, Wiley (Primary Sponsors); Allen, Avila, Blackwood, Brisson, Burr, Burris-Floyd, Carney, Cleveland, Cotham, Dollar, Faison, Fisher, Glazier, Guice, Harrell, Harrison, Holloway, Hughes, Hurley, Insko, Jackson, Jeffus, Killian, Lewis, Lucas, Randleman, Rapp, Stewart, Tarleton, R. Warren, and Weiss.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Pensions and Retirement.

March 23, 2009

A BILL TO BE ENTITLED
AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS
HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR
DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL
EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF
DUTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 128-27(c) reads as rewritten:

"(c) Disability Retirement Benefits. – Upon the application of a member or of his employer, any member who has had five or more years of creditable service may be retired by the Board of Trustees, on the first day of any calendar month, not less than one day nor more than 90 days next following the date of filing such application, on a disability retirement allowance: Provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent, and that such member should be retired; Provided further the medical board shall determine if the member is able to engage in gainful employment and, if so, the member may still be retired and the disability retirement allowance as a result thereof shall be reduced as in subsection (e) below. Provided further, that the Medical Board shall not certify any member as disabled who:

- (1) Applies for disability retirement based upon a mental or physical incapacity which existed when the member first established membership in the system; or
- (2) Is in receipt of any payments on account of the same disability which existed when the member first established membership in the system.

The Board of Trustees shall require each employee upon enrolling in the retirement system to provide information on the membership application concerning any mental or physical incapacities existing at the time the member enrolls.

Notwithstanding the requirement of five or more years of creditable service to the contrary, a member who is a law enforcement officer or a fireman as defined in G.S. 58-86-25 or rescue squad worker as defined in G.S. 58-86-30 ~~and who has had one year or more of creditable service~~ and becomes incapacitated for duty as the natural and proximate result of an accident



1 occurring while in the actual performance of duty, and meets all other requirements for
2 disability retirement benefits, may be retired by the Board of Trustees on a disability retirement
3 allowance.

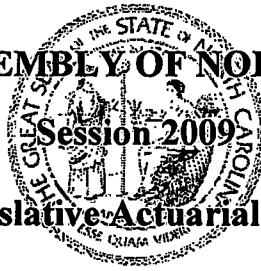
4 Notwithstanding the foregoing to the contrary, any beneficiary who commenced retirement
5 with an early or service retirement benefit has the right, within three years of his retirement, to
6 convert to an allowance with disability retirement benefits without modification of any election
7 of optional allowance previously made; provided, the beneficiary would have met all applicable
8 requirements for disability retirement benefits while still in service as a member. The allowance
9 on account of disability retirement benefits to the beneficiary shall be retroactive to the
10 effective date of early or service retirement.

11 Notwithstanding the foregoing, effective April 1, 1991, the surviving designated
12 beneficiary of a deceased member who met all other requirements for disability retirement
13 benefits, except whose death occurred before the first day of the calendar month in which the
14 member's disability retirement allowance was to be due and payable, may elect to receive the
15 reduced retirement allowance provided by a one hundred percent (100%) joint and survivor
16 payment option in lieu of a return of accumulated contributions, provided the following
17 conditions apply:

- 18 (1) The member had designated as the principal beneficiary, to receive a return
19 of accumulated contributions at the time of his death, one and only one
20 person, and
21 (2) The member had not instructed the Board of Trustees in writing that he did
22 not wish the provision of this subsection to apply."

23 **SECTION 2.** This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Actuarial Note

RETIREMENT

BILL NUMBER: House Bill 697 (First Edition)

SHORT TITLE: Remove Restriction/LEO Disability Benefits.

SPONSOR(S): Representatives McLawhorn, Dickson, Martin, and Wiley

FUNDS AFFECTED: Local funds

SYSTEM OR PROGRAM AFFECTED: Local Government Employees' Retirement System.

EFFECTIVE DATE: July 1, 2009

BILL SUMMARY: Under present law, general employees of cities and counties must have five years of service in order to qualify for disability benefits. Law enforcement officers, firemen or rescue squad workers have to have one year of membership service in order to qualify for disability retirement occurring while in the actual performance of duty.

This bill will remove the requirement of one year and members would qualify on first day of employment or a disability occurring while in the actual performance of duty.

ESTIMATED IMPACT ON LOCAL GOVERNMENTS:

Both the Retirement System's Actuary, Buck Consultants and the General Assembly's Actuary, Hartman & Associates estimate the cost to be 0.01% of the payroll for all law enforcement officers in the Local Government Employees' Retirement System.

Local Funds	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>
TOTAL COST	\$92,000	\$96,480	\$101,266	\$106,289	\$111,561

Both, the Retirement System's Actuary, Buck Consultants and the General Assembly's Actuary, Hartman & Associates agree that the cost for firemen and rescue squad workers would be less than 0.01% of payroll.

ASSUMPTIONS AND METHODOLOGY:

Local Governmental Employees' Retirement System The cost estimates of the System's Actuary are based on the employee data, actuarial assumptions and actuarial methods used to prepare the December 31, 2007 actuarial valuation of the fund. The data included 127,959 active members with an annual payroll of \$4.75 billion, 42,408 retired members in receipt of annual pensions totaling \$689.4 million, and actuarial value of assets equal to \$16.8 billion. Significant actuarial assumptions used include (a) an investment return rate of 7.25%, (b) salary increase rate of 6.25%, (c) the 1994 Group Annuity Mortality Tables, (tables are set forward three years for

males, set forward two years for females and set forward two years for the beneficiaries of deceased members and special mortality tables are used for period after disability retirement), and (d) rates of separation from active service based on System experience. The actuarial cost method used was the projected benefit method with aggregate level normal cost and frozen accrued liability. Gains and losses are reflected in the normal rate. Detailed information concerning these assumptions and methods is shown in the actuary's report, which is available upon request from Stanley Moore.

SOURCES OF DATA: Buck Consultants
Hartman & Associates, LLC

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910. The above information is provided in accordance with North Carolina General Statute 120-114 and applicable rules of the North Carolina Senate and House of Representatives.

PREPARED BY: Stanley Moore

APPROVED BY: Bob Weiss
on behalf of Marilyn Chism, Director
Fiscal Research Division



DATE: April 1, 2009

Signed Copy Located in the NCGA Principal Clerk's Offices

House Pages

Homeland Security

Name Of Committee: _____

Date: _____

8-APR-09

1. Name: Kamryn Loftis

County: Gaston

Sponsor: Wil Neuman

2. Name: Kayla Orr

County: Pender

Sponsor: Carolyn Justice

3. Name: Kaitlyn Spencer

County: Gaston

Sponsor: Wil Neuman

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: GERALD PERRY

2. Name: JUDY TURNER

3. Name: KEN BURROUGHS

4. Name: _____

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

Name of Committee

04/08/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Eddie Caldwell	NC Sheriff's Assn.
David Vanderwilde	Dept. of State Treasurer
Dag Taggart	Dept. of Public Instruction
Paul Miller	N.C. State Firemen's Assoc.
Fred Boone	Boone's Assoc.
Norlan Graves	Rep. Hall
Raguel	Rep. Hall
Amy McLenore	Dept. of Revenue
Andy School	Dept of Revenue
Bright Dickson	Rep. Dickson
Joannie Myers	~~NCBA~~
JOHN MIDGETTE	NCPBA

VISITOR REGISTRATION SHEET

Homeland Security, Military, & Veterans Affairs
Name of Committee

Date 04/08/09

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME.

FIRM OR AGENCY AND ADDRESS

Rick Zechini

• NC Assoc. of Realtors

Pam Meyer

NCLM

Marion Waters

CP5

Martin Luther

Gen. assembly

Anthony AUCN

W. H. C.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 511 A BILL TO BE ENTITLED AN ACT TO REENACT THE SALES TAX
REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 697 A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT
THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE
IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE
LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES
INCURRED IN THE LINE OF DUTY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
PENSIONS AND RETIREMENT.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, APRIL 08, 2009
ROOM 1425 LB
10:00 AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on April 08, 2009 at 10:00 a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Braxton, Cleveland, Dickson, Hilton, McLawhorn, Sager, Sutton, Underhill, and Warren. The following staff members were present Hal Pell and Ben Popkin.

Vice Chairman Martin called the meeting to order and welcomed Paul Dordal, BGen, USAF (ret).

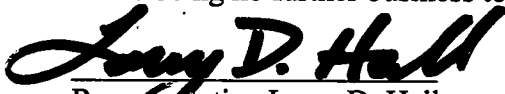
Presentation: Paul Dordal, BGen, USAF, Executive Director of the Brac Regional Task Force provided an informational session on Brac Regional Task Force. (See Attachment) Questions and comments were taken from members.

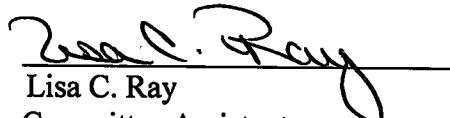
Chairman Hall introduced Pages Kamryn Loftis from Gaston County, Kayla Orr from Pender County, and Kaithyn Spencer from Gaston County. He also recognized Sgt. At Arms Jerald Perry, Judy Turner, and Ken Burroughs.

The first bill before the committee was **HB 511, AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL**. The Chair called upon Rep. Williams to explain the bill. Representative Cleveland moves for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The Committee concurs and the bill passes.

HB 697, AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF DUTY. The Chair called upon Rep. Dickson to explain the bill. Representatives Wiley and Martin asked for support of the bill. Representative Warren moves for a favorable report and recommendation that the bill be re-referred to Pensions and Retirement. The Committee concurs and the bill passes.

There being no further business to come forth the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, April 15, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 613	Federal Reservation Statute.	Representative Owens, Jr.
HB 766	Amend Survivor's Alternate Benefit.	Representative Mobley Representative Womble Representative Parmon Representative Mobley Representative Jones
HB 795	No Comm. Coll. Tuition/Nat'l Guard Training.	Representative Martin Representative Killian Representative Tarleton Representative McLawhorn
HB 1098	Kill Search and Rescue Animal.	Representative Frye Representative Jones

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:00A.M. on April 13, 2009.

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)

/



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, April 15, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman
- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 613	Federal Reservation Statue.	Representative Owens Representative Mobley
HB 766	Amend Survivor's Alternate Benefit. (if favorable, Pensions and Retirement)	Representative Womble Representative Parmon Representative Mobley Representative Jones
HB 795	No Comm. Coll. Tuition/Nat'l Guard Training. (if favorable, Appropriations)	Representative Martin Representative Killian Representative Tarleton Representative McLawhorn
HB 1098	Kill Search and Rescue Animal (if favorable, Judiciary III)	Representative Frye Representative Jones

- **Comments**
- **Adjourn**

PUBLIC BILL

0613

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.

Introduced by Representative(s): Owens.

W.C. Owens, Mobley (Primary Sponsors)

Harrison

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Pl al Clerk's Use Only

PASSED 1st READING

MAR 17 2009

AND REFERRED TO COMMITTEE

ON *Judiciary I,*

Bar. Homeland Security military and Veterans Affairs

Committee on *Judiciary I*
rity being present, having considered
l, recommend that it do ☒ pass,

Ross

For the Committee

*be referred to the Com. on
and... units, military and
on affairs.*

PORTED FAVORABLY MAR 31 2009

PURSUANT TO RULE 38(D)

re-referred

MAR 31 2009

PLACED ON CALENDAR

to Homeland Sec.

etc.



HOUSE BILL 613: Federal Reservation Statute

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	April 13, 2009
Introduced by:	Reps. Owens, Mobley	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *This act provides that the State does not cede exclusive jurisdiction to the United States over certain described lands which the federal government might acquire from the State. This act is effective when it becomes law.*

[As introduced, this bill was identical to S808, as introduced by Sen. Jones, which is currently in Senate State and Local Government.]

BACKGROUND:

The United States Constitution (Art. I, §8, cl. 17) provides that Congress shall have power "to exercise exclusive legislation . . . over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings." Thus, if a state legislature consents to a federal acquisition of land within the state, then the federal government obtains exclusive jurisdiction over the land acquired. A state may qualify its consent or cession by reservations consistent with the governmental purposes for which the property was acquired, and retain partial jurisdiction. If a state does not consent to federal acquisition or cession of jurisdiction, the federal government retains the power to acquire land within a state. Federal law provides that the federal government is not required to obtain exclusive jurisdiction over land or an interest in land which it acquires.

If the federal government acquires state land without the consent of the State, then the federal government may still enact rules and regulations which would override conflicting State rules or regulations. The Property Clause of the U.S. Constitution (Art. I, §3, cl. 2), gives Congress the power to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." Federal rules or regulations override conflicting State rules or regulations based upon the authority of the Supremacy Clause of the U.S. Constitution (Art. VI, cl. 2.).

Types of Jurisdiction:

- **Exclusive:** The state retains no legislative or political authority over that property. The right to serve civil and criminal process is consistent with exclusive jurisdiction.
- **Concurrent:** The state has reserved to itself the right to exercise, concurrently with the United States, all of the same authority.
- **Partial jurisdiction:** The state has reserved to itself the right to exercise, by itself or concurrently with the United States, other authority constituting more than merely the right to serve civil and criminal process.

CURRENT LAW:

North Carolina currently has consented to acquisition of State land as follows:

House Bill 613

Page 2

- Any land in the State required for the sites for customhouses, courthouses, post offices, arsenals, other public buildings, or for any other purposes of government, so long as the total area of the land does not exceed 25 acres
- Any land acquired that is contiguous and within a 25 mile boundary of the described military bases in the statute.

The State has ceded exclusive jurisdiction for the purposes for which the federal government has requested cession of jurisdiction; however, the State has reserved, or maintains partial jurisdiction, for (i) the service of all civil and criminal process of the courts of this State, (ii) the concurrent power to enforce the criminal law, (iii) the power to enforce State laws for the protection of public health and the environment and for the conservation of natural resources, and (iv) the entire legislative jurisdiction of the State with respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property.

The jurisdiction ceded continues as long as the United States owns the lands. Lands acquired by the United States for these purposes are exempt from all State, county, and municipal taxation, assessment, or other charges that may be levied or imposed under the authority of this State.

BILL ANALYSIS: The act provides that the State does not consent to, or cede exclusive jurisdiction, to the federal government's acquisition of land that meets all of the following:

- (1) Any land in counties or counties where there is no existing military base at which aircraft squadrons are stationed,
- (2) For the purpose of establishing an outlying land field to support training and operations of aircraft squadrons,
- (3) Which are stationed at, or transient to military bases or stations located outside the State.

The State would retain all its own sovereign rights, including the enforcement of: criminal laws, public health and environmental laws; and conservation of natural resources. The State would retain the legislative jurisdiction of the State with respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property. The State would also retain the right to tax privately-owned leasehold interests, improvements, and personal property.

If Congress has conferred authority on the agency controlling the acquired land to enact rules and regulations under the Property Clause, conflicting State rules are overridden. However, the agency could be challenged as to what specific congressional enactments conferred the authority to it to establish the rules and regulations in question:

Congress may already have conferred such authority. If such authority is lacking, Congress might be induced to provide it. . . . The question of what authority Congress has conferred on the agency would only be an issue once a dispute arises. Still if a challenge is made the agency has to come up with something as a source of authority.¹

EFFECTIVE DATE: This act is effective when it becomes law.

George Givens, Jennifer McGinniss, and Bill Gilkeson, Staff Attorneys, substantially contributed to this summary.

H613-SMRK-41(e1) v1

¹ Thomas E. Roberts, Prof. of Law, Wake Forest University, *Making the Federal Government Listen to Reason (as defined by the State): Is it Possible?* <http://www.abanet.org/statelocal/bulletins/mayroberts.pdf>, at page 5.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 613

Short Title: Federal Reservation Statute. (Public)

Sponsors: Representatives Owens, Mobley (Primary Sponsors); and Harrison.

Referred to: Judiciary I, if favorable, Homeland Security, Military, and Veterans Affairs.

March 17, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE
3 UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING
4 FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY
5 BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.
6 The General Assembly of North Carolina enacts:
7 SECTION 1. G.S. 104-7 reads as rewritten:
8 "§ 104-7. Acquisition of lands by the United States for customhouses, courthouses, post
9 offices, forts, arsenals, or armories; cession of jurisdiction; exemption from
10 taxation.
11 (a) The consent of the State is hereby given, in accordance with the seventeenth clause,
12 eighth section, of the first article of the Constitution of the United States, to the acquisition by
13 the United States, by purchase, condemnation, or otherwise, of any land in the State that either
14 is:
15 (1) Required for customhouses, courthouses, post offices, forts, arsenals, or
16 armories; provided that the total land to be acquired for a particular facility
17 does not exceed 25 acres; or
18 (2) To be added to Fort Bragg, Pope Air Force Base, Camp Lejeune, New River
19 Marine Corps Air Station, Seymour Johnson Air Force Base, Cherry Point
20 Marine Corps Air Station, Military Ocean Terminal at Sunny Point, or the
21 United States Coast Guard Air Station at Elizabeth City. Any of the land to
22 be added to a military base named in this subdivision shall be contiguous to
23 and within a 25-mile radius of the military base for which the property is
24 acquired.
25 (a1) Notwithstanding the provisions of subsection (a) above, the consent of the State is
26 not given to the acquisition by the United States, by purchase, condemnation or otherwise, of
27 any land in a county or counties which have no existing military base at which aircraft
28 squadrons are stationed, for the purpose of establishing an outlying landing field to support
29 training and operations of aircraft squadrons stationed at or transient to military bases or
30 military stations located outside of the State. Exclusive jurisdiction in and over any land
31 acquired by the United States without the consent of the State under this subsection is not ceded
32 to the United States for any purpose.
33 (b) Exclusive jurisdiction in and over any land acquired by the United States with the
34 consent of the State under subsection (a) of this section is hereby ceded to the United States for
35 all purposes for which the United States requests cession of jurisdiction except that jurisdiction
36 in and over these lands with respect to: (i) the service of all civil and criminal process of the
37 courts of this State, (ii) the concurrent power to enforce the criminal law, (iii) the power to



1 enforce State laws for the protection of public health and the environment and for the
2 conservation of natural resources, and (iv) the entire legislative jurisdiction of the State with
3 respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent,
4 and descent and distribution of property is reserved to the State. Cession of jurisdiction shall
5 continue only so long as the United States owns the land.

6 (c) The jurisdiction ceded shall not vest until the United States has acquired title to the
7 land by purchase, condemnation, or otherwise; accepted the cession of jurisdiction in writing;
8 and filed a certified copy of the acceptance in the office of the register of deeds in the county or
9 counties in which the land is located. The acceptance of jurisdiction shall be made by an
10 authorized official of the United States and shall include a precise description of the land
11 involved and a statement of the extent to which cession of jurisdiction is accepted. The register
12 of deeds shall record the acceptance of jurisdiction and index it in both the grantor and the
13 grantee index under the name of the United States and, if title to the land over which
14 jurisdiction is ceded is vested in any entity other than the United States, then the register of
15 deeds shall also index the acceptance of jurisdiction in both the grantor and the grantee index
16 under the name of that entity.

17 (d) So long as land acquired with the consent of the State under subsection (a) of this
18 section remains the property of the United States, and no longer, the land shall be exempt and
19 exonerated from all State, county, and municipal taxation, assessment, or other charges that
20 may be levied or imposed under the authority of this State.

21 (e) Persons residing on lands in the State for which any jurisdiction has been ceded
22 under this section shall not be deprived of any civil or political rights, including the right of
23 suffrage, by reason of the cession of jurisdiction to the United States."

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

PUBLIC BILL

0766

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY PRIOR TO THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

~~Introduced by Representative(s):~~ Womble.

• Jamnwright • Spear • Wray • Adams • Blue
 • Noce • L. Hall • • Brown
 • • • • •
 • T. R. T. W. • Farmer-Bitterfield • • West
 • • • • •
 • • • • •

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

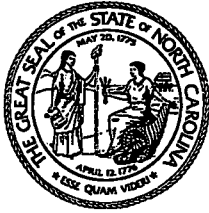
Principal Clerk's Use Only

PASSED 1st READING

MAR 25 2009

AND REFERRED TO COMMITTEE

Homeland Security,
Gov Pensions &
Retirement



HOUSE BILL 766: Amend Survivor's Alternate Benefit

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Pensions and Retirement	Date:	April 14, 2009
Introduced by:	Reps. Womble, Parmon, Mobley, Jones	Prepared by:	Ben Popkin
Analysis of:	PCS to First Edition H766-CSR-26		Committee Co-Counsel

SUMMARY: *House Bill 766 amends the laws governing the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to allow the beneficiary of a law enforcement officer who had at least 15 years of service and who was killed in the line of duty to elect the survivor's alternate benefit.*

The PCS makes technical and grammatical changes.

[As introduced, this bill was identical to S411, as introduced by Sen. Brunstetter, which is currently in Senate Appropriations/Base Budget.]

CURRENT LAW:

Under current law, when a member of the State or Local Retirement System dies in service, the member's primary beneficiary is entitled to choose to receive a survivor's alternate benefit in lieu of a return of the member's accumulated contributions. The survivor's alternate benefit is determined by computing the amount the beneficiary would have received if the member had retired and selected a joint and survivor option to provide for the continuation of the member's reduced retirement allowance throughout the life of the beneficiary. In order to receive the benefit, one of the following must apply:

- The member was eligible to retire and receive a full or early retirement allowance;
- The member had 20 years of creditable service, but was not yet 50 years of age, and therefore not eligible for early retirement, in which case, the benefit is computed based on the early retirement formula;
- The member had not yet begun to receive a retirement allowance.

There is currently no provision for the beneficiary of a member who dies with less than 20 years of service to receive the survivor's alternate benefit.

BILL ANALYSIS:

House Bill 766 amends the law to provide that in the case of a law enforcement officer who dies in the line of duty having obtained 15 years of service, the officer's beneficiary will be entitled to select the survivor's alternate benefit. The benefit will be computed based on the early retirement formula.

EFFECTIVE DATE: This act is effective when it becomes law, and applies to beneficiaries of law enforcement officers killed in the line of duty on and after January 1, 2007.

Karen Cochrane-Brown, counsel to Senate Pensions & Retirement & Aging, substantially contributed to this summary.

H766-SMRD-48(CSRD-26) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 766*
PROPOSED COMMITTEE SUBSTITUTE H766-PCS50547-RD-26**

Short Title: Amend Survivor's Alternate Benefit.

(Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-5(m) reads as rewritten:

"(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option 2 of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that the following conditions apply:

- (1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance,
- b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with G.S. 135-5(b19)(1)b. or G.S. 135-5(b19)(2)c., notwithstanding the requirement of obtaining age 50, or
- b1. The member was a law enforcement officer who had obtained 15 years of service as a law enforcement officer and was killed in the line of duty, in which case the retirement allowance shall be computed in accordance with G.S. 135-5(b19)(1)b., notwithstanding the requirement of obtaining age 50. or
- c. The member had not commenced to receive a retirement allowance as provided under this Chapter.
- (2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who was living at the time of his death.
- (3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection to apply.



* H 7 6 6 - P C S 5 0 5 4 7 - R D - 2 6 *

For the purpose of this benefit, a member is considered to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service. The last day of actual service shall be determined as provided in subsection (l) of this section. Upon the death of a member in service, the surviving spouse may make all purchases for creditable service as provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase. The term "in service" as used in this subsection includes a member in receipt of a benefit under the Disability Income Plan as provided in Article 6 of this Chapter.

Notwithstanding the foregoing, a member who is in receipt of Workers' Compensation during the period for which the member would have otherwise been eligible to receive short-term benefits, as provided in G.S. 135-105, and who dies on or after 181 days from the last day of the member's actual service but on or before the date the benefits as provided in G.S. 135-105 would have ended, shall be considered in service at the time of the member's death for the purpose of this benefit."

SECTION 2. G.S. 128-27(m) reads as rewritten:

"(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option two of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that all three of the following conditions apply:

- (1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance, or
- b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with G.S. 128-27(b21)(1)b. or G.S. 128-27(b21)(2)c., notwithstanding the requirement of obtaining age 50, or
- b1. The member was a law enforcement officer who had obtained 15 years of service as a law enforcement officer and was killed in the line of duty, in which case the retirement allowance shall be computed in accordance with G.S. 128-27(b21)(1)b., notwithstanding the requirement of obtaining age 50, or
- c. The member had not commenced to receive a retirement allowance as provided under this Chapter.
- (2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who is living at the time of his death.
- (3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection apply.

For the purpose of this benefit, a member is considered to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service. The last day of actual service shall be determined as provided in subsection (l) of this section. Upon the death of a member in service, the surviving spouse may make all purchases for creditable service as provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase."

SECTION 3. This act is effective when it becomes law and applies to beneficiaries of law enforcement officers killed in the line of duty on and after January 1, 2007.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 766*
PROPOSED COMMITTEE SUBSTITUTE H766-CSRD-26 [v.1]**

4/14/2009 5:31:12 PM

Short Title: Amend Survivor's Alternate Benefit.

(Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED
AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT
FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT
SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT
SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT
OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF
FIFTEEN YEARS OF SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-5 (m) reads as rewritten:

"(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option 2 of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that the following conditions apply:

- (1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance,
- b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with G.S. 135-5(b19)(1)b. or G.S. 135-5(b19)(2)c., notwithstanding the requirement of obtaining age 50, or
- b1. The member was a law enforcement officer who had obtained 15 years of service as a law enforcement officer and was killed in the line of duty, in which case the retirement allowance shall be computed in accordance with G.S. 135-5(b19)(1)b., notwithstanding the requirement of obtaining age 50, or
- c. The member had not commenced to receive a retirement allowance as provided under this Chapter.
- (2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who was living at the time of his death.
- (3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection to apply.



* H 7 6 6 - C S R D - 2 6 - V - 1 *

For the purpose of this benefit, a member is considered to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service. The last day of actual service shall be determined as provided in subsection (l) of this section. Upon the death of a member in service, the surviving spouse may make all purchases for creditable service as provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase. The term "in service" as used in this subsection includes a member in receipt of a benefit under the Disability Income Plan as provided in Article 6 of this Chapter.

Notwithstanding the foregoing, a member who is in receipt of Workers' Compensation during the period for which the member would have otherwise been eligible to receive short-term benefits, as provided in G.S. 135-105, and who dies on or after 181 days from the last day of the member's actual service but on or before the date the benefits as provided in G.S. 135-105 would have ended, shall be considered in service at the time of the member's death for the purpose of this benefit."

SECTION 2. G.S. 128-27(m) reads as rewritten:

"(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option two of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that all three of the following conditions apply:

- (1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance, or
- b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with G.S. 128-27(b21)(1)b. or G.S. 128-27(b21)(2)c., notwithstanding the requirement of obtaining age 50, or
- b1. The member was a law enforcement officer who had obtained 15 years of service as a law enforcement officer and was killed in the line of duty, in which case the retirement allowance shall be computed in accordance with G.S. 128-27(b21)(1)b., notwithstanding the requirement of obtaining age 50, or
- c. The member had not commenced to receive a retirement allowance as provided under this Chapter.
- (2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who is living at the time of his death.
- (3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection apply.

For the purpose of this benefit, a member is considered to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service. The last day of actual service shall be determined as provided in subsection (l) of this section. Upon the death of a member in service, the surviving spouse may make all purchases for creditable service as provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase."

SECTION 3. This act is effective when it becomes law and applies to beneficiaries of law enforcement officers killed in the line of duty on and after January 1, 2007.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 766*

Short Title: Amend Survivor's Alternate Benefit. (Public)

Sponsors: Representatives Womble, Parmon, Mobley, Jones (Primary Sponsors); Adams, K. Alexander, M. Alexander, Blue, Brown, Bryant, Dollar, Faison, Farmer-Butterfield, E. Floyd, Glazier, Hall, Harrison, Luebke, Mackey, McGee, Spear, Tarleton, Wainwright, Weiss, and Wray.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Pensions and Retirement.

March 25, 2009

A BILL TO BE ENTITLED
AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT
FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT
SYSTEM AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM TO
PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS
KILLED IN THE LINE OF DUTY PRIOR TO THE COMPLETION OF FIFTEEN
YEARS OF SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-5 (m) reads as rewritten:

"(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option 2 of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that the following conditions apply:

(1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance,

b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with G.S. 135-5(b19)(1)b. or G.S. 135-5(b19)(2)c., notwithstanding the requirement of obtaining age 50, or

b1. A law enforcement officer who has obtained 15 years of service as a law enforcement officer and is killed in the line of duty, in which case the retirement allowance shall be computed in accordance with G.S. 135-5(b19)(1)b., notwithstanding the requirement of obtaining age 50, or

c. The member had not commenced to receive a retirement allowance as provided under this Chapter.

(2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who was living at the time of his death.

(3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection to apply.



* H 7 6 6 - V - 1 *

1 For the purpose of this benefit, a member is considered to be in service at the date of his
2 death if his death occurs within 180 days from the last day of his actual service. The last day of
3 actual service shall be determined as provided in subsection (l) of this section. Upon the death
4 of a member in service, the surviving spouse may make all purchases for creditable service as
5 provided for under this Chapter for which the member had made application in writing prior to
6 the date of death, provided that the date of death occurred prior to or within 60 days after
7 notification of the cost to make the purchase. The term "in service" as used in this subsection
8 includes a member in receipt of a benefit under the Disability Income Plan as provided in
9 Article 6 of this Chapter.

10 Notwithstanding the foregoing, a member who is in receipt of Workers' Compensation
11 during the period for which the member would have otherwise been eligible to receive
12 short-term benefits, as provided in G.S. 135-105, and who dies on or after 181 days from the
13 last day of the member's actual service but on or before the date the benefits as provided in
14 G.S. 135-105 would have ended, shall be considered in service at the time of the member's
15 death for the purpose of this benefit."

16 **SECTION 2.** G.S. 128-27(m) reads as rewritten:

17 "(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the principal
18 beneficiary designated to receive a return of accumulated contributions shall have the right to
19 elect to receive in lieu thereof the reduced retirement allowance provided by Option two of
20 subsection (g) above computed by assuming that the member had retired on the first day of the
21 month following the date of his death, provided that all three of the following conditions apply:

- 22 (1) a. The member had attained such age and/or creditable service to be
23 eligible to commence retirement with an early or service retirement
24 allowance, or
25 b. The member had obtained 20 years of creditable service in which
26 case the retirement allowance shall be computed in accordance with
27 G.S. 128-27(b21)(1)b. or G.S. 128-27(b21)(2)c., notwithstanding the
28 requirement of obtaining age 50, or
29 b1. A law enforcement officer who has obtained 15 years of service as a
30 law enforcement officer and is killed in the line of duty, in which
31 case the retirement allowance shall be computed in accordance with
32 G.S. 128-27(b21)(1)b., notwithstanding the requirement of obtaining
33 age 50, or
34 c. The member had not commenced to receive a retirement allowance
35 as provided under this Chapter.
36 (2) The member had designated as the principal beneficiary to receive a return
37 of his accumulated contributions one and only one person who is living at
38 the time of his death.
39 (3) The member had not instructed the Board of Trustees in writing that he did
40 not wish the provisions of this subsection apply.

41 For the purpose of this benefit, a member is considered to be in service at the date of his
42 death if his death occurs within 180 days from the last day of his actual service. The last day of
43 actual service shall be determined as provided in subsection (l) of this section. Upon the death
44 of a member in service, the surviving spouse may make all purchases for creditable service as
45 provided for under this Chapter for which the member had made application in writing prior to
46 the date of death, provided that the date of death occurred prior to or within 60 days after
47 notification of the cost to make the purchase."

48 **SECTION 3.** This act is effective when it becomes law, and applies to
49 beneficiaries of law enforcement officers killed in the line of duty on and after January 1, 2007.

PUBLIC BILL

0795

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE STATE BOARD OF COMMUNITY COLLEGES TO WAIVE TUITION FOR MEMBERS OF THE NATIONAL GUARD.

Introduced by Representative(s): ^{Martin} Martin, ^{Willian} WILLIAN

^{McLaurhan} Taelen McLaurhan ^{Primary Sponsors} (Primary Sponsors)

<u>Jackson</u>	<u>Ross</u>	<u>W.C. Davis</u>	<u>Boylan</u>
<u>Goodwin</u>	<u>L. Hall</u>	<u>Harrison</u>	<u>G. Pierce</u>
<u>W. H. Barrett</u>	<u>Holloway</u>	<u>J. L. Brown</u>	<u>Curtis Blackwood</u>

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING
MAR 26 2009
AND REFERRED TO COMMITTEE
ON. Homeland Security
and APPROPRIATIONS



HOUSE BILL 795: No Comm. Coll. Tuition/Nat'l Guard Training

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations	Date:	April 13, 2009
Introduced by:	Reps. Martin, Killian, Tarleton, McLawhorn	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H795-CSRK-15		Committee Co-Counsel

SUMMARY: *This act would allow community colleges to offer a waiver of tuition and fees to North Carolina National Guard soldiers taking required courses, and deletes the provision applicable to the State Defense Militia. This act becomes effective January 1, 2010.*

BILL ANALYSIS: The act would amend the statute allowing community colleges to waive tuition and fees for certain individuals. Members of the North Carolina National Guard who are taking courses required for the performance of their duties would be included in the statute. The provision would replace the provision for members of the State Defense Militia, a volunteer organization not associated with the North Carolina National Guard, and which had no training requirements or courses. All activities of the State Defense Militia were suspended in 1996, and it has been inactive since that time.

EFFECTIVE DATE: This act becomes effective January 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 795
PROPOSED COMMITTEE SUBSTITUTE H795-PCS50546-RKf-15

Short Title: No Comm. Coll. Tuition/Nat'l Guard Training.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE STATE BOARD OF COMMUNITY COLLEGES TO
WAIVE TUITION FOR MEMBERS OF THE NATIONAL GUARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-5(b) reads as rewritten:

"(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged.

(1) A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course.

(2) In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds; provided, however, that the State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees for persons persons who are:

a. ~~not~~ Not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent certificate,

b. ~~for~~ Taking training courses for volunteer firemen, local fire department personnel, volunteer rescue and lifesaving department personnel, local rescue and lifesaving department personnel,

c. Radio Emergency Associated Citizens Team (REACT) members when the REACT team is under contract to a county as an emergency response agency,

d. ~~local~~ Local law-enforcement officers,

e. ~~patients~~ Patients in State alcoholic rehabilitation centers,

f. ~~all full-time~~ Full-time custodial employees of the Department of Correction, employees of the Department's Division of Community Corrections and employees of the Department of Juvenile Justice and Delinquency Prevention required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission,



* H 7 9 5 - P C S 5 0 5 4 6 - R K F - 1 5 *

- 1 g. ~~trainees~~ Trainees enrolled in courses conducted under the New and
2 Expanding Industry Program,
3 h. ~~clients~~ Clients of sheltered workshops,
4 i. ~~clients~~ Clients of adult developmental activity programs,
5 j. ~~students~~ Students in Health and Human Services Development
6 Programs,
7 k. ~~juveniles~~ Juveniles of any age committed to the Department of
8 Juvenile Justice and Delinquency Prevention by a court of competent
9 jurisdiction,
10 l. ~~prison~~ Prison inmates,
11 m. Members of the North Carolina National Guard as defined in
12 G.S. 127A-3 and as administered under Article 3 of Chapter 127A of
13 the General Statutes for courses that are required for the performance
14 of their duties as members of the National Guard, members of the
15 ~~North Carolina State Defense Militia as defined in G.S. 127A-5 and~~
16 ~~as administered under Article 5 of Chapter 127A of the General~~
17 ~~Statutes, and~~
18 n. ~~elementary~~ Elementary and secondary school employees enrolled in
19 courses in first aid or cardiopulmonary resuscitation (CPR).
20 (3) ~~Provided further, tuition~~ Tuition shall be waived for senior citizens attending
21 institutions operating under this Chapter as set forth in Chapter 115B of the
22 General Statutes, Tuition Waiver for Senior Citizens.
23 (4) ~~Provided further, tuition~~ Tuition shall also be waived for all courses taken by
24 high school students at community colleges, including students in early
25 college and middle college high school programs, in accordance with
26 G.S. 115D-20(4) and this section."

27 **SECTION 2.** This act becomes effective January 1, 2010.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 795
PROPOSED COMMITTEE SUBSTITUTE H795-CSRkf-15 [v.5]

4/14/2009 3:06:32 PM

Short Title: No Comm. Coll. Tuition/Nat'l Guard Training.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE STATE BOARD OF COMMUNITY COLLEGES TO
3 WAIVE TUITION FOR MEMBERS OF THE NATIONAL GUARD.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115D-5(b) reads as rewritten:

6 "(b) In order to make instruction as accessible as possible to all citizens, the teaching of
7 curricular courses and of noncurricular extension courses at convenient locations away from
8 institution campuses as well as on campuses is authorized and shall be encouraged.

9 (1) A pro rata portion of the established regular tuition rate charged a full-time
10 student shall be charged a part-time student taking any curriculum course.

11 (2) In lieu of any tuition charge, the State Board of Community Colleges shall
12 establish a uniform registration fee, or a schedule of uniform registration
13 fees, to be charged students enrolling in extension courses for which
14 instruction is financed primarily from State funds; provided, however, that
15 the State Board of Community Colleges may provide by general and
16 uniform regulations for waiver of tuition and registration fees for persons
17 persons:

18 a. ~~not~~ Not enrolled in elementary or secondary schools taking
19 courses leading to a high school diploma or equivalent
20 certificate,

21 b. ~~for~~ For training courses for volunteer firemen, local fire
22 department personnel, volunteer rescue and lifesaving
23 department personnel, local rescue and lifesaving department
24 personnel,

25 c. Radio Emergency Associated Citizens Team (REACT)
26 members when the REACT team is under contract to a county
27 as an emergency response agency,

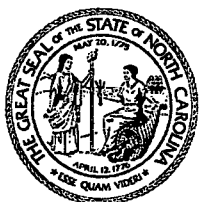
28 d. ~~local~~ Local law-enforcement officers,

29 e. ~~patients~~ Patients in State alcoholic rehabilitation centers,

30 f. ~~all~~ All full-time custodial employees of the Department of
31 Correction, employees of the Department's Division of
32 Community Corrections and employees of the Department of
33 Juvenile Justice and Delinquency Prevention required to be
34 certified under Chapter 17C of the General Statutes and the

- 1 rules of the Criminal Justice and Training Standards
2 Commission,
3 g. ~~trainees~~ Trainees enrolled in courses conducted under the
4 New and Expanding Industry Program,
5 h. ~~clients~~ Clients of sheltered workshops,
6 i. ~~clients~~ Clients of adult developmental activity programs,
7 j. ~~students~~ Students in Health and Human Services
8 Development Programs,
9 k. ~~juveniles~~ Juveniles of any age committed to the Department
10 of Juvenile Justice and Delinquency Prevention by a court of
11 competent jurisdiction,
12 l. ~~prison~~ Prison inmates,
13 m. Members of the North Carolina National Guard as defined in
14 G.S. 127A-3 and as administered under Article 3 of Chapter
15 127A of the General Statutes for courses that are required for
16 the performance of their duties as members of the National
17 Guard, members of the North Carolina State Defense Militia
18 as defined in G.S. 127A-5 and as administered under Article
19 5 of Chapter 127A of the General Statutes, and
20 n. ~~elementary~~ Elementary and secondary school employees
21 enrolled in courses in first aid or cardiopulmonary
22 resuscitation (CPR).
23 (3) ~~Provided further, tuition~~ Tuition shall be waived for senior citizens attending
24 institutions operating under this Chapter as set forth in Chapter 115B of the
25 General Statutes, Tuition Waiver for Senior Citizens.
26 (4) ~~Provided further, tuition~~ Tuition shall also be waived for all courses taken by high
27 school students at community colleges, including students in early college
28 and middle college high school programs, in accordance with
29 G.S. 115D-20(4) and this section."

30 **SECTION 2.** This act becomes effective January 1, 2010.



HOUSE BILL 795: No Comm. Coll. Tuition/Nat'l Guard Training

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable; Appropriations	Date:	April 13, 2009
Introduced by:	Reps. Martin, Killian, Tarleton, McLawhorn	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H795-CSRK-15		Committee Co-Counsel

SUMMARY: *This act would allow community colleges to offer a waiver of tuition and fees to North Carolina National Guard soldiers taking required courses. This act is effective when it becomes law.*

BILL ANALYSIS: The act would amend the statute allowing community colleges to waive tuition and fees for certain individuals. Members of the North Carolina National Guard who are taking courses required for the performance of their duties would be included in the statute. The provision would replace the provision for members of the State Defense Militia, a volunteer organization not associated with the North Carolina National Guard, and which had no training requirements or courses. All activities of the State Defense Militia were suspended in 1996, and it has been inactive since that time.

EFFECTIVE DATE: This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 795
PROPOSED COMMITTEE SUBSTITUTE H795-CSRkf-15 [v.3]

4/13/2009 2:40:57 PM

Short Title: No Comm. Coll. Tuition/Nat'l Guard Training.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE STATE BOARD OF COMMUNITY COLLEGES TO
3 WAIVE TUITION FOR MEMBERS OF THE NATIONAL GUARD.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115D-5(b) reads as rewritten:

6 "(b) In order to make instruction as accessible as possible to all citizens, the teaching of
7 curricular courses and of noncurricular extension courses at convenient locations away from
8 institution campuses as well as on campuses is authorized and shall be encouraged.

9 (1) A pro rata portion of the established regular tuition rate charged a full-time
10 student shall be charged a part-time student taking any curriculum course.

11 (2) In lieu of any tuition charge, the State Board of Community Colleges shall
12 establish a uniform registration fee, or a schedule of uniform registration
13 fees, to be charged students enrolling in extension courses for which
14 instruction is financed primarily from State funds; provided, however, that
15 the State Board of Community Colleges may provide by general and
16 uniform regulations for waiver of tuition and registration fees for persons
17 persons:

18 a. ~~not~~ Not enrolled in elementary or secondary schools taking
19 courses leading to a high school diploma or equivalent
20 certificate,

21 b. ~~for~~ For training courses for volunteer firemen, local fire
22 department personnel, volunteer rescue and lifesaving
23 department personnel, local rescue and lifesaving department
24 personnel,

25 c. Radio Emergency Associated Citizens Team (REACT)
26 members when the REACT team is under contract to a county
27 as an emergency response agency,

28 d. ~~local~~ Local law-enforcement officers,

29 e. ~~patients~~ Patients in State alcoholic rehabilitation centers,

30 f. ~~all~~ All full-time custodial employees of the Department of
31 Correction, employees of the Department's Division of
32 Community Corrections and employees of the Department of
33 Juvenile Justice and Delinquency Prevention required to be
34 certified under Chapter 17C of the General Statutes and the

- 1 rules of the Criminal Justice and Training Standards
2 Commission,
3 g. ~~trainees~~ Trainees enrolled in courses conducted under the
4 New and Expanding Industry Program,
5 h. ~~clients~~ Clients of sheltered workshops,
6 i. ~~clients~~ Clients of adult developmental activity programs,
7 j. ~~students~~ Students in Health and Human Services
8 Development Programs,
9 k. ~~juveniles~~ Juveniles of any age committed to the Department
10 of Juvenile Justice and Delinquency Prevention by a court of
11 competent jurisdiction,
12 l. ~~prison~~ Prison inmates,
13 m. Members of the North Carolina National Guard as defined in
14 G.S. 127A-3 and as administered under Article 3 of Chapter
15 127A of the General Statutes for courses that are required for
16 the performance of their duties as members of the National
17 Guard, members of the North Carolina State Defense Militia
18 as defined in G.S. 127A-5 and as administered under Article
19 5 of Chapter 127A of the General Statutes, and
20 n. ~~elementary~~ Elementary and secondary school employees
21 enrolled in courses in first aid or cardiopulmonary
22 resuscitation (CPR).
23 (3) ~~Provided further, tuition~~ Tuition shall be waived for senior citizens attending
24 institutions operating under this Chapter as set forth in Chapter 115B of the
25 General Statutes, Tuition Waiver for Senior Citizens.
26 (4) ~~Provided further, tuition~~ Tuition shall also be waived for all courses taken by high
27 school students at community colleges, including students in early college
28 and middle college high school programs, in accordance with
29 G.S. 115D-20(4) and this section."

30 **SECTION 2.** This act becomes effective July 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 795

Short Title: No Comm. Coll. Tuition/Nat'l Guard Training. (Public)

Sponsors: Representatives Martin, Killian, Tarleton, McLawhorn (Primary Sponsors); M. Alexander, Blackwood, Current, Dockham, England, Faison, Fisher, Glazier, Goodwin, Hall, Harrell, Harrison, Holloway, Jackson, Moore, Owens, Pierce, Ross, Tolson, Wainwright, and R. Warren.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations.

March 26, 2009

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE STATE BOARD OF COMMUNITY COLLEGES TO
WAIVE TUITION FOR MEMBERS OF THE NATIONAL GUARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-5(b) reads as rewritten:

"(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds; provided, however, that the State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees for persons not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent certificate, for training courses for volunteer firemen, local fire department personnel, volunteer rescue and lifesaving department personnel, local rescue and lifesaving department personnel, Radio Emergency Associated Citizens Team (REACT) members when the REACT team is under contract to a county as an emergency response agency, local law-enforcement officers, patients in State alcoholic rehabilitation centers, all full-time custodial employees of the Department of Correction, employees of the Department's Division of Community Corrections and employees of the Department of Juvenile Justice and Delinquency Prevention required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission, trainees enrolled in courses conducted under the New and Expanding Industry Program, clients of sheltered workshops, clients of adult developmental activity programs, students in Health and Human Services Development Programs, juveniles of any age committed to the Department of Juvenile Justice and Delinquency Prevention by a court of competent jurisdiction, prison inmates, members of the North Carolina National Guard as defined in G.S. 127A-3 and as administered under Article 3 of Chapter 127A of the General Statutes for courses that are required for the performance of their duties as members of the National Guard, members of the North Carolina State Defense Militia as defined in G.S. 127A-5 and as administered under Article 5 of Chapter 127A of the General Statutes, and elementary and secondary school employees enrolled in courses in first aid or cardiopulmonary resuscitation (CPR). Provided further, tuition shall be



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1 waived for senior citizens attending institutions operating under this Chapter as set forth in
2 Chapter 115B of the General Statutes, Tuition Waiver for Senior Citizens. Provided further,
3 tuition shall also be waived for all courses taken by high school students at community
4 colleges, including students in early college and middle college high school programs, in
5 accordance with G.S. 115D-20(4) and this section."

6 **SECTION 2.** This act becomes effective July 1, 2009.

PUBLIC BILL

H.B. 1098

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

Introduced by Representative(s): ^{DF} Frye. ^{E Jones} Jones

<u>Chen</u>	<u>Starnes</u>	<u>Brown</u>	<u>Moore</u>
<u>FELLS</u>	<u>Kilgus</u>	<u>Hurley</u>	<u>Jalil</u>
	<u>Dollar</u>	<u>Carter/Blackwell</u>	
	<u>West</u>		

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

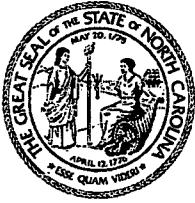
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PASSED 1st READING

APR 7 2009

AND REFERRED TO COMMITTEE

ON Homeland Security
for Judiciary III



HOUSE BILL 1098: Kill Search and Rescue Animal

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary III	Date:	April 14, 2009
Introduced by:	Reps. Frye, Jones	Prepared by:	Ben Popkin
Analysis of:	PCS to First Edition H1098-CSR-28		Committee Counsel

SUMMARY: *House Bill 1098 would add "search and rescue animal" to G.S. 14-163.1 "Assaulting a law enforcement agency animal or an assistance animal" which makes it a criminal offense to do the following to these animals: willfully kill (Class H felony), willfully cause or attempt to cause serious harm (Class I felony), willfully cause or attempt to cause harm (Class 1 misdemeanor), willfully taunt, tease, harass, delay, obstruct, or attempt to delay or obstruct the animal in the performance of its duty (Class 2 misdemeanor).*

The bill would also direct defendants convicted of these violations to make restitution to the person, group or agency who owns or is responsible for the animal, and would make commission of an offense against or proximately causing serious harm or death to a search and rescue animal "while engaged in the performance of the animal's official duties" an aggravating factor, for sentencing purposes.

The Proposed Committee Substitute would amend the title of G.S. 14-163.1, to reflect the inclusion of search and rescue animals within the section's provisions.

CURRENT LAW: G.S. 14-163.1 provides the following offenses related to killing, harming, or obstructing a law enforcement agency animal or an assistance animal:

- **Willfully killing-** Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully kills the animal is guilty of a **Class H felony**. G.S. 14-163.1(a1).
- **Willfully causing or attempting to cause serious harm-** Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a **Class I felony**. G.S. 14-163.1(b). *Serious harm* is defined in G.S. 14-163.1(a)(4)a-e.
- **Willfully causing or attempting to cause harm-** Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause harm to the animal is guilty of a **Class 1 misdemeanor**. G.S. 14-163.1(c). *Harm* is "any injury, illness, or other physiological impairment; or any behavioral impairment that impedes or interferes with duties performed by a law enforcement agency animal or an assistance animal." G.S. 14-163.1(a)(3).
- **Willfully taunting, teasing, obstructing the animal-** Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a law enforcement agency animal or assistance animal is guilty of a **Class 2 misdemeanor**. G.S. 14-163.1(d).

House Bill 1098

Page 2

A defendant who violates these provisions must make restitution to the person with a disability or the law enforcement agency who owns or is responsible for the care of the animal. G.S. 14-163.1(d1)(1)-(7). These provisions do not apply to licensed veterinarians following the North Carolina Veterinary Practice Act. Self-defense is an affirmative defense to these crimes, and the current law does not affect any civil remedies that might also be available.

For felony convictions, there are three ranges of imprisonment: (1) presumptive, (2) aggravated, and (3) mitigated. In many instances, the court will sentence a defendant in the presumptive range. If aggravating factors outweigh mitigating factors, a court may impose a term from the aggravated range. If mitigating factors outweigh aggravating factors, a court may impose a term from the mitigated range.

An aggravating factor is a factor which may increase a defendant's sentence. A mitigating factor is a factor which may decrease a defendant's sentence. G.S. 15A-1340.16(d) lists aggravating factors.

BILL ANALYSIS: House Bill 1098 would add a definition of "Search and rescue animal" to the definition section of G.S. 14-163.1 and would add search and rescue animals to the types of animals currently included within the offense and restitution provisions of that statute (law enforcement agency animals and assistance animals).

Further, the bill would add search and rescue animals to law enforcement agency animals and assistance animals in G.S. 15A-1340.16(d)(6a), which makes committing an offense against or proximately causing serious harm or death to these animals while engaged in the performance of the animal's official duties an aggravating factor for sentencing purposes.

EFFECTIVE DATE: This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

H1098-SMRD-51(CSRD-28) v1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 1098

PROPOSED COMMITTEE SUBSTITUTE H1098-PCS10867-RD-28

Short Title: Kill Search and Rescue Animal.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-163.1 reads as rewritten:

"§ 14-163.1. Assaulting a law enforcement agency ~~animal or animal~~, an assistance ~~animal-animal~~, or a search and rescue animal.

(a) The following definitions apply in this section:

(1) Assistance animal. – An animal that is trained and may be used to assist a "person with a disability" as defined in G.S. 168A-3. The term "assistance animal" is not limited to a dog and includes any animal trained to assist a person with a disability as provided in Article 1 of Chapter 168 of the General Statutes.

(2) Law enforcement agency animal. – An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.

(2a) Search and rescue animal. – An animal that is trained and may be used to assist in a search and rescue operation.

(3) Harm. – Any injury, illness, or other physiological impairment; or any behavioral impairment that impedes or interferes with duties performed by a law enforcement agency animal or an assistance animal.

(4) Serious harm. – Harm that does any of the following:

- a. Creates a substantial risk of death.
- b. Causes maiming or causes substantial loss or impairment of bodily function.
- c. Causes acute pain of a duration that results in substantial suffering.
- d. Requires retraining of the law enforcement agency animal or assistance animal.
- e. Requires retirement of the law enforcement agency animal or assistance animal from performing duties.



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(a1) Any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or animal~~, an assistance ~~animal animal~~, or a search and rescue animal and who willfully kills the animal is guilty of a Class H felony.

(b) Any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal animal~~, an assistance animal, or a search and rescue animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a Class I felony.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal animal~~, an assistance animal, or a search and rescue animal and who willfully causes or attempts to cause harm to the animal is guilty of a Class 1 misdemeanor.

(d) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal animal~~, an assistance animal, or a search and rescue animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a law enforcement agency ~~animal or assistance animal animal~~, an assistance animal, or a search and rescue animal is guilty of a Class 2 misdemeanor.

(d1) A defendant convicted of a violation of this section shall be ordered to make restitution to the person with a disability, or to a person, group, or law enforcement agency who owns or is responsible for the care of the law enforcement agency animal or search and rescue animal for any of the following as appropriate:

- (1) Veterinary, medical care, and boarding expenses for the assistance animal or law enforcement animal.
- (2) Medical expenses for the person with the disability relating to the harm inflicted upon the assistance animal.
- (3) Replacement and training or retraining expenses for the assistance animal or law enforcement animal.
- (4) Expenses incurred to provide temporary mobility services to the person with a disability.
- (5) Wages or income lost while the person with a disability is with the assistance animal receiving training or retraining.
- (6) The salary of the law enforcement agency animal handler as a result of the lost services to the agency during the time the handler is with the law enforcement agency animal receiving training or retraining.
- (7) Any other expense reasonably incurred as a result of the offense.

(e) This section shall not apply to a licensed veterinarian whose conduct is in accordance with Article 11 of Chapter 90 of the General Statutes.

(f) Self-defense is an affirmative defense to a violation of this section.

(g) Nothing in this section shall affect any civil remedies available for violation of this section."

SECTION 2. G.S. 15A-1340.16(d)(6a) reads as rewritten:

"(6a) The offense was committed against or proximately caused serious harm as defined in G.S. 14-163.1 or death to a law enforcement agency ~~animal or assistance animal animal~~, an assistance animal, or a search and rescue animal as defined in G.S. 14-163.1, while engaged in the performance of the animal's official duties."

SECTION 3. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1098
PROPOSED COMMITTEE SUBSTITUTE H1098-CSR-28 [v.1]

4/14/2009 7:13:39 PM

Short Title: Kill Search and Rescue Animal.

(Public)

Sponsors:

Referred to:

April 7, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO
3 KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING
4 CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND
5 RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL
6 WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.
7 The General Assembly of North Carolina enacts:
8 SECTION 1. G.S. 14-163.1 reads as rewritten:
9 "§ 14-163.1. Assaulting a law enforcement agency ~~animal or~~ animal, an assistance
10 animal, or a search and rescue animal.
11 (a) The following definitions apply in this section:
12 (1) Assistance animal. – An animal that is trained and may be used to assist a
13 "person with a disability" as defined in G.S. 168A-3. The term "assistance
14 animal" is not limited to a dog and includes any animal trained to assist a
15 person with a disability as provided in Article 1 of Chapter 168 of the
16 General Statutes.
17 (2) Law enforcement agency animal. – An animal that is trained and may be
18 used to assist a law enforcement officer in the performance of the officer's
19 official duties.
20 (2a) Search and rescue animal. – An animal that is trained and may be used to
21 assist in a search and rescue operation.
22 (3) Harm. – Any injury, illness, or other physiological impairment; or any
23 behavioral impairment that impedes or interferes with duties performed by a
24 law enforcement agency animal or an assistance animal.
25 (4) Serious harm. – Harm that does any of the following:
26 a. Creates a substantial risk of death.
27 b. Causes maiming or causes substantial loss or impairment of bodily
28 function.
29 c. Causes acute pain of a duration that results in substantial suffering.
30 d. Requires retraining of the law enforcement agency animal or
31 assistance animal.
32 e. Requires retirement of the law enforcement agency animal or
33 assistance animal from performing duties.

(a1) Any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or animal~~, an assistance ~~animal animal~~, or a search and rescue animal and who willfully kills the animal is guilty of a Class H felony.

(b) Any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal animal~~, an assistance animal, or a search and rescue animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a Class I felony.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal animal~~, an assistance animal, or a search and rescue animal and who willfully causes or attempts to cause harm to the animal is guilty of a Class 1 misdemeanor.

(d) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal animal~~, an assistance animal, or a search and rescue animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a law enforcement agency ~~animal or assistance animal animal~~, an assistance animal, or a search and rescue animal is guilty of a Class 2 misdemeanor.

(d1) A defendant convicted of a violation of this section shall be ordered to make restitution to the person with a disability, or to a person, group, or law enforcement agency who owns or is responsible for the care of the law enforcement agency animal or search and rescue animal for any of the following as appropriate:

- (1) Veterinary, medical care, and boarding expenses for the assistance animal or law enforcement animal.
- (2) Medical expenses for the person with the disability relating to the harm inflicted upon the assistance animal.
- (3) Replacement and training or retraining expenses for the assistance animal or law enforcement animal.
- (4) Expenses incurred to provide temporary mobility services to the person with a disability.
- (5) Wages or income lost while the person with a disability is with the assistance animal receiving training or retraining.
- (6) The salary of the law enforcement agency animal handler as a result of the lost services to the agency during the time the handler is with the law enforcement agency animal receiving training or retraining.
- (7) Any other expense reasonably incurred as a result of the offense.

(e) This section shall not apply to a licensed veterinarian whose conduct is in accordance with Article 11 of Chapter 90 of the General Statutes.

(f) Self-defense is an affirmative defense to a violation of this section.

(g) Nothing in this section shall affect any civil remedies available for violation of this section."

SECTION 2. G.S. 15A-1340.16(d)(6a) reads as rewritten:

"(6a) The offense was committed against or proximately caused serious harm as defined in G.S. 14-163.1 or death to a law enforcement agency ~~animal or assistance animal animal~~, an assistance animal, or a search and rescue animal as defined in G.S. 14-163.1, while engaged in the performance of the animal's official duties."

SECTION 3. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1098

Short Title: Kill Search and Rescue Animal. (Public)

Sponsors: Representatives Frye, Jones (Primary Sponsors); Blackwood, Brown, Cleveland, Dollar, Gillespie, Hilton, Hurley, Moore, Starnes, Tillis, and West.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary III.

April 7, 2009

A BILL TO BE ENTITLED
AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO
KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING
CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND
RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL
WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-163.1 reads as rewritten:

"§ 14-163.1. Assaulting a law enforcement agency animal or an assistance animal.

(a) The following definitions apply in this section:

(1) Assistance animal. – An animal that is trained and may be used to assist a "person with a disability" as defined in G.S. 168A-3. The term "assistance animal" is not limited to a dog and includes any animal trained to assist a person with a disability as provided in Article 1 of Chapter 168 of the General Statutes.

(2) Law enforcement agency animal. – An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.

(2a) Search and rescue animal. – An animal that is trained and may be used to assist in a search and rescue operation.

(3) Harm. – Any injury, illness, or other physiological impairment; or any behavioral impairment that impedes or interferes with duties performed by a law enforcement agency animal or an assistance animal.

(4) Serious harm. – Harm that does any of the following:

- a. Creates a substantial risk of death.
- b. Causes maiming or causes substantial loss or impairment of bodily function.
- c. Causes acute pain of a duration that results in substantial suffering.
- d. Requires retraining of the law enforcement agency animal or assistance animal.
- e. Requires retirement of the law enforcement agency animal or assistance animal from performing duties.

(a1) Any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or animal~~, an assistance ~~animal-animal~~, or a search and rescue animal and who willfully kills the animal is guilty of a Class H felony.



(b) Any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal~~ animal, an assistance animal, or a search and rescue animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a Class I felony.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal~~ animal, an assistance animal, or a search and rescue animal and who willfully causes or attempts to cause harm to the animal is guilty of a Class 1 misdemeanor.

(d) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency ~~animal or an assistance animal~~ animal, an assistance animal, or a search and rescue animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a law enforcement agency ~~animal or assistance animal~~ animal, an assistance animal, or a search and rescue animal is guilty of a Class 2 misdemeanor.

(d1) A defendant convicted of a violation of this section shall be ordered to make restitution to the person with a disability, or to a person, group, or law enforcement agency who owns or is responsible for the care of the law enforcement agency animal or search and rescue animal for any of the following as appropriate:

- (1) Veterinary, medical care, and boarding expenses for the assistance animal or law enforcement animal.
- (2) Medical expenses for the person with the disability relating to the harm inflicted upon the assistance animal.
- (3) Replacement and training or retraining expenses for the assistance animal or law enforcement animal.
- (4) Expenses incurred to provide temporary mobility services to the person with a disability.
- (5) Wages or income lost while the person with a disability is with the assistance animal receiving training or retraining.
- (6) The salary of the law enforcement agency animal handler as a result of the lost services to the agency during the time the handler is with the law enforcement agency animal receiving training or retraining.
- (7) Any other expense reasonably incurred as a result of the offense.

(e) This section shall not apply to a licensed veterinarian whose conduct is in accordance with Article 11 of Chapter 90 of the General Statutes.

(f) Self-defense is an affirmative defense to a violation of this section.

(g) Nothing in this section shall affect any civil remedies available for violation of this section."

SECTION 2. G.S. 15A-1340.16(d)(6a) reads as rewritten:

"(6a) The offense was committed against or proximately caused serious harm as defined in G.S. 14-163.1 or death to a law enforcement agency ~~animal or assistance animal~~ animal, an assistance animal, or a search and rescue animal as defined in G.S. 14-163.1, while engaged in the performance of the animal's official duties."

SECTION 3. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

House Pages

HOMELAND SECURITY Date 15-APRIL-09
Name Of Committee: _____

1. Name: Drew Day

County: Person

Sponsor: Wilkins

2. Name: Rheanya Willis

County: Durham

Sponsor: Cleveland

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt-At-Arms

1. Name: GERALD PERRY

2. Name: YOUNG BAE

3. Name: CHARLES WILLIAMS

4. Name: _____

VISITOR REGISTRATION SHEET

Home Land Sec Mtg & VEC Mtg

4/15/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
<i>H. H. H. H. H.</i>	<i>Gates County Commissioners</i>
<i>Phil P. H. H.</i>	<i>Camden Co. Comm. Chair</i>
JOHN MORRISON	The Twiford LAW Firm CAMDEN county ATT
<i>Joe McRee</i>	<i>Currituck County Attorney</i>
OWEN Etheridge	CHAIRMAN, CURRITUCK Co COMMISSIONER
<i>Leslie Arnold</i>	<i>SOG-Daily Bulletin</i>
David Starling	NC Dept. of State Treasurer
Anita Earks	<i>Southern Coalition for Social Justice</i> <i>Durham, NC for Citizens Against CLF</i>
Shawn SMITH	PBA
<i>Randy B. H.</i>	PBA
JOHN MIDGETTE	PBA.

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kelli Kikwa	NCLM
NARLEY CASAWELL JR	NCPBA
Tom West	Poyner Spruill 310 Fayetteville St.
Alicia Davis	MWC
Jennifer Willis	NCCommod. system
Catherine L. Jernigan	citizen State Co. 387 Lathington Rd, Gates N.C. 27937
Devon A. Barnes	NCCA
Twan Clardy	NE NATIONAL BOARD
Nolan Graves	Rep. Hall
Lynn Holmes	RACETA
Khaner Walker	Trench West Virginia

VISITOR REGISTRATION SHEET

Homeland Security
Name of Committee

April 15 2009
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rep Tarkenton

Ken Burt

NCCCS

Anonymous

NCAAC

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 613 A BILL TO BE ENTITLED AN ACT PROVIDING THAT CONSENT OF THE
STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR
AN OUTLYING LANDING FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO
EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 766 A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY PRIOR TO THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on PENSIONS AND RETIREMENT.

which changes the title

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 795 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD
OF COMMUNITY COLLEGES TO WAIVE TUITION FOR MEMBERS OF THE NATIONAL
GUARD.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1098 A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H
FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A SEARCH AND RESCUE
ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER
CRIMINAL OFFENSES THAT A SEARCH AND RESCUE ANIMAL WAS SERIOUSLY
HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING
OFFICIAL DUTIES.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
JUDICIARY III.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, APRIL 15, 2009
ROOM 1425 LB
10:00AM
REPERSENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on April 15, 2009 at 10:00 a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Barnhart, Braxton, Cleveland, Hilton, McLawhorn, Sager and Warren. The following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Drew Day from Person County, and Rheaya Willis from Durham County. He also recognized Sgt. At Arms Jerald Perry, Young Bae, and Charles Williams.

The first bill before the committee was **HB 613, AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING FIELD IN A COUNTRY OR COUNTIES WHICH HAVE NO EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.** The Chair called upon Rep. Owens to explain the bill. Co-Sponsor Rep. Mobley asked for support of the bill. Rep. Floyd moves for a favorable report. The committee concurs and the bill passes.

HB 766, AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY PRIOR TO THE COMPLETION OF FIFTEEN YEARS OF SERVICE. The Chair called upon Rep. Womble to explain the bill. Rep. Martin was also present and asked for support of the bill. Representative Floyd made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the committee on Pensions and Retirement. The committee concurs and the bill passes.

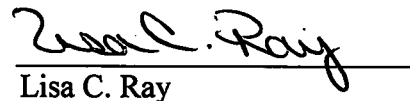
HB 795, AN ACT AUTHORIZING THE STATE BOARD OF COMMUNITY COLLEGES TO WAIVE TUITION FOR MEMBERS OF THE NATIONAL GUARD. The Chair called upon Rep. Martin to explain the bill. Rep. Cleveland made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the committee on Appropriations. The committee concurs and the bill passes.

HB 1098, AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICAL DUTIES. The Chair called upon Rep. Frye to explain the bill. Rep. Cleveland made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the committee on Judiciary III. The committee concurs and the bill passes.

There being no further business to come forth the committee, the meeting adjourned.


Representative Larry D. Hall

Chair


Lisa C. Ray

Committee Assistant

Rep. Hall facilitated an unofficial meeting for the members of the Homeland Security, Military, and Veterans Affairs Committee to tour the Division of Emergency Management on 04/22/09. The following individuals were in attendance.

APRIL 22, 2009		
HOMELAND SECURITY COMMITTEE		
EMERGENCY MANAGEMENT TOUR		
FIRST NAME	LAST NAME	AGENCY / DIVISION
Brenda	Jones	E.M
Thomas	Caves	Crime Control/Public Safety
Efton	Sager	GA Rep.
Grier	Martin	GA Rep.-Vice Chair
Ric	Killian	GA Rep.-Vice Chair
Rudy	Rudisill	E.M
Mike	Sprayberry	E.M
Bradley	Trahan	GA Rep. Killian Leg. Intern
Steven	Sloan	E.M
Emily	Young	E.M
Julia	Jarma	E.M
Gary	Faltinowski	E.M
John	Dorman	E.M
Larry	Hall	GA Rep.-Chairman

During the tour, Gary Faltinowski gave a presentation, attached is that document.

**NC DIVISION OF
EMERGENCY MANAGEMENT
2009 UPDATE**



Michael A. Sprayberry
Deputy Director/Operations Chief
22 April 2009

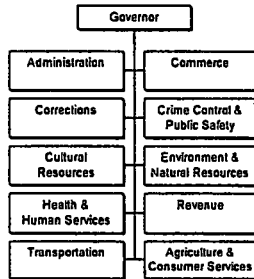
**NCEM Briefing
Objectives**

- NCEM Organization
- NCEM Disaster Operations
- Current NCEM Projects
- 2009-2010 NCEM Budget Report
- Answer Your Questions
- Tour the State EOC

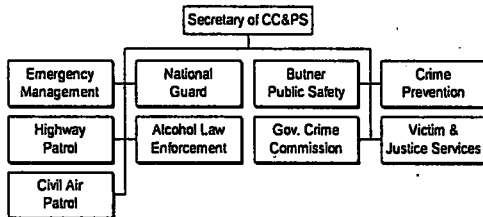




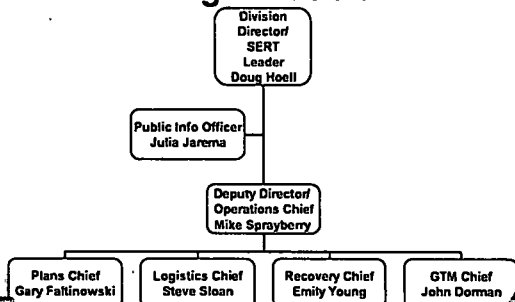
North Carolina State Government



NC Crime Control & Public Safety Organization



NC Emergency Management Organization



State of North Carolina Division of Emergency Management



Eastern Branch Tom Collins, Manager 3072 Highway 58 North State 9 Denison, NC 28622 252-310-4223 Asst. Coordinator CDD Chris Green CDD Mark Brown CDD Charles Curtis CDD Doug Hales CDD Paula Brown	Central Branch Barbara Watson, Manager 401 Central Ave. Buxton, NC 27509 919-519-4172 Asst. Coordinator CDD Phil Denison CDD Allen Byrd CDD Wootsy Washburn CDD Joe Wright CDD Rocky Tuttle	Western Branch Mike Cook, Manager 3305-15 12th Avenue SE Concord, NC 28013 813-452-5454 Asst. Coordinator CDD Greg Albrecht CDD Tamara Ramsey CDD Jeff Campbell CDD Jeremy Ramsey CDD Danny Gee



Director

- Serves as the State Emergency Response Team (SERT) Leader
- Supervises the Command Staff to Include Public Information Officer
- Provides the Division's Strategy and Vision
- Represents the Division at the National Level





Operations Section 45 Personnel

- 3 Field Branch Offices w/15 Areas – Key link between Counties & NCEM on Daily Basis
- State Emergency Operations Center & 24 Hr COMM Center
- Operations During Disasters:
 - Branch Offices become Regional Coordination Centers
 - Emergency Svcs (Law Enf, EMS, SAR, HAZMAT, Fire)
 - Aviation Support
 - Human Svcs (Evacuation, Mass Care, Public Health)
 - Infrastructure (Water, Roads, Power, Telephone)





Logistics Section 19 Personnel

- Administration and Personnel
- Training and Exercise
- Logistics during Disasters:
 - Provision of Commodities (Food, Water, etc)
 - 2 Warehouse Operations (Badin, Tarboro)
 - Purchasing and Contracting
 - Mutual Aid Coordination (Intrastate/Interstate)
 - Transportation (Contracted & State Agencies)
 - Communications
 - National Guard Resources



Information & Planning Section 22 Personnel

- Homeland Security (HLS) Program (Branch)
 - HLS Grants Management
 - HLS Strategic Planning
- Plans Branch
 - State Emergency Operations Plan
 - Continuity of Operations/Government Planning
 - All-Hazard Planning (Natural, Technical, Terrorism)
- Information & Plans during Disasters:
 - Incident Action Plans
 - Situation Reports
 - Resource Tracking



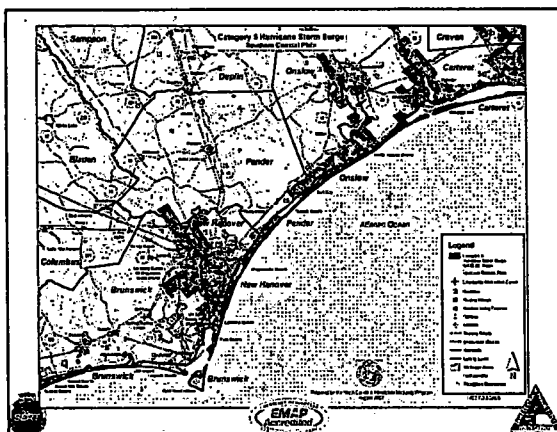
Geospatial & Technology Section 32 Personnel

- Floodplain Mapping – All Counties Mapped!
- Flood Warning
- IT Support
- GIS Support
- Geospatial & Technology during Disasters:
 - Provides Disaster Modeling Support
 - Support for Infrastructure Operations
 - Communications & IT Support



Maps for Prediction of Storm Surge





Recovery Section 38 Personnel

- Management of Open Disasters
- Close-out of Old Disasters
- Branches: Public Assistance, Individual Assistance & Hazard Mitigation
- Recovery during Disasters:
 - Provides Support in State EOC
 - Damage Assessment
 - Operates Joint Field Office



NCCEM DISASTER CONCEPT OF OPERATIONS



**We know emergencies and
disasters are going to
happen.**

**Natural, technological, and
terrorism are possibilities.**



The Familiar and the Expected

- Hurricanes – Hugo, Fran, Floyd, Isabel, Frances & Ivan
- Winter Storms
- Tornadoes
- Floods
- Hazardous Material Spills
- Landfill Fires
- Transportation Accidents
- Water System Failures
- Missing Persons
- Forest Fires



The Unexpected, but Possible

- Drought
- Pandemic Flu
- Chemical Attack
- Biological Attack
- Nuclear Attack
- Infrastructure Failures
- Nuclear Power Issue
- Earthquake
- HazMat Incidents - EQ
- Hazardous Waste Facility - Explosion & Fire
- Airplane Crash
- School Attack
- Foreign Animal Disease
- Food Contamination
- Landslide



EM Disaster Operations

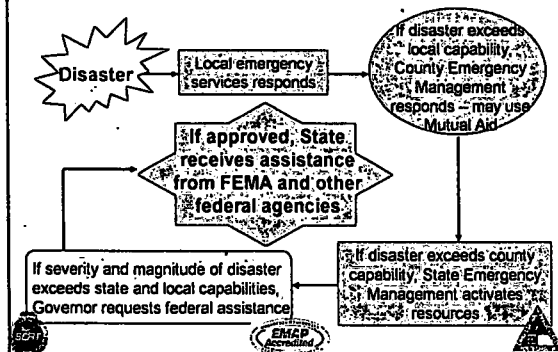
Our philosophy is a four tiered response to a wide spectrum of major events which is

LOCALLY CENTERED

Regionally Augmented, State Backed and Federally Assisted where all Counties have some capability to respond to significant events.



When Disaster Strikes





When Disaster Strikes and Local Capability is Exceeded, the State EOC is Activated along with the State Emergency Response Team (SERT) by the SERT Leader to Support the Response.

NCEM Personnel and SERT Team Representatives report to their pre-assigned Positions in Break-Out Rooms at the State EOC for Disaster Operations.





Statutory Responsibility for Disaster Response in North Carolina

In NC, GS 166A delegates the Responsibility to Manage Disaster Response to the Secretary of Crime Control and Public Safety who Appoints the Director of the NC Division of Emergency Management as the "State Emergency Response Team Leader". Other Federal, State and Volunteer Agencies as well as Private Sector Representatives work with the SERT Leader for a Synchronized Disaster Response.





SERT Members

• CCPS (Lead Agency)	• Insurance
• Administration	• Labor
• Health & Human Services	• Transportation
• Agriculture	• NC State University - Cooperative Extension
• Environment & Natural Resources	• Cultural Resources
• Commerce	• American Red Cross
• Correction	• Salvation Army
• Governor's Office	• League of Municipalities
• Secretary of State	• NC National Guard
• County Commissioners Association	• DOD
	and many more





North Carolina SERT Organization

• **SERT Partners – Operations**

• Law Enforcement • State Highway Patrol • Community Corrections • Alcohol Law Enforcement • Wildlife • License & Theft • Fire and Rescue • Office of State Fire Marshal • Critical Incident Stress Management • Urban Search & Rescue Teams	• Emergency Medical Services • Office of Emergency Medical Services • Special Operations Response Team • Hazardous Materials • Division of Water Quality • Division of Air Quality • Regional Response Teams





North Carolina SERT Organization

• **SERT Partners – Operations**

• Mass Care • American Red Cross • Social Services • The Salvation Army • Other Interfaith Agencies • Special Needs • Division of Social Services • Division of Aging & AS • State Medical Assistance Teams • Division of Mental Health, Mental Retardation Disabilities & Substance Abuse Services	• Public Health • Animal Protection • Humane Society of United States • County Humane Society/Animal Protective Services • State Animal Response Team (NC SART) • Crisis Counseling • American Red Cross • Division of Mental Health, MR & SA Services





North Carolina SERT Organization

• **SERT Partners - Operations**

• Duke & Progress Energy • Electric Membership Corporations (Rural Utilities) • Fuel Suppliers • Telephone Companies • Department of Transportation • NC Association of Petroleum Marketers	• Department of Environmental and Natural Resources • Division of Forest Resources • Public Water Supply Section • Water & Wastewater Assistance Resource Network (WARN)





North Carolina SERT Organization

• SERT Partners - Logistics

- NC National Guard
- Department of Correction
- Civil Air Patrol
- Department of Public Instruction
- Department of Transportation



State EOC during Disaster Activations

- Receive and Fill Resource Requests from Local Governments
- Command Room is manned by NCEM Senior Staff
- Briefings held at 7 AM and 7 PM at a minimum to share Incident Action Plans and Situation Reports
- Conduct Conference Calls with FEMA, Regional Coordination Centers and Counties



RCC Duties during Disaster Activations

- Receive & Fill Resource Requests from Local Governments
- Branch Offices become Regional Coordination Centers
- Conduct Conference Calls with Counties
- Develop Incident Action Plans and Situation Reports
- Assist with Impact and Damage Assessments



STATE & COUNTY SYSTEM FOR RESOURCE REQUESTS

- The State Disaster Management System for Resource Requests is a software product called Web-EOC; users log in from their Computer
- It is web based, used by all Counties and SERT Partners and exercised frequently
- Contains links to National Weather Service and important Situational Awareness Maps and Boards

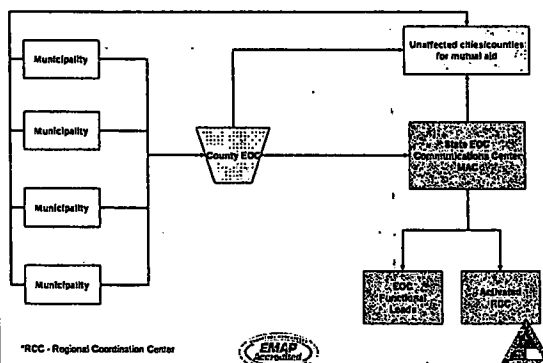


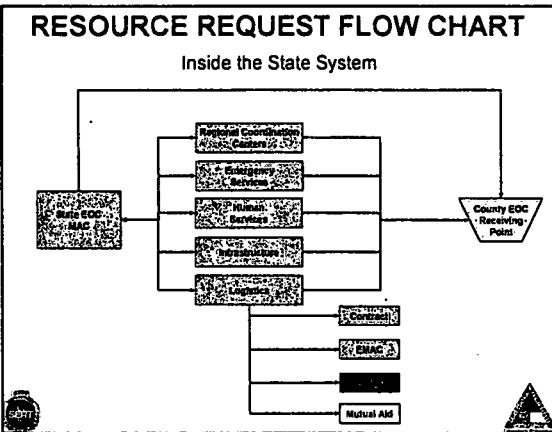
STATE & COUNTY SYSTEM FOR RESOURCE REQUESTS

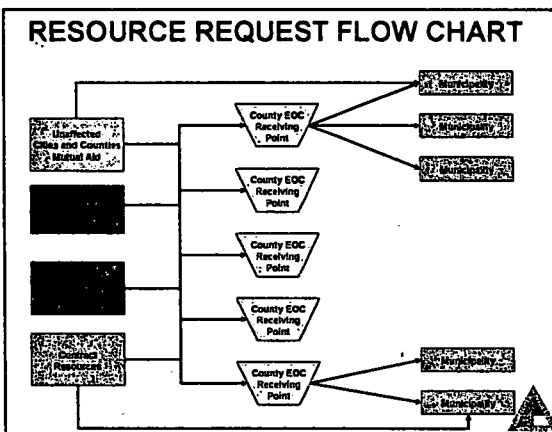
- Resource Request is Executed as follows:
 - County makes Request in Web EOC
 - State EOC Operations Center receives Request and Assigns to Appropriate Functional Lead
 - If approved, the Resource is Sent to County
 - Everything is Documented in Web EOC to ensure Resources and Costs are Tracked



RESOURCE REQUEST FLOW CHART





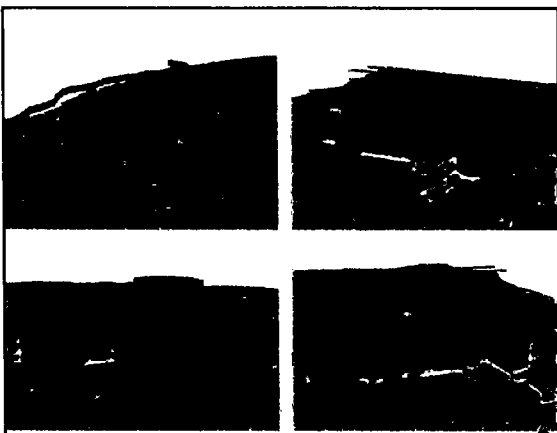


- ### STATE RESOURCE INVENTORY
- State Resources Include (not all inclusive):
 - Any Resource owned by State/Volunteer Agencies
 - County Mutual Aid Resources
 - Incident Management Teams
 - Commodities
 - 11 Urban Search & Rescue Teams
 - 50+ Swiftwater Rescue Teams
 - 30 Man Helo-Aquatic Rescue Team
 - 7 Regional Response Teams for Hazard Materials
 - 7 Public Health Regional Surveillance Teams
 - 8 State Medical Assistance Teams
 - Pet Sheltering Trailers, Mass Care Support Trailers



CURRENT NCEM PROJECTS

- Governor's HURREX
- New EOC Construction Project
- Risk Management & Sea Level Rise Projects
- Local Training on Commodity Points of Distribution
- Update of Coastal Region Evacuation and Sheltering Plan; Western Region County EM Profile; New Earthquake Response Plan
- Update of Hazard Mitigation Plans



New Facility for
EOC
breaking ground this
Summer

2 Years to move IN!

NCEM 2009-2010 BUDGET REPORT

- 2 Items in the Senate's Proposed Budget:
 1. Line Item 97: Shift Floodplain Mapping Positions to Receipts – Will Reduce Recurring State Appropriations by **\$1.4M**; NCEM can Support with no degradation in Capabilities.



NCEM 2009-2010 BUDGET REPORT

2. Line Item 98: Reduce Emergency Management Continuation Budget – Will Reduce Recurring State Appropriations by **\$1.8M** (plus additional \$1.8M in Federal Matching Funds); If this Reduction Occurs, it will terminate or affect the Salaries of One Third of the NCEM Staff, primarily those that Provide Immediate Response for Disasters as well as Regional Response Teams for HAZMAT.



QUESTIONS?



HB 1413 – REMOVED (ALLOW MONEY DAMAGES FOR SCRA
VIOLATIONS)
HB 381 – ADDED (EXPAND DIVISION OF EMERGENCY MGMT.
AUTHORITY)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, April 29, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 381	Expand Division of Emergency Mgmt. Authority.	Representative Martin Representative Wainwright
HB 878	EMS Personnel/Recovery Rehab./DHHS.	Representative Wainwright
HB 912	Encourage Use of Military Veteran Contractors.	Representative Killian Representative Sutton Representative Parmon Representative McElraft
HB 1094	Require Documentation-Certain Special Plates.	Representative Justus
HB 1124	UI/Severely Disabled Veterans.	Representative Insko
HB 1143	Military Wartime Veteran Special Plate Change.	Representative Martin Representative Dickson Representative McLawhorn
HB 1210	Facilitate Access to Emergency Supplies.	Representative Cole
~~HB 1413~~	~~Allow Money Damages for SCRA Violations.~~	~~Representative Martin~~ ~~Representative Glazier~~
SB 256	Clarify Local Government Evacuation Authority.	Senator Snow

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at
9:30 A.M. on April 28, 2009.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

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HB 912	Encourage Use of Military Veteran Contractors.	Representative Killian Representative Sutton Representative Parmon Representative McElraft
HB 1094	Require Documentation-Certain Special Plates.	Representative Justus
HB 1124	UI/Severely Disabled Veterans.	Representative Insko
HB 1143	Military Wartime Veteran Special Plate Change.	Representative Martin Representative Dickson Representative McLawhorn
HB 1210	Facilitate Access to Emergency Supplies.	Representative Cole
HB 1413	Allow Money Damages for SCRA Violations.	Representative Martin Representative Glazier
SB 256	Clarify Local Government Evacuation Authority.	Senator Snow

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:30 A.M. on April 27, 2009.

☐ Principal Clerk

☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, April 29, 2009
10:00AM
Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman

- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 381	Expand Division of Emergency Mgmt. Authority.	Representative Martin Representative Wainwright
HB 878	EMS Personnel/Recovery Rehab./DHHS.(if favorable, Health)	Representative Wainwright
HB 912	Encourage Use of Military Veteran Contractors. (if favorable, State Government)	Representative Killian Representative Sutton Representative Parmon Representative McElraft
HB 1094	Require Documentation-Certain Special Plates.(if favorable, Transportation)	Representative Justus
HB 1124	UI/Severely Disabled Veterans. (if favorable, Judiciary I)	Representative Insko
HB 1143	Military Wartime Veteran Special Plate Change. (if favorable, Transportation)	Representative Martin Representative Dickson Representative McLawhorn
HB 1210	Facilitate Access to Emergency Supplies. (if favorable, Commerce)	Representative Cole
SB 256	Clarify Local Government Evacuation Authority. (if favorable, Judiciary I)	Senator Snow

- **Comments**
- **Adjourn**

PUBLIC BILL

Proposed Committee Substitute For
H.B. 381

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Introduced by Representative(s): *Martin and Wainwright (primary sponsors)*

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

ipal Clerk's Use Only

ie Committee on *St. Govt / St. Personnel*
majority being present, having considered
is bill, recommend that it do ☒ pass.

Rep. Winkler
For the Committee

I recommend that the
committee substitute bill be
referred to the Committee
Homeland Security, Military
Veterans Affairs

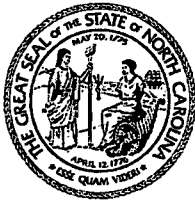
FAVORABLE TO COMM. SUB
UNFAVORABLE TO BILL

APR 1 2009

AND PLACED ON
CALENDAR FOR

re-referred to

Homeland Security, etc.



HOUSE BILL 381: Expand Division of Emergency Mgmt. Authority

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	April 28, 2009
Introduced by:	Reps. Martin, Wainwright	Prepared by:	Hal Pell
Analysis of:	PCS to Second Edition H381-CSRF-11		Committee Counsel

SUMMARY: *House Bill 381 amends the Emergency Management Act to expand the role of the Department of Crime Control and Public Safety, Division of Emergency Management in planning for and coordinating efforts with regard to emergency management and particularly hazard risk management. This bill was recommended by the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery. This act is effective when it becomes law.*

[As introduced, this bill was identical to S257, as introduced by Sen. Snow, which is currently in Senate Ref to State and Local Government. If fav, re-ref to Appropriations/Base Budget.]

CURRENT LAW:

The Governor has general authority over the State emergency management program, which includes all aspects of preparation for, response to, and recovery from war or peacetime disasters.

The Secretary of Crime Control and Public Safety is responsible for carrying out the Governor's plans with regard to emergency management activities. The Secretary has sub-delegated this function to the Division of Emergency Management.

BILL ANALYSIS:

House Bill 381 adds a definition of the term "Hazard Risk Management" which involves the identification, assessment and control of risk associated with hazards affecting human health, safety, and property.

The bill also adds several new functions under the State Emergency Program, including:

- Administration of federal and State grant funds.
- Serving as the lead State agency for the coordination of information and resources for hazard risk management.
- Using and maintaining technology that improves communication among all levels of government when involved in emergency management activities.

EFFECTIVE DATE: This act is effective when it becomes law.

Karen Cochrane-Brown, Staff Attorney, substantially contributed to this summary.

H381-SMRK-68(CSRF-11) v1
Research Division

O. Walker Reagan, Director

(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 381*
Committee Substitute Favorable 4/1/09

Short Title: Expand Division of Emergency Mgmt. Authority.

(Public)

Sponsors:

Referred to:

March 4, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL
3 AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS
4 RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY
5 PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 166A-4(4) reads as rewritten:

8 "(4) Emergency Management. – Those measures taken by the populace and
9 governments at federal, State, and local levels to minimize the adverse effect
10 of any type disaster, which includes the never-ending preparedness cycle of
11 planning, prevention, mitigation, warning, movement, shelter, emergency
12 assistance, and recovery."

13 SECTION 2. G.S. 166A-4 is amended by adding a new subdivision to read:

14 "(5a) Hazard Risk Management. – The systematic application of policies,
15 practices, and resources to the identification, assessment, and control of risk
16 associated with hazards affecting human health and safety and property.
17 Hazard, risk, and cost-benefit analysis are used to support development of
18 risk reduction options, program objectives, and prioritization of issues and
19 resources."

20 SECTION 3. G.S. 166A-5(3) reads as rewritten:

21 "(3) Functions of State Emergency Management. – The functions of the State
22 emergency management program include:

- 23 a. Coordination of the activities of all agencies for emergency
24 management within the State, including planning, organizing,
25 staffing, equipping, training, testing, and the activation of emergency
26 management programs.
- 27 b. Preparation and maintenance of State plans for man-made or natural
28 disasters. The State plans or any parts thereof may be incorporated
29 into department regulations and into executive orders of the
30 Governor.
- 31 b1. Coordination with the State Health Director to amend or revise the
32 North Carolina Emergency Operations Plan regarding public health
33 matters. At a minimum, the revisions to the Plan shall provide for the
34 following:
- 35 1. The epidemiologic investigation of a known or suspected
36 threat caused by nuclear, biological, or chemical agents.



2. The examination and testing of persons and animals that may have been exposed to a nuclear, biological, or chemical agent.
 3. The procurement and allocation of immunizing agents and prophylactic antibiotics.
 4. The allocation of the National Pharmaceutical Stockpile.
 5. The appropriate conditions for quarantine and isolation in order to prevent further transmission of disease.
 6. Immunization procedures.
 7. The issuance of guidelines for prophylaxis and treatment of exposed and affected persons.
- c. Promulgation of standards and requirements for local plans and programs, determination of eligibility for State financial assistance provided for in G.S. 166A-7 and provision of technical assistance to local governments.
 - d. Development and presentation of training programs and public information programs to insure the furnishing of adequately trained personnel and an informed public in time of need.
 - e. Making of such studies and surveys of the resources in this State as may be necessary to ascertain the capabilities of the State for emergency management, maintaining data on these resources, and planning for the most efficient use thereof.
 - f. Coordination of the use of any private facilities, services, and property.
 - g. Preparation for issuance by the Governor of executive orders, proclamations, and regulations as necessary or appropriate.
 - h. Cooperation and maintenance of liaison with the other states, federal government and any public or private agency or entity in achieving any purpose of this Article and in implementing programs for emergency, disaster or war prevention, preparation, response, and recovery.
 - i. Making recommendations, as appropriate, for zoning, building and other land-use controls, and safety measures for securing mobile homes or other nonpermanent or semipermanent works designed to protect against or mitigate the effects of a disaster.
 - j. Coordination of the use of existing means of communications and supplementing communications resources and integrating them into a comprehensive State or State-federal telecommunications or other communications system or network.
 - k. Administration of federal and State grant funds provided for emergency management purposes, including those funds provided for planning and preparedness activities by emergency management agencies.
 - l. Serving as the lead State agency for the coordination of information and resources for hazard risk management, which shall include the following responsibilities:
 1. Coordinating with other State agencies and county governments in conducting hazard risk analysis. To the extent another State agency has primary responsibility for the adoption of hazard mitigation standards, those standards shall be applied in conducting a hazard risk analysis.

2. Establishing and maintaining a hazard risk management information system and tools to display natural hazards and vulnerabilities and conducting risk assessment.
 3. Acquiring and leveraging all natural hazard data generated or maintained by State agencies and county governments.
 4. Acquiring and leveraging all vulnerability data generated or maintained by State agencies and county governments.
 5. Maintaining a clearinghouse for methodologies and metrics for calculating and communicating hazard probability and loss estimation.
- m. Utilizing and maintaining technology that enables efficient and effective communication and management of resources between political subdivisions, State agencies, and other governmental entities involved in emergency management activities."

SECTION 4. This act is effective when it becomes law.

PUBLIC BILL

H.B. 0878

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO IDENTIFY PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE.

Introduced by Representative(s): *Wainwright*

Harrison *G. Pierce*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

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PASSED 1st READING

MAR 31 2009

AND REFERRED TO COMMITTEE

ON Homeland Security

Religion, and Veterans Affairs, & Law Health



HOUSE BILL 878: EMS Personnel/Recovery Rehab./DHHS

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Health	Date:	April 28, 2009
Introduced by:	Rep. Wainwright	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 878 would amend the Emergency Medical Services Act of 1973 (Article 56 of Chapter 143) by adding an additional item to the existing powers and duties of the Secretary of the Department of Health and Human Services, as provided in General Statute 143-509. The bill would call for the Secretary to establish 1) programs for aiding in recovery and rehabilitation of Emergency Medical Services personnel experiencing chemical addiction or abuse, and 2) programs for monitoring these EMS personnel for safe practice.*

CURRENT LAW: G.S. 143-509 gives the Secretary of the Department of Health and Human Services responsibility "...for supervision and direction of the emergency medical services program..." and directs the Secretary to accomplish the following:

- (1) After consulting with the Emergency Medical Services Advisory Council and with any local governments that may be involved, *seek the establishment of a Statewide Emergency Medical Services System*, integrated with other health care providers and networks including, but not limited to, public health, community health monitoring activities, and special needs populations.
- (2) Repealed by Session Laws 1989, c. 74.
- (3) *Establish and maintain a comprehensive statewide trauma system* in accordance with the provisions of Article 7A of Chapter 131E of the General Statutes and the rules of the North Carolina Medical Care Commission.
- (4) *Establish and maintain a statewide emergency medical services communications system* including designation of EMS radio frequencies and coordination of EMS radio communications networks within FCC rules and regulations.
- (5) *Establish and maintain a statewide emergency medical services information system* that provides information linkage between various public safety services and other health care providers.
- (6) *Credential emergency medical services providers, vehicles, EMS educational institutions, and personnel* after documenting that the requirements of the North Carolina Medical Care Commission are met.
- (7), (8) Repealed by Session Laws 2001-220, s. 1, effective January 1, 2002.
- (9) *Promote a means of training individuals to administer life-saving treatment to persons who suffer a severe adverse reaction to agents that might cause anaphylaxis.* Individuals, upon successful completion of this training program, may be approved by the North Carolina Medical Care Commission to administer epinephrine to these persons, in the absence of the availability of physicians or other practitioners who are authorized to administer the treatment. This training may also be offered as part of the emergency medical services training program.
- (10) Establish and maintain a collaborative effort with other community resources and agencies to *educate the public regarding EMS systems and issues.*
- (11) Collaborate with community agencies and other health care providers to *integrate the principles of injury prevention into the Statewide EMS System* to improve community health.
- (12) Establish and maintain a means of *medical direction and control for the Statewide EMS System*

BILL ANALYSIS: House Bill 878 would direct the Secretary to establish two types of programs: 1) to assist EMS personnel with recovery and rehabilitation from chemical addiction or abuse problems, and 2) to monitor these EMS personnel for safe practice.

H878-SMRD-73(e1) v2

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 878

Short Title: EMS Personnel/Recovery Rehab./DHHS. (Public)

Sponsors: Representatives Wainwright; Harrison, Lucas, Pierce, and Wray.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Health.

March 31, 2009

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO
IDENTIFY PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION
OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-509 reads as rewritten:

"§ 143-509. Powers and duties of Secretary.

The Secretary of the Department of Health and Human Services has full responsibilities for supervision and direction of the emergency medical services program and, to that end, shall accomplish all of the following:

- (1) After consulting with the Emergency Medical Services Advisory Council and with any local governments that may be involved, seek the establishment of a Statewide Emergency Medical Services System, integrated with other health care providers and networks including, but not limited to, public health, community health monitoring activities, and special needs populations.
- (2) Repealed by Session Laws 1989, c. 74.
- (3) Establish and maintain a comprehensive statewide trauma system in accordance with the provisions of Article 7A of Chapter 131E of the General Statutes and the rules of the North Carolina Medical Care Commission.
- (4) Establish and maintain a statewide emergency medical services communications system including designation of EMS radio frequencies and coordination of EMS radio communications networks within FCC rules and regulations.
- (5) Establish and maintain a statewide emergency medical services information system that provides information linkage between various public safety services and other health care providers.
- (6) Credential emergency medical services providers, vehicles, EMS educational institutions, and personnel after documenting that the requirements of the North Carolina Medical Care Commission are met.
- (7) (8) Repealed by Session Laws 2001-220, s. 1, effective January 1, 2002.
- (9) Promote a means of training individuals to administer life-saving treatment to persons who suffer a severe adverse reaction to agents that might cause anaphylaxis. Individuals, upon successful completion of this training program, may be approved by the North Carolina Medical Care Commission to administer epinephrine to these persons, in the absence of the availability of physicians or other practitioners who are authorized to administer the



1 treatment. This training may also be offered as part of the emergency
2 medical services training program.

3 (10) Establish and maintain a collaborative effort with other community
4 resources and agencies to educate the public regarding EMS systems and
5 issues.

6 (11) Collaborate with community agencies and other health care providers to
7 integrate the principles of injury prevention into the Statewide EMS System
8 to improve community health.

9 (12) Establish and maintain a means of medical direction and control for the
10 Statewide EMS System.

11 (13) Establish programs for aiding in the recovery and rehabilitation of EMS
12 personnel who experience chemical addiction or abuse and programs for
13 monitoring these EMS personnel for safe practice."

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

PUBLIC BILL

H.B. 0912

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE STATE AND LOCAL GOVERNMENT TO USE MILITARY VETERAN CONTRACTORS.

Introduced by Representative(s): Killian.

Introduced by Representative(s): Killian. ^{for} ^{Sup} ^{Don} ^{Surron} ^{Parmor} ^{McElrath} (Primary ^{Spencers})

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

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SED 1st READING

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AND REFERRED TO COMMITTEE

ON. Hereland Church.

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HOUSE BILL 912: Encourage Use of Military Veteran Contractors

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel	Date:	April 28, 2009
Introduced by:	Reps. Killian, Sutton, Parmon, McElraft	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act would set forth, as State policy, the encouragement and promotion of military veteran contractors in State purchasing of goods and services. It would also state a goal for participation by military veteran business in the total value of work for each State building project.*

CURRENT LAW: State law sets forth a policy on encouragement and promotion of the following entities with regard to State purchasing: small contractors, minority contractors, and physically handicapped contractors. Business participation goals for State building projects are also established for minority businesses.

BILL ANALYSIS:

PART I --

- Adds military veteran contractors to the statute which provides the state policy of encouraging and promoting the use of small contractors, minority contractors, physically handicapped contractors, and women contractors.
- Creates a new statute which sets military veteran business participation goal at 10% of the total value of work for each state building project and state appropriated building project where the project cost is over \$100,000.
- Provides definition of terms for "military veteran" and a "veteran business."
- Requires cities, counties, and other public entities to set appropriate verifiable percentage goals for veteran businesses in building projects.
- Sets bidding and contract award requirements that require good faith efforts to reach these goals and to establish record keeping and reporting requirements. The requirements are generally applicable to building projects with a total cost of \$300,000 or more.
- Establishes reporting requirements.
- Amends current law to require solicitation of military veteran participation in informal bids. Makes conforming changes. Effective when it becomes law and applicable to bids solicited on or after that date.

PART II of the act makes conforming changes to the statutes.

EFFECTIVE DATE: The act is effective when it becomes law and applies to bids solicited on or after that date.

H912-SMRK-72(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 912

Short Title:	Encourage Use of Military Veteran Contractors.	(Public)
Sponsors:	Representatives Killian, Sutton, Parmon, McElraft (Primary Sponsors); Faison, Harrison, Hughes, Lucas, McGee, McLawhorn, and Wray.	
Referred to:	Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel.	

April 1, 2009

A BILL TO BE ENTITLED
AN ACT TO ENCOURAGE STATE AND LOCAL GOVERNMENT TO USE MILITARY
VETERAN CONTRACTORS.

The General Assembly of North Carolina enacts:

**PART I. CREATE MILITARY VETERAN BUSINESS PARTICIPATION GOALS FOR
PUBLIC CONTRACTS**

SECTION 1.(a) G.S. 143-48 reads as rewritten:

"§ 143-48. State policy; cooperation in promoting the use of small contractors, minority contractors, physically handicapped ~~contractors,~~ ~~and~~ ~~women contractors;~~ contractors, women contractors, and military veteran contractors; purpose; required annual reports.

(a) Policy. – It is the policy of this State to encourage and promote the use of small contractors, minority contractors, physically handicapped ~~contractors,~~ ~~and~~ ~~women contractors~~contractors, women contractors, and military veteran contractors in State purchasing of goods and services. All State agencies, institutions and political subdivisions shall cooperate with the Department of Administration and all other State agencies, institutions and political subdivisions in efforts to encourage the use of small contractors, minority contractors, physically handicapped ~~contractors,~~ ~~and~~ ~~women contractors~~contractors, women contractors, and military veteran contractors in achieving the purpose of this Article, which is to provide for the effective and economical acquisition, management and disposition of goods and services by and through the Department of Administration.

(b) Reporting. – Every governmental entity required by statute to use the services of the Department of Administration in the purchase of goods and services, every local school administrative unit, and every private, nonprofit corporation other than an institution of higher education or a hospital that receives an appropriation of five hundred thousand dollars (\$500,000) or more during a fiscal year from the General Assembly shall report to the department of Administration annually on what percentage of its contract purchases of goods and services, through term contracts and open-market contracts, were from minority-owned businesses, what percentage from female-owned businesses, what percentage from disabled-owned businesses, what percentage from disabled business ~~enterprises and enterprises,~~ and what percentage from military veteran contractors. The same governmental entities shall include in their reports what percentages of the contract bids for such purchases were from such



1 businesses. The Department of Administration shall provide instructions to the reporting
2 entities concerning the manner of reporting and the definitions of the businesses referred to in
3 this act, provided that, for the purposes of this act:

4 (1) Except as provided in subdivision (1a) of this subsection, a business in one
5 of the categories above means one:

6 a. In which at least fifty-one percent (51%) of the business, or of the
7 stock in the case of a corporation, is owned by one or more persons
8 in the category; and

9 b. Of which the management and daily business operations are
10 controlled by one or more persons in the category who own it.

11 (1a) A "disabled business enterprise" means a nonprofit entity whose main
12 purpose is to provide ongoing habilitation, rehabilitation, independent living,
13 and competitive employment for persons who are handicapped through
14 supported employment sites or business operated to provide training and
15 employment and competitive wages.

16 (1b) A "nonprofit work center for the blind and the severely disabled" means an
17 agency:

18 a. Organized under the laws of the United States or this State, operated
19 in the interest of the blind and the severely disabled, the net income
20 of which agency does not inure in whole or in part to the benefit of
21 any shareholder or other individual;

22 b. In compliance with any applicable health and safety standard
23 prescribed by the United States Secretary of Labor; and

24 c. In the production of all commodities or provision of services,
25 employs during the current fiscal year severely handicapped
26 individuals for (i) a minimum of seventy-five percent (75%) of the
27 hours of direct labor required for the production of commodities or
28 provision of services, or (ii) in accordance with the percentage of
29 direct labor required under the terms and conditions of Public Law
30 92-28 (41 U.S.C. § 46, et seq.) for the production of commodities or
31 provision of services, whichever is less.

32 (2) A female or a disabled person is not a minority, unless the female or
33 disabled person is also a member of one of the minority groups described in
34 G.S. 143-128(2)a. through d.

35 (3) A disabled person means a person with a handicapping condition as defined
36 in G.S. 168-1 or G.S. 168A-3.

37 (4) A veteran contractor is a contractor that is a military veteran or a veteran
38 business, as those terms are defined in G.S. 143-128.5(f).

39 (c) The Department of Administration shall compile information on small and
40 medium-sized business participation in State contracts subject to this Article and report the
41 information as provided in subsection (d) of this section. The report shall analyze (i) contract
42 awards by business size category, (ii) historical trends in small and medium-sized business
43 participation in these contracts, and (iii) to the extent feasible, participation by small and
44 medium-sized businesses in the State procurement process as dealers, service companies, and
45 other indirect forms of participation. The Department may require reports on contracting by
46 business size in the same manner as reports are required under subsection (b) of this section.

47 (d) The Department of Administration shall collect and compile the data described in
48 this section and report it annually to the General Assembly.

49 (d1) Repealed by Session Laws 2007-392, s. 1, effective October 1, 2007.

50 (e) In seeking contracts with the State, a disabled business enterprise must provide
51 assurances to the Secretary of Administration that the payments that would be received from

the State under these contracts are directed to the training and employment of and payment of competitive wages to handicapped employees."

SECTION 1.(b) Article 8 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-128.5. Military veteran business participation goals.

(a) The State shall have a verifiable ten percent (10%) goal for participation by military veteran businesses in the total value of work for each State building project, including building projects done by a private entity on a facility to be leased or purchased by the State. A local government unit or other public or private entity that receives State appropriations for a building project or other State grant funds for a building project, including a building project done by a private entity on a facility to be leased or purchased by the local government unit, where the project cost is one hundred thousand dollars (\$100,000) or more, shall have a verifiable ten percent (10%) goal for participation by veteran businesses in the total value of the work.

Each city, county, or other local public entity shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by veteran businesses in the total value of work for building projects.

Each entity required to have verifiable percentage goals under this subsection shall make a good faith effort to recruit veteran participation in accordance with this section or G.S. 143-131(c), as applicable.

(b) A public entity shall establish prior to solicitation of bids the good faith efforts that it will take to make it feasible for veteran businesses to submit successful bids or proposals for the contracts for building projects. Public entities shall make good faith efforts as set forth in subsection (e) of this section. Public entities shall require contractors to make good faith efforts to meet the veteran business participation goal established in subsection (a) of this section. Each first-tier subcontractor on a construction management at risk project shall comply with the requirements applicable to contractors under this subsection.

(c) Each bidder, which shall mean first-tier subcontractor for construction manager at risk projects for purposes of this subsection, on a project bid under any of the methods authorized under G.S. 143-128(a1) shall identify on its bid the veteran businesses that it will use on the project and an affidavit listing the good faith efforts it has made pursuant to subsection (b) of this section and the total dollar value of the bid that will be performed by the veteran businesses. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

(1) Within the time specified in the bid documents, either:

a. An affidavit that includes a description of the portion of work to be executed by veteran businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith or effort; or

b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of veteran businesses for participation in the contract.

(2) Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

1 (d) No subcontractor who is identified and listed pursuant to subsection (c) of this
2 section may be replaced with a different subcontractor except:

3 (1) If the subcontractor's bid is later determined by the contractor or
4 construction manager at risk to be nonresponsible or nonresponsive, or the
5 listed subcontractor refuses to enter into a contract for the complete
6 performance of the bid work, or

7 (2) With the approval of the public entity for good cause.

8 Good faith efforts as set forth in G.S. 143-131(c) shall apply to the selection of a substitute
9 subcontractor. Prior to substituting a subcontractor, the contractor shall identify the substitute
10 subcontractor and inform the public entity of its good faith efforts pursuant to G.S. 143-131(c).

11 (e) Before awarding a contract, a public entity shall do the following:

12 (1) Develop and implement a veteran business participation outreach plan to
13 identify veteran businesses that can perform public building projects and to
14 implement outreach efforts to encourage veteran business participation in
15 these projects to include education, recruitment, and interaction between
16 veteran businesses and nonveteran businesses.

17 (2) Attend the scheduled prebid conference.

18 (3) Utilize other media, as appropriate, likely to inform potential veteran
19 businesses of the bid being sought.

20 (f) As used in this section:

21 (1) The term 'veteran business' means a business:

22 a. In which at least fifty-one percent (51%) is owned by one or more
23 military veterans, or in the case of a corporation, in which at least
24 fifty-one percent (51%) of the stock is owned by one or more
25 military veterans; and

26 b. Of which the management and daily business operations are
27 controlled by one or more of military veterans who own it.

28 (2) The term 'military veteran' means a person who is a citizen or lawful
29 permanent resident of the United States and who served in the armed forces
30 of the United States or the North Carolina National Guard and who was
31 discharged or released therefrom under conditions other than dishonorable.

32 (g) Nothing in this section shall be construed to require contractors or awarding
33 authorities to award contracts or subcontracts to or to make purchases of materials or
34 equipment from veteran-business contractors or veteran-business subcontractors who do not
35 submit the lowest responsible, responsive bid or bids.

36 (h) Notwithstanding G.S. 132-3 and G.S. 121-5, all public records created pursuant to
37 this section shall be maintained by the public entity for a period of not less than three years
38 from the date of the completion of the building project.

39 (i) Except as provided in subsections (a), (f), (g), and (h) of this section, this section
40 shall only apply to building projects costing three hundred thousand dollars (\$300,000) or
41 more. This section shall not apply to the purchase and erection of prefabricated or relocatable
42 buildings or portions thereof, except that portion of the work which must be performed at the
43 construction site.

44 (j) Each public or private entity that is subject to this section shall annually report to
45 the Department of Administration on its compliance with the requirements of this section. The
46 Department of Administration shall provide instructions to the reporting entities concerning the
47 manner and date of reporting. The Secretary of the Department of Administration shall make
48 reports annually to the Joint Legislative Commission on Governmental Operations on
49 information reported pursuant to this subsection.

50 (k) If the death of a military veteran causes a business to be less than fifty-one percent
51 (51%) owned by one or more military veterans, the surviving spouse of the military veteran

1 who acquires ownership rights in the business shall, for the period set forth in this subsection,
2 be treated as if the surviving spouse were the veteran for the purpose of maintaining the status
3 of the business as a veteran business. This period shall begin on the date the veteran dies and
4 end on the earliest of the following:

5 (1) The date on which the surviving spouse remarries.

6 (2) The date on which the surviving spouse relinquishes an ownership interest in
7 the business.

8 (3) The date that is ten years after the veteran's death."

9 SECTION 1.(c) G.S. 143-131 is amended by adding a new subsection to read:

10 "(c) All public entities shall solicit military veteran participation in contracts for the
11 erection, construction, alteration, or repair of any building awarded pursuant to this section.
12 The public entity shall maintain a record of contractors solicited and shall document efforts to
13 recruit military veteran business participation in those contracts. Nothing in this section shall be
14 construed to require formal advertisement of bids. All data, including the type of project, total
15 dollar value of the project, dollar value of military veteran business participation on each
16 project, and documentation of efforts to recruit military veteran participation shall be reported
17 to the Department of Administration, Division of Veterans Affairs, upon the completion of the
18 project."

20 PART II. CONFORMING CHANGES

21
22 SECTION 2.(a) G.S. 18C-151(a)(4) reads as rewritten:

23 "(4) The Commission has complied with the minority participation goals of
24 G.S. 143-128.2 and ~~G.S. 143-128.3~~ G.S. 143-128.3, and with the veteran
25 participation goals of G.S. 143-128.5."

26 SECTION 2.(b) G.S. 113-315.36 reads as rewritten:

27 "§ 113-315.36. Building contracts.

28 (a) The following general laws, to the extent provided below, do not apply to the North
29 Carolina Seafood Industrial Park Authority:

30 (1) Repealed by Session Laws 1999-368, s. 1.

31 (2) Except for ~~G.S. 143-128.2~~ G.S. 143-128.2 and G.S. 143-128.5, Article 8 of
32 Chapter 143 of the General Statutes does not apply to public building
33 contracts of the Authority that require the estimated expenditure of public
34 money in an amount less than two hundred fifty thousand dollars
35 (\$250,000). With respect to a contract that is exempted from certain
36 provisions of Article 8 under this subdivision, the powers and duties set out
37 in Article 8 shall be exercised by the Authority, and the Secretary of
38 Administration and other State officers, employees, or agencies shall have
39 no duties or responsibilities concerning the contract.

40 (3) G.S. 143-341(3) does not apply to plans and specifications for construction
41 or renovation authorized by the Authority that require the estimated
42 expenditure of public money in an amount less than two hundred fifty
43 thousand dollars (\$250,000).

44 (b) Notwithstanding the other provisions of this section, the services of the Department
45 of Administration may be made available to the Authority, when requested by the Authority,
46 with regard to matters governed by Article 8 of Chapter 143 of the General Statutes and
47 G.S. 143-341(3). The Authority shall report quarterly to the Joint Legislative Commission on
48 Governmental Operations on any building contract to which this exemption is applied. The
49 quarterly report required by this subsection shall specifically include information regarding the
50 Authority's compliance with the provisions of ~~G.S. 143-128.2~~ G.S. 143-128.2 and
51 G.S. 143-128.5."

1 SECTION 2.(c) G.S. 116-31.11(f) is amended by adding a new subdivision to
2 read:

3 "(5) Whether the person or business awarded a contract under this section meets
4 the definition of 'veteran business' or 'military veteran' as defined in
5 G.S. 143-128.5(f)."

6 SECTION 2.(d) G.S. 116D-4 reads as rewritten:

7 "~~§ 116D-4. Minority and~~Minority, veteran, and historically underutilized business
8 participation.

9 (a) Minority Business and Veteran Business Participation. – The goals set by
10 G.S. 143-128 and G.S. 143-128.5 for participation in projects by minority and veteran
11 businesses apply to projects funded by the proceeds of bonds or notes issued under this section.
12 The following State agencies shall monitor compliance with this requirement and shall report to
13 the General Assembly by January 1 of each year on the participation by minority and veteran
14 businesses in these projects. The State Construction Office, Department of Administration,
15 shall monitor compliance with regard to projects funded by the proceeds of university
16 improvement general obligation bonds and notes and special obligation bonds and notes; the
17 Board of Governors of The University of North Carolina shall provide the State Construction
18 Office any information required by the State Construction Office to monitor compliance. The
19 Community Colleges System Office shall monitor compliance with regard to projects funded
20 by the proceeds of community college general obligation bonds and notes.

21 (b) Participation in Providing Professional Services. – The Department of State
22 Treasurer shall provide contracting opportunities for historically underutilized businesses in
23 providing professional services in connection with the issuance of bonds and notes authorized
24 by this section. As used in this subsection, the term "historically underutilized business" means
25 a business described in G.S. 143-48. The Department of State Treasurer shall strive to increase
26 the amount of legal, financial, and other professional services acquired by it from historically
27 underutilized businesses. With the assistance of the Office for Historically Underutilized
28 Businesses in the Department of Administration, the Department of State Treasurer shall set
29 objectives for contracting with these businesses, identify and eliminate barriers or constraints
30 that may restrict these businesses from contracting with the Department, and develop a plan for
31 meeting its objectives. The Department of State Treasurer shall report quarterly to the Office
32 for Historically Underutilized Businesses on its progress in carrying out the requirements of
33 this subsection."

34 SECTION 2.(e) G.S. 143-128.1 reads as rewritten:

35 "~~§ 143-128.1. Construction management at risk contracts.~~

36 (a) For purposes of this section and G.S. 143-64.31:

37 (1) "Construction management services" means services provided by a
38 construction manager, which may include preparation and coordination of
39 bid packages, scheduling, cost control, value engineering, evaluation,
40 preconstruction services, and construction administration.

41 (2) "Construction management at risk services" means services provided by a
42 person, corporation, or entity that (i) provides construction management
43 services for a project throughout the preconstruction and construction
44 phases, (ii) who is licensed as a general contractor, and (iii) who guarantees
45 the cost of the project.

46 (3) "Construction manager at risk" means a person, corporation, or entity that
47 provides construction management at risk services.

48 (4) "First-tier subcontractor" means a subcontractor who contracts directly with
49 the construction manager at risk.

(b) The construction manager at risk shall be selected in accordance with Article 3D of this Chapter. Design services for a project shall be performed by a licensed architect or engineer. The public owner shall contract directly with the architect or engineer.

(c) The construction manager at risk shall contract directly with the public entity for all construction; shall publicly advertise as prescribed in G.S. 143-129; and shall prequalify and accept bids from first-tier subcontractors for all construction work under this section. The prequalification criteria shall be determined by the public entity and the construction manager at risk to address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the public entity. The public entity shall require the construction manager at risk to submit its plan for compliance with G.S. 143-128.2 and G.S. 143-128.5 for approval by the public entity prior to soliciting bids for the project's first-tier subcontractors. A construction manager at risk and first-tier subcontractors shall make a good faith effort to recruit and select minority businesses for participation in contracts pursuant to ~~G.S. 143-128.2~~ G.S. 143-128.2 and military veteran businesses for participation in contracts pursuant to G.S. 143-128.5. A construction manager at risk may perform a portion of the work only if (i) bidding produces no responsible, responsive bidder for that portion of the work, the lowest responsible, responsive bidder will not execute a contract for the bid portion of the work, or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner, and (ii) the public entity approves of the construction manager at risk's performance of the work. All bids shall be opened publicly, and once they are opened, shall be public records under Chapter 132 of the General Statutes. The construction manager at risk shall act as the fiduciary of the public entity in handling and opening bids. The construction manager at risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, compliance with ~~G.S. 143-128.2~~ G.S. 143-128.2 and G.S. 143-128.5, and other factors deemed appropriate by the public entity and advertised as part of the bid solicitation. The public entity may require the selection of a different first-tier subcontractor for any portion of the work, consistent with this section, provided that the construction manager at risk is compensated for any additional cost incurred.

When contracts are awarded pursuant to this section, the public entity shall provide for a dispute resolution procedure as provided in G.S. 143-128(f1).

(d) The construction manager at risk shall provide a performance and payment bond to the public entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes."

SECTION 2.(f) G.S. 143-129.4 reads as rewritten:

"§ 143-129.4. Guaranteed energy savings contracts.

The solicitation and evaluation of proposals for guaranteed energy savings contracts, as defined in Part 2 of Article 3B of this Chapter, and the letting of contracts for these proposals are not governed by this Article but instead are governed by the provisions of that Part; except that guaranteed energy savings contracts are subject to the requirements of ~~G.S. 143-128.2~~ G.S. 143-128.2, 143-128.5, and G.S. 143-135.3."

SECTION 2.(g) G.S. 143-135.5(a) reads as rewritten:

"§ 143-135.5. State policy; cooperation in promoting the use of small, minority, physically ~~handicapped and women~~ handicapped, women, and military veteran contractors; purpose.

(a) It is the policy of this State to encourage and promote the use of small, minority, physically ~~handicapped and women~~ handicapped, women, and military veteran contractors in State construction projects. All State agencies, institutions and political subdivisions shall cooperate with the Department of Administration and all other State agencies, institutions and

1 political subdivisions in efforts to encourage and promote the use of small, minority, physically
2 ~~handicapped and women~~handicapped, women, and military veteran contractors in achieving the
3 purpose of this Article, which is the effective and economical construction of public buildings."

4 **SECTION 2.(h)** G.S. 143-135.26(9)b1 reads as rewritten:

5 "b1. The entity includes in its bid or proposal requirements that the
6 contractor will file a plan for making a good faith effort to reach the
7 minority participation goal set out in G.S. 143-128.2. G.S. 143-128.2
8 and the veteran business participation goal set out in
9 G.S. 143-128.5."

10 **SECTION 2.(i)** G.S. 147-33.97 reads as rewritten:

11 **"§ 147-33.97. Information technology procurement policy; reporting requirements.**

12 (a) Policy. – In order to further the policy of the State to encourage and promote the use
13 of small, minority, physically ~~handicapped, and women~~handicapped, women, and veteran
14 contractors in State purchasing of goods and services, all State agencies covered by this Part
15 shall cooperate with the Office in efforts to encourage the use of small, minority, physically
16 ~~handicapped, and women~~handicapped, women, and veteran contractors in achieving the
17 purpose of this Part, which is to provide for the effective and economical acquisition,
18 management, and disposition of information technology.

19 (a1) A vendor submitting a bid shall disclose in a statement, provided
20 contemporaneously with the bid, where services will be performed under the contract sought,
21 including any subcontracts and whether any services under that contract, including any
22 subcontracts, are anticipated to be performed outside the United States. Nothing in this section
23 is intended to contravene any existing treaty, law, agreement, or regulation of the United States.

24 (a2) The State Chief Information Officer shall retain the statements required by
25 subsection (a1) of this section regardless of the State entity that awards the contract and shall
26 report annually to the Secretary of Administration on the number of contracts which are
27 anticipated to be performed outside the United States.

28 (b) Reporting. – Every State agency that makes a direct purchase of information
29 technology using the services of the Office shall report directly to the Department of
30 Administration all information required by G.S. 143-48(b).

31 (c) The Department of Administration shall collect and compile the data described in
32 this section and report it annually to the Office."

33 **SECTION 2.(j)** G.S. 148-37.2(j) reads as rewritten:

34 "(j) Minority Business Participation. – G.S. 143-128.2 ~~applies and~~ G.S. 143-128.5 apply
35 to the Projects authorized in this section."

36 **SECTION 3.** This act is effective when it becomes law and applies to bids solicited
37 on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

S. B. No. _____

COMMITTEE SUBSTITUTE _____

DATE 4/29/09

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep. Cleveland
Sen.)

1 moves to amend the bill on page 4, line 30

2 () WHICH CHANGES THE TITLE

3 by inserting after the word 'Guard', the
4 phrase "served a minimum of
5 180 days,"

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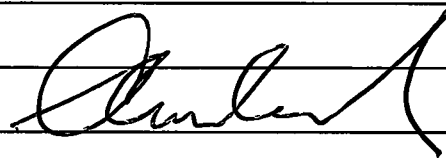
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SIGNED 

ADOPTED 

FAILED _____

TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

PUBLIC BILL

W. LC per
m 6

H.B. **1094**

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT CERTAIN SPECIAL PLATES THAT ARE AVAILABLE TO MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS.

Introduced by Representative(s): ^{CS} Justus.

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

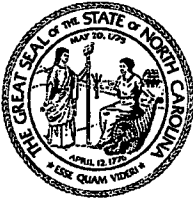
ISSUED 1st READING

APR 7 2009

AND REFERRED TO COMMITTEE

ON Homeland Security

Gov Transportation



HOUSE BILL 1094: Require Documentation-Certain Special Plates

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Transportation	Date:	April 28, 2009
Introduced by:	Rep. Justus	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H1094-CSRK-24		Committee Counsel

SUMMARY: *This act requires the Division of Motor Vehicles to insure that recipients of special plates are eligible for the plate, and that the Division of Veteran Affairs is responsible for verifying and maintaining documentation related to eligibility for special plates based upon military service. This act is effective when it becomes law.*

BILL ANALYSIS: The act requires the Division of Motor Vehicles (DMV) to have overall responsibility for insuring that only those eligible for special plates are receiving the plates. The DMV is prohibited from issuing special plates based upon military service unless a form showing that the Division of Veterans Affairs has verified the applicant's credentials and qualifications. The act provides that:

- No additional verification is necessary for renewal.
- Plates issued erroneously must be recalled.
- If the DMV determines that a plate was received through misrepresentations of fact, or otherwise procured by fraud, then the plate must be revoked and appropriate enforcement action taken.

EFFECTIVE DATE: This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1094
PROPOSED COMMITTEE SUBSTITUTE H1094-CSRK-24 [v.3]

4/28/2009 8:31:46 PM

Short Title: Require Documentation-Certain Special Plates.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

title change

AN ACT TO REQUIRE THAT SPECIAL PLATES THAT ARE AVAILABLE TO
MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4 reads as rewritten::

"

(a1) Qualifying for a Special Plate. – In order to qualify for a special plate, an applicant shall meet all of the qualifications set out in this section. The Division of Motor Vehicles shall verify the qualifications of an individual to whom any special plate is issued to ensure only qualified applicants receive the requested special plates.

(a2) Special Plates based upon military service. – The Division of Veterans Affairs shall be responsible for verifying and maintaining all verification documentation for all special plates that are based upon military service. The Division shall not issue a special plate that is based on military service unless the application is accompanied by a motor vehicle registration (MVR) verification form signed by the Director of the Division of Veterans Affairs, or the Director's designee, showing that the Division of Veterans Affairs has verified the applicant's credentials and qualifications to hold the special plate applied for.

(1) Unless a qualifying condition exists requiring annual verification, no additional verification shall be required to renew a special registration plate either in person or through an online service.

(2) If the Division of Veterans Affairs determines a special registration plate has been issued due to an error on the part of the Division of Motor Vehicles, the plate shall be recalled and canceled.

(3) If the Division of Veterans Affairs determines a special registration plate has been issued to an applicant who falsified documents or has fraudulently applied for the special registration plate, the Division of Motor Vehicles shall revoke the special plate and take appropriate enforcement action.

""

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1094

Short Title: Require Documentation-Certain Special Plates.

(Public)

Sponsors: Representative Justus.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Transportation.

April 7, 2009

A BILL TO BE ENTITLED
AN ACT TO REQUIRE THAT CERTAIN SPECIAL PLATES THAT ARE AVAILABLE TO
MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4 is amended by adding a new subsection to read:

"(a1) Qualifying for a Special Plate. – In order to qualify for a special plate, an applicant shall meet all of the qualifications set out in this section. The Division of Motor Vehicles shall verify the qualifications of an individual to whom any special plate is issued to ensure only qualified applicants receive the requested special plates. The Division shall not issue a special plate that is based on military service unless the application is accompanied by a motor vehicle registration (MVR) verification form signed by the Director of the Division of Veterans Affairs, or the Director's designee, showing that the Division of Veterans Affairs has verified the applicant's credentials and qualifications to hold the special plate applied for. Unless a qualifying condition exists requiring annual verification, no additional verification shall be required to renew a special registration plate either in person or through an online service. If the Division of Veterans Affairs determines a special registration plate has been issued due to an error on the part of the Division of Motor Vehicles, the plate shall be recalled and canceled. If the Division of Veterans Affairs determines a special registration plate has been issued to an applicant who falsified documents or has fraudulently applied for the special registration plate, the Division of Motor Vehicles shall revoke the special plate and take appropriate enforcement action.

The Division of Veterans Affairs shall be responsible for verifying and maintaining all verification documentation for the following plates:

- (1) Bronze Star Combat Recipient.
- (2) Bronze Star Recipient.
- (3) Combat Infantry Badge Recipient.
- (4) Combat Veteran.
- (5) Disabled Veteran.
- (6) Distinguished Flying Cross.
- (7) Gold Star Lapel Button.
- (8) Legion of Valor.
- (9) Military Wartime Veteran.
- (10) Partially Disabled Veteran.
- (11) Prisoner of War.
- (12) Purple Heart Recipient.
- (13) Silver Star Recipient."

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



PUBLIC BILL

1124

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

**AN ACT RELATING TO UNEMPLOYMENT INSURANCE COMPENSATION FOR CERTAIN SEVERELY
DISABLED VETERANS DISCHARGED FOR ACTS OR OMISSIONS ATTRIBUTED TO A SERVICE-
CONNECTED DISABILITY.**

vet
Introduced by Representative(s): Insko.

Parmon

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

APR 7 2009

AND REFERRED TO COMMITTEE

ON. Homeland Security

for Judiciary I



HOUSE BILL 1124: UI/Severely Disabled Veterans

2009-2010 General Assembly

Committee: House Homeland Security, Military, and
Veterans Affairs, if favorable, Judiciary I
Introduced by: Rep. Insko
Analysis of: First Edition

Date: April 28, 2009
Prepared by: Ben Popkin
Committee Counsel

SUMMARY: *House Bill 1124 would amend Article 2 (Unemployment Insurance Division) of Chapter 96 (Employment Security) of the General Statutes to insert a definition of "severely disabled veteran" into the Article's definition section. Further, the bill would amend the "Disqualification for benefits" section of Article 2 to provide that acts or omissions of a veteran that the ESC determines are attributed to a disability incurred or aggravated in the line of duty during active military service or to absence from work to obtain care and treatment for such a disability are not included within the 'discharge for misconduct with the work' or 'substantial fault' provisions of G.S. 96-14(2)&(2a).*

CURRENT LAW: G.S. 96-14 provides that an individual shall be disqualified for benefits for the duration of the person's unemployment (or shorter, in certain limited instances) if the person's situation fits one of the provided circumstances.

G.S. 96-14(2) sets forth the criteria for 'misconduct with the work', defining it as follows:

"...conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer."

G.S. 96-14(2a) provides that a person shall be disqualified for benefits for a period of 4 – 13 weeks, depending on the circumstances and as set by the Commission, if the person was discharged, "...for *substantial fault* on his part connected with his work not rising to the level of misconduct."

BILL ANALYSIS: House Bill 1124 would add the following definition for 'severely disabled veteran':

- An honorably discharged veteran of the armed forces of the United States who
- has received a disability rating from the US Department of Veterans Affairs meeting disability percentages set forth in the Code of Federal Regulations (38 CFR 4.16), if the veteran:
 - has a right to apply for compensation based on total disability or individual unemployability, and
 - has elected to work rather than receive this compensation from the Department of Veterans Affairs.

The bill would then specify that discharge or employer-initiated separation of individuals fitting this definition would not be included within the 'misconduct for work' or 'substantial fault' discharge provisions, if the discharge or separation was, "...for acts or omissions of the veteran that the Commission determines are attributed to a disability incurred or aggravated in the line of duty during active military service, or to the veteran's absence from work to obtain care and treatment of a disability incurred or aggravated in the line of duty during active military service."

H1124-SMRD-74(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1124

Short Title: UI/Severely Disabled Veterans. (Public)

Sponsors: Representatives Insko; E. Floyd, Hughes, Lucas, and Parmon.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary I.

April 7, 2009

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO UNEMPLOYMENT INSURANCE COMPENSATION FOR
3 CERTAIN SEVERELY DISABLED VETERANS DISCHARGED FOR ACTS OR
4 OMISSIONS ATTRIBUTED TO A SERVICE-CONNECTED DISABILITY.

5 Whereas, the public policy of this State declares economic insecurity due to
6 unemployment as a serious menace to the health, morals, and welfare of the people of this
7 State; and

8 Whereas, the State recognizes the great sacrifice veterans have endured to protect
9 this country and State; and

10 Whereas, veterans with service-connected disabilities rated above 60% face great
11 challenges in employment; and

12 Whereas, veterans with severe service-connected disabilities who wish to work
13 should be encouraged as a matter of State policy to seek gainful employment; and

14 Whereas, veterans with severe service-connected disabilities may be terminated for
15 cause, through no fault of their own; Now, therefore,

16 The General Assembly of North Carolina enacts:

17 SECTION 1. G.S. 96-8 is amended by adding a new subdivision to read:

18 "(8b) 'Severely disabled veteran' means an honorably discharged veteran of the
19 armed forces of the United States who has received a disability rating from
20 the United States Department of Veterans Affairs that meets the disability
21 percentage requirements set forth in 38 CFR 4.16, as amended, if the veteran
22 (i) has a right to apply to the United States Department of Veterans Affairs
23 for compensation based on total disability or individual unemployability, and
24 (ii) has elected to work instead of assert the right to receive compensation
25 from the United States Department of Veterans Affairs based on total
26 disability or individual unemployability.'"

27 SECTION 2. G.S. 96-14(2) reads as rewritten:

28 "(2) For the duration of ~~his~~ the individual's unemployment beginning with the
29 first day of the first week after the disqualifying act occurs with respect to
30 which week an individual files a claim for benefits if it is determined by the
31 Commission that such individual is, at the time such claim is filed,
32 unemployed because he or she was discharged for misconduct connected
33 with ~~his~~ the work. Misconduct connected with the work is defined as
34 conduct evincing such willful or wanton disregard of an employer's interest
35 as is found in deliberate violations or disregard of standards of behavior
36 which the employer has the right to expect of ~~his~~ an employee, or in
37 carelessness or negligence of such degree or recurrence as to manifest equal



1 culpability, wrongful intent or evil design, or to show an intentional and
2 substantial disregard of the employer's interests or of the employee's duties
3 and obligations to ~~his~~ the employer.

4 'Discharge for misconduct with the work' as used in this section is
5 defined to include but not be limited to separation initiated by an employer
6 for reporting to work significantly impaired by alcohol or illegal drugs;
7 consuming alcohol or illegal drugs on employer's premises; conviction by a
8 court of competent jurisdiction for manufacturing, selling, or distribution of
9 a controlled substance punishable under G.S. 90-95(a)(1) or G.S. 90-95(a)(2)
10 while in the employ of said employer. This phrase does not include
11 discharge or employer-initiated separation of a severely disabled veteran, as
12 defined in G.S. 96-8, for acts or omissions of the veteran that the
13 Commission determines are attributed to a disability incurred or aggravated
14 in the line of duty during active military service, or to the veteran's absence
15 from work to obtain care and treatment of a disability incurred or aggravated
16 in the line of duty during active military service."

17 **SECTION 3.** G.S. 96-14 is amended by adding a new subdivision to read:

18 **"(2c)** Discharge or employer-initiated separation of a severely disabled veteran, as
19 defined in G.S. 96-8, for acts or omissions of the veteran that the
20 Commission determines are attributed to a disability incurred or aggravated
21 in the line of duty during active military service, or to the veteran's absence
22 from work to obtain care and treatment of a disability incurred or aggravated
23 in the line of duty during active military service, shall not disqualify the
24 veteran from receiving benefits under the substantial fault provisions of
25 subdivision (2a) of this section for any period of time."

26 **SECTION 4.** This act is effective when it becomes law.

1143

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE ALL MILITARY
WARTIME VETERAN SPECIAL PLATES BASED ON DEFINED PERIODS OF WAR.

Introduced by Representative(s): ^{Martin} ~~Martin~~ ^{Dickson} ~~Dickson~~ ^{Theisen} ~~Theisen~~ ^(Primary Sponsors)

<u><i>[Signature]</i></u>	<u><i>[Signature]</i></u>	<u><i>[Signature]</i></u>	<u><i>[Signature]</i></u>
<u><i>E. W. [Signature]</i></u>	<u><i>KILLIAN</i></u>	<u><i>Harrison</i></u>	<u><i>Parmer</i></u>
<u><i>Mohley</i></u>	<u><i>[Signature]</i></u>	<u><i>[Signature]</i></u>	<u><i>Rapp</i></u>
	<u><i>Pierce</i></u>		

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

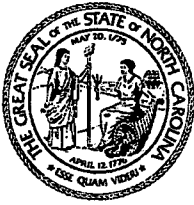
USED 1st READING

APR 8 2009

AND REFERRED TO COMMITTEE

ON Homeland Security

and Transportation



HOUSE BILL 1143: Military Wartime Veteran Special Plate Change

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Transportation	Date:	April 28, 2009
Introduced by:	Reps. Martin, Dickson, McLawhorn	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H1143-CSRK-26		Committee Counsel

SUMMARY: *This act amends the requirements for the issuance of a special plate based upon wartime service in the military. This act is effective when it becomes law.*

[As introduced, this bill was identical to S298, as introduced by Sen. Hunt, which is currently in Senate Finance.]

CURRENT LAW: Veterans who served honorably during the periods of war, as specified by statute, are eligible for a special plate. The Division of Motor Vehicles must receive at least 300 plates for a specific period of wartime service in order to begin issuing plates for that period.

BILL ANALYSIS: The act would require that the veteran received a campaign or expeditionary ribbon or medal during the wartime period of service in order to qualify for the special plate. The DMV would be authorized to count applications relating to any of the periods of service listed in reaching the total of 300 applications necessary to issue plates.

EFFECTIVE DATE: This act is effective when it becomes law.

H1143-SMRK-71(CSRK-26) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 1143
PROPOSED COMMITTEE SUBSTITUTE H1143-CSRK-26 [v.3]**

4/28/2009 3:34:06 PM

Short Title: Military Wartime Veteran Special Plate Change.

(Public)

Sponsors:

Referred to:

April 8, 2009

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE ALL
MILITARY WARTIME VETERAN SPECIAL PLATES BASED ON DEFINED
PERIODS OF WAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4(b)(76) reads as rewritten:

"(76) Military Wartime Veteran. – Issuable to either a member or veteran of the armed services of the United States who served during a period of ~~war~~ war who received a campaign or expeditionary ribbon or medal for their service. If the person is a veteran of the armed services, then the veteran must be separated from the armed services under honorable conditions. The plate shall bear a word or phrase identifying the period of war and a replica of the campaign badge or medal awarded for that war. ~~Except for World War II and Korean Conflict plates, the~~ The Division may not issue a ~~the~~ plate authorized by this subdivision unless it receives at least a total of 300 applications for that all periods of war, combined, to be represented on this plate. A "period of war" is any of the following:

- a. World War I, meaning the period beginning April 16, 1917, and ending November 11, 1918.
- b. World War II, meaning the period beginning December 7, 1941, and ending December 31, 1946.
- c. The Korean Conflict, meaning the period beginning June 27, 1950, and ending January 31, 1955.
- d. The Vietnam Era, meaning the period beginning August 5, 1964, and ending May 7, 1975.
- e. Desert Storm, meaning the period beginning August 2, 1990, and ending April 11, 1991.
- f. Operation Enduring Freedom, meaning the period beginning October 24, 2001, and ending at a date to be determined.
- g. Operation Iraqi Freedom, meaning the period beginning March 19, 2003, and ending at a date to be determined.
- h. Any other campaign, expedition, or engagement for which the United States Department of Defense authorizes a campaign badge or medal."

1

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 1143

Short Title: Military Wartime Veteran Special Plate Change. (Public)

Sponsors: Representatives Martin, Dickson, McLawhorn (Primary Sponsors); E. Floyd, Glazier, Hall, Harrell, Harrison, Killian, Lucas, Mobley, Parmon, Pierce, Rapp, and E. Warren.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Transportation.

April 8, 2009

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE ALL
MILITARY WARTIME VETERAN SPECIAL PLATES BASED ON DEFINED
PERIODS OF WAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-79.4(b)(76) reads as rewritten:

"(76) Military Wartime Veteran. – Issuable to either a member or veteran of the armed services of the United States who served during a period of war. If the person is a veteran of the armed services, then the veteran must be separated from the armed services under honorable conditions. The plate shall bear a word or phrase identifying the period of war and a replica of the campaign badge or medal awarded for that war. ~~Except for World War II and Korean Conflict plates, the~~ The Division may not issue a the plate authorized by this subdivision unless it receives at least a total of 300 applications for that all periods of war, combined, to be represented on this plate. A "period of war" is any of the following:

- a. World War I, meaning the period beginning April 16, 1917, and ending November 11, 1918.
- b. World War II, meaning the period beginning December 7, 1941, and ending December 31, 1946.
- c. The Korean Conflict, meaning the period beginning June 27, 1950, and ending January 31, 1955.
- d. The Vietnam Era, meaning the period beginning August 5, 1964, and ending May 7, 1975.
- e. Desert Storm, meaning the period beginning August 2, 1990, and ending April 11, 1991.
- f. Operation Enduring Freedom, meaning the period beginning October 24, 2001, and ending at a date to be determined.
- g. Operation Iraqi Freedom, meaning the period beginning March 19, 2003, and ending at a date to be determined.
- h. Any other campaign, expedition, or engagement for which the United States Department of Defense authorizes a campaign badge or medal."

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



PUBLIC BILL

H.B. 1210

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO FACILITATE OBTAINING FEDERAL WAIVERS THAT ARE NECESSARY TO ENSURE ADEQUATE GASOLINE SUPPLIES THROUGHOUT THE STATE; TO ALLOW THE GOVERNOR TO ENABLE BUSINESSES THAT SELL ITEMS CONSUMED OR USED TO SUSTAIN LIFE, HEALTH, SAFETY, OR ECONOMIC WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS; AND TO MAKE VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE ACCESS TO EMERGENCY SUPPLIES AND SERVICES.

Introduced by Representative(s): Cole.

Steen

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

APR 8 2009

AND REFERRED TO COMMITTEE

on. Homeland Security

Law Commerce



HOUSE BILL 1210: Facilitate Access to Emergency Supplies

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Commerce, Small Business, and Entrepreneurship	Date:	April 29, 2009
Introduced by:	Rep. Cole	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 1210 would amend the North Carolina Emergency Management Act of 1977 to authorize the Governor to 1) waive curfew and related travel restrictions during a state of disaster, and 2) waive motor carrier maximum hours of service limits set by the Department of Crime Control and Public Safety, for persons transporting essentials in commerce to a curfew area or assisting in restoring utility services.*

The bill would also direct the Secretary of the Department of Crime Control and Public Safety to develop a certification system for these persons, and would direct the Governor, when an abnormal market disruption has been declared, to seek waivers under the federal Clean Air Act to facilitate the transport of fuel within the State to address or prevent a fuel supply emergency.

BILL ANALYSIS: House Bill 1210 would amend the North Carolina Emergency Management Act of 1977 to authorize the Governor to do the following:

- 1) Waive curfew and related travel restrictions during a state of disaster, and
- 2) Waive motor carrier maximum hours of service limits set by the Department of Crime Control and Public Safety pursuant to G.S. 20-381, for persons transporting essentials in commerce to a curfew area or assisting in restoring utility services.

The bill would also direct the Secretary of the Department of Crime Control and Public Safety to develop a certification system:

- For persons transporting essentials in commerce to a curfew area or assisting in restoring utility services.
- That allows for predisaster declaration and postdisaster declaration certification, and may allow for annually renewable precertification.
- That only allows those who routinely transport or distribute essentials or assist in restoring of utility services to be certified.

The bill would also direct the Governor, when the Governor has declared the existence of an abnormal market disruption, to seek specifically identified waivers under the federal Clean Air Act (42 USC 7401, et. Seq.) to facilitate the transport of fuel within the State to address or prevent a fuel supply emergency.

The bill includes definitions of the terms curfew, curfew area, and essentials, for the purposes of the new section.

EFFECTIVE DATE: This act is effective when it becomes law.

H1210-SMRD-76(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1210

Short Title: Facilitate Access to Emergency Supplies. (Public)

Sponsors: Representatives Cole; Barnhart, Gibson, Goforth, Killian, Lucas, Steen, Tarleton, and Wray.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Commerce, Small Business, and Entrepreneurship.

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO FACILITATE OBTAINING FEDERAL WAIVERS THAT ARE NECESSARY
3 TO ENSURE ADEQUATE GASOLINE SUPPLIES THROUGHOUT THE STATE; TO
4 ALLOW THE GOVERNOR TO ENABLE BUSINESSES THAT SELL ITEMS
5 CONSUMED OR USED TO SUSTAIN LIFE, HEALTH, SAFETY, OR ECONOMIC
6 WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS; AND TO MAKE
7 VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE ACCESS TO
8 EMERGENCY SUPPLIES AND SERVICES.
9 The General Assembly of North Carolina enacts:
10 SECTION 1. Chapter 166A of the General Statutes is amended by adding a new
11 section to read:
12 "**§ 166A-6.03. Ensuring availability of emergency supplies and utility services.**
13 (a) Executive Order. – In addition to any other powers conferred on the Governor by
14 law, whenever a curfew has been imposed, the Governor may declare by executive order that
15 the health, safety, or economic well-being of persons or property in this State require that
16 persons transporting essentials in commerce to the curfew area, or assisting in ensuring their
17 availability, and persons assisting in restoring utility services, be allowed to enter or remain in
18 areas from which they would otherwise be excluded for the limited purpose of delivering the
19 essentials, assisting in ensuring their availability, or assisting in restoring utility services.
20 (b) Maximum Hours of Service Waiver. – As part of an executive order issued pursuant
21 to subsection (a) of this section, or independently of such an order, the Governor may declare
22 by executive order that the health, safety, or economic well-being of persons or property in this
23 State require that the maximum of hours of service prescribed by the Department of Crime
24 Control and Public Safety pursuant to G.S. 20-381 and similar rules be waived for persons
25 transporting essentials or assisting in the restoration of utility services.
26 (c) Certification System. – The Secretary of Crime Control and Public Safety shall
27 develop a system pursuant to which a person who transports essentials in commerce, or assists
28 in ensuring their availability, and persons who assist in the restoring of utility services can be
29 certified as such. The certification system shall allow for both predisaster declaration and
30 postdisaster declaration certification and may include an annually renewable precertification.
31 The Secretary shall only allow those who routinely transport or distribute essentials or assist in
32 the restoring of utility services to be certified. A certification of the employer shall constitute a
33 certification of the employer's employees. The Secretary shall create an easily recognizable
34 indicium of certification in order to assist local officials' efforts to determine which persons
35 have received certification by the system established under this subsection.



1 (d) Notwithstanding the existence of any curfew, a person who is certified pursuant to
2 the system established under subsection (c) of this section shall be allowed to enter or remain in
3 the curfew area for the limited purpose of delivering or assisting in the distribution of essentials
4 or assisting in the restoration of utility services and shall be allowed to provide service that
5 exceeds otherwise applicable hours of service maximums, to the extent authorized by an
6 executive order executed pursuant to subsection (a) of this section. Nothing in this section
7 prohibits law enforcement or other local officials from specifying the permissible route of
8 ingress or egress for persons with certifications.

9 (e) If the Governor declares the existence of an abnormal market disruption with
10 respect to petroleum pursuant to G.S. 75-38(f), the Governor shall contemporaneously seek all
11 applicable waivers under the federal Clean Air Act, 42 U.S.C. § 7401, et seq., and any other
12 applicable federal law to facilitate the transportation of fuel within this State in order to address
13 or prevent a fuel supply emergency in this State. Waiver requests shall be directed to the
14 appropriate federal agencies and shall seek waivers of the following:

15 (1) The Reformulated Gasoline requirements throughout the State.

16 (2) The Federal and State Implementation Plan summertime gasoline
17 requirements (low RVP) throughout the State.

18 (3) Any other waiver that will, if obtained, facilitate the transportation of fuel
19 within this State.

20 (f) Definitions. – The following definitions apply in this section:

21 (1) Curfew. – Any restriction on ingress and egress to an area that is covered by
22 a state of disaster declared pursuant to this Article or a locally declared state
23 of emergency declared pursuant to Article 36A of Chapter 14 of the General
24 Statutes, or any restriction on the movement of persons within such an area.

25 (2) Curfew area. – The area that is subject to a curfew.

26 (3) Essentials. – Any goods that are consumed or used as a direct result of an
27 emergency or which are consumed or used to preserve, protect, or sustain
28 life, health, safety, or economic well-being of persons or their property. The
29 Secretary of Crime Control and Public Safety shall determine what goods
30 constitute essentials for purposes of this section."

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

House Pages

Name of Committee: Unpledged Sec. M.1 + Vd. Off. Date: 4/29/09

1. Name: Calby White
County: Stokes
Sponsor: Holloway
2. Name: _____
County: _____
Sponsor: _____
3. Name: _____
County: _____
Sponsor: _____
4. Name: _____
County: _____
Sponsor: _____
5. Name: _____
County: _____
Sponsor: _____

Sgt-At-Arms

1. Name: Young Bae
2. Name: Judy Turner
3. Name: _____
4. Name: _____

VISITOR REGISTRATION SHEET

Homeland Sec. Mil & Vet Affairs.
Name of Committee

4/29/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Annmarie Auton	NCACC
Abby Emanuelson	NMSS-NC
Raquel Williams	Rep. Hall
Norlan Burrows	Rep. Hall
Elizabeth Jettan	NCEM
Andy Ellen	NCEM
Reba Green	NCDMV
Kay Hatcher	DMV
John Dorman	NCEM
Doug Horn	NCEM
Leslie Arnold	SOG-Daily Bulletin

VISITOR REGISTRATION SHEET

Homeland Security

Name of Committee

04/29/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gary Harris	NC Petroleum & Conv Stores
Tire Marchesani	NC Vet Biz & Market Dist.
Kathleen Uchendt	NC Vetbiz & Aurora's INC
MARK M. HAUPT	NC VET BIZ & CONVERGED SERVICES, LLC
Jon Lubekky	Self
Bruce Capehart	Self
George BALCH	NC STATE VETERANS COUNCIL Commander DISABLED AMERICAN VETERANS
John Alley	DAV
JACK REGISTER	National Assoc Social Workers - NC Chapter
Drexel Pratt	DHHS / OEMS
Regina D. Crawford	DHHS / DHSP / OEMS

VISITOR REGISTRATION SHEET

Homeland Security, Military & Vet. Affairs

04/29/09

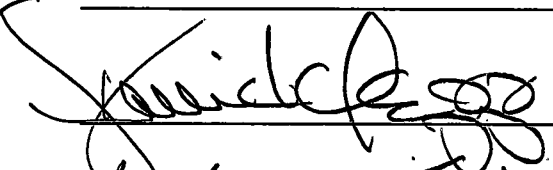
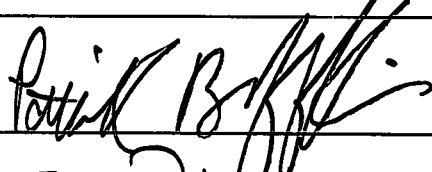
Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

	
Lockhart Taylor	ESC
Mallory Hatcher	MWC
Alie Garland	NCEL
Sara Menow	NC Department of Commerce
WALLY TYSON	DISABLED AMERICAN VETERANS-NC
Christy Agner	DOA
Charlie Smith	NC DVA
Emilea McLean	IRKO - Intern
	
Tanya Roberts	NASW-NC & OCBHS LMG

VISITOR REGISTRATION SHEET

Homeland Security
Name of Committee

04/29/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

Ann Hoeben

Pomilio C. Commissioner

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 381 A BILL TO BE ENTITLED AN ACT TO EXPAND THE POWERS OF THE
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF
EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT
RECOVERY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 878 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF
HEALTH AND HUMAN SERVICES TO IDENTIFY PROGRAMS FOR AIDING IN THE
RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL
ADDICTION OR ABUSE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
HEALTH.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 912 A BILL TO BE ENTITLED AN ACT TO ENCOURAGE STATE AND LOCAL
GOVERNMENT TO USE MILITARY VETERAN CONTRACTORS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
STATE GOVERNMENT/STATE PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1094 A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT CERTAIN
SPECIAL PLATES THAT ARE AVAILABLE TO MILITARY VETERANS ARE ISSUED
ONLY TO APPROPRIATE APPLICANTS.

☒ With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill, and recommendation that the committee substitute bill be re-
referred to the Committee on TRANSPORTATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1124 A BILL TO BE ENTITLED AN ACT RELATING TO
UNEMPLOYMENT INSURANCE COMPENSATION FOR CERTAIN SEVERELY
DISABLED VETERANS DISCHARGED FOR ACTS OR OMISSIONS ATTRIBUTED TO A
SERVICE-CONNECTED DISABILITY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
JUDICIARY I.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1143 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE
DIVISION OF MOTOR VEHICLES TO PRODUCE ALL MILITARY WARTIME VETERAN
SPECIAL PLATES BASED ON DEFINED PERIODS OF WAR.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
TRANSPORTATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1210 A BILL TO BE ENTITLED AN ACT TO FACILITATE OBTAINING
FEDERAL WAIVERS THAT ARE NECESSARY TO ENSURE ADEQUATE GASOLINE
SUPPLIES THROUGHOUT THE STATE; TO ALLOW THE GOVERNOR TO ENABLE
BUSINESSES THAT SELL ITEMS CONSUMED OR USED TO SUSTAIN LIFE, HEALTH,
SAFETY, OR ECONOMIC WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS;
AND TO MAKE VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE
ACCESS TO EMERGENCY SUPPLIES AND SERVICES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
COMMERCE, SMALL BUSINESS, AND ENTREPRENEURSHIP.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, APRIL 29, 2009
R00M 1425 LB
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, April 29, 2009 at 10:00a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Barnhart, Braxton, Cleveland, Dickson, Hilton, Lewis, Sager, Sutton, Underhill, and Warren. The following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Page Participant Colby White from Stokes County. He also recognized Sgt. At Arms Young Bae and Judy Turner.

The first bill before the committee was **HB 878, AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO IDENTIFY PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE.** The Chair called upon Rep. Wainwright to explain the bill. Representative Martin moves for a favorable report and recommendation that the bill be re-referred to the Committee on Health. The Committee concurs and the bill passes.

HB 1210, AN ACT TO FACILITATE OBTAINING FEDERAL WAIVERS THAT ARE NECESSARY TO ENSURE ADEQUATE GASOLINE SUPPLIES THROUGHOUT THE STATE; TO ALLOW THE GOVERNOR TO ENABLE BUSINESSES THAT SELL ITEMS CONSUMED OR USED TO SUSTAIN LIFE, HEALTH, SAFETY, OR ECONOMIC WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS; AND TO MAKE VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE ACCESS TO EMERGENCY SUPPLIES AND SERVICES. The Chair called upon Rep. Cole to explain the bill. Representative Cleveland moves for a favorable report and recommendation that the bill be re-referred to the Committee on Commerce. The Committee concurs and the bill passes.

HB 381, AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. The Chair called upon Rep. Martin to explain the bill. Representative Sutton moves for a favorable report. The Committee concurs and the bill passes.

HB 1094, AN ACT TO REQUIRE THAT CERTAIN SPECIAL PLATES THAT ARE AVAILABLE TO MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS. The Chair called upon Rep. Justus to explain the bill. Representative Floyd made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the Committee on Transportation. The Committee concurs and the bill passes.

HB 912, AN ACT TO ENCOURAGE STATE AND LOCAL GOVERNMENT TO USE MILITARY VETERAN CONTRACTORS. The Chair called upon Rep. Killian to explain the bill. Representative Martin made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the Committee on State Government. The Committee concurs and the bill passes.

HB 1124, AN ACT RELATING TO UNEMPLOYMENT INSURANCE COMPENSATION FOR CERTAIN SEVERELY DISABLED VETERANS DISCHARGED FOR ACTS OR OMISSIONS ATTRIBUTED TO A SERVICE-CONNECTED DISABILITY. The Chair called upon Rep. Insko to explain the bill. Rep. Martin moves for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary I. The committee concurs and the bill passes.

HB 1143, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE ALL MILITARY WARTIME VETERAN SPECIAL PLATES BASED ON DEFINED PERIODS OF WAR. The Chair called upon Rep. Martin to explain the bill. Representative Killian made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the Committee on Transportation. The Committee concurs and the bill passes.

There being no further business to come forth the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

HB 366 REMOVED – LOCATE VETERANS AFFAIRS NURSING HOME AT WCU
HB 275 ADDED- SEX OFFENDER CAN'T BE EMS PERSONNEL
SB 256 ADDED- CLARIFY LOCAL GOVERNMENT EVACUATION AUTHORITY

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION.**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, May 6, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 143	Strengthen Disaster Planning/LTC Facilities.	Representative Farmer-Butterfield Representative Pierce Representative Bordsen Representative Mobley
HB 275	Sex Offenders Can't be EMS Personnel.	Representative Justus Representative Mobley Representative Randleman
~~HB 366~~	~~Locate Veterans Affairs Nursing Home at WCU.~~	~~Representative Haire~~
HB 374	Public Health Technical Changes.	Representative Martin Representative Glazier Representative Farmer-Butterfield
HB 614	Absentee Voting Improvements.	Representative Martin Representative Glazier Representative McLawhorn Representative Rapp
HB 738	IOM Study Mental Health Services for Veterans.	Representative Martin Representative Insko
HB 1009	End DOA Supervision of Local Veterans Service.	Representative Bell
HB 1412	Courts-Martial Amendments.	Representative Martin Representative Glazier
SB 256	Clarify Local Government Evacuation Authority.	Senator Snow

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at
2:00 P.M. on May **05, 2009**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, May 6, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

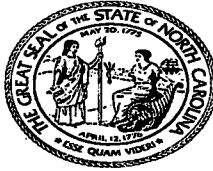
BILL NO.	SHORT TITLE	SPONSOR
HB 143	Strengthen Disaster Planning/LTC Facilities.	Representative Farmer-Butterfield Representative Pierce Representative Bordsen Representative Mobley Representative Haire
HB 366	Locate Veterans Affairs Nursing Home at WCU.	
HB 374	Public Health Technical Changes.	Representative Martin Representative Glazier Representative Farmer-Butterfield
HB 614	Absentee Voting Improvements.	Representative Martin Representative Glazier Representative McLawhorn Representative Rapp
HB 738	IOM Study Mental Health Services for Veterans.	Representative Martin Representative Insko
HB 1009	End DOA Supervision of Local Veterans Service.	Representative Bell
HB 1412	Courts-Martial Amendments.	Representative Martin Representative Glazier

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11:30 A.M. on May 04, 2009.**

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, May 6, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman

- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 143	Strengthen Disaster Planning/LTC Facilities.	Representative Farmer-Butterfield Representative Pierce Representative Bordsen Representative Mobley
HB 275	Sex Offenders Can't be EMS Personnel.	Representative Justus Representative Mobley Representative Randleman
HB 374	Public Health Technical Changes.	Representative Martin Representative Glazier Representative Farmer-Butterfield
HB 614	Absentee Voting Improvements.	Representative Martin Representative Glazier Representative McLawhorn Representative Rapp
HB 738	IOM Study Mental Health Services for Veterans.	Representative Martin Representative Insko Representative Bell
~~HB 1009~~ <i>not heard</i>	End DOA Supervision of Local Veterans Service.	
HB 1412	Courts-Martial Amendments. (if Favorable, Judiciary I)	Representative Martin Representative Glazier
SB 256	Clarify Local Government Evacuation Authority. (if favorable, Judiciary I)	Senator Snow

- **Comments**
- **Adjourn**

0143

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF HEALTH SERVICE REGULATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO REVIEW RECOMMENDATIONS FROM THE DISABILITY AND ELDERLY EMERGENCY MANAGEMENT (DEEM) TASK FORCE AND TO TAKE APPROPRIATE ACTION TO STRENGTHEN DISASTER PLANNING AND DISASTER PREPAREDNESS FOR LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Introduced by Representative(s): *Farmer-Butterfield*, *Pierce*, *Bordson* (Primary Sponsors), *and England*.

Bryant *Tolson* *Harrison* *Link*
Thompson *L. Hall*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

REPORTED FAVORABLY MAR 18 2009

PASSED 1st READING
 FEB 12 2009
 AND REFERRED TO COMMITTEE
 ON *Ag. in Gen. & FAM.*

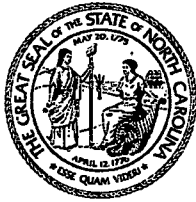
*Homeland Security,
 Military and Veterans
 Affairs*

PURSUANT TO RULE 36(b)
Re-referred to
 MAR 18 2009
Homeland Security
 PLACED ON CALENDAR
 OF *etc.*

Committee on *Ag. in Gen.*
 ority being present, having considered
 bill, recommend that it do *pass*.

Rep. Farmer-Butterfield
 For the Committee

*be re-referred to the
 committee on Homeland Security,
 Military and Veterans Affairs*



HOUSE BILL 143: Strengthen Disaster Planning/LTC Facilities

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	May 4, 2009
Introduced by:	Reps. Farmer-Butterfield, Pierce, Bordsen, Mobley	Prepared by:	Hal Pell Committee Counsel
Analysis of:	First Edition		

BILL ANALYSIS: *House Bill 143 would direct the Division of Health Service Regulation (Division), Department of Health and Human Services to review the recommendations from the Disability and Elderly Emergency Management (DEEM) Task Force and act to strengthen disaster planning and preparedness for long-term care facilities. The Division is also directed to report findings, actions taken and any additional recommendations to the North Carolina Study Commission on Aging and the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery no later than March 1, 2010. This act is effective when it becomes law.*

The bill is a recommendation of the North Carolina Study Commission on Aging.

[As introduced, this bill was identical to S193, as introduced by Sen. Malone, which is currently in Senate Health Care.]

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: The Disability and Elderly Emergency Management (DEEM) Initiative is a multi-agency effort created to identify ways to strengthen emergency preparedness and response for older adults and people with disabilities. The DEEM Initiative was co-chaired by Brian Beatty, Secretary of the Department of Crime Control and Public Safety, Dempsey Benton, Secretary of the Department of Health and Human Services, and Allison Breedlove, Disability Advocate.

Two of the report's 16 recommendations pertain to long-term care facilities. Recommendation 15 is to improve long-term care facility disaster planning. All long-term care facilities would be required to have a comprehensive disaster plan. The plan must identify measures for sheltering in place and evacuation.

Recommendation 16 is to improve disaster resistance of facilities and includes suggested actions to prohibit the construction of long-term care facilities in storm surge areas, near industrial plants containing hazardous chemicals or radioactive materials, or in otherwise disaster-prone locations.

Sara Kamprath, Legislative Analyst, substantially contributed to this summary.

H143-SMRK-89(e1) v1
Research Division

O. Walker Reagan, Director

(919) 733-2578

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 143*

Short Title: Strengthen Disaster Planning/LTC Facilities. (Public)

Sponsors: Representatives Farmer-Butterfield, Pierce, Bordsen, Mobley (Primary Sponsors); M. Alexander, Allred, Bryant, England, Faison, E. Floyd, Hall, Harrison, Hurley, Lucas, Luebke, McLawhorn, Tolson, and Weiss.

Referred to: Aging, if favorable, Homeland Security, Military, and Veterans Affairs.

February 12, 2009

1 . A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DIVISION OF HEALTH SERVICE REGULATION,
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO REVIEW
4 RECOMMENDATIONS FROM THE DISABILITY AND ELDERLY EMERGENCY
5 MANAGEMENT (DEEM) TASK FORCE AND TO TAKE APPROPRIATE ACTION TO
6 STRENGTHEN DISASTER PLANNING AND DISASTER PREPAREDNESS FOR
7 LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH
8 CAROLINA STUDY COMMISSION ON AGING.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** The Division of Health Service Regulation, Department of Health
11 and Human Services, shall review recommendations from the Disability and Elderly
12 Emergency Management (DEEM) Task Force, and shall take appropriate action to strengthen
13 disaster planning and disaster preparedness for long-term care facilities. The Division of
14 Health Service Regulation shall report findings, action taken, and any further recommendations
15 to the North Carolina Study Commission on Aging and the Joint Select Committee on
16 Emergency Preparedness and Disaster Management Recovery on or before March 1, 2010.

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



H.B. 0275

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL.

Introduced by Representative(s): ^{CS} Justus. • G. Mobley, • Randeman (Primary Sponsors)

• ~~McLaren~~	• ~~McLaren~~	• ~~Paymen~~	• ~~Newmann~~
• ~~James~~	• ~~TARLETON~~	• ~~Stare~~	• ~~Caring~~
• ~~Burns-Floyd~~	• ~~Blair~~	• ~~Stare~~	• ~~Witt~~
• ~~Spicer~~	• ~~Blair~~	• ~~CVB~~	• ~~Allen~~

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

• Wm. Duran
• C. Ates
• Burr
• Guice

• Frye
• Sker
• Dockham

• Wiley
• Kammright
• Johnson

• Hurley
• Killian
• Arila
• Holloway
• West
• ~~Alfred~~
• ~~Baird~~
• ~~Howard~~
• ~~Ross~~
• ~~Jain~~

• Blust
• ~~Cully~~
• ~~Starr~~
• ~~Cleveland~~
• ~~Hilton~~

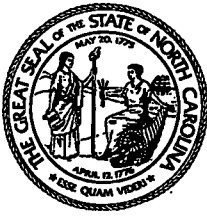
• ~~Pet~~
• ~~Stiller~~
• ~~TILLIS~~
• ~~Phy~~
• ~~Dollar~~
• ~~C. Justice~~

PASSED 1st READING
FEB 25 2009
AND REFERRED TO COMMITTEE
ON JUDICIARY

The Committee on Judiciary I
a majority being present, having considered
this bill, recommend that it do ☒ pass.

Rep. Ross
For the Committee

REPORTED FAVORABLY APR 16 2009
pursuant Rule 52
PURSUANT TO RULE 30(b)
re-referred to



HOUSE BILL 275: Sex Offenders Can't be EMS Personnel

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	May 6, 2009
Introduced by:	Reps. Justus, Mobley, Randleman	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act would prohibit persons on the State Sex Offender Registry from either obtaining or renewing credentials for Emergency Medical Services positions. This act is effective when it becomes law.*

CURRENT LAW:

- Individuals must have credentials issued by Department of Health and Human Services for employment in any of the following positions: emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, medical responder, emergency medical dispatcher, or emergency medical services instructor.
- The North Carolina Medical Care Commission is authorized to adopt rules which set forth the requirements for credentialing.
- Persons seeking EMS credentials are subject to a criminal background review by the DHHS. The Emergency Medical Services Disciplinary Committee may review criminal background information and makes a recommendation regarding the eligibility to obtain initial EMS credentials, renew EMS credentials, or maintain EMS credentials.
- State law provides a general limitation on work or volunteer positions for persons registered on the State's sex offender registry. It is unlawful for a person to act as a sole proprietor, or to work for someone else, with or without compensation, at any place where a minor is present and the person's responsibilities or activities include the instruction, supervision, or care of a minor.
- Sex offenders who were convicted of violent sex offenses, or where a minor was a victim, are prohibited from the following locations:
 - (1) On the premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children's museums, child care centers, nurseries, and playgrounds.
 - (2) Within 300 feet of any location intended primarily for the use, care, or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described in subdivision (1) of this subsection that are located in malls, shopping centers, or other property open to the general public.
 - (3) At any place where minors gather for regularly scheduled educational, recreational, or social programs.

BILL ANALYSIS: This act would disqualify any person who is required to register as a sex offender from either obtaining EMS credentials, or renewing EMS credentials.

EFFECTIVE DATE: This act is effective when it becomes law.

H275-SMRK-97(e1) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 275

Short Title: Sex Offenders Can't be EMS Personnel. (Public)

Sponsors: Representatives Justus, Mobley, Randleman (Primary Sponsors); M. Alexander, Allen, Allred, Avila, Barnhart, Blust, Boles, Brisson, Burr, Burris-Floyd, Carney, Cleveland, Coates, Dickson, Dockham, Dollar, England, Faison, Frye, Gibson, Goforth, Guice, Gulley, Haire, Hilton, Holloway, Howard, Hughes, Hurley, Johnson, Justice, Killian, Lucas, McLawhorn, Moore, Neumann, Parmon, Rapp, Rhyne, Ross, Samuelson, Setzer, Spear, Starnes, Steen, Stevens, Stiller, Tarleton, Tillis, Wainwright, R. Warren, West, Wiley, and Wray.

Referred to: Judiciary I, if favorable, Homeland Security, Military, and Veterans Affairs.

February 25, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL
3 SERVICES PERSONNEL.
4 The General Assembly of North Carolina enacts:
5 SECTION 1. G.S. 131E-159 is amended by adding a new subsection to read:
6 "(h) An individual who is required under Article 27A of Chapter 14 of the General
7 Statutes to register as a sex offender shall not be granted EMS credentials and shall not have
8 the person's EMS credentials renewed."
9 SECTION 2. This act is effective when it becomes law.



H.B. 0374

SESSION LAW

A BILL TO BE ENTITLED

AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Introduced by Representative(s): Martin and Grazier (Primary Sponsors).

Hansen *G. Pierce*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING
MAR 4 2009
AND REFERRED TO COMMITTEE
ON HEALTH, DISASTER PREPAREDNESS, AND VETERANS AFFAIRS

Homeland Security, Emergency, and Veterans Affairs

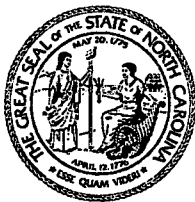
Committee on Health
The committee being present, having considered the bill, recommend that it do ☒ pass.

Rep. Verla Locke
For the Committee

referred to the Committee
Homeland Security, Military, and Veterans Affairs.

REPORTED FAVORABLY MAR 10 2009

referred to Homeland Security



HOUSE BILL 374: Public Health Technical Changes

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	May 5, 2009
Introduced by:	Reps. Martin, Glazier, Farmer-Butterfield	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 374 would add "Public Health Preparedness" as a new category of essential public health services provided in G.S. 130A-1.1(b) and would add "Quality Improvement" to the list of items within the essential public health service "Health Support". The essential public health services are services that the Department of Environment and Natural Resources and the Department of Health and Human Services are to ensure are available and accessible to all citizens of North Carolina, within available resources.*

[As introduced, this bill was identical to S345, as introduced by Sen. Malone, which is currently in House Health, if favorable, Homeland Security, Military, and Veterans Affairs.]

CURRENT LAW: The General Assembly recognizes that unified purpose and direction of the public health system is necessary to ensure all citizens in the State have equal access to essential public health services.¹

Essential public health services are services that the State shall ensure because they are essential to promoting and contributing to the highest level of health possible for citizens of North Carolina.² The Commission for Public Health is directed to determine specific services to be provided under each of the essential public health service categories provided in the statute, listed below:

- Health Support
- Environmental Health
- Personal Health

BILL ANALYSIS: The bill would amend G.S. 130A-1.1(b) by adding 'Quality improvement' as one of the topics falling within the essential public health service category "Health Support" and by adding "Public Health Preparedness" as a fourth essential public health service category listed in subsection (b) of that section.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: This is a recommendation of the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery.

Shawn Parker, Staff to House Health, substantially contributed to this summary.

H374-SMRD-90(e1) v2

¹ G.S. 130A-1.1(a)

² G.S. 130A-1.1(b)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 374*

Short Title:	Public Health Technical Changes.	(Public)
Sponsors:	Representatives Martin, Glazier, Farmer-Butterfield (Primary Sponsors); M. Alexander, England, E. Floyd, Harrison, Hughes, Insko, Lucas, and Pierce.	
Referred to:	Health, if favorable, Homeland Security, Military, and Veterans Affairs.	

March 4, 2009

A BILL TO BE ENTITLED
AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT
TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED
BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND
DISASTER MANAGEMENT RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-1.1 reads as rewritten:

"§ 130A-1.1. Mission and essential services.

(a) The General Assembly recognizes that unified purpose and direction of the public health system is necessary to ensure that all citizens in the State have equal access to essential public health services. The General Assembly declares that the mission of the public health system is to promote and contribute to the highest level of health possible for the people of North Carolina by:

- (1) Preventing health risks and disease;
- (2) Identifying and reducing health risks in the community;
- (3) Detecting, investigating, and preventing the spread of disease;
- (4) Promoting healthy lifestyles;
- (5) Promoting a safe and healthful environment;
- (6) Promoting the availability and accessibility of quality health care services through the private sector; and
- (7) Providing quality health care services when not otherwise available.

(b) As used in this section, the term "essential public health services" means those services that the State shall ensure because they are essential to promoting and contributing to the highest level of health possible for the citizens of North Carolina. The Departments of Environment and Natural Resources and Health and Human Services shall attempt to ensure within the resources available to them that the following essential public health services are available and accessible to all citizens of the State, and shall account for the financing of these services:

- (1) Health Support:
 - a. Assessment of health status, health needs, and environmental risks to health;
 - b. Patient and community education;
 - c. Public health laboratory;
 - d. Registration of vital events;
 - e. Quality improvement; and
- (2) Environmental Health:



- 1 a. Lodging and institutional sanitation;
- 2 b. On-site domestic sewage disposal;
- 3 c. Water and food safety and sanitation; and
- 4 (3) Personal Health:
- 5 a. Child health;
- 6 b. Chronic disease control;
- 7 c. Communicable disease control;
- 8 d. Dental public health;
- 9 e. Family planning;
- 10 f. Health promotion and risk reduction;
- 11 g. Maternal ~~health~~ health; and
- 12 (4) Public Health Preparedness.

13 The Commission for Public Health shall determine specific services to be provided under
14 each of the essential public health services categories listed above.

15 (c) The General Assembly recognizes that there are health-related services currently
16 provided by State and local government and the private sector that are important to maintaining
17 a healthy social and ecological environment but that are not included on the list of essential
18 public health services required under this section. Omission of these services from the list of
19 essential public health services shall not be construed as an intent to prohibit or decrease their
20 availability. Rather, such omission means only that the omitted services may be more
21 appropriately assured by government agencies or private entities other than the public health
22 system.

23 (d) The list of essential public health services required by this section shall not be
24 construed to limit or restrict the powers and duties of the Commission for Public Health or the
25 Departments of Environment and Natural Resources and Health and Human Services as
26 otherwise conferred by State law."

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

PUBLIC BILL

Proposed Committee Substitute For
H.B. 614

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE
THE ABILITY OF MILITARY AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS.

Introduced by Representative(s): *Martin, Glasgow, McLawhorn & Rapp (Primary Authors)*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

Committee on *Election & Campaign Finance Reform*
majority being present, having considered
the bill, recommend that it do ☒ pass.

Rep. Goodwin
For the Committee

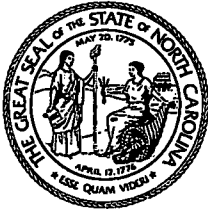
*If he re-referred to the
Committee on Homeland
Security, Military, and
Foreign Affairs.*

FAVORABLE TO COMM. SUBS
UNFAVORABLE TO BILL

APR 8 2009

re-referred
AND PLACED ON
CALENDAR FOR

Homeland Security



HOUSE BILL 614: Absentee Voting Improvements

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	May 6, 2009
Introduced by:	Reps. Martin, Glazier, McLawhorn, Rapp	Prepared by:	Ben Popkin
Analysis of:	PCS to Second Edition H614-CSTC-27		Committee Counsel

SUMMARY: *HB 614 would make changes to the absentee voting and military absentee voting statutes, including requiring that absentee ballot forms be available 60 days prior to the election, requiring only one witness to absentee ballots, and providing the State Board of Elections with emergency powers to facilitate absentee voting by overseas military and citizens in certain emergency situations.*

The PCS for HB 614 would correct language in Sections 6 and 7 to eliminate plural references and clarify the intended entity in those sections, and would clarify the effective date.

CURRENT LAW: Article 20 of Chapter 163 provides the procedures for absentee voting. Under that Article, boards of elections must provide absentee ballots, container return envelopes, and instruction sheets 50 days prior to the date of the election, except in certain circumstances. Absentee ballots may be mailed no earlier than 50 days prior to the election. Absentee voting must be witnessed by two other qualified persons, who must sign the certificate as witness.

Article 21 of Chapter 163 provides for absentee registration and voting in primary and general elections for certain military personnel and families and civilians living overseas (military absentee voters), in compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These requirements include furnishing a register of military absentee ballot applications, providing absentee ballots to military absentee voters on the same timeline as required for other absentee ballots (50 days before the election), and requiring an absentee voted ballot to be witnessed by two persons.

BILL ANALYSIS: HB 614 would make the following changes to the absentee voting statutes.

In Article 20: Absentee Voting

- Require that absentee ballot forms, container-return envelopes, and instruction sheets be printed no later than 60 days before the statewide general election in even-numbered years and no later than 50 days before the primary or any other election. (*Sections 2 & 4*)
- Remove the requirement that the reason assigned for requesting absentee ballots be included in the official register of absentee requests maintained by county boards of elections, and makes the registry open 60, rather than 50, days before an election in which absentee ballots are authorized. (*Section 3*)
- Require that applications and ballots shall not be mailed earlier than 60 days before the statewide general election in even-numbered years and no earlier than 50 days prior to any other election. (*Section 5*)
- Eliminate the requirement that two persons must witness the absentee ballot voting and instead require only one person witness the ballot. (*Section 6*)

House Bill 614

Page 2

In Article 21: Military Absentee Voting

- Require the State Board of Elections (SBOE) to approve an official register of military absentee ballot applications and ballots issued, and permit the SBOE to provide the register be kept by electronic data processing equipment, with a copy or supplement printed each business day. *(Section 1)*
- Require that absentee ballot forms, container-return envelopes, and instruction sheets for military absentee voters be printed no later than 60 days before the statewide general election in even-numbered years and no later than 50 days before the primary or any other election. *(Section 1)*
- Creates a space on the container return envelope for the chairman of the county board of elections to designate the precinct where the applicant is registered. *(Section 1)*
- Add "A United States citizen currently outside the United States" to the list of choices to designate when using the Certificate of Absentee Voter for military absentee ballots. *(Section 1)*
- Eliminate the requirement that two persons must witness the absentee ballot voting and instead require only one person witness the ballot. *(Sections 1 and 7)*
- Provide the SBOE emergency rule-making powers to develop special procedures or requirements to facilitate absentee voting by absent uniformed service or other overseas voters directly affected by an emergency situation which makes compliance with the Article or UOCAVA impossible or unreasonable. Such emergency situation would be confirmed by:
 - an official declaration by the US Department of State of a state of emergency, civil unrest, war, or other exigency in a foreign country such that a travel warning is issued,
 - an official declaration by the Governor of a state of emergency in the State,
 - the existence or an armed conflict involving US armed forces, or mobilization of those forces, including state national guard and reserve component members residing in the State. *(Section 8)*

EFFECTIVE DATE: HB 614 would become effective January 1, 2010 and would apply to elections held on or after that date, but may not be implemented until the law has received 'pre-clearance' approval under Section 5 of the Voting Rights of 1965 by the U.S. Department of Justice.

Kara McCraw, counsel to House Committee on Election Law and Campaign Finance Reform, substantially contributed to this summary.

H614-SMRD-94(CSTC-27) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 614
Committee Substitute Favorable 4/8/09
PROPOSED COMMITTEE SUBSTITUTE H614-PCS80404-TC-27

Short Title: Absentee Voting Improvements.

(Public)

Sponsors:

Referred to:

March 17, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS,
ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS
VOTERS TO CAST TIMELY BALLOTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-248 reads as rewritten:

"§ 163-248. Register, ballots, container-return envelopes, and instruction sheets.

(a) Register of Military Absentee Ballot Applications and Ballots Issued. – The State Board of Elections shall ~~furnish the chairman of the board of elections in each county of the State with a book to be called the~~ approve an official register of military absentee ballot applications and ballots issued in which shall be recorded whatever information and official action may be required by this Article. ~~In lieu of furnishing this register, the State Board of Elections may provide for a separate military section in the register furnished under the provisions of G.S. 163-228 which shall be used for the same purpose. The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy or a supplement of new information shall be printed each business day.~~

The register of military absentee ballot applications and ballots issued, ~~whether contained in a separate book or maintained as a separate part of the register furnished under the provisions of G.S. 163-228, issued~~ shall constitute a public record and ~~shall be opened to the inspection of any registered voter of the county at any time.~~ record.

(b) Absentee Ballot Form. – Persons entitled to vote by absentee ballot under the terms of this Article shall be furnished with regular official ballots; separate or distinctly marked absentee ballots shall not be used. The State Board of Elections and the county boards of elections shall have all necessary absentee ballots printed and in the hands of the proper election officials not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before the primary or any other election. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election.

(c) Container-Return Envelope. – The county board of elections shall print a sufficient number of envelopes in which persons casting military absentee ballots may transmit their marked ballots to the chairman of the county board of elections. The container-return envelopes shall be printed and available for use not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before the primary or any other



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election. However, in the case of municipal elections, container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall be printed in accordance with the following instructions:

- (1) On one side shall be arranged identified spaces in which the chairman of the county board of elections may insert the name of the applicant, the number assigned his application, and the designation of the precinct in which ~~his ballots are to be voted.~~ the applicant is registered.
- (2) On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

"CERTIFICATE OF ABSENTEE VOTER

I, _____, do hereby certify that I am a resident and qualified voter in _____ precinct, _____ County, North Carolina, and that I am [check whichever of the following statements is correct]

☐ Serving in the armed forces of the United States

☐ The spouse of a member of the armed forces of the United States residing outside the county of my spouse's residence

☐ A disabled war veteran in a United States government hospital

☐ A civilian attached to and serving outside the United States with the armed forces of the United States

☐ A member of the Peace Corps

☐ A United States citizen currently outside the United States

I further certify that I am affiliated with the _____ Party. [To be completed only if applicant seeks to vote in the primary of the political party to which he belongs.]

I further certify that the following is my official address:

[Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

[Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

[Street number, APO, or FPO number]

[City, postal zone, State, and zip code]

[E-mail address]

I further certify that I made application for absentee ballots and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instruction. I understand it is a felony to falsely sign this certificate.

Witness my hand in the presence of _____ [Insert ~~names~~ name and addresses
address of witnesses witness] this _____ day of _____.

(Signature of voter)

Signature of witness #1 _____

Address of witness #1 _____

Signature of witness #2 _____

Address of witness #2 _____

Note: This certificate must be witnessed by ~~any two persons who are~~ a person who is 18 years of age or older, and must contain their signatures and addresses. the signature and address of the witness.

(d) Instruction Sheets. – The county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters covered by the provisions of this Article are to prepare absentee ballots and return them to the chairman of the county board of elections. The instruction sheets shall be printed and available for use not later than ~~60 days before the primary or election~~ the date of ballot availability."

SECTION 2. G.S. 163-227.3(a) reads as rewritten:

"(a) A board of elections shall provide absentee ballots of the kinds needed 60 days prior to the statewide general election in even-numbered years and 50 days prior to the date on which the any other election shall be conducted ~~conducted~~, unless 45 days is authorized by the State Board of Elections under G.S. 163-22(k) or there shall exist an appeal before the State Board or the courts not concluded, in which case the board shall provide the ballots as quickly as possible upon the conclusion of such an appeal. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election. In every instance the board of elections shall exert every effort to provide absentee ballots, of the kinds needed by the date on which absentee voting is authorized to commence."

SECTION 3. G.S. 163-228 reads as rewritten:

"§ 163-228. Register of absentee requests, applications, and ballots issued; a public record.

The State Board of Elections shall approve an official register in which the county board of elections in each county of the State shall record the following information:

- (1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.
- (2) Number of assigned voter's application when issued.
- (3) Precinct in which applicant is registered.
- (4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163-227.2, a notation of that fact.
- ~~(5) Reason assigned for requesting absentee ballots.~~
- (6) Date request for application for ballots is received by the county board of elections.
- (7) The voter's party affiliation.
- (8) The date the ballots were mailed or delivered to the voter.
- (9) Whatever additional information and official action may be required by this Article.

The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county ~~at any time~~ within 50-60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection."

SECTION 4. G.S. 163-229 reads as rewritten:

"§ 163-229. Absentee ballots, applications on container-return envelopes, and instruction sheets.

(a) Absentee Ballot Form. – In accordance with the provisions of G.S. 163-230.1, persons entitled to vote by absentee ballot shall be furnished with official ballots.

(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots

may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board of Elections, the voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Article, a space for identification of the envelope with the voter, and a space for approval by the county board of elections. The envelope shall allow reporting of a change of name as provided by G.S. 163-82.16. The container-return envelope shall be printed in accordance with the instructions of the State Board of Elections.

(c) Instruction Sheets. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general or county bond election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the county board of elections. However, in the case of municipal elections, instruction sheets shall be made available no later than 30 days before an election."

SECTION 5. G.S. 163-230.1(a2) reads as rewritten:

"(a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When the county board of elections receives a request for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

- (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the words "Absentee Ballot No. ____" or an abbreviation approved by the State Board of Elections and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board of Elections.
- (2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.
- (3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (a1) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return

1 envelope holding the ballots to a near relative or verifiable legal guardian of
2 the voter.

3 The county board of elections may receive written requests for applications ~~earlier than 50~~
4 ~~days- at anytime~~ prior to the election but shall not mail applications and ballots to the voter or
5 issue applications and ballots in person earlier than 60 days prior to the statewide general
6 election in an even-numbered year, or earlier than 50 days prior to the- any other election,
7 except as provided in G.S. 163-227.2. No election official shall issue applications for absentee
8 ballots except in compliance with this Article."

9 **SECTION 6.** G.S. 163-231(a) reads as rewritten:

10 "(a) Procedure for Voting Absentee Ballots. – In the presence of ~~two other persons who~~
11 ~~are a person who is~~ at least 18 years of age, and who ~~are~~ is not disqualified by
12 G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter shall:

- 13 (1) Mark the voter's ballots, or cause them to be marked by ~~one of such persons~~
14 that person in the voter's presence according to the voter's instruction;
- 15 (2) Fold each ballot separately, or cause each of them to be folded in the voter's
16 presence;
- 17 (3) Place the folded ballots in the container-return envelope and securely seal it,
18 or have this done in the voter's presence;
- 19 (4) Make the application printed on the container-return envelope according to
20 the provisions of G.S. 163-229(b) and make the certificate printed on the
21 container-return envelope according to the provisions of G.S. 163-229(b).

22 The ~~persons-person~~ in whose presence the ballot is marked shall at all times respect the
23 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests ~~their-the~~
24 person's assistance and they-are-the person is otherwise authorized by law to give assistance.
25 The ~~persons-person~~ in whose presence the ballot was marked shall sign the application and
26 certificate as ~~witnesses, a witness~~ and shall indicate ~~their-that person's~~ address. When thus
27 executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in
28 accordance with the provisions of subsection (b) of this section to the county board of elections
29 which issued the ballots."

30 **SECTION 7.** G.S. 163-250 reads as rewritten:

31 "**§ 163-250. Voting absentee ballots and transmitting them to chairman of county board**
32 **of elections.**

33 (a) Procedure for Voting Absentee Ballots. – In the presence of ~~two persons who are at~~
34 a person who is at least 18 years of age, the voter shall:

- 35 (1) Mark ~~his-the voter's~~ ballots, or cause them to be marked by ~~one of such~~
36 ~~persons-that person in his-the voter's~~ presence according to ~~his-the voter's~~
37 instructions.
- 38 (2) Fold each ballot separately, or cause each of them to be folded in ~~his-the~~
39 voter's presence.
- 40 (3) Place the folded ballots in the container-return envelope and securely seal it,
41 or have this done in ~~his-the voter's~~ presence.
- 42 (4) Make and subscribe the certificate printed on the container-return envelope
43 according to the provisions of G.S. 163-248(c).

44 The ~~persons-person~~ in whose presence the ballots were marked shall sign the certificate as
45 ~~witnesses, a witness~~ and shall give ~~their-addresses-that person's address~~.

46 (b) Transmitting Executed Absentee Ballots to Chairman of County Board of Elections.
47 – When executed and witnessed in accordance with the provisions of subsection (a) of this
48 section, the sealed container-return envelope in which executed absentee ballots have been
49 placed shall be mailed by the voter to the chairman of the county board of elections who issued
50 them."

51 **SECTION 8.(a)** G.S. 163-231(b) reads as rewritten:

"(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the county board of elections who issued them as follows: All ballots issued under the provisions of Articles 20 and 21 of this Chapter shall be transmitted by mail or by commercial courier service, at the voter's expense, or delivered in person, or by the voter's near relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide primary or general election or county bond election. If such ballots are received later than that hour, they shall not be accepted ~~for~~ unless federal law so ~~requires~~ requires, or if (i) ballots issued under Article 20 of this Chapter are postmarked by the day of the statewide primary or general election or county bond election and are received by the county board of elections not later than three days after the election by 5:00 p.m. or (ii) ballots issued under Article 21 of this Chapter are received by the county board of elections not later than three days after the election by 5:00 p.m. Ballots issued under Article 20 of this Chapter not postmarked by the day of the election shall not be accepted by the county board of elections."

SECTION 8.(b) Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-232.1. Certified list of executed absentee ballots received on or after election day; publication of list.

(a) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all absentee ballots issued under Article 20 of this Chapter returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later than three days after the election by 5:00 p.m. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, chairman of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the _____ day of _____, which have been approved by the county board of elections and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later than three days after the election by 5:00 p.m. I certify that the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or by commercial courier service or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the _____ day of _____,

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this _____ day of _____.

Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

(b) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all military absentee ballots issued under Article 21 of this Chapter and returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which have been received by the county board of elections not later than three days after the election by 5:00 p.m. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, chairman of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed military absentee ballots to be voted in the election to be conducted on the _____ day of _____, which have been approved by the county board of elections, and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later than three days after the election by 5:00 p.m. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered military absentee ballots to persons other than those listed herein; that this list constitutes the only precinct registration of military absentee voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the _____ day of _____, _____

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this _____ day of _____.

Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

(c) The board shall post one copy of the most current version of each list in the board office in a conspicuous location for public inspection and shall retain one copy until all challenges of absentee ballots have been heard by the county board of elections. The county board of elections shall cause one copy of each of the final lists of executed absentee ballots required under subsection (a) and subsection (b) to be deposited as "first-class" mail to the State Board of Elections no later than 10:00 a.m. of the next business day following the deadline for receipt of such absentee ballots. Challenges shall be made to absentee ballots as provided in G.S. 163-89. In addition the county board of elections shall, upon request, provide a copy of each of the lists to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

(d) All lists required by this section shall be retained by the county board of elections for a period of 22 months after which they may then be destroyed."

SECTION 8.(c) G.S. 163-89(a) reads as rewritten:

"(a) Time for Challenge. – The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-251(b). The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(i) or (ii) may be challenged no earlier than noon on the day following the election and no later than 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots."

SECTION 8.(d) G.S. 163-234 reads as rewritten:

§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

(1) Only those absentee ballots returned to the county board of elections no later than 5:00 p.m. on the day before election day in a properly executed container-return envelope or absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) shall be counted, except to the extent federal law requires otherwise.

(2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day and absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided the elector shall not in any manner interfere with the election officials in the discharge of their duties.

Provided, that the county board of elections is authorized to begin counting absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. Such resolution may also provide for an additional meeting following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) as provided in subdivision (10) of this section. A copy of the resolutions shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity, except that if the count has been completed prior to the time the polls close, it shall be suspended until that time pending receipt of any additional ballots. Nothing in this section shall prohibit a county board of elections from taking preparatory steps for the count earlier than the times specified in this section, as long as the preparatory steps do not reveal to any individual not engaged in the actual count election results before the times specified in this subdivision for the count to begin. By way of illustration and not limitation, a preparatory step for the count would be the entry of tally cards from direct record electronic voting units into a computer for processing. The board shall not announce the result of the count before 7:30 p.m.

(2a) Notwithstanding the provisions of subdivision (2) of this section, a county board of elections may, at each meeting at which it approves absentee ballot applications pursuant to G.S. 163-230.1(c) and (c1), remove those ballots from their envelopes and have them read by an optical scanning machine, without printing the totals on the scanner. The board shall complete the counting of these ballots at the times provided in subdivision (2) of this section. The State Board of Elections shall provide instructions to county boards of elections for executing this procedure, and the instructions shall be designed to ensure the accuracy of the count, the participation of board

members of both parties, and the secrecy of the results before election day. This subdivision applies only in counties that use optical scan devices to count absentee ballots.

(3) The counting of absentee ballots shall not commence until a majority and at least one board member of each political party represented on the board is present and that fact is publicly declared and entered in the official minutes of the county board.

(4) The county board of elections may employ such assistants as deemed necessary to count the absentee ballots, but each board member present shall be responsible for and observe and supervise the opening and tallying of the ballots.

(5) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the board shall check off the name. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot. The "Pollbook of Absentee Voters" shall also contain the names of all persons who voted under G.S. 163-227.2, but those names may be printed by computer for inclusion in the pollbook.

After all ballots have been placed in the boxes, the counting process shall begin.

If one-stop ballots under G.S. 163-227.2 are counted electronically, that count shall commence at the time the polls close. If one-stop ballots are paper ballots counted manually, that count shall commence at the same time as other absentee ballots are counted.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The county board of elections shall be responsible for the safekeeping of the pollbook of absentee voters.

(6) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board of Elections. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board of Elections. The county board of elections may have a separate count on the abstract for one-stop absentee ballots under G.S. 163-227.2.

(7) One copy of the absentee abstract shall be retained by the county board of elections and the totals appearing thereon shall be added to the final totals of all votes cast in the county for each office as determined on the official canvass.

(8) In the event a political party does not have a member of the county board of elections present at the meeting to count absentee ballots due to illness or other cause of the member, the counting shall not commence until the county party chairman of said absent member, or a member of the party's county executive committee, is in attendance. Such person shall act as an official witness to the counting and shall sign the absentee ballot abstract as an "observer."

(9) The county board of elections shall retain all container-return envelopes and absentee ballots, in a safe place, for at least four months, and longer if any contest is pending concerning the validity of any ballot.

(10) The county board of elections shall meet after election day and prior to the date of canvass to determine where the container-return envelope for absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) has been properly executed. The county board of elections shall comply with the requirements of G.S. 163-230.1 for approval of applications. Any absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) shall be counted by the county board of elections on the day of canvass. The county board of elections is also authorized to meet following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) upon the adoption of a resolution pursuant to subdivision (2) of this section. The county board of elections shall comply with all other requirements of this section for the counting of such absentee ballots."

SECTION 9. Article 21 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-258. Emergency powers.

If an international, national, or local emergency or other situation arises that makes substantial compliance with this Article or the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, the State Board of Elections may prescribe, by emergency rule, such special procedures or requirements as may be necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected who are eligible to vote in this State. The rule shall become effective when filed with the Codifier of Rules."

SECTION 10. This act becomes effective January 1, 2010, and applies with respect to elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 614
Committee Substitute Favorable 4/8/09
PROPOSED COMMITTEE SUBSTITUTE H614-CSTC-27 [v.4]

5/5/2009 8:52:09 AM

Short Title: Absentee Voting Improvements.

(Public)

Sponsors:

Referred to:

March 17, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS,
ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS
VOTERS TO CAST TIMELY BALLOTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-248 reads as rewritten:

"§ 163-248. Register, ballots, container-return envelopes, and instruction sheets.

(a) Register of Military Absentee Ballot Applications and Ballots Issued. – The State Board of Elections shall ~~furnish the chairman of the board of elections in each county of the State with a book to be called the~~ approve an official register of military absentee ballot applications and ballots issued in which shall be recorded whatever information and official action may be required by this Article. In lieu of furnishing this register, the State Board of Elections may provide for a separate military section in the register furnished under the provisions of G.S. 163-228 which shall be used for the same purpose. The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy or a supplement of new information shall be printed each business day.

~~The register of military absentee ballot applications and ballots issued, whether contained in a separate book or maintained as a separate part of the register furnished under the provisions of G.S. 163-228, issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county at any time.~~ record.

(b) Absentee Ballot Form. – Persons entitled to vote by absentee ballot under the terms of this Article shall be furnished with regular official ballots; separate or distinctly marked absentee ballots shall not be used. The State Board of Elections and the county boards of elections shall have all necessary absentee ballots printed and in the hands of the proper election officials not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before the primary or any other election. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election.

(c) Container-Return Envelope. – The county board of elections shall print a sufficient number of envelopes in which persons casting military absentee ballots may transmit their marked ballots to the chairman of the county board of elections. The container-return envelopes shall be printed and available for use not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before the primary or any other



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election. However, in the case of municipal elections, container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall be printed in accordance with the following instructions:

- (1) On one side shall be arranged identified spaces in which the chairman of the county board of elections may insert the name of the applicant, the number assigned his application, and the designation of the precinct in which ~~his ballots are to be voted.~~ the applicant is registered.
- (2) On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

"CERTIFICATE OF ABSENTEE VOTER"

I, _____, do hereby certify that I am a resident and qualified voter in _____ precinct, _____ County, North Carolina, and that I am [check whichever of the following statements is correct]

☐ Serving in the armed forces of the United States

☐ The spouse of a member of the armed forces of the United States residing outside the county of my spouse's residence

☐ A disabled war veteran in a United States government hospital

☐ A civilian attached to and serving outside the United States with the armed forces of the United States

☐ A member of the Peace Corps

☐ A United States citizen currently outside the United States

I further certify that I am affiliated with the _____ Party. [To be completed only if applicant seeks to vote in the primary of the political party to which he belongs.]

I further certify that the following is my official address:

[Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

[Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

[Street number, APO, or FPO number]

[City, postal zone, State, and zip code]

[E-mail address]

I further certify that I made application for absentee ballots and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instruction. I understand it is a felony to falsely sign this certificate.

Witness my hand in the presence of _____ [Insert ~~names~~ name and addresses
~~address of witnesses witness~~] this _____ day of _____, _____.

(Signature of voter)

Signature of witness # 1 _____

Address of witness # 1 _____

Signature of witness # 2 _____

Address of witness # 2 _____

Note: This certificate must be witnessed by ~~any two persons who are a person who is 18 years of age or older, and must contain their signatures and addresses.~~ the signature and address of the witness.

(d) Instruction Sheets. – The county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters covered by the provisions of this Article are to prepare absentee ballots and return them to the chairman of the county board of elections. The instruction sheets shall be printed and available for use not later than ~~60 days before the primary or election~~ the date of ballot availability."

SECTION 2. G.S. 163-227.3(a) reads as rewritten:

"(a) A board of elections shall provide absentee ballots of the kinds needed 60 days prior to the statewide general election in even-numbered years and 50 days prior to the date on which the any other election shall be conducted ~~conducted~~, unless 45 days is authorized by the State Board of Elections under G.S. 163-22(k) or there shall exist an appeal before the State Board or the courts not concluded, in which case the board shall provide the ballots as quickly as possible upon the conclusion of such an appeal. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election. In every instance the board of elections shall exert every effort to provide absentee ballots, of the kinds needed by the date on which absentee voting is authorized to commence."

SECTION 3. G.S. 163-228 reads as rewritten:

"§ 163-228. Register of absentee requests, applications, and ballots issued; a public record.

The State Board of Elections shall approve an official register in which the county board of elections in each county of the State shall record the following information:

- (1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.
- (2) Number of assigned voter's application when issued.
- (3) Precinct in which applicant is registered.
- (4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163-227.2, a notation of that fact.
- ~~(5) Reason assigned for requesting absentee ballots.~~
- (6) Date request for application for ballots is received by the county board of elections.
- (7) The voter's party affiliation.
- (8) The date the ballots were mailed or delivered to the voter.
- (9) Whatever additional information and official action may be required by this Article.

The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county ~~at any time within 50–60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection.~~"

SECTION 4. G.S. 163-229 reads as rewritten:

"§ 163-229. Absentee ballots, applications on container-return envelopes, and instruction sheets.

(a) Absentee Ballot Form. – In accordance with the provisions of G.S. 163-230.1, persons entitled to vote by absentee ballot shall be furnished with official ballots.

(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots

may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board of Elections, the voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Article, a space for identification of the envelope with the voter, and a space for approval by the county board of elections. The envelope shall allow reporting of a change of name as provided by G.S. 163-82.16. The container-return envelope shall be printed in accordance with the instructions of the State Board of Elections.

(c) Instruction Sheets. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general or county bond election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the county board of elections. However, in the case of municipal elections, instruction sheets shall be made available no later than 30 days before an election."

SECTION 5. G.S. 163-230.1(a2) reads as rewritten:

"(a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When the county board of elections receives a request for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

- (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the words "Absentee Ballot No. ____" or an abbreviation approved by the State Board of Elections and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board of Elections.
- (2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.
- (3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (a1) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return

envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

The county board of elections may receive written requests for applications ~~earlier than 50 days at any time~~ prior to the election but shall not mail applications and ballots to the voter or issue applications and ballots in person earlier than 60 days prior to the statewide general election in an even-numbered year, or earlier than 50 days prior to the any other election, except as provided in G.S. 163-227.2. However, applications and ballots shall not be mailed to the voter or issued to the voter in person earlier than 30 days prior to municipal elections. No election official shall issue applications for absentee ballots except in compliance with this Article."

SECTION 6. G.S. 163-231(a) reads as rewritten:

"(a) Procedure for Voting Absentee Ballots. – In the presence of ~~two other persons who are a person who~~ is at least 18 years of age, and who ~~are~~ is not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter shall:

- (1) Mark the voter's ballots, or cause them to be marked by ~~one of such persons that person~~ in the voter's presence according to the voter's instruction;
- (2) Fold each ballot separately, or cause each of them to be folded in the voter's presence;
- (3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's presence;
- (4) Make the application printed on the container-return envelope according to the provisions of G.S. 163-229(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

The ~~persons~~ person in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests ~~their~~ the person's assistance and ~~they are the person~~ is otherwise authorized by law to give assistance. The ~~persons~~ person in whose presence the ballot was marked shall sign the application and certificate as ~~witnesses, a witness~~ a witness and shall indicate ~~their~~ that person's address. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots."

SECTION 7. G.S. 163-250 reads as rewritten:

"§ 163-250. Voting absentee ballots and transmitting them to chairman of county board of elections.

(a) Procedure for Voting Absentee Ballots. – In the presence of ~~two persons who are at a person who~~ is least 18 years of age, the voter shall:

- (1) Mark ~~his the voter's~~ ballots, or cause them to be marked by ~~one of such persons that person~~ in ~~his the voter's~~ presence according to ~~his the voter's~~ instructions.
- (2) Fold each ballot separately, or cause each of them to be folded in ~~his the voter's~~ presence.
- (3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in ~~his the voter's~~ presence.
- (4) Make and subscribe the certificate printed on the container-return envelope according to the provisions of G.S. 163-248(c).

The ~~persons~~ person in whose presence the ballots were marked shall sign the certificate as ~~witnesses, a witness~~ a witness and shall give ~~their addresses that person's address~~ that person's address.

(b) Transmitting Executed Absentee Ballots to Chairman of County Board of Elections. – When executed and witnessed in accordance with the provisions of subsection (a) of this section, the sealed container-return envelope in which executed absentee ballots have been

1 placed shall be mailed by the voter to the chairman of the county board of elections who issued
2 them."

3 **SECTION 8.** Article 21 of Chapter 163 of the General Statutes is amended by
4 adding a new section to read:

5 **"§ 163-258. Emergency powers.**

6 If an international, national, or local emergency or other situation arises that makes
7 substantial compliance with this Article or the Uniformed and Overseas Citizens Absentee
8 Voting Act impossible or unreasonable the State Board of Elections may prescribe, by
9 emergency rule, such special procedures or requirements as may be necessary to facilitate
10 absentee voting by those absent uniformed services voters or overseas voters directly affected
11 who are eligible to vote in this State. The rule shall become effective when filed with the
12 Codifier of Rules."

13 **SECTION 9.** This act becomes effective January 1, 2010, and applies with respect
14 to elections held on or after that date.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 1 of 6

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date _____, 2009

Representative Martin

1 moves to amend the bill on page 6, lines 2-3, by inserting between those lines the following
2 sections:

3 "SECTION 8(a). G.S. 163-231(b) reads as rewritten:

4 '(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
5 container-return envelope in which executed absentee ballots have been placed shall be
6 transmitted to the county board of elections who issued them as follows: All ballots issued
7 under the provisions of Articles 20 and 21 of this Chapter shall be transmitted by mail or by
8 commercial courier service, at the voter's expense, or delivered in person, or by the voter's near
9 relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide
10 primary or general election or county bond election. If such ballots are received later than that
11 hour, they shall not be accepted ~~for~~ unless federal law so ~~requires~~ requires, or if (i) ballots
12 issued under Article 20 are postmarked by the day of the statewide primary or general election
13 or county bond election and are received by the county board of election not later than three
14 days after the election by 5:00 p.m., or (ii) ballots issued under Article 21 are received by the
15 county board of election not later than three days after the election by 5:00 p.m. Ballots issued
16 under Article 20 not postmarked by the day of the election shall not be accepted by the county
17 board of election.'

18 SECTION 8(b). Chapter 163 is amended by adding a new section to read:

19 'G.S. 163-232.1. Certified list of executed absentee ballots received on or after election
20 day; publication of list.

21 (a) The county board of elections shall prepare, or cause to be prepared, a list in at least
22 triplicate, of all absentee ballots issued under Article 20 returned to the county board of
23 elections to be counted, which have been approved by the county board of elections, have not
24 been included on the certified list prepared pursuant to G.S. 163-232, and which have been
25 postmarked by the day of the statewide primary or general election or county bond election and
26 received by the county board of elections not later than three days after the election by 5:00
27 p.m. The list shall be supplemented with new information each business day following the day
28 of the election until the deadline for receipt of such absentee ballots. At the end of the list, the
29 chairman shall execute the following certificate under oath:

30 "State of North Carolina

31 County of _____

32 I, _____, chairman of the _____ County board of elections, do hereby
33 certify that the foregoing is a list of all executed absentee ballots to be voted in the election to



* H 6 1 4 - A T C - 2 9 - V - 7 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____

(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 2 of 6

1 be conducted on the _____ day of _____, which have been
2 approved by the county board of elections and which have been postmarked by the day of the
3 statewide primary or general election or county bond election and received by the county board
4 of elections not later than three days after the election by 5:00 p.m. I certify that the chairman,
5 member, officer, or employee of the board of elections has not delivered ballots for absentee
6 voting to any person other than the voter, by mail or by commercial courier service or in
7 person, except as provided by law, and have not mailed or delivered ballots when the request
8 for the ballot was received after the deadline provided by law.

9 This the _____ day of _____,

(Signature of chairman of
county board of elections)

13 Sworn to and subscribed before me this _____ day of _____.

14 Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

20 (b) The county board of elections shall prepare, or cause to be prepared, a list in at least
21 triplicate, of all military absentee ballots issued under Article 21 and returned to the county
22 board of elections to be counted, which have been approved by the county board of elections,
23 have not been included on the certified list prepared pursuant to G.S. 163-232, and which have
24 been received by the county board of elections not later than three days after the election by
25 5:00 p.m. The list shall be supplemented with new information each business day following the
26 day of the election until the deadline for receipt of such absentee ballots. At the end of the list,
27 the chairman shall execute the following certificate under oath:

28 "State of North Carolina

29 County of _____

30 I, _____, chairman of the _____ County board of elections, do hereby
31 certify that the foregoing is a list of all executed military absentee ballots to be voted in the
32 election to be conducted on the _____ day of _____, which have
33 been approved by the county board of elections, and which have been postmarked by the day of
34 the statewide primary or general election or county bond election and received by the county
35 board of elections not later than three days after the election by 5:00 p.m. I further certify that I
36 have issued ballots to no other persons than those listed herein and further that I have not
37 delivered military absentee ballots to persons other than those listed herein; that this list
38 constitutes the only precinct registration of military absentee voters whose names have not
39 heretofore been entered on the regular registration of the appropriate precinct.

40 This the _____ day of _____,

(Signature of chairman of
county board of elections)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 3 of 6

Sworn to and subscribed before me this _____ day of _____,
Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

(c) The board shall post one copy of the most current version of each list in the board office in a conspicuous location for public inspection and shall retain one copy until all challenges of absentee ballots have been heard by the county board of elections. The county board of elections shall cause one copy of each of the final lists of executed absentee ballots required under subsection (a) and subsection (b) to be deposited as "first-class" mail to the State Board of Elections no later than 10:00 a.m. of the next business day following the deadline for receipt of such absentee ballots. Challenges shall be made to absentee ballots as provided in G.S. 163-89. In addition the county board of elections shall, upon request, provide a copy of each of the lists to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

(d) All lists required by this section shall be retained by the county board of elections for a period of 22 months after which they may then be destroyed.'

SECTION 8(c). G.S. 163-89(a) reads as rewritten:

'(a) Time for Challenge. – The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-251(b). The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(i) or (ii) may be challenged no earlier than noon on the day following the election and no later than 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots.'

SECTION 8(d). G.S. 163-234 reads as rewritten:

'§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

(1) Only those absentee ballots returned to the county board of elections no later than 5:00 p.m. on the day before election day in a properly executed container-return envelope or absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) shall be counted, except to the extent federal law requires otherwise.

(2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day and absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 4 of 6

1 elector shall not in any manner interfere with the election officials in the
2 discharge of their duties.

3 Provided, that the county board of elections is authorized to begin
4 counting absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon
5 the adoption of a resolution at least two weeks prior to the election wherein
6 the hour and place of counting absentee ballots shall be stated. Such
7 resolution may also provide for an additional meeting following the day of
8 the election and prior to the day of canvass to count absentee ballots
9 received pursuant to G.S. 163-231(b)(i) or (ii) as provided in subsection (10)
10 of this section. A copy of the resolutions shall be published once a week for
11 two weeks prior to the election, in a newspaper having general circulation in
12 the county. Notice may additionally be made on a radio or television station
13 or both, but such notice shall be in addition to the newspaper and other
14 required notice. The count shall be continuous until completed and the
15 members shall not separate or leave the counting place except for
16 unavoidable necessity, except that if the count has been completed prior to
17 the time the polls close, it shall be suspended until that time pending receipt
18 of any additional ballots. Nothing in this section shall prohibit a county
19 board of elections from taking preparatory steps for the count earlier than the
20 times specified in this section, as long as the preparatory steps do not reveal
21 to any individual not engaged in the actual count election results before the
22 times specified in this subdivision for the count to begin. By way of
23 illustration and not limitation, a preparatory step for the count would be the
24 entry of tally cards from direct record electronic voting units into a computer
25 for processing. The board shall not announce the result of the count before
26 7:30 p.m.

27 (2a) Notwithstanding the provisions of subdivision (2) of this section, a county
28 board of elections may, at each meeting at which it approves absentee ballot
29 applications pursuant to G.S. 163-230.1(c) and (c1), remove those ballots
30 from their envelopes and have them read by an optical scanning machine,
31 without printing the totals on the scanner. The board shall complete the
32 counting of these ballots at the times provided in subdivision (2) of this
33 section. The State Board of Elections shall provide instructions to county
34 boards of elections for executing this procedure, and the instructions shall be
35 designed to ensure the accuracy of the count, the participation of board
36 members of both parties, and the secrecy of the results before election day.
37 This subdivision applies only in counties that use optical scan devices to
38 count absentee ballots.

39 (3) The counting of absentee ballots shall not commence until a majority and at
40 least one board member of each political party represented on the board is
41 present and that fact is publicly declared and entered in the official minutes
42 of the county board.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 5 of 6

1 (4) The county board of elections may employ such assistants as deemed
2 necessary to count the absentee ballots, but each board member present shall
3 be responsible for and observe and supervise the opening and tallying of the
4 ballots.

5 (5) As each ballot envelope is opened, the board shall cause to be entered into a
6 pollbook designated "Pollbook of Absentee Voters" the name of the absentee
7 voter, or if the pollbook is computer-generated, the board shall check off the
8 name. Preserving secrecy, the ballots shall be placed in the appropriate ballot
9 boxes, at least one of which shall be provided for each type of ballot. The
10 "Pollbook of Absentee Voters" shall also contain the names of all persons
11 who voted under G.S. 163-227.2, but those names may be printed by
12 computer for inclusion in the pollbook.

13 After all ballots have been placed in the boxes, the counting process shall
14 begin.

15 If one-stop ballots under G.S. 163-227.2 are counted electronically, that
16 count shall commence at the time the polls close. If one-stop ballots are
17 paper ballots counted manually, that count shall commence at the same time
18 as other absentee ballots are counted.

19 If a challenge transmitted to the board on canvass day by a chief judge is
20 sustained, the ballots challenged and sustained shall be withdrawn from the
21 appropriate boxes, as provided in G.S. 163-89(e).

22 As soon as the absentee ballots have been counted and the names of the
23 absentee voters entered in the pollbook as required herein, the board
24 members and assistants employed to count the absentee ballots shall each
25 sign the pollbook immediately beneath the last absentee voter's name entered
26 therein. The county board of elections shall be responsible for the
27 safekeeping of the pollbook of absentee voters.

28 (6) Upon completion of the counting process the board members shall cause the
29 results of the tally to be entered on the absentee abstract prescribed by the
30 State Board of Elections. The abstract shall be signed by the members of the
31 board in attendance and the original mailed immediately to the State Board
32 of Elections. The county board of elections may have a separate count on the
33 abstract for one-stop absentee ballots under G.S. 163-227.2.

34 (7) One copy of the absentee abstract shall be retained by the county board of
35 elections and the totals appearing thereon shall be added to the final totals of
36 all votes cast in the county for each office as determined on the official
37 canvass.

38 (8) In the event a political party does not have a member of the county board of
39 elections present at the meeting to count absentee ballots due to illness or
40 other cause of the member, the counting shall not commence until the county
41 party chairman of said absent member, or a member of the party's county
42 executive committee, is in attendance. Such person shall act as an official

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 6 of 6

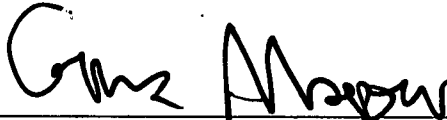
witness to the counting and shall sign the absentee ballot abstract as an "observer."

(9) The county board of elections shall retain all container-return envelopes and absentee ballots, in a safe place, for at least four months, and longer if any contest is pending concerning the validity of any ballot.

(10) The county board of elections shall meet after election day and prior to the date of canvass to determine where the container-return envelope for absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) has been properly executed. The county board of elections shall comply with the requirements of G.S. 163-230.1 for approval of applications. Any absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) shall be counted by the county board of elections on the day of canvass. The county board of elections is also authorized to meet following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) upon the adoption of a resolution pursuant to subsection (2) of this section. The county board of elections shall comply with all other requirements of this section for the counting of such absentee ballots."

and by renumbering the remaining sections accordingly.

SIGNED



Amendment Sponsor

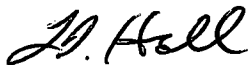
SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED, ☒

FAILED ☐

TABLED ☐





**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 1 of 6

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date _____, 2009

Representative Martin

1 moves to amend the bill on page 6, lines 2-3, by inserting between those lines the following
2 sections:

3 "SECTION 8(a). G.S. 163-231(b) reads as rewritten:

4 '(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
5 container-return envelope in which executed absentee ballots have been placed shall be
6 transmitted to the county board of elections who issued them as follows: All ballots issued
7 under the provisions of Articles 20 and 21 of this Chapter shall be transmitted by mail or by
8 commercial courier service, at the voter's expense, or delivered in person, or by the voter's near
9 relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide
10 primary or general election or county bond election. If ~~such~~ ballots are received later than that
11 hour, they shall not be accepted ~~for~~ unless federal law so ~~requires~~ requires, or if (i) ballots
12 issued under Article 20 are postmarked by the day of the statewide primary or general election
13 or county bond election and are received by the county board of election not later than three
14 days after the election by 5:00 p.m., or (ii) ballots issued under Article 21 are received by the
15 county board of election not later than three days after the election by 5:00 p.m. Ballots issued
16 under Article 20 not postmarked by the day of the election shall not be accepted by the county
17 board of election.'

18 SECTION 8(b). Chapter 163 is amended by adding a new section to read:

19 'G.S. 163-232.1. Certified list of executed absentee ballots received on or after election
20 day; publication of list.

21 (a) The county board of elections shall prepare, or cause to be prepared, a list in at least
22 triplicate, of all absentee ballots issued under Article 20 returned to the county board of
23 elections to be counted, which have been approved by the county board of elections, have not
24 been included on the certified list prepared pursuant to G.S. 163-232, and which have been
25 postmarked by the day of the statewide primary or general election or county bond election and
26 received by the county board of elections not later than three days after the election by 5:00
27 p.m. The list shall be supplemented with new information each business day following the day
28 of the election until the deadline for receipt of such absentee ballots. At the end of the list, the
29 chairman shall execute the following certificate under oath:

30 "State of North Carolina

31 County of _____

32 I, _____, chairman of the _____ County board of elections, do hereby
33 certify that the foregoing is a list of all executed absentee ballots to be voted in the election to



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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 2 of 6

1 be conducted on the _____ day of _____, which have been
2 approved by the county board of elections and which have been postmarked by the day of the
3 statewide primary or general election or county bond election and received by the county board
4 of elections not later than three days after the election by 5:00 p.m. I certify that the chairman,
5 member, officer, or employee of the board of elections has not delivered ballots for absentee
6 voting to any person other than the voter, by mail or by commercial courier service or in
7 person, except as provided by law, and have not mailed or delivered ballots when the request
8 for the ballot was received after the deadline provided by law.

9 This the _____ day of _____,

(Signature of chairman of
county board of elections)

13 Sworn to and subscribed before me this _____ day of _____.

14 Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

20 (b) The county board of elections shall prepare, or cause to be prepared, a list in at least
21 triplicate, of all military absentee ballots issued under Article 21 and returned to the county
22 board of elections to be counted, which have been approved by the county board of elections,
23 have not been included on the certified list prepared pursuant to G.S. 163-232, and which have
24 been received by the county board of elections not later than three days after the election by
25 5:00 p.m. The list shall be supplemented with new information each business day following the
26 day of the election until the deadline for receipt of such absentee ballots. At the end of the list,
27 the chairman shall execute the following certificate under oath:

28 "State of North Carolina

29 County of _____

30 I, _____, chairman of the _____ County board of elections, do hereby
31 certify that the foregoing is a list of all executed military absentee ballots to be voted in the
32 election to be conducted on the _____ day of _____, which have
33 been approved by the county board of elections, and which have been postmarked by the day of
34 the statewide primary or general election or county bond election and received by the county
35 board of elections not later than three days after the election by 5:00 p.m. I further certify that I
36 have issued ballots to no other persons than those listed herein and further that I have not
37 delivered military absentee ballots to persons other than those listed herein; that this list
38 constitutes the only precinct registration of military absentee voters whose names have not
39 heretofore been entered on the regular registration of the appropriate precinct.

40 This the _____ day of _____,

(Signature of chairman of
county board of elections)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 3 of 6

Sworn to and subscribed before me this _____ day of _____.
Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

(c) The board shall post one copy of the most current version of each list in the board office in a conspicuous location for public inspection and shall retain one copy until all challenges of absentee ballots have been heard by the county board of elections. The county board of elections shall cause one copy of each of the final lists of executed absentee ballots required under subsection (a) and subsection (b) to be deposited as "first-class" mail to the State Board of Elections no later than 10:00 a.m. of the next business day following the deadline for receipt of such absentee ballots. Challenges shall be made to absentee ballots as provided in G.S. 163-89. In addition the county board of elections shall, upon request, provide a copy of each of the lists to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

(d) All lists required by this section shall be retained by the county board of elections for a period of 22 months after which they may then be destroyed.'

SECTION 8(c). G.S. 163-89(a) reads as rewritten:

(a) Time for Challenge. – The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-251(b). The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(i) or (ii) may be challenged no earlier than noon on the day following the election and no later than 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots.'

SECTION 8(d). G.S. 163-234 reads as rewritten:

'§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

(1) Only those absentee ballots returned to the county board of elections no later than 5:00 p.m. on the day before election day in a properly executed container-return envelope or absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) shall be counted, except to the extent federal law requires otherwise.

(2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day and absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 4 of 6

1 elector shall not in any manner interfere with the election officials in the
2 discharge of their duties.

3 Provided, that the county board of elections is authorized to begin
4 counting absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon
5 the adoption of a resolution at least two weeks prior to the election wherein
6 the hour and place of counting absentee ballots shall be stated. Such
7 resolution may also provide for an additional meeting following the day of
8 the election and prior to the day of canvass to count absentee ballots
9 received pursuant to G.S. 163-231(b)(i) or (ii) as provided in subsection (10)
10 of this section. A copy of the resolutions shall be published once a week for
11 two weeks prior to the election, in a newspaper having general circulation in
12 the county. Notice may additionally be made on a radio or television station
13 or both, but such notice shall be in addition to the newspaper and other
14 required notice. The count shall be continuous until completed and the
15 members shall not separate or leave the counting place except for
16 unavoidable necessity, except that if the count has been completed prior to
17 the time the polls close, it shall be suspended until that time pending receipt
18 of any additional ballots. Nothing in this section shall prohibit a county
19 board of elections from taking preparatory steps for the count earlier than the
20 times specified in this section, as long as the preparatory steps do not reveal
21 to any individual not engaged in the actual count election results before the
22 times specified in this subdivision for the count to begin. By way of
23 illustration and not limitation, a preparatory step for the count would be the
24 entry of tally cards from direct record electronic voting units into a computer
25 for processing. The board shall not announce the result of the count before
26 7:30 p.m.

27 (2a) Notwithstanding the provisions of subdivision (2) of this section, a county
28 board of elections may, at each meeting at which it approves absentee ballot
29 applications pursuant to G.S. 163-230.1(c) and (c1), remove those ballots
30 from their envelopes and have them read by an optical scanning machine,
31 without printing the totals on the scanner. The board shall complete the
32 counting of these ballots at the times provided in subdivision (2) of this
33 section. The State Board of Elections shall provide instructions to county
34 boards of elections for executing this procedure, and the instructions shall be
35 designed to ensure the accuracy of the count, the participation of board
36 members of both parties, and the secrecy of the results before election day.
37 This subdivision applies only in counties that use optical scan devices to
38 count absentee ballots.

39 (3) The counting of absentee ballots shall not commence until a majority and at
40 least one board member of each political party represented on the board is
41 present and that fact is publicly declared and entered in the official minutes
42 of the county board.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 5 of 6

1 (4) The county board of elections may employ such assistants as deemed
2 necessary to count the absentee ballots, but each board member present shall
3 be responsible for and observe and supervise the opening and tallying of the
4 ballots.

5 (5) As each ballot envelope is opened, the board shall cause to be entered into a
6 pollbook designated "Pollbook of Absentee Voters" the name of the absentee
7 voter, or if the pollbook is computer-generated, the board shall check off the
8 name. Preserving secrecy, the ballots shall be placed in the appropriate ballot
9 boxes, at least one of which shall be provided for each type of ballot. The
10 "Pollbook of Absentee Voters" shall also contain the names of all persons
11 who voted under G.S. 163-227.2, but those names may be printed by
12 computer for inclusion in the pollbook.

13 After all ballots have been placed in the boxes, the counting process shall
14 begin.

15 If one-stop ballots under G.S. 163-227.2 are counted electronically, that
16 count shall commence at the time the polls close. If one-stop ballots are
17 paper ballots counted manually, that count shall commence at the same time
18 as other absentee ballots are counted.

19 If a challenge transmitted to the board on canvass day by a chief judge is
20 sustained, the ballots challenged and sustained shall be withdrawn from the
21 appropriate boxes, as provided in G.S. 163-89(e).

22 As soon as the absentee ballots have been counted and the names of the
23 absentee voters entered in the pollbook as required herein, the board
24 members and assistants employed to count the absentee ballots shall each
25 sign the pollbook immediately beneath the last absentee voter's name entered
26 therein. The county board of elections shall be responsible for the
27 safekeeping of the pollbook of absentee voters.

28 (6) Upon completion of the counting process the board members shall cause the
29 results of the tally to be entered on the absentee abstract prescribed by the
30 State Board of Elections. The abstract shall be signed by the members of the
31 board in attendance and the original mailed immediately to the State Board
32 of Elections. The county board of elections may have a separate count on the
33 abstract for one-stop absentee ballots under G.S. 163-227.2.

34 (7) One copy of the absentee abstract shall be retained by the county board of
35 elections and the totals appearing thereon shall be added to the final totals of
36 all votes cast in the county for each office as determined on the official
37 canvass.

38 (8) In the event a political party does not have a member of the county board of
39 elections present at the meeting to count absentee ballots due to illness or
40 other cause of the member, the counting shall not commence until the county
41 party chairman of said absent member, or a member of the party's county
42 executive committee, is in attendance. Such person shall act as an official

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 614

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H614-ATC-29 [v.7]

Page 6 of 6

witness to the counting and shall sign the absentee ballot abstract as an
"observer."

(9) The county board of elections shall retain all container-return envelopes and
absentee ballots, in a safe place, for at least four months, and longer if any
contest is pending concerning the validity of any ballot.

(10) The county board of elections shall meet after election day and prior to the
date of canvass to determine where the container-return envelope for
absentee ballots received pursuant to G.S. 163-231(b)(i) or (ii) has been
properly executed. The county board of elections shall comply with the
requirements of G.S. 163-230.1 for approval of applications. Any absentee
ballots received pursuant to G.S. 163-231(b)(i) or (ii) shall be counted by the
county board of elections on the day of canvass. The county board of
elections is also authorized to meet following the day of the election and
prior to the day of canvass to count absentee ballots received pursuant to
G.S. 163-231(b)(i) or (ii) upon the adoption of a resolution pursuant to
subsection (2) of this section. The county board of elections shall comply
with all other requirements of this section for the counting of such absentee
ballots."

and by renumbering the remaining sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 619

DATE 8/6/09

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
Sen.)

Martin

1 moves to amend the bill on page 5, line 5 7-8

2 () WHICH CHANGES THE TITLE

3 by

deleting the material proposed to be
added on those lines.

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19

SIGNED

[Signature]

ADOPTED

[Signature]

FAILED

TABLED

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

Proposed Committee Substitute For
H.B. 738

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE INSTITUTE OF MEDICINE TO CONVENE A TASK FORCE TO STUDY THE PROVISION OF STATE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO CURRENT AND FORMER MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND NORTH CAROLINA NATIONAL GUARD AND THEIR FAMILIES, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS' AFFAIRS AND BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Introduced by Representative(s): Martin and Insko (Primary Sponsors).

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

The Committee on Mental Health Reform
a majority being present, having considered
this bill, recommend that it do ☒ pass.

Rep Beverly Earle
For the Committee

and be re-referred to
Homeland Security, Military
and Veterans Affairs.

☒ FAVORABLE TO COMM. SUB
☐ UNFAVORABLE TO BILL

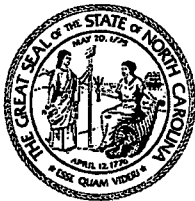
TITLE CHANGE

APR 15 2009

re-referred
AND PLACED ON

CALENDAR FOR

Homeland Security, etc



HOUSE BILL 738: IOM Study Mental Health Services for Veterans

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	May 5, 2009
Introduced by:	Reps. Martin, Insko	Prepared by:	Ben Popkin
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *House Bill 738 directs the North Carolina Institute of Medicine (NCIOM) to convene a task force to study the adequacy of mental health, developmental disabilities, and substance abuse services available to active, reserve, and veteran members of the military and National Guard, and the need for increased services to these individuals. The bill was recommended by the Joint Study Committee on Military and Veterans' Affairs and by the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.*

BILL ANALYSIS:

Section 1 of House Bill 738 provides for the NCIOM to convene a task force to study the adequacy of mental health, developmental disabilities, and substance abuse services available to active, reserve, and veteran members of the military and National Guard and their families and the need for increased services to these individuals.

Section 2 of the bill directs the Department of Health and Human Services to cooperate with NCIOM and provide the data necessary for the task force to conduct the study.

Section 3 provides that the membership of the task force will include members of the General Assembly. Senate members are to be appointed by the President Pro Tempore and House members are to be appointed by the Speaker. Members of the General Assembly serving on the task force shall be entitled to per diem, subsistence and travel allowance as provided in G.S. 120-3.1.

Section 4 requires the NCIOM to report its findings and recommendations to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services on or before the convening of the 2010 Regular Session of the 2009 General Assembly.

EFFECTIVE DATE: The act is effective when it becomes law.

Barbara Riley, counsel to House Mental Health Reform, substantially contributed to this summary.

H738-SMRD-91(e2) v1

PUBLIC BILL

1412

412

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES RELATING TO NATIONAL GUARD COURTS-MARTIAL.

Introduced by Representative(s): Martin.

Martin
Glazier (Primary Sponsors)

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

ASSED 1st READING

APR 13 2009

AND REFERRED TO COMMITTEE

ON: Homeland Security

if for: Indrasing P



HOUSE BILL 1412: Courts-Martial Amendments

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary I	Date:	May 5, 2009
Introduced by:	Reps. Martin, Glazier	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H1412-CSRK-42		Committee Counsel

SUMMARY: *This act amends the military justice code applicable to the North Carolina National Guard. This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.*

BACKGROUND: The Uniform Code of Military Justice (UCMJ) is applicable to members of the Armed Forces of the United States. Articles 77 through 134 of the UCMJ are deemed the "Punitive Articles" and set forth the substantive offenses upon which a defendant may be charged. Some offenses are military related, e.g., Absence Without Leave, Art. 86, and the General Article, Art. 134; others compare to offenses contained in the State criminal code in Chapter 14 of the General Statutes, e.g., Conspiracy, Art. 81; Drunken or Reckless Driving, Art. 111; Article 118, Murder; and Burglary, Art. 129.

The Manual for Courts-Martial is principally the compilation of procedural rules. It provides how a defendant is charged, how the charges are processed, an accused rights, evidentiary rules and the procedures for the authorized types of courts-martial (summary, special, general). The MCM provides the procedures and rules that are comparable to those provided in the State criminal procedure laws in Chapter 15A of the General Statutes, including the authorized punishments.

BILL ANALYSIS:

Section 1 provides that courts-martial shall follow the same general rules and regulations as are provided in the Uniform Code of Military Justice (UCMJ), the code applicable to members of the armed force, as well as the Manual for Courts-Martial (MCM), which provides procedural rules for the conduct of courts-martial. However, courts-martial would not have authority to impose confinement as a punishment.

Section 2 provides that in general courts-martial, which have the authority to impose the most severe sentences, the courts shall have the same authority as is provided in the UCMJ and MCM. Current law limits the punishment as set forth in the statute.

Section 3 specifies who may appoint a special court-martial, and provides the authority to impose punishment as is provided in the UCMJ and MCM. Current law limits the punishment as set forth in the statute.

Section 4 specifies who may appoint a summary court-martial, and provides the authority to impose punishment as is provided in the UCMJ and MCM. Current law limits the punishment as set forth in the statute.

Section 5 provides the minimum requirements for appointment as a military judge. Certified judges in the Coast Guard are added to those whom may be appointed.

Section 6 clarifies that a servicemember receiving nonjudicial punishment under Article 15 of the UCMJ cannot opt for a court-martial at any level in lieu of the nonjudicial punishment.

House Bill 1412

Page 2

Section 7 is a conforming change; punishments are to be in accordance with the UCMJ and MCM, and not by statute.

Section 8 is a technical change; deletes archaic language.

Section 9 repeals the current statute that provide for the location for confinement of servicemembers convicted by courts-martial.

Section 10 clarifies that if courts-martial rules and procedures are provided by law, then they supersede the UCMJ and MCM provisions.

Section 11 limits the authority to arrest an individual to a military judge; currently, a president of a court-martial, who may be a commissioned officer, has that authority. Also makes a conforming change by deleting the authority to impose confinement.

Section 12 allows a local or State law enforcement officer to serve warrants or other processes, and clarifies that any costs are the responsibility of the Department of Crime Control and Public Safety [the NC National Guard is located in the DCCPS].

Section 13 repeals the statute that provides for fines in lieu of confinement.

Section 14 provides that a military judge must approve the findings and sentence of a court-martial; to make out and sign a certificate containing the name of the accused, the date and place of trial, and the date of approval of sentence. The trial counsel (prosecutor) is responsible for delivering the certificate to the clerk of the superior court in the county where the court-martial was held. The clerk is required to take necessary actions to carry out the sentence, and the Administrative Office of the Courts must insure that the conviction is recorded in the same way that a criminal offense in the State courts would be recorded.

Section 15 requires the Governor to approve any type discharge [currently "dishonorable discharge"] if part of a court-martial sentence.

Section 16 conforming amendment to the previous statutes which provide that National Guard members (not in federal service) are subject to State law, and the UCMJ.

Section 17 deletes the statutorily prescribed penalties for improper uniform wear; provides that penalties shall be pursuant to those authorized for a violation of Article 134 of the UCMJ.

EFFECTIVE DATE: The act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

§ 160A-376. Definition.

(a) For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

(b) A city may provide for expedited review of specified classes of subdivisions. (1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 61; 1977, c. 912, s. 6; 2003-284, s. 29.23(a); 2005-426, s. 4(a).)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1412
PROPOSED COMMITTEE SUBSTITUTE H1412-PCS30349-RK-42

Short Title: Courts-Martial Amendments.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES RELATING TO
NATIONAL GUARD COURTS-MARTIAL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127A-47 reads as rewritten:

"§ 127A-47. Courts-martial for national guard.

Courts-martial for organizations of the national guard not in the service of the United States shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted, have cognizance of the same subjects, and possess like powers, ~~except as to punishments, as similar courts provided for by the law and regulations governing the armed forces of the United States, and the~~ Uniform Code of Military Justice and Manual for Courts-Martial, United States, as shall be currently in use, except that no court shall have the power to impose confinement as part of a sentence. The proceedings of courts-martial of the national guard shall follow the forms and modes of procedure prescribed for such similar courts."

SECTION 2. G.S. 127A-48 reads as rewritten:

"§ 127A-48. General courts-martial.

General courts-martial of the national guard not in the service of the United States may be convened by orders of the Governor of the State, and such courts shall have the power to ~~impose fines not exceeding two hundred dollars (\$200.00); sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of enlisted personnel to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.~~ punishments in like manner and to the extent prescribed by the Uniform Code of Military Justice and Manual for Courts-Martial, United States, as shall be in use by the armed forces of the United States at the time of the offense, except that no court shall have the authority to impose confinement as part of a sentence."

SECTION 3. G.S. 127A-49 reads as rewritten:

"§ 127A-49. Special courts-martial; appointments, power and authority.

In the national guard, not in the service of the United States, special courts-martial may be appointed by any of the following:

- (1) Any person who may convene a general court-martial.
- (2) The Adjutant General of North Carolina.



* H 1 4 1 2 - P C S 3 0 3 4 9 - R K - 4 2 *

(1)(3) The commander of a brigade, regiment, comparable or higher command of the North Carolina army national ~~guard~~;guard, provided that such commander is a general officer.

(2)(4) The commander of a wing, group, separate squadron, comparable or higher command of the North Carolina air national ~~guard~~;guard, provided that such commander is a general officer.

(3)(5) The commander or officer in charge of any North Carolina national guard command when empowered by the Governor or the Adjutant General of North ~~Carolina~~.Carolina, provided that such commander or officer is a general officer.

Except as to commissioned officers, such courts-martial shall have the power and authority to try any person subject to military law for any crimes or offenses within the jurisdiction of a general military court. Such courts-martial shall have the ~~same powers of punishment as general courts-martial except that fines imposed by such courts-martial shall not exceed one hundred dollars (\$100.00), and such courts-martial shall not have the power of dismissal from the national guard.~~power to impose punishments in like manner and to the extent prescribed by the Uniform Code of Military Justice and Manual for Courts-Martial, United States, as shall be in use by the armed forces of the United States at the time of the offense, except that no court shall have the authority to impose confinement as part of a sentence."

SECTION 4. G.S. 127A-50 reads as rewritten:

"§ 127A-50. Summary courts-martial.

~~In the national guard, not in the service of the United States, summary courts-martial may be appointed by the commander of any company, battery, detachment, squadron, or any other federally recognized unit, either army or air. Such court shall consist of one officer, who shall have the power to administer oaths and try enlisted personnel of each respective command for breaches of discipline and violations of laws governing such organizations. Such courts shall also have the power to impose fines not exceeding twenty-five dollars (\$25.00) for any single offense, may sentence to forfeiture of pay and allowances, or may sentence enlisted personnel to reduction in rank; but in the case of noncommissioned officers above the fourth enlisted grade, may not adjudge reduction except to the next inferior grade. There shall be no right to demand trial by special court-martial.~~

In the national guard, not in the service of the United States, summary courts-martial may be appointed by any of the following:

(1) Any person who may convene a general or special court-martial.

(2) The commander of a battalion, comparable or higher command of the North Carolina army national guard, provided that such commander is an officer of the grade of major or above.

(3) The commander of a detached squadron, comparable or higher command of the North Carolina air national guard, provided that such commander is an officer of the grade of major or above.

Such court shall consist of one officer who shall have the power to administer oaths and try enlisted personnel of each respective command for breaches of discipline and violations of laws governing such organizations. Such courts shall also have the power to impose punishments in like manner and to the extent prescribed by the Uniform Code of Military Justice and Manual for Courts-Martial, United States, as shall be in use by the armed forces of the United States at the time of the offense, except that no court shall have the authority to impose confinement as part of a sentence. There shall be no right to demand trial by court-martial."

SECTION 5. G.S. 127A-50.1 reads as rewritten:

"§ 127A-50.1. Military judges.

1 The Adjutant General shall appoint military judges to preside over courts-martial of the
2 National Guard not in federal service. Minimum requirements for appointment as a military
3 judge shall be: ~~are:~~

- 4 (1) ~~Licensed to practice law in this State or certified~~ Certification as a military
5 judge by the Judge Advocate General of the Army, Air Force, ~~Navy, or~~
6 ~~Marines; Navy, Marines, or Coast Guard.~~
- 7 (2) Designation as a judge advocate by The Judge Advocate General of the
8 Army, Navy, ~~Air Force, or Marines; and~~ Air Force, Marines, or Coast Guard.
- 9 (3) Membership in the North Carolina National Guard, the National Guard of
10 another state, or the active or reserve components of any of the military
11 services."

12 **SECTION 6.** G.S. 127A-51 reads as rewritten:

13 **"§ 127A-51. Nonjudicial punishment.**

14 Any commander of the national guard, not in the service of the United States, may, in
15 addition to or in lieu of admonition or reprimand, impose nonjudicial punishment in like
16 manner and to the extent prescribed by Article 15 of the Uniform Code of Military
17 ~~Justice, Justice and~~ Manual for Courts-Martial, United States, as shall be currently in use by the
18 armed forces of the United States except that there shall be no right to demand trial by ~~special~~
19 court-martial."

20 **SECTION 7.** G.S. 127A-52 reads as rewritten:

21 **"§ 127A-52. Jurisdiction of courts-martial.**

22 The jurisdiction of courts-martial of the national guard, not in the service of the United
23 States, ~~except as to punishments,~~ shall be as prescribed by the Manual for Courts-Martial,
24 United States, as shall be currently in use by the armed forces of the United States. Such
25 courts-martial shall have jurisdiction to try accused persons for offenses committed while
26 serving without the State and while going to and returning from such service without the State
27 in like manner and to the same extent as while serving within the State."

28 **SECTION 8.** G.S. 127A-53 reads as rewritten:

29 **"§ 127A-53. Manual for Courts-Martial.**

30 Trials and proceedings by all courts and boards shall be in accordance with the ~~plans and~~
31 ~~procedures laid down in the~~ Manual for Courts-Martial, United States, as shall be currently in
32 use by the armed forces of the United States, except as modified by this Chapter."

33 **SECTION 9.** G.S. 127A-54 is repealed.

34 **SECTION 10.** G.S. 127A-55 reads as rewritten:

35 **"§ 127A-55. Forms for courts-martial procedure.**

36 In the national guard, not in the service of the United States, forms for courts-martial
37 procedure shall be substantially as those set forth in the Appendices, Manual for
38 Courts-Martial, United States, as shall be currently in use by the armed forces of the United
39 ~~States.~~ States, with any modifications required by this Chapter."

40 **SECTION 11.** G.S. 127A-56 reads as rewritten:

41 **"§ 127A-56. Powers of courts-martial.**

42 In the national guard, not in the service of the United States, ~~presidents of courts-martial~~
43 ~~and summary court officers~~ a military judge shall have power to issue warrants to arrest an
44 ~~accused persons~~ person and to bring ~~them~~ the person before ~~the a~~ court for trial whenever such
45 ~~persons shall have~~ person has disobeyed an order in writing from the convening authority to
46 appear before such court, a copy of the charge or charges having been delivered to the accused
47 with such order, ~~and to issue commitments in carrying out sentences of confinement,~~ and to
48 issue subpoenas and subpoenas duces tecum, and to enforce by attachment attendance of
49 witnesses and the production of books, papers, records and other articles subject to a subpoena
50 duces tecum, and to sentence for a refusal to be sworn or to answer as provided in actions

1 before civil courts. He shall also have power to punish for contempt occurring in the presence
2 of the court.

3 In addition to the power to issue warrants set forth in the first paragraph of this section, the
4 arrest and confinement of persons subject to this ~~Chapter-section~~ may be accomplished by the
5 means and under the procedures set forth in Articles 9 and 10 of the Uniform Code of Military
6 Justice, Manual for Courts-Martial, United States, as shall be currently in use by the armed
7 forces of the United States."

8 **SECTION 12. G.S. 127A-57 reads as rewritten:**

9 **"§ 127A-57. Execution of processes and sentences.**

10 All warrants and other processes authorized by this Chapter and sentences of any of the
11 military courts of this State shall be executed by any sheriff, deputy sheriff, or ~~police~~
12 ~~officer~~ State or local law enforcement officer into whose hands the same may be placed for
13 service or execution, and such officer shall make return thereof to the officer issuing or
14 imposing the same. Such service or execution of process or sentence shall be made by such
15 officer without tender or advancement of fee therefor; but all costs in such cases shall be paid
16 from funds ~~appropriated for military purposes to the Department of Crime Control and Public~~
17 ~~Safety. The actual necessary expenses of conveying a prisoner from one county in the State to~~
18 ~~another, when the same is authorized and directed by the Adjutant General of the State, shall be~~
19 ~~paid from the military funds of the State upon a warrant approved by the Adjutant General."~~

20 **SECTION 13. G.S. 127A-58 is repealed.**

21 **SECTION 14. G.S. 127A-59 reads as rewritten:**

22 **"§ 127A-59. ~~Commitments, Sentences.~~**

23 When any sentence ~~to fine or imprisonment~~ shall be imposed by any military court of this
24 State, it shall be the duty of the ~~president of said court, or summary court officer, military judge,~~
25 upon the approval of the findings and sentence of such court, to make out and sign a certificate
26 entitling the case, giving the name of the accused, the date and place of trial, the date of
27 approval of sentence, ~~the amount of fine or manner, place, and duration of confinement, and~~
28 ~~the terms of the sentence. If the court-martial was tried without a military judge, then any~~
29 ~~military judge may make out and sign the certificate after reviewing the approved findings and~~
30 ~~the sentence for compliance with this Chapter. The trial counsel shall deliver such certificate to~~
31 ~~the sheriff, or deputy sheriff, or police officer~~ clerk of court for the superior court of the county
32 ~~wherein the sentence is to be executed; was imposed, or the Clerk of the Superior Court for~~
33 ~~Wake County if the court-martial was held out of State, and it shall thereupon be the duty of~~
34 ~~such officer~~ the clerk to take such actions as are necessary to carry said sentence into execution
35 in the manner prescribed by law for the collection of fines or commitment to service of terms of
36 imprisonment in criminal cases as determined in the courts of this State. The Administrative
37 Office of the Courts shall ensure that the State's criminal history records include pertinent
38 information relating to a court-martial under this Chapter in a like manner as a comparable
39 offense under the State's criminal laws would be recorded."

40 **SECTION 15. G.S. 127A-60 reads as rewritten:**

41 **"§ 127A-60. Sentence of ~~dismissal~~ ~~dismissal or discharge.~~**

42 No sentence of dismissal from the service or ~~dishonorable discharge, discharge~~ imposed by
43 a national guard court-martial not in the service of the United States, shall be executed until
44 approved by the Governor. Any officer convicted by a general court-martial and dismissed
45 from the service shall be forever disqualified from holding a commission in the militia."

46 **SECTION 16. G.S. 127A-147 reads as rewritten:**

47 **"§ 127A-147. Orders, rules, regulations and Uniform Code of Military Justice applicable**
48 **to militia when not in service of United States.**

49 The national guard, State defense militia and naval militia, when not in the service of the
50 United States, shall ~~except as to punishments,~~ be governed by State law, the orders, rules and
51 regulations of the Adjutant General, regulations promulgated by the secretary of the appropriate

1 service of the armed forces of the United States, and the Uniform Code of Military Justice, as
2 amended from time to time."

3 **SECTION 17.** G.S. 127A-153 reads as rewritten:

4 **"§ 127A-153. Protection of uniform.**

5 (a) The wearing of any military uniform of the United States government by members
6 of the militia shall be pursuant to applicable regulations promulgated by the respective armed
7 services of the United States and regulations of the Adjutant General of North Carolina not
8 inconsistent with federal uniform regulations.

9 (b) The wearing of any military uniform of the North Carolina State government by
10 members of the militia shall be pursuant to applicable regulations promulgated by the Adjutant
11 General of North Carolina.

12 (c) Members of the militia who violate the regulations referred to in (a) and (b) above
13 shall, upon conviction by a court-martial, be punished ~~by a fine not exceeding fifty dollars~~
14 ~~(\$50.00) or by imprisonment not exceeding 30 days, or by both fine and imprisonment, for each~~
15 offense in like manner and to the extent prescribed by Article 134 of the Uniform Code of
16 Military Justice and Manual for Courts-Martial, United States, as shall be in use by the armed
17 forces of the United States at the time of the offense, except that no court shall have the
18 authority to impose confinement as part of a sentence.

19 (d) Persons not subject to courts-martial who violate the regulations referred to in (a)
20 and (b) above may be charged and tried in the State courts and upon conviction shall be
21 punished as provided in (c) above."

22 **SECTION 18.** This act becomes effective December 1, 2009, and applies to
23 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1412

Short Title: Courts-Martial Amendments.

(Public)

Sponsors: Representatives Martin, Glazier (Primary Sponsors); and Lucas.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary I.

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES RELATING TO
3 NATIONAL GUARD COURTS-MARTIAL.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 127A-47 reads as rewritten:

6 "§ 127A-47. Courts-martial for national guard.

7 Courts-martial for organizations of the national guard not in the service of the United States
8 shall be of three kinds, namely, general courts-martial, special courts-martial, and summary
9 courts-martial. They shall be constituted, have cognizance of the same subjects, and possess
10 like powers, ~~except as to punishments, as similar courts provided for by the law and regulations~~
11 ~~governing the armed forces of the United States, and the~~ Uniform Code of Military Justice and
12 Manual for Courts-Martial, United States, as shall be currently in use, except that no court shall
13 have the power to impose confinement as part of a sentence. The proceedings of courts-martial
14 of the national guard shall follow the forms and modes of procedure prescribed for such similar
15 courts."

16 SECTION 2. G.S. 127A-48 reads as rewritten:

17 "§ 127A-48. General courts-martial.

18 General courts-martial of the national guard not in the service of the United States may be
19 convened by orders of the Governor of the State, and such courts shall have the power to
20 impose ~~finer not exceeding two hundred dollars (\$200.00); sentence to forfeiture of pay and~~
21 ~~allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to~~
22 ~~reduction of enlisted personnel to the ranks; or any two or more of such punishments may be~~
23 ~~combined in the sentences imposed by such courts.~~ punishments in like manner and to the
24 extent prescribed by the Uniform Code of Military Justice and Manual for Courts-Martial,
25 United States, as shall be in use by the armed forces of the United States at the time of the
26 offense, except that no court shall have the authority to impose confinement as part of a
27 sentence."

28 SECTION 3. G.S. 127A-49 reads as rewritten:

29 "§ 127A-49. Special courts-martial; appointments, power and authority.

30 In the national guard, not in the service of the United States, special courts-martial may be
31 appointed by any of the following:

32 (1) Any person who may convene a general court-martial.

33 (2) The Adjutant General of North Carolina.

34 (4)(3) The commander of a brigade, regiment, comparable or higher command of
35 the North Carolina army national guard; guard, provided that such
36 commander is a general officer.



(2)(4) The commander of a wing, group, separate squadron, comparable or higher command of the North Carolina air national guard; guard, provided that such commander is a general officer.

(3)(5) The commander or officer in charge of any North Carolina national guard command when empowered by the Governor or the Adjutant General of North Carolina; Carolina, provided that such commander or officer is a general officer.

Except as to commissioned officers, such courts-martial shall have the power and authority to try any person subject to military law for any crimes or offenses within the jurisdiction of a general military court. Such courts-martial shall have the ~~same powers of punishment as general courts-martial except that fines imposed by such courts-martial shall not exceed one hundred dollars (\$100.00), and such courts-martial shall not have the power of dismissal from the national guard~~ power to impose punishments in like manner and to the extent prescribed by the Uniform Code of Military Justice and Manual for Courts-Martial, United States, as shall be in use by the armed forces of the United States at the time of the offense, except that no court shall have the authority to impose confinement as part of a sentence."

SECTION 4. G.S. 127A-50 reads as rewritten:

"§ 127A-50. Summary courts-martial.

~~In the national guard, not in the service of the United States, summary courts-martial may be appointed by the commander of any company, battery, detachment, squadron, or any other federally recognized unit, either army or air. Such court shall consist of one officer, who shall have the power to administer oaths and try enlisted personnel of each respective command for breaches of discipline and violations of laws governing such organizations. Such courts shall also have the power to impose fines not exceeding twenty-five dollars (\$25.00) for any single offense, may sentence to forfeiture of pay and allowances, or may sentence enlisted personnel to reduction in rank; but in the case of noncommissioned officers above the fourth enlisted grade, may not adjudge reduction except to the next inferior grade. There shall be no right to demand trial by special court-martial.~~

In the national guard, not in the service of the United States, summary courts-martial may be appointed by any of the following:

(1) Any person who may convene a general or special court-martial.

(2) The commander of a battalion, comparable or higher command of the North Carolina army national guard, provided that such commander is an officer of the grade of major or above.

(3) The commander of a detached squadron, comparable or higher command of the North Carolina air national guard, provided that such commander is an officer of the grade of major or above.

Such court shall consist of one officer who shall have the power to administer oaths and try enlisted personnel of each respective command for breaches of discipline and violations of laws governing such organizations. Such courts shall also have the power to impose punishments in like manner and to the extent prescribed by the Uniform Code of Military Justice and Manual for Courts-Martial, United States, as shall be in use by the armed forces of the United States at the time of the offense, except that no court shall have the authority to impose confinement as part of a sentence. There shall be no right to demand trial by court-martial."

SECTION 5. G.S. 127A-50.1 reads as rewritten:

"§ 127A-50.1. Military judges.

The Adjutant General shall appoint military judges to preside over courts-martial of the National Guard not in federal service. Minimum requirements for appointment as a military judge shall be:

- (1) ~~Licensed to practice law in this State or certified~~Certification as a military judge by the Judge Advocate General of the Army, Air Force, ~~Navy, or Marines; Navy, Marines, or Coast Guard.~~
- (2) Designation as a judge advocate by The Judge Advocate General of the Army, Navy, ~~Air Force, or Marines; and~~Air Force, Marines, or Coast Guard.
- (3) Membership in the North Carolina National Guard, the National Guard of another state, or the active or reserve components of any of the military services."

SECTION 6. G.S. 127A-51 reads as rewritten:

"§ 127A-51. Nonjudicial punishment.

Any commander of the national guard, not in the service of the United States, may, in addition to or in lieu of admonition or reprimand, impose nonjudicial punishment in like manner and to the extent prescribed by Article 15 of the Uniform Code of Military ~~Justice, Justice and~~ Manual for Courts-Martial, United States, as shall be currently in use by the armed forces of the United States except that there shall be no right to demand trial by ~~special~~ court-martial."

SECTION 7. G.S. 127A-52 reads as rewritten:

"§ 127A-52. Jurisdiction of courts-martial.

The jurisdiction of courts-martial of the national guard, not in the service of the United States, ~~except as to punishments,~~ shall be as prescribed by the Manual for Courts-Martial, United States, as shall be currently in use by the armed forces of the United States. Such courts-martial shall have jurisdiction to try accused persons for offenses committed while serving without the State and while going to and returning from such service without the State in like manner and to the same extent as while serving within the State."

SECTION 8. G.S. 127A-53 reads as rewritten:

"§ 127A-53. Manual for Courts-Martial.

Trials and proceedings by all courts and boards shall be in accordance with the ~~plans and procedures laid down in the~~ Manual for Courts-Martial, United States, as shall be currently in use by the armed forces of the United States, except as modified by this Chapter."

SECTION 9. G.S. 127A-54 reads as rewritten:

"§ 127A-54. Sentences; where executed.

~~All sentences to confinement imposed by any military court of this State shall be executed in such prisons as the court may designate.~~Persons sentenced to confinement by any military court of this State shall be placed in the custody of the Department of Correction for service of their sentence. Upon agreement by a local government and the Department of Correction, the sentence may be served at a local government confinement facility with the expense of confinement paid by the State.

SECTION 10. G.S. 127A-55 reads as rewritten:

"§ 127A-55. Forms for courts-martial procedure.

In the national guard, not in the service of the United States, forms for courts-martial procedure shall be substantially as those set forth in the Appendices, Manual for Courts-Martial, United States, as shall be currently in use by the armed forces of the United ~~States.~~States, with any modifications required by this Chapter.

SECTION 11. G.S. 127A-56 reads as rewritten:

"§ 127A-56. Powers of courts-martial.

In the national guard, not in the service of the United States, ~~presidents of courts-martial and summary court officers~~a military judge shall have power to issue warrants to arrest ~~an~~ accused ~~persons~~person and to bring ~~them~~the person before ~~the~~a court for trial whenever such ~~persons shall have~~person has disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, ~~and to issue commitments in carrying out sentences of confinement,~~ and to

1 issue subpoenas and subpoenas duces tecum, and to enforce by attachment attendance of
2 witnesses and the production of books, papers, records and other articles subject to a subpoena
3 duces tecum, and to sentence for a refusal to be sworn or to answer as provided in actions
4 before civil courts. He shall also have power to punish for contempt occurring in the presence
5 of the court.

6 In addition to the power to issue warrants set forth in the first paragraph of this section, the
7 arrest and confinement of persons subject to this Chapter may be accomplished by the means
8 and under the procedures set forth in Articles 9 and 10 of the Uniform Code of Military Justice,
9 Manual for Courts-Martial, United States, as shall be currently in use by the armed forces of the
10 United States, except that no court shall have the authority to impose confinement as part
11 of a sentence."

12 **SECTION 12.** G.S. 127A-57 reads as rewritten:

13 **"§ 127A-57. Execution of processes and sentences.**

14 All warrants and other processes authorized by this Chapter and sentences of any of the
15 military courts of this State shall be executed by any ~~sheriff, deputy sheriff, or police~~
16 ~~officer~~ State or local law enforcement officer into whose hands the same may be placed for
17 service or execution, and such officer shall make return thereof to the officer issuing or
18 imposing the same. Such service or execution of process or sentence shall be made by such
19 officer without tender or advancement of fee therefor; but all costs in such cases shall be paid
20 from funds ~~appropriated for military purposes to the Department of Crime Control and Public~~
21 ~~Safety.~~ The actual necessary expenses of conveying a prisoner from one county in the State to
22 another, when the same is authorized and directed by the Adjutant General of the State, shall be
23 paid from the military funds of the State upon a warrant approved by the Adjutant
24 General. Department of Crime Control and Public Safety."

25 **SECTION 13.** G.S. 127A-58 is repealed.

26 **SECTION 14.** G.S. 127A-59 reads as rewritten:

27 **"§ 127A-59. Commitments. Sentences.**

28 When any sentence ~~to fine or imprisonment~~ shall be imposed by any military court of this
29 State, it shall be the duty of the ~~president of said court, or summary court officer, military judge,~~
30 upon the approval of the findings and sentence of such court, to make out and sign a certificate
31 entitling the case, giving the name of the accused, the date and place of trial, the date of
32 approval of sentence, ~~the amount of fine or manner, place, and duration of confinement, and~~
33 ~~the terms of the sentence.~~ If the court-martial was tried without a military judge, then any
34 military judge may make out and sign the certificate after reviewing the approved findings and
35 the sentence for compliance with this Chapter. The trial counsel shall deliver such certificate to
36 the sheriff, or deputy sheriff, or police officer Clerk of Court for the Superior Court of the
37 county wherein the sentence is to be executed; was imposed, or the Clerk of the Superior Court
38 for Wake County if the court-martial was held out of State, and it shall thereupon be the duty of
39 such officer the Clerk to take such actions as are necessary to carry said sentence into execution
40 in the manner prescribed by law for the collection of fines or commitment to service of terms of
41 imprisonment in criminal cases as determined in the courts of this State. The Administrative
42 Office of the Courts shall ensure that the State's criminal history records include pertinent
43 information relating to a court-martial under this Chapter in a like manner as a comparable
44 offense under the State's criminal laws would be recorded."

45 **SECTION 15.** G.S. 127A-60 reads as rewritten:

46 **"§ 127A-60. Sentence of dismissal. ~~dismissal or discharge.~~**

47 No sentence of dismissal from the service or ~~dishonorable discharge, discharge~~ imposed by
48 a national guard court-martial not in the service of the United States, shall be executed until
49 approved by the Governor. Any officer convicted by a general court-martial and dismissed
50 from the service shall be forever disqualified from holding a commission in the militia."

51 **SECTION 16.** G.S. 127A-147 reads as rewritten:

1 "§ 127A-147. Orders, rules, regulations and Uniform Code of Military Justice applicable
2 to militia when not in service of United States.

3 The national guard, State defense militia and naval militia, when not in the service of the
4 United States, shall ~~except as to punishments,~~ be governed by State law, the orders, rules and
5 regulations of the Adjutant General, regulations promulgated by the secretary of the appropriate
6 service of the armed forces of the United States, and the Uniform Code of Military Justice, as
7 amended from time to time."

8 SECTION 17. G.S. 127A-153 reads as rewritten: .

9 "§ 127A-153. Protection of uniform.

10 (a) The wearing of any military uniform of the United States government by members
11 of the militia shall be pursuant to applicable regulations promulgated by the respective armed
12 services of the United States and regulations of the Adjutant General of North Carolina not
13 inconsistent with federal uniform regulations.

14 (b) The wearing of any military uniform of the North Carolina State government by
15 members of the militia shall be pursuant to applicable regulations promulgated by the Adjutant
16 General of North Carolina.

17 (c) Members of the militia who violate the regulations referred to in (a) and (b) above
18 shall, upon conviction by a court-martial, be punished ~~by a fine not exceeding fifty dollars~~
19 ~~(\$50.00) or by imprisonment not exceeding 30 days, or by both fine and imprisonment, for each~~
20 ~~offense in like manner and to the extent prescribed by Article 134 of the Uniform Code of~~
21 ~~Military Justice and Manual for Courts-Martial, United States, as shall be in use by the armed~~
22 ~~forces of the United States at the time of the offense, except that no court shall have the~~
23 ~~authority to impose confinement as part of a sentence.~~

24 (d) Persons not subject to courts-martial who violate the regulations referred to in (a)
25 and (b) above may be charged and tried in the State courts and upon conviction shall be
26 punished as provided in (c) above."

27 SECTION 18. This act becomes effective December 1, 2009, and applies to
28 offenses committed on or after that date.

BLIC BILL

Senate Bill

Judiciary I
Proposed Committee Substitute For
S.B. 256

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Introduced by Senator(s) _____

Snow

Principal Clerk's Use Only

Committee Substitute
Adopted
Pursuant to Rule 45.1

MAR 31 2009

CHANGES TITLE

WITH UNANIMOUS CONSENT
WITHDRAWN FROM

Calendar

APR 1 - 2009

PLACED ON CALENDAR FOR

WITH UNANIMOUS CONSENT
WITHDRAWN FROM

Cal of 4-6-09

APR 2 - 2009

PLACED ON CALENDAR FOR

4-7-09

SENATOR
AMENDMENT NO. 1

Adopted

APR 7 2009

49-0

PASSED 3rd READING	
Ayes _____	Noes _____
APR - 7 2009	
AND ORDERED SENT To House of Representative	

PASSED 2nd & 3rd READINGS <i>✓✓</i>	
<i>49-0</i>	
APR - 7 2009	
<i>agreed</i>	
ORDERED SENT TO HOUSE OF REPRESENTATIVE	

Janet Pruitt
RECEIVED

S 256

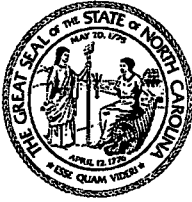
PASSED 1st READING

JUN 9 2009

AND F. LED TO COMMITTEE

Homeland Security
of Bow and I





SENATE BILL 256: Clarify Local Government Evacuation Authority

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary I	Date:	April 28, 2009
Introduced by:	Sen. Snow	Prepared by:	Ben Popkin
Analysis of:	Third Edition		Committee Counsel

SUMMARY: *Senate Bill 256 clarifies the authority of municipalities and cities to enact ordinances ordering evacuations during a state of emergency, and the immunity of persons or entities engaged in statutorily authorized emergency-related activities.*

CURRENT LAW: Under current law, the governing body of a municipality or county is authorized to enact ordinances prohibiting and restricting "movements of people in public places" during a state of emergency. (G.S. 14-288.12, G.S. 14-288.13). In addition, under current law, all functions authorized under the North Carolina Emergency Management Act of 1977 (Article 1 of Chapter 166A of the General Statutes), as well as "all other activities relating to emergency management" are declared to be governmental functions for purposes of the statutory immunity granted to persons or entities carrying out such functions or activities. [G.S. 160A-14(a)].

BILL ANALYSIS: Section 1 of the bill clarifies the existing authority of local governments to enact ordinances restricting the movement of people in public places during a state of emergency, by expressly granting authority during a state of emergency to do the following:

- require evacuations.
- prescribe the routes, methods and destinations of evacuations.
- control movements of people into, out of, and within a disaster area.
- control the occupancy of premises within the disaster area.

Because G.S. 14-288.13(b) (counties) incorporates the prohibitions and restrictions included in G.S. 14-288.12(b) (municipalities), the bill's amendment of G.S. 14-288.12(b) accomplishes the same result for both municipalities and counties.

Section 2 of the bill amends G.S. 166A-14(a) to clarify that all activities relating to emergency management, whether provided for in Chapter 166A or elsewhere in the General Statutes, are declared to be governmental functions for purposes of the statutory immunity granted to persons and entities carrying out those emergency management related functions. Section 2 of the bill thus clarifies that the evacuation-related emergency management activities authorized under Section 1 of the bill are "governmental functions" for purposes of statutory immunity granted under G.S. 166A-14(a).

EFFECTIVE DATE: This bill is effective when it becomes law.

BACKGROUND: This bill seeks to implement recommendations contained in the December 1, 2008, report of the North Carolina Division of Emergency Management to the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery.

Giles Perry and Bill Patterson, counsel to Senate Judiciary I, substantially contributed to this summary.

S256-SMRD-72(e3) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

3

**SENATE BILL 256*
Judiciary I Committee Substitute Adopted 3/31/09
Third Edition Engrossed 4/7/09**

Short Title: Clarify Local Government Evacuation Authority. (Public)

Sponsors:

Referred to:

February 23, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO
3 ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE
4 EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO THEM, AS
5 RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY
6 PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-288.12(b) reads as rewritten:

- 9 "(b) The ordinances authorized by this section may permit prohibitions and restrictions:
- 10 (1) Of movements of people in public ~~places~~places, including directing and
11 compelling the evacuation of all or part of the population from any stricken
12 or threatened area within the governing body's jurisdiction, to prescribe
13 routes, modes of transportation, and destinations in connection with
14 evacuation; and to control ingress and egress of a disaster area, and the
15 movement of persons within the area;
- 16 (2) Of the operation of offices, business establishments, and other places to or
17 from which people may travel or at which they may congregate;
- 18 (3) Upon the possession, transportation, sale, purchase, and consumption of
19 alcoholic beverages;
- 20 (4) Upon the possession, transportation, sale, purchase, storage, and use of
21 dangerous weapons and substances, and gasoline; and
- 22 (5) Upon other activities or conditions the control of which may be reasonably
23 necessary to maintain order and protect lives or property during the state of
24 emergency.

25 The ordinances may delegate to the mayor of the municipality the authority to determine and
26 proclaim the existence of a state of emergency, and to impose those authorized prohibitions and
27 restrictions appropriate at a particular time."

28 **SECTION 2.** G.S. 166A-14(a) reads as rewritten:

29 "(a) All functions hereunder and all other activities relating to emergency management
30 as provided for in this Chapter or elsewhere in the General Statutes are hereby declared to be
31 governmental functions. Neither the State nor any political subdivision thereof, nor, except in
32 cases of willful misconduct, gross negligence or bad faith, any emergency management worker,
33 firm, partnership, association, or corporation complying with or reasonably attempting to
34 comply with this Article or any order, rule or regulation promulgated pursuant to the provisions
35 of this Article or pursuant to any ordinance relating to any emergency management measures



1 enacted by any political subdivision of the State, shall be liable for the death of or injury to
2 persons, or for damage to property as a result of any such activity."

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

House Pages

HOMELAND

Name of Committee: SECURITY

Date: 6-MAY-2009

1. Name: DeAndrea Newsome

County: Cumberland

Sponsor: Elmer Floyd

2. Name: Caroline Byrd

County: Lenoir

Sponsor: Van Braxton

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt.-At-Arms

Name: GERALD PERRY

1. Name: JUDY TURNER

3. Name: _____

4. Name: _____

VISITOR REGISTRATION SHEET

Homeland Security

Name of Committee

5/06/09

Date

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NASW

Kay Paksoy

NASW, NC

Doug Hoell

NCERN/deps

rexda/Pratt

DHSR/DEMS

TOM BOWLIN

NC NATIONAL GUARD

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NC National Guard

Gary Bartlett

State Board of Elections

Norlan Graves

Rep. Hall

ANTHONY M. ALLISON

NACE

Sara Nienow

NC Department of Commerce

Racquel Williams

Rep. Hall

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Homeland Security

05/06/09

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Date

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Jeffery	DPT
Mike Lancaster	DMH/DD/SAS
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Christy Agner	Dept. of Admin.
Meghan Jones	ORNC
Annaliese Dolph	
Ann Knowles	County Veterans Service Office
GEORGE HUNT	MOORE COUNTY DIR. OF VET AFFAIRS
HAROLD HUNT	Lumbee Tribe of N.C. Director of Veterans Affairs
William Warwick	Warwick Assoc, Clinton, NC

VISITOR REGISTRATION SHEET

Name of Committee**Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 143 A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF HEALTH SERVICE REGULATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO REVIEW RECOMMENDATIONS FROM THE DISABILITY AND ELDERLY EMERGENCY MANAGEMENT (DEEM) TASK FORCE AND TO TAKE APPROPRIATE ACTION TO STRENGTHEN DISASTER PLANNING AND DISASTER PREPAREDNESS FOR LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 275 A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEX OFFENDERS
FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 374 A BILL TO BE ENTITLED AN ACT TO ADD PUBLIC HEALTH
PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL
PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT
RECOVERY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☒ Committee Substitute # 1 for

HB 614 A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS TO THE
ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY
AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS.

☒ With a favorable report as to Committee Substitute Bill 2, unfavorable as to Committee
Substitute Bill 1.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 738 A BILL TO BE ENTITLED AN ACT TO DIRECT THE INSTITUTE OF MEDICINE TO CONVENE A TASK FORCE TO STUDY THE PROVISION OF STATE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO CURRENT AND FORMER MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND NORTH CAROLINA NATIONAL GUARD AND THEIR FAMILIES, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS' AFFAIRS AND BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

SB 256 A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COUNTIES AND
CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN
SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUTE
APPLIES TO THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON
EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
JUDICIARY I.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1412

A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS
CHANGES TO THE STATUTES RELATING TO NATIONAL GUARD COURTS-MARTIAL.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
JUDICIARY I.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, MAY 06, 2009
ROOM 1425 LB
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, May 06, 2009 at 10:00 a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Cleveland, Dickson, Glazier, Hilton, McLawhorn, Sager, Sutton, and Warren. The following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff and visitors. He introduced Page DeAndrea Newsome from Cumberland County, and Caroline Byrd from Lenoir County. He also recognized Sgt. At Arms Jerald Perry and Judy Turner.

The first bill before the committee was **HB 143, AN ACT TO DIRECT THE DIVISION OF HEALTH AND HUMAN SERVICES, TO REVIEW RECOMMENDATIONS FROM THE DISABILITY AND ELDERLY EMERGENCY MANAGEMENT (DEEM) TASK FORCE AND TO TAKE APPROPRIATE ACTION TO STRENGTHEN DISASTER PLANNING AND DISASTER PREPAREDNESS FOR LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.** The Chair called upon Rep. Butterfield to explain the bill. Representative Cleveland moves for a favorable report. The Committee concurs and the bill passes.

HB 275, AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL. The Chair called upon Rep. Justus to explain the bill. Representative Sutton moves for a favorable report. The Committee concurs and the bill passes.

HB 374, AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. The Chair called upon Rep. Martin to explain the bill. Representative Ray Warren moves for a favorable report. The Committee concurs and the bill passes.

HB 1412, AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES RELATING TO NATIONAL GUARD COURTS-MARTIAL. The Chair called upon Rep. Martin to explain the bill. Representative Sutton made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the Committee on Judiciary I. The Committee concurs and the bill passes.

SB 256, AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUE APPLIES TO THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. The Chair called upon Rep. Martin to explain the bill. Representative Sutton moves for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary I. The Committee concurs and the bill passes.

HB 614, AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS. The Chair called upon Rep. Martin to explain the bill. Representative Killian made motion for a favorable report to the committee substitute bill, unfavorable to the original bill. The committee concurs and the bill passes.

HB738, AN ACT TO DIRECT THE INSTITUTE OF MEDICINE TO CONVENE A TASK FORCE TO STUDY THE PROVISION OF STATE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO CURRENT AND FORMER MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND NORTH CAROLINA NATIONAL GUARD AND THEIR FAMILIES, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS AFFAIRS AND BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES. The chair called upon Rep. Martin to explain the bill. Representative McLawhorn moves for favorable report. The committee concurs and the bill passes.

There being no further business to come forth the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

PUBLIC BILL

H.B. 1009

SESSION LAW _____

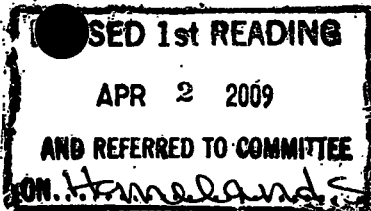
A BILL TO BE ENTITLED

AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN VETERANS SERVICE.

Introduced by Representative(s): ^{grb} Bell.

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only



3 Bay State Government

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1009
PROPOSED COMMITTEE SUBSTITUTE H1009-PCS10946-RK-43

Short Title: End DOA Supervision of Local Veterans Service.

(Public)

Sponsors:

Referred to:

April 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF
3 EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN
4 VETERANS SERVICE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 165-6(8) reads as rewritten:

7 "(8) It shall be the duty of the Department to ~~train, supervise~~ train and assist the
8 employees of any county, ~~city or town~~ city, town, or Indian tribe who are
9 engaged in veterans service. Authority is hereby granted the governing body
10 of any county, city or town to appropriate such amounts as it may deem
11 necessary to provide a veterans service program and the expenditure of such
12 funds is hereby declared to be for a public purpose; such program shall be
13 operated in affiliation with this Department. ~~Department and under its~~
14 ~~supervision as set forth above."~~

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



* H 1 0 0 9 - P C S 1 0 9 4 6 - R K - 4 3 *

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1009 A BILL TO BE ENTITLED AN ACT TO END DEPARTMENT OF
ADMINISTRATION SUPERVISION OF EMPLOYEES OF COUNTIES, CITIES, AND
TOWNS THAT ARE ENGAGED IN VETERANS SERVICE.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
STATE GOVERNMENT/STATE PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.



North Carolina General Assembly
**House Committee on Homeland Security,
Military, and Veterans Affairs**

Minutes

~
May 12, 2009

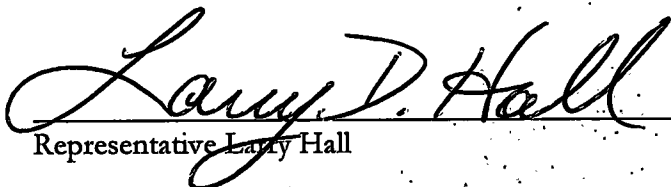
The House Committee on Homeland Security, Military, and Veterans Affairs met immediately after session around the chamber desk of the Chair, Representative Larry Hall.

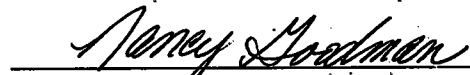
The following members were present: Chairperson Hall and Representatives Blust, Floyd, Killian, Barnhart, Braxton, Cleveland and McLawhorn.

A proposed committee substitute was placed before the Committee for House Bill 1009, entitled, "AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN VETERANS SERVICE."

After discussion, Representative Braxton moved for a favorable report to the committee substitute, unfavorable to the original bill and re-referred to the Committee on State Government/State Personnel.

There being no further business, the meeting adjourned at 6:25 p.m.


Representative Larry Hall


Nancy Goodman, Acting Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, May 20, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

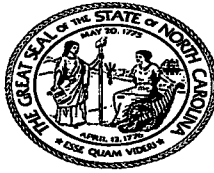
BILL NO.	SHORT TITLE	SPONSOR
HB 594	Increase Disabled Vet Property Tax Exclusion.	Representative Coates Representative Steen, II Representative Williams, III Representative Lucas
HB 1422	UNC Tuition Surcharge Exemption.	Representative Martin
HB 1457	In-State Tuition/Soldier Return to NC.	Representative Tarleton
HB 1533	No Tuition Surcharge/Military or Disability.	Representative Barnhart
HB 1573	Help Homeless Veterans Receive Benefits.	Representative Martin Representative Fisher Representative Harrison Representative Hall

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:30A.M. on May 15, 2009.

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, May 20, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman
- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 594	Increase Disabled Vet Property Tax Exclusion. (if favorable, Finance)	Representative Coates Representative Steen, II Representative Williams, III Representative Lucas Representative Martin
HB 1422	UNC Tuition Surcharge Exemption.(if favorable, Education)	
HB 1457	In-State Tuition/Soldier Return to NC.(if favorable, Education, if favorable Appropriations)	Representative Tarleton
~~HB 1533~~	~~No Tuition Surcharge/Military or Disability.~~	~~Representative Barnhart~~
HB 1573	Help Homeless Veterans Receive Benefits. (if favorable, Appropriations)	Representative Martin Representative Fisher Representative Harrison Representative Hall

- **Comments**
- **Adjourn**

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.

Introduced by Representative(s): *William Lucas* (Primary Sponsors) *Coates and Steen* (Primary Sponsors).

<i>G. Pierce</i>	<i>Mary</i>	<i>B. Williams</i>	<i>Y. Turner</i>
<i>Newman</i>	<i>M. Smith</i>	<i>M. Durham</i>	<i>E. Evans</i>
<i>Underhill</i>	<i>L. Jones</i>	<i>B. Braxton</i>	<i>C. Cole</i>
		<i>L. Hall</i>	<i>B. Burns</i>

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

- Jones*
- KILLIAN*
- Frye*
- Pat Hurley*
- Randleman*
- Mills*

- Barnhart*
- Johnson*
- Quady*
- Moore*
- Grice*
- Stevens*
- SAGER*
- Harrison*
- Allen*

- Lewis*
- C. Justa*
- Spencer*
- Set*
- Burr*
- Starn*
- E. Ware*

PASSED 1st READING
MAR 16 2009
AND REFERRED TO COMMITTEE
ON... *Hemel*

Security, & Gov.
Finance



HOUSE BILL 594: Increase Disabled Vet Property Tax Exclusion

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Finance	Date:	May 19, 2009
Introduced by:	Reps. Coates, Steen, Williams, Lucas	Prepared by:	Ben Popkin
Analysis of:	PCS to First Edition H594-CSR-D-52		Committee Counsel

SUMMARY: House Bill 594 would amend G.S. 105-277.1(a), as enacted by Section 28.11(d) of Session Law 2008-107, to increase the amount of the property tax homestead exclusion provided to honorably discharged disabled veterans or their surviving spouses from \$45,000 to \$65,000.

The Proposed Committee Substitute makes a technical change to correct the effective date language.

[As introduced, this bill was identical to S177, as introduced by Sen. Tillman, which is currently in Senate Finance.]

CURRENT LAW: G.S. 105-275 "Property classified and excluded from the tax base" sets forth a list of classes of property that are not to be "...listed, appraised, assessed, or taxed". Subsection (21) of that statute provides that "[t]he first \$38,000 in assessed value of housing together with the necessary land therefor, owned and used as a residence by a disabled veteran..." is one of the classes of property excluded from taxation under this section.

As enacted by Section 28.11 of Session Law 2008-107, effective for taxes imposed for taxable years beginning on or after July 1, 2009, G.S. 105-275(21) is repealed and a new G.S. 105-277.1(a) provides honorably discharged disabled veterans or their unmarried surviving spouses with an exclusion from taxation for the first \$45,000 of appraised value of their home. To qualify, the home must be "[a] permanent residence owned and occupied by an owner who is a North Carolina resident and who is an honorably discharged disabled veteran or the unmarried surviving spouse of an honorably discharged disabled veteran. Further, that subsection provides that an owner who receives an exclusion under this section may not receive other property tax relief.

BILL ANALYSIS: House Bill 594 would amend G.S. 105-277.1(a), as enacted by Section 28.11(d) of Session Law 2008-107, to increase the amount of the property tax homestead exclusion provided to honorably discharged disabled veterans or their surviving spouses from \$45,000 to \$65,000 per year.

EFFECTIVE DATE: This act is effective for taxes imposed for taxable years beginning on or after July 1, 2009.

H594-SMRD-117(CSRD-52) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 594
PROPOSED COMMITTEE SUBSTITUTE H594-PCS10981-RD-52

Short Title: Increase Disabled Vet Property Tax Exclusion.

(Public)

Sponsors:

Referred to:

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD
EXCLUSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-277.1C(a), as enacted by S.L. 2008-107, reads as rewritten:

"(a) Exclusion. – A permanent residence owned and occupied by an owner who is a North Carolina resident and who is an honorably discharged disabled veteran or the unmarried surviving spouse of an honorably discharged disabled veteran is designated a special class of property under Article V, Section 2(2) of the North Carolina Constitution and is taxable in accordance with this section. The first ~~forty-five thousand dollars (\$45,000)~~ sixty-five thousand dollars (\$65,000) of appraised value of the residence is excluded from taxation. An owner who receives an exclusion under this section may not receive other property tax relief."

SECTION 2. This act is effective for taxes imposed for taxable years beginning on or after July 1, 2009.



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 594

Short Title: Increase Disabled Vet Property Tax Exclusion. (Public)

Sponsors: Representatives Coates, Steen, Williams, Lucas (Primary Sponsors); Allen, Barnhart, Bell, Braxton, Burr, Burris-Floyd, Cole, Current, Dickson, Dockham, Dollar, England, Faison, Farmer-Butterfield, Frye, Glazier, Goforth, Goodwin, Grady, Guice, Hall, Harrison, Holliman, Howard, Hughes, Hurley, Johnson, Jones, Justice, Justus, Killian, Lewis, Martin, McElraft, McLawhorn, Mills, Moore, Neumann, Pierce, Randleman, Sager, Setzer, Spear, Stam, Stevens, Tarleton, Tillis, Underhill, Wainwright, and E. Warren.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Finance.

March 16, 2009

**A BILL TO BE ENTITLED
AN ACT TO INCREASE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD
EXCLUSION.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-277.1C(a), as enacted by S.L. 2008-107, reads as rewritten:

"(a) Exclusion. – A permanent residence owned and occupied by an owner who is a North Carolina resident and who is an honorably discharged disabled veteran or the unmarried surviving spouse of an honorably discharged disabled veteran is designated a special class of property under Article V, Section 2(2) of the North Carolina Constitution and is taxable in accordance with this section. The first ~~forty-five thousand dollars (\$45,000)~~ sixty-five thousand dollars (\$65,000) of appraised value of the residence is excluded from taxation. An owner who receives an exclusion under this section may not receive other property tax relief."

SECTION 2. This act is effective for taxable years beginning on or after July 1, 2009.



1422

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CREATE A LIMITED EXCEPTION TO THE POLICY OF THE UNIVERSITY OF NORTH CAROLINA THAT REQUIRES THAT A TUITION SURCHARGE BE IMPOSED ON ANY UNDERGRADUATE STUDENT WHO EXCEEDS THE LIMIT OF ONE HUNDRED FORTY CREDIT HOURS.

MADON
Introduced by Representative(s): Martin.

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

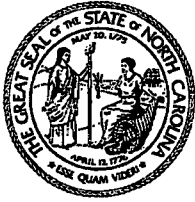
Pri Clerk's Use Only

PASSED 1st READING

APR 13 2009

AND REFERRED TO COMMITTEE

ON *Homeland Security*
Law Education



HOUSE BILL 1422: UNC Tuition Surcharge Exemption

2009-2010 General Assembly

Committee: House Serial referral to Appropriations
Introduced by: Rep. Martin
Analysis of: First Edition

Date: May 15, 2009
Prepared by: Hal Pell
Committee Counsel

SUMMARY: *This act authorizes the Board of Governors for the University of North Carolina to enact policies to provide an exemption for tuition surcharges. This act becomes effective July 1, 2009.*

CURRENT LAW: Current policy provides for a twenty-five percent (25%) tuition surcharge on:

- Students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or
- Students who take more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program.

BILL ANALYSIS: This act would allow the Board to implement policies to provide an exemption from tuition surcharges if the pursuit of a degree has been substantially disrupted or interrupted due to:

- Military deployment.
- Serious medical debilitation
- Other extraordinary hardship.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1422
PROPOSED COMMITTEE SUBSTITUTE H1422-PCS50713-RK-55

Short Title: UNC Tuition Surcharge Exemption.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE A LIMITED EXCEPTION TO THE POLICY OF THE UNIVERSITY OF NORTH CAROLINA THAT REQUIRES THAT A TUITION SURCHARGE BE IMPOSED ON ANY UNDERGRADUATE STUDENT WHO EXCEEDS THE LIMIT OF ONE HUNDRED FORTY CREDIT HOURS.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws, reads as rewritten:

"(b) The Board of Governors of The University of North Carolina shall ensure that procedures are established that are necessary to impose a twenty-five percent (25%) tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. The calculation of these credit hours taken at a constituent institution or accepted for transfer shall exclude hours earned through the College Board's Advanced Placement or CLEP examinations, through institutional advanced placement or course validation, or through summer term or extension programs. No surcharge shall be imposed on any student who exceeds the degree credit hour limits within the equivalent of four academic years of regular term enrollment, or within five academic years of regular term enrollment in a degree program officially designated by the Board of Governors as a five-year program. The Board of Governors shall establish a policy that provides for an exemption to the tuition surcharge for students who demonstrate military service obligation, serious medical debilitation, or other extraordinary hardship that has substantially disrupted or interrupted the pursuit of a degree. The Board shall report to the Joint Legislative Education Oversight Committee by April 1, 1994, on its recommendations for implementing this surcharge."

SECTION 2. This act becomes effective July 1, 2009.



* H 1 4 2 2 - P C S 5 0 7 1 3 - R K - 5 5 *

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 1422

DATE 5/20/09

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Underhill
Sen.)

1 moves to amend the bill on page 1, line 23

2 () WHICH CHANGES THE TITLE

3 by deleting the word "deployment,"

4

5 and substituting the words

6

7 "~~existing~~ service obligation,".

8

9

10 and on page 1, line 22,

11

12 by deleting the word "may"

13

14 and substituting the word

15

16 "shall".

17

18

19

SIGNED Alice Underhill

ADOPTED X.O. Hall FAILED _____ TABLED _____

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 1422

Short Title: UNC Tuition Surcharge Exemption. (Public)

Sponsors: Representatives Martin; Hughes and Lucas.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Education.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE A LIMITED EXCEPTION TO THE POLICY OF THE UNIVERSITY OF NORTH CAROLINA THAT REQUIRES THAT A TUITION SURCHARGE BE IMPOSED ON ANY UNDERGRADUATE STUDENT WHO EXCEEDS THE LIMIT OF ONE HUNDRED FORTY CREDIT HOURS.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws, reads as rewritten:

"(b) The Board of Governors of The University of North Carolina shall ensure that procedures are established that are necessary to impose a twenty-five percent (25%) tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. The calculation of these credit hours taken at a constituent institution or accepted for transfer shall exclude hours earned through the College Board's Advanced Placement or CLEP examinations, through institutional advanced placement or course validation, or through summer term or extension programs. No surcharge shall be imposed on any student who exceeds the degree credit hour limits within the equivalent of four academic years of regular term enrollment, or within five academic years of regular term enrollment in a degree program officially designated by the Board of Governors as a five-year program. The Board of Governors may establish a policy that provides for an exemption to the tuition surcharge for students who demonstrate military deployment, serious medical debilitation, or other extraordinary hardship that has substantially disrupted or interrupted the pursuit of a degree. The Board shall report to the Joint Legislative Education Oversight Committee by April 1, 1994, on its recommendations for implementing this surcharge."

SECTION 2. This act becomes effective July 1, 2009.



PUBLIC BILL

HB1457

157

Bill displaced

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A NORTH CAROLINA RESIDENT, WHO ENLISTS IN THE MILITARY AND WHO, UPON RECEIVING AN HONORABLE DISCHARGE, RETURNS TO NORTH CAROLINA WITH THE INTENT OF REESTABLISHING STATE RESIDENCY IS ELIGIBLE FOR IN-STATE TUITION WITHOUT FIRST SATISFYING THE TWELVE-MONTH RESIDENCY REQUIREMENT IN CERTAIN CIRCUMSTANCES.

W
Introduced by Representative(s): Tarleton.

Harrison

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Pr Clerk's Use Only

PASSED 1st READING

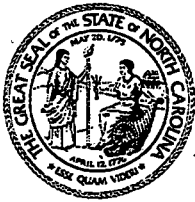
APR 13 2009

AND REFERRED TO COMMITTEE

ON *Homebased Security*

3aw Education,
6aw

APPROPRIATIONS



HOUSE BILL 1457: In-State Tuition/Soldier Return to NC

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Education, if favorable, Appropriations	Date:	May 15, 2009
Introduced by:	Rep. Tarleton	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act would grant in-state tuition to persons who were North Carolina residents upon entry into military service, and returned to attend a UNC constituent university.*

CURRENT LAW: A North Carolina resident who enters military service maintains their residency status, unless establishing residency elsewhere during his or her term of service.

BILL ANALYSIS: This act would allow a North Carolina resident to re-establish residency upon return after military service if the person:

- Received an honorable discharge.
- Returns to North Carolina no later than 30 days following the discharge.
- Returns for the purpose of reestablishing residency and a bona fide domicile.
- Enrolls in a UNC constituent institution with 90 days following the discharge.

Residency terminates if: (i) the person fails to continuously maintain the residence for a 12 month period following enrollment, or (ii) the person abandons legal residency.

EFFECTIVE DATE: This act becomes effective July 1, 2009, and applies to the fall 2009-2010 academic semester and each subsequent academic semester.

H1457-SMRK-120(e1) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 1457

Short Title: In-State Tuition/Soldier Return to NC. (Public)

Sponsors: Representatives Tarleton; Cotham, Dollar, Harrison, Neumann, and Rapp.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Education, if favorable, Appropriations.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A NORTH CAROLINA RESIDENT, WHO ENLISTS IN THE MILITARY AND WHO, UPON RECEIVING AN HONORABLE DISCHARGE, RETURNS TO NORTH CAROLINA WITH THE INTENT OF REESTABLISHING STATE RESIDENCY IS ELIGIBLE FOR IN-STATE TUITION WITHOUT FIRST SATISFYING THE TWELVE-MONTH RESIDENCY REQUIREMENT IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.1(h) reads as rewritten:

"(h) No person shall lose his or her resident status for tuition purposes solely by reason of serving in the armed forces outside this State. Any person who is a resident of North Carolina at the time he or she enlists in the armed forces and who returns to North Carolina within 30 days of being honorably discharged from the armed services for the purpose of reestablishing residency and maintaining a bona fide domicile in the State and who enrolls in a constituent institution not later than 90 days after being honorably discharged from the armed services is eligible for in-State tuition without first satisfying the 12-month durational requirement of this section. However, the eligibility for in-State tuition shall discontinue if the person fails to continuously maintain the reestablished North Carolina domicile for a 12-month period from the date of enrollment or if the person abandons legal residence in this State."

SECTION 2. This act becomes effective July 1, 2009, and applies to the fall 2009-2010 academic semester and each subsequent academic semester.





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1457

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1457-ALH-7 [v.1]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Date 5/20/09 2009

Representative WARREN

- 1 moves to amend the bill on page 1, line 15,
2 by deleting "not later than 90 days".
3
4

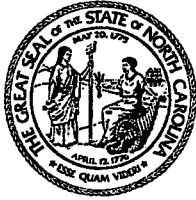
SIGNED [Signature]
Amendment Sponsor

SIGNED [Signature]
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____



* H 1 4 5 7 - A L H - 7 - V - 1 *



HOUSE BILL 1573: Help Homeless Veterans Receive Benefits

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations	Date:	May 19, 2009
Introduced by:	Reps. Martin, Fisher, Harrison, Hall	Prepared by:	Ben Popkin
Analysis of:	PCS to First Edition H1573-CSR-53		Committee Counsel

SUMMARY: *House Bill 1573 would amend Chapters 148 (State Prison System), 15A (Criminal Procedure Act), and 122C (Mental Health, Developmental Disabilities, and Substance Abuse Act of 1985) to direct the adoption of rules allowing for the questioning of prisoners, probationers, and persons in certain facilities to determine: 1) if they had ever served in a branch of the military, and 2) whether the person consents to sharing the resulting information with State, local and federal agencies, and entering it into the Carolina Homeless Information Network (CHIN) database to help identify and access relevant support services for the veteran.*

The bill would appropriate money from the General Fund to the Department of Correction and the Department of Health and Human Services to purchase end user licenses for the CHIN program and pay for training, network access and other support and maintenance costs.

The Proposed Committee Substitute to House Bill 1573 corrects an incorrect term in the original draft of the bill but makes no substantive change to its contents.

BILL ANALYSIS: Section 1 of House Bill 1573 would add a new section to Chapter 148 to direct the Secretary of Correction to adopt rules providing that each prisoner, when received into the State prison system, is asked:

- Whether they ever served in the active or reserve components of the Army, Marine Corps, Navy, Air Force, Air Guard, National Guard, Coast Guard, or Merchant Marine.
- Whether they consent to sharing this information with other State, local, and federal agencies and entering it into the Carolina Homeless Information Network (CHIN) database.

The bill would then direct the Secretary to adopt rules providing that the prisoner would be informed that these questions were being asked for the purpose of helping to determine if the prisoner would be eligible, upon release from prison, for any benefits as a result of their status as a veteran.

The bill would then provide that, upon determination of prior military service and consent of the person, the Secretary would be authorized to share the information with the Department of Veterans Affairs, the Division of Veterans Affairs of the Department of Administration, and any other local, State or federal agency, "...for the sole purpose of facilitating the incarcerated veteran's eligibility for, and access to benefits through the agencies."

The bill would direct the Department of Correction to enter into an agreement with the organization operating CHIN regarding access, use of, and entering information into the CHIN database. Finally, the bill would provide that information obtained pursuant to the new section would not be public record.

Section 2 would insert a similar provision into Chapter 15A but directed at the Secretary of Correction and applying to offenders on probation.

Section 3 would insert a similar provision into Chapter 122C but directed at the Secretary of Health and Human Services for application with persons admitted to facilities providing services for "...the care,

House Bill 1573

Page 2

treatment, habilitation, or rehabilitation..." of persons with mental illness, developmental disabilities, or substance abuse issues.

Section 4 would appropriate from the General Fund to the Department of Correction \$38,257 for FY 2009-10 and \$30,607 for FY 2010-11 to purchase end user licenses for the CHIN program and pay for training, network access and technical support and maintenance.

Section 5 would appropriate from the General Fund to the Department of Health and Human Services \$64,271 for FY 2009-10 and \$51,419 for FY 2010-11 to purchase end user licenses for the CHIN program and pay for training, network access and technical support and maintenance.

Section 6 would direct the Division of Veterans Affairs of the Department of Administration to investigate and apply for additional sources of funding for the purposes of this act.

EFFECTIVE DATE: This act becomes effective October 1, 2009.

H1573-SMRD-119(CSRD-53) v1

minutes

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1573
PROPOSED COMMITTEE SUBSTITUTE H1573-PCS80445-RD-53

Short Title: Help Homeless Veterans Receive Benefits.

(Public)

Sponsors:

Referred to:

May 5, 2009

A BILL TO BE ENTITLED

AN ACT TO FACILITATE THE IDENTIFICATION OF VETERANS, HOMELESS
VETERANS IN PARTICULAR, IN ORDER TO ASSIST SUCH PERSONS IN
OBTAINING BENEFITS TO WHICH THEY MAY BE ENTITLED.

Whereas, a substantial portion of persons in this State who are homeless at some
point in their lives are veterans who may be entitled to benefits that could improve their quality
of life; and

Whereas, one of the main challenges to providing homeless veterans with benefits
to which they may be entitled is identifying who is a veteran for benefit purposes; and

Whereas, the Carolina Homeless Information Network (CHIN), a program of the
North Carolina Housing Coalition, Inc., a nonprofit corporation, is a statewide, centralized
electronic data collection tool that is used to aggregate information about the characteristics and
service needs of individuals experiencing homelessness, and is capable of recording whether
such individuals self-identify as veterans; and

Whereas, the Department of Correction and the Division of Mental Health,
Developmental Disabilities, and Substance Abuse Services of the Department of Health and
Human Services come into contact with significant numbers of people in this State and are
ideally situated to ask such persons whether or not they are veterans; and

Whereas, allowing those agencies to access CHIN would allow them to assist in the
identification of homeless veterans and would facilitate the provision of benefits to eligible
individuals; and

Whereas, identifying veterans who are eligible for benefits can help those veterans
obtain benefits even if they are not homeless; and

Whereas, facilitating the provision of federal benefits to eligible veterans will free
up State funds and other resources; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 148 of the General Statutes is amended by
adding a new section to read:

**"§ 148-12.1. Inquiries about service in the military; participation in Carolina Homeless
Information Network.**

(a) The Secretary of Correction shall adopt rules providing that the following inquiries
be made of each prisoner when the prisoner is received in the State prison system:



(1) Whether the prisoner has ever served in the active or reserve components of the Army, Marine Corps, Navy, Air Force, Air Guard, National Guard, Coast Guard, or Merchant Marine.

(2) Whether the prisoner consents to this information being shared with other State, local, and federal agencies and entered into the Carolina Homeless Information Network (CHIN) database, if applicable.

(b) The Secretary of Correction shall adopt rules requiring that prior to making the inquiries required by subsection (a) of this section, each prisoner be informed that the reason the prisoner's military service history is being inquired about is in order to assist in determining whether the person may be eligible upon release from prison for any benefits by virtue of the prisoner's status as a veteran. The rules adopted pursuant to this subsection shall also require the Department to follow its normal policies regarding obtaining informed consent in making the inquiries required by this section.

(c) If a prisoner reports having previously served in any of the branches of the military set forth in subdivision (1) of subsection (a) of this section and consents to the release of that information, the Secretary may share that information with the U.S. Department of Veterans Affairs, the Division of Veterans Affairs of the Department of Administration, and any other local, State, or federal agency for the sole purpose of facilitating the incarcerated veteran's eligibility for, and access to, benefits through those agencies.

(d) The Department of Correction shall enter into an agency participation agreement with the North Carolina Housing Coalition, Inc., a nonprofit corporation, regarding access and use of the Carolina Homeless Information Network (CHIN) Homeless Management Information System. This agreement shall provide for the recording in the CHIN database of information obtained pursuant to this section pertaining to the veteran status of persons in the CHIN database.

(e) The requirements of this section shall be interpreted consistent with federal law, and information obtained pursuant to this section shall not be a public record under Chapter 132 of the General Statutes."

SECTION 2. Article 82 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1343.4. Inquiries about veteran status; participation in Carolina Homeless Information Network.

(a) The Secretary of Correction shall adopt rules providing that the following inquiries be made of each offender on probation:

(1) Whether the offender has ever served in the active or reserve components of the Army, Marine Corps, Navy, Air Force, Air Guard, National Guard, Coast Guard, or Merchant Marine.

(2) Whether the offender consents to this information being shared with other State, local, and federal agencies and entered into the Carolina Homeless Information Network (CHIN) database, if applicable.

(b) The Secretary of Correction shall adopt rules requiring that prior to making the inquiries required by subsection (a) of this section, each offender on probation be informed that the reason the offender's military service history is being inquired about is in order to assist in determining whether the offender may be eligible for any benefits by virtue of the offender's veteran status. The rules adopted pursuant to this subsection shall also require the Department to follow its normal policies regarding obtaining informed consent in making the inquiries required by this section.

(c) If an offender on probation reports having previously served in any of the branches of the military set forth in subdivision (1) of subsection (a) of this section and consents to the release of that information, the Secretary may share that information with the U.S. Department of Veterans Affairs, the Division of Veterans Affairs of the Department of Administration, and

any other local, State, or federal agency for the sole purpose of facilitating the offender's eligibility for, and access to, benefits through those agencies.

(d) The Department of Correction shall enter into an agency participation agreement with the North Carolina Housing Coalition, Inc., a nonprofit corporation, regarding access and use of the Carolina Homeless Information Network (CHIN) Homeless Management Information System. This agreement shall provide for the recording in the CHIN database of information obtained pursuant to this section pertaining to the veteran status of persons in the CHIN database.

(e) The requirements of this section shall be interpreted consistent with federal law, and information obtained pursuant to this section shall not be a public record under Chapter 132 of the General Statutes."

SECTION 3. Part 1 of Article 5 of Chapter 122C of the General Statutes is amended by adding a new section to read:

"§ 122C-210.3. Inquiries about veteran status; participation in Carolina Homeless Information Network.

(a) The Secretary of Health and Human Services shall adopt rules providing that the following inquiries be made of each person who is admitted to a facility:

(1) Whether the person has ever served in the active or reserve components of the Army, Marine Corps, Navy, Air Force, Air Guard, National Guard, Coast Guard, or Merchant Marine.

(2) Whether the person consents to this information being shared with other State, local, and federal agencies and entered into the Carolina Homeless Information Network (CHIN) database, if applicable.

(b) The Secretary of Health and Human Services shall adopt rules requiring that prior to making the inquiries required by subsection (a) of this section, each person be informed that the reason the person's military service history is being inquired about is in order to assist in determining whether the person may be eligible for any benefits by virtue of that status. The rules adopted pursuant to this subsection shall also require the Department to follow its normal policies regarding obtaining informed consent in making the inquiries required by this section.

(c) If a person reports having previously served in any of the branches of the military set forth in subdivision (1) of subsection (a) of this section and consents to the release of that information, the Secretary may share that information with the U.S. Department of Veterans Affairs, the Division of Veterans Affairs of the Department of Administration, and any other local, State, or federal agency for the sole purpose of facilitating the person's eligibility for, and access to, benefits through those agencies.

(d) The Department of Health and Human Services shall enter into an agency participation agreement with the North Carolina Housing Coalition, Inc., a nonprofit corporation, regarding access and use of the Carolina Homeless Information Network (CHIN) Homeless Management Information System. This agreement shall provide for the recording in the CHIN database of information obtained pursuant to this section pertaining to the veteran status of persons in the CHIN database.

(e) The requirements of this section shall be interpreted consistent with federal law, and information obtained pursuant to this section shall not be a public record under Chapter 132 of the General Statutes."

SECTION 4. There is appropriated from the General Fund to the Department of Correction the sum of thirty-eight thousand two hundred fifty-seven dollars (\$38,257) for the 2009-2010 fiscal year and the sum of thirty thousand six hundred seven dollars (\$30,607) for the 2010-2011 fiscal year to purchase 100 end user licenses for the Carolina Homeless Information Network (CHIN) program for training, for network access, and for other technical support and maintenance costs associated with accessing the CHIN program.

1 **SECTION 5.** There is appropriated from the General Fund to the Department of
2 Health and Human Services the sum of sixty-four thousand two hundred seventy-one dollars
3 (\$64,271) for the 2009-2010 fiscal year and the sum of fifty-one thousand four hundred
4 nineteen dollars (\$51,419) for the 2010-2011 fiscal year to purchase 168 end user licenses for
5 the Carolina Homeless Information Network (CHIN) program for training, for network access,
6 and for other technical support and maintenance costs associated with accessing the CHIN
7 program.

8 **SECTION 6.** The Division of Veterans Affairs of the Department of
9 Administration shall investigate additional sources of funding to accomplish the purposes of
10 this act and shall apply for any such funding.

11 **SECTION 7.** This act becomes effective October 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1573

Short Title: Help Homeless Veterans Receive Benefits. (Public)

Sponsors: Representatives Martin, Fisher, Harrison, Hall (Primary Sponsors); Coates, Dockham, Hughes, Jones, Lucas, Tarleton, and Wray.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Appropriations.

May 5, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO FACILITATE THE IDENTIFICATION OF VETERANS, HOMELESS
3 VETERANS IN PARTICULAR, IN ORDER TO ASSIST SUCH PERSONS IN
4 OBTAINING BENEFITS TO WHICH THEY MAY BE ENTITLED.

5 Whereas, a substantial portion of persons in this State who are homeless at some
6 point in their lives are veterans who may be entitled to benefits that could improve their quality
7 of life; and

8 Whereas, one of the main challenges to providing homeless veterans with benefits
9 to which they may be entitled is identifying who is a veteran for benefit purposes; and

10 Whereas, the Carolina Homeless Information Network (CHIN), a program of the
11 North Carolina Housing Coalition, Inc., a nonprofit corporation, is a statewide, centralized
12 electronic data collection tool that is used to aggregate information about the characteristics and
13 service needs of individuals experiencing homelessness, and is capable of recording whether
14 such individuals self identify as veterans; and

15 Whereas, providing the Department of Correction and the Division of Mental
16 Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health
17 and Human Services come into contact with significant numbers of people in this State and are
18 ideally situated to ask such persons whether or not they are veterans; and

19 Whereas, allowing those agencies to access CHIN would allow them to assist in the
20 identification of homeless veterans and would facilitate the provision of benefits to eligible
21 individuals; and

22 Whereas, identifying veterans who are eligible for benefits can help those veterans
23 obtain benefits even if they are not homeless; and

24 Whereas, facilitating the provision of federal benefits to eligible veterans will free
25 up State funds and other resources; Now, therefore,
26 The General Assembly of North Carolina enacts:

27 SECTION 1. Article 2 of Chapter 148 of the General Statutes is amended by
28 adding a new section to read:

29 "§ 148-12.1. Inquiries about service in the military; participation in Carolina Homeless
30 Information Network.

31 (a) The Secretary of Correction shall adopt rules providing that the following inquiries
32 be made of each prisoner when the prisoner is received in the State prison system:

33 (1) Whether the prisoner has ever served in the active or reserve components of
34 the Army, Marine Corps, Navy, Air Force, Air Guard, National Guard,
35 Coast Guard, or Merchant Marine.



* H 1 5 7 3 - V - 1 *

(2) Whether the prisoner consents to this information being shared with other State, local, and federal agencies and entered into the Carolina Homeless Information Network (CHIN) database, if applicable.

(b) The Secretary of Correction shall adopt rules requiring that prior to making the inquiries required by subsection (a) of this section, each prisoner be informed that the reason the prisoner's military service history is being inquired about is in order to assist in determining whether the person may be eligible upon release from prison for any benefits by virtue of the prisoner's status as a veteran. The rules adopted pursuant to this subsection shall also require the Department to follow its normal policies regarding obtaining informed consent in making the inquiries required by this section.

(c) If a prisoner reports having previously served in any of the branches of the military set forth in subdivision (1) of subsection (a) of this section and consents to the release of that information, the Secretary may share that information with the U.S. Department of Veterans Affairs, the Division of Veterans Affairs of the Department of Administration, and any other local, State, or federal agency for the sole purpose of facilitating the incarcerated veteran's eligibility for, and access to, benefits through those agencies.

(d) The Department of Correction shall enter into an agency participation agreement with the North Carolina Housing Coalition, Inc., a nonprofit corporation, regarding access and use of the Carolina Homeless Information Network (CHIN) Homeless Management Information System. This agreement shall provide for the recording in the CHIN database of information obtained pursuant to this section pertaining to the veteran status of persons in the CHIN database.

(e) The requirements of this section shall be interpreted consistent with federal law, and information obtained pursuant to this section shall not be a public record under Chapter 132 of the General Statutes."

SECTION 2. Article 82 of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1343.4. Inquiries about veteran status; participation in Carolina Homeless Information Network.

(a) The Secretary of Correction shall adopt rules providing that the following inquiries be made of each offender on probation:

(1) Whether the offender has ever served in the active or reserve components of the Army, Marine Corps, Navy, Air Force, Air Guard, National Guard, Coast Guard, or Merchant Marine.

(2) Whether the offender consents to this information being shared with other State, local, and federal agencies and entered into the Carolina Homeless Information Network (CHIN) database, if applicable.

(b) The Secretary of Correction shall adopt rules requiring that prior to making the inquiries required by subsection (a) of this section, each offender on probation be informed that the reason the offender's military service history is being inquired about is in order to assist in determining whether the offender may be eligible for any benefits by virtue of the offender's veteran status. The rules adopted pursuant to this subsection shall also require the Department to follow its normal policies regarding obtaining informed consent in making the inquiries required by this section.

(c) If an offender on probation reports having previously served in any of the branches of the military set forth in subdivision (1) of subsection (a) of this section and consents to the release of that information, the Secretary may share that information with the U.S. Department of Veterans Affairs, the Division of Veterans Affairs of the Department of Administration, and any other local, State, or federal agency for the sole purpose of facilitating the offender's eligibility for, and access to, benefits through those agencies.

(d) The Department of Correction shall enter into an agency participation agreement with the North Carolina Housing Coalition, Inc., a nonprofit corporation, regarding access and use of the Carolina Homeless Information Network (CHIN) Homeless Management Information System. This agreement shall provide for the recording in the CHIN database of information obtained pursuant to this section pertaining to the veteran status of persons in the CHIN database.

(e) The requirements of this section shall be interpreted consistent with federal law, and information obtained pursuant to this section shall not be a public record under Chapter 132 of the General Statutes."

SECTION 3. Part 1 of Article 5 of Chapter 122C of the General Statutes is amended by adding a new section to read:

"§ 122C-210.3. Inquiries about veteran status; participation in Carolina Homeless Information Network.

(a) The Secretary of Health and Human Services shall adopt rules providing that the following inquiries be made of each person who is admitted to a facility:

(1) Whether the person has ever served in the active or reserve components of the Army, Marine Corps, Navy, Air Force, Air Guard, National Guard, Coast Guard, or Merchant Marine.

(2) Whether the person consents to this information being shared with other State, local, and federal agencies and entered into the Carolina Homeless Information Network (CHIN) database, if applicable.

(b) The Secretary of Health and Human Services shall adopt rules requiring that prior to making the inquiries required by subsection (a) of this section, each person be informed that the reason the person's military service history is being inquired about is in order to assist in determining whether the person may be eligible for any benefits by virtue of that status. The rules adopted pursuant to this subsection shall also require the Department to follow its normal policies regarding obtaining informed consent in making the inquiries required by this section.

(c) If a person reports having previously served in any of the branches of the military set forth in subdivision (1) of subsection (a) of this section and consents to the release of that information, the Secretary may share that information with the U.S. Department of Veterans Affairs, the Division of Veterans Affairs of the Department of Administration, and any other local, State, or federal agency for the sole purpose of facilitating the prisoner's eligibility for, and access to, benefits through those agencies.

(d) The Department of Health and Human Services shall enter into an agency participation agreement with the North Carolina Housing Coalition, Inc., a nonprofit corporation, regarding access and use of the Carolina Homeless Information Network (CHIN) Homeless Management Information System. This agreement shall provide for the recording in the CHIN database of information obtained pursuant to this section pertaining to the veteran status of persons in the CHIN database.

(e) The requirements of this section shall be interpreted consistent with federal law, and information obtained pursuant to this section shall not be a public record under Chapter 132 of the General Statutes."

SECTION 4. There is appropriated from the General Fund to the Department of Correction the sum of thirty-eight thousand two hundred fifty-seven dollars (\$38,257) for the 2009-2010 fiscal year and the sum of thirty thousand six hundred seven dollars (\$30,607) for the 2010-2011 fiscal year to purchase 100 end user licenses for the Carolina Homeless Information Network (CHIN) program for training, for network access, and for other technical support and maintenance costs associated with accessing the CHIN program.

SECTION 5. There is appropriated from the General Fund to the Department of Health and Human Services the sum of sixty-four thousand two hundred seventy-one dollars (\$64,271) for the 2009-2010 fiscal year and the sum of fifty-one thousand four hundred

1 nineteen dollars (\$51,419) for the 2010-2011 fiscal year to purchase 168 end user licenses for
2 the Carolina Homeless Information Network (CHIN) program for training, for network access,
3 and for other technical support and maintenance costs associated with accessing the CHIN
4 program.

5 **SECTION 6.** The Division of Veterans Affairs of the Department of
6 Administration shall investigate additional sources of funding to accomplish the purposes of
7 this act and shall apply for any such funding.

8 **SECTION 7.** This act becomes effective October 1, 2009.

House Pages

HOMELAND

Name of Committee: SECURITY Date: 20-MAY-09

1. Name: Liz Stevens
County: Mechlenburg
Sponsor: Rep. Hillman
2. Name: Fuel Posada
County: Mechlenburg
Sponsor: Gulley
3. Name: _____
County: _____
Sponsor: _____
4. Name: _____
County: _____
Sponsor: _____
5. Name: _____
County: _____
Sponsor: _____

Sgt.-At-Arms

1. Name: GERALD PERRY
2. Name: THOMAS WILDER
3. Name: KEN BURROVES

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

05/20/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sara Nieman	NC Dept of Commerce
DHARMI TAILOR	MS Society
Alicia ~~De~~	MWC
Nabeela Tahir	NCAAC
ANTHONY ANON	NCAAC
Harold E. Thompson "Hunter"	North Carolina Housing Coalition, CHIN
Laura A. Yates	NC DOC/DOR/HS
John W. Harris	DMH/DD/SAS
Chris McIn	Raleigh
Sheyna Alterovitz	AARP
Bill Wilkes	N.C. DOR

VISITOR REGISTRATION SHEET

Homeland Security, Military, and Veterans Affairs

05/20/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Zach McMichael	Crutcher
Leslie Arnold	SAS - Daily Bulletin
Michael LANCASTER	DMH/DD/SAS
PAUL Meyer	NCLM
Evin Schnellpaly	UNC
Anita Watkins	UNC
WR Lowe	DAV, Dept of NC
George BAUGH	DAV, Commander NC STATE VETERANS COUNCIL
ZEB ALLEY	DAV
Deborah Lee	VLS M G Department of Veterans Affairs
Bob Williamson	Durham VA Medical Center 508 Fulton St. Durham, NC 27705

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 594 A BILL TO BE ENTITLED AN ACT TO INCREASE THE DISABLED
VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1422 A BILL TO BE ENTITLED AN ACT TO CREATE A LIMITED
EXCEPTION TO THE POLICY OF THE UNIVERSITY OF NORTH CAROLINA THAT
REQUIRES THAT A TUITION SURCHARGE BE IMPOSED ON ANY UNDERGRADUATE
STUDENT WHO EXCEEDS THE LIMIT OF ONE HUNDRED FORTY CREDIT HOURS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
EDUCATION.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1573 A BILL TO BE ENTITLED AN ACT TO FACILITATE THE
IDENTIFICATION OF VETERANS, HOMELESS VETERANS IN PARTICULAR, IN
ORDER TO ASSIST SUCH PERSONS IN OBTAINING BENEFITS TO WHICH THEY MAY
BE ENTITLED.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, MAY 20, 2009
ROOM 1425 LB
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, May 20, 2009 at 10:00 a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Braxton, Cleveland, Dickson, Hilton, Lewis, Sager, Sutton, Underhill and Warren. The Following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Page Liz Stevens and Ivel Posada from Mecklenburg County. He also recognized Sgt. At Arms Jerald Perry, Thomas Wilder, and Ken Burroves.

The first bill before the committee was **HB 594, AN ACT TO INCREASE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.** The Chair called upon Rep. Coates to explain the bill. Representative Sutton made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the committee on Finance. The Committee concurs and the bill passes.

HB 1422, AN ACT TO CREATE A LIMITED EXCEPTION TO THE POLICY OF THE UNIVERSITY OF NORTH CAROLINA THAT REQUIRE THAT A TUITION SURCHARGE BE IMPOSED ON ANY UNDERGRADUATE STUDENT WHO EXCEEDS THE LIMIT OF ONE HUNDRED FORTY CREDIT HOURS. The Chair called upon Rep. Martin to explain the bill. Rep. Lewis made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the committee on Education. The Committee concurs and the bill passes.

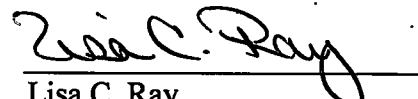
HB 1457, AN ACT TO PROVIDE THAT A NORTH CAROLINA RESIDENT, WHO ENLISTS IN THE MILITARY AND WHO, UPON RECEIVING AN HONORABLE DISCHARGE, RETURNS TO NORTH CAROLINA WITH THE INTENT OF REESTABLISHING STATE RESIDENCY IS ELIGIBLE FOR IN-STATE TUITION WITHOUT FIRST SATISFYING THE TWELVE-MONTH RESIDENCY REQUIREMENT IN CERTAIN CIRCUMSTANCES. The Chair called upon Rep. Tarleton to explain the bill. No vote was taken. The bill was displaced.

**HB1573, AN ACT TO FACILITATE THE IDENTIFICATION OF VETERANS,
HOMELESS VETERANS IN PARTICULAR, IN ORDER TO ASSIST SUCH
PERSONS IN OBTAINING BENEFITS TO WHICH THEY MAY BE ENTITLED.**

The Chair called upon Rep. Martin to explain the bill. Representative Dickson made a motion for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the committee on Appropriations. The Committee concurs and the bill passes.

There being no further business to come forth the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, May 27, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 914	Exempt Pay to Reservists from Income Tax.	Representative Killian
~~HB 1411~~	~~Clarify Lic. Fee Payments/Military Personnel.~~	~~Representative Wainwright~~ ~~Representative Martin~~
HB 1639	Expand Disabled Vet Homestead Exclusion.	Representative Underhill
SB 411	Amend Survivor's Alternate Benefit.	Senator Brunstetter
~~SB 809~~	~~License Renewal/Active Military Duty.~~	~~Senator Jones~~

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:00 o'clock on **May 22, 2009**.

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, May 27, 2009

10:00AM

Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman
- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 914	Exempt Pay to Reservists from Income Tax.	Representative Killian Representative Wainwright
HB 1411	Clarify Lic. Fee Payments/Military Personnel.	Representative Martin
HB 1639	Expand Disabled Vet Homestead Exclusion.	Representative Underhill
SB 411	Amend Survivor's Alternate Benefit.	Senator Brunstetter

- **Comments**
- **Adjourn**

BILL

Proposed Committee Substitute For
S.B. 411

FD H-766

SESSION LAW _____

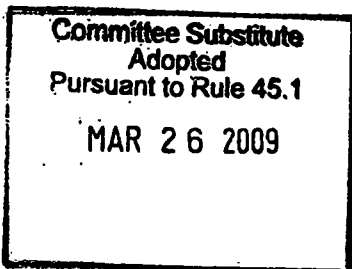
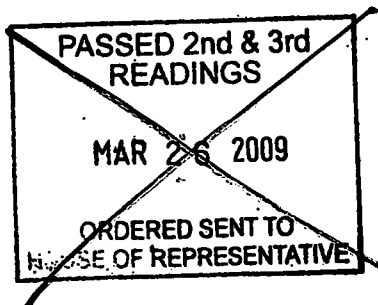
A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

Introduced by Senator(s) _____

Brunstetter

Principal Clerk's Use Only



RE-REFERRED TO
Apprs / Base Bud

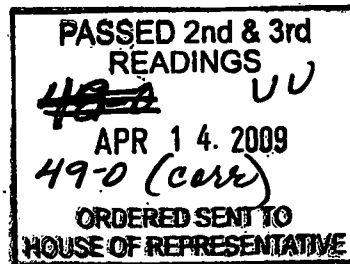
WITH UNANIMOUS CONSENT
WITHDRAWN FROM

Apprs / Base Bud

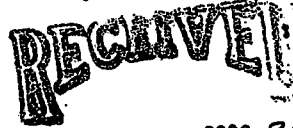
APR - 9 2009

PLACED ON CALENDAR FOR

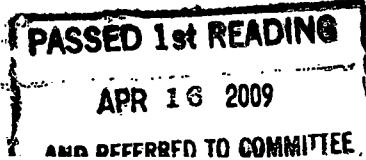
4/14/09



Janet Pruitt



APR 15 2009 3:30pm Co





SENATE BILL 411: Amend Survivor's Alternate Benefit

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Pensions and Retirement	Date:	May 26, 2009
Introduced by:	Sen. Brunstetter	Prepared by:	Ben Popkin
Analysis of:	Second Edition		Committee Counsel

SUMMARY: *Senate Bill 411 would amend the laws governing the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to allow the beneficiary of a law enforcement officer who had at least 15 years of service and who was killed in the line of duty to elect the survivor's alternate benefit.*

[As introduced, this bill was identical to H766, as introduced by Reps. Womble, Parmon, Mobley, Jones, which is currently in Rules and Operations of the Senate.]

CURRENT LAW:

Under current law, when a member of the State or Local Retirement System dies in service, the member's primary beneficiary is entitled to choose to receive a survivor's alternate benefit in lieu of a return of the member's accumulated contributions. The survivor's alternate benefit is determined by computing the amount the beneficiary would have received if the member had retired and selected a joint and survivor option to provide for the continuation of the member's reduced retirement allowance throughout the life of the beneficiary. In order to receive the benefit, one of the following must apply:

- The member was eligible to retire and receive a full or early retirement allowance;
- The member had 20 years of creditable service, but was not yet 50 years of age, and therefore not eligible for early retirement, in which case, the benefit is computed based on the early retirement formula;
- The member had not yet begun to receive a retirement allowance.

There is currently no provision for the beneficiary of a member who dies with less than 20 years of service to receive the survivor's alternate benefit.

BILL ANALYSIS:

Senate Bill 411 would amend the law to provide that in the case of a law enforcement officer who dies in the line of duty having obtained 15 years of service, the officer's beneficiary would be entitled to select the survivor's alternate benefit. The benefit would be computed based on the early retirement formula.

EFFECTIVE DATE: This act is effective when it becomes law, and applies to beneficiaries of law enforcement officers killed in the line of duty on and after January 1, 2007.

Karen Cochrane-Brown, counsel to Senate Pensions & Retirement & Aging, substantially contributed to this summary.

S411-SMRD-126(e2) v1

Research Division

O. Walker Reagan, Director

(919) 733-2578

provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase. The term "in service" as used in this subsection includes a member in receipt of a benefit under the Disability Income Plan as provided in Article 6 of this Chapter.

Notwithstanding the foregoing, a member who is in receipt of Workers' Compensation during the period for which the member would have otherwise been eligible to receive short-term benefits, as provided in G.S. 135-105, and who dies on or after 181 days from the last day of the member's actual service but on or before the date the benefits as provided in G.S. 135-105 would have ended, shall be considered in service at the time of the member's death for the purpose of this benefit."

SECTION 2. G.S. 128-27(m) reads as rewritten:

"(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the principal beneficiary designated to receive a return of accumulated contributions shall have the right to elect to receive in lieu thereof the reduced retirement allowance provided by Option two of subsection (g) above computed by assuming that the member had retired on the first day of the month following the date of his death, provided that all three of the following conditions apply:

- (1) a. The member had attained such age and/or creditable service to be eligible to commence retirement with an early or service retirement allowance, or
- b. The member had obtained 20 years of creditable service in which case the retirement allowance shall be computed in accordance with G.S. 128-27(b21)(1)b. or G.S. 128-27(b21)(2)c., notwithstanding the requirement of obtaining age 50, or
- b1. The member was a law enforcement officer who had obtained 15 years of service as a law enforcement officer and was killed in the line of duty, in which case the retirement allowance shall be computed in accordance with G.S. 128-27(b21)(1)b., notwithstanding the requirement of obtaining age 50, or
- c. The member had not commenced to receive a retirement allowance as provided under this Chapter.
- (2) The member had designated as the principal beneficiary to receive a return of his accumulated contributions one and only one person who is living at the time of his death.
- (3) The member had not instructed the Board of Trustees in writing that he did not wish the provisions of this subsection apply.

For the purpose of this benefit, a member is considered to be in service at the date of his death if his death occurs within 180 days from the last day of his actual service. The last day of actual service shall be determined as provided in subsection (l) of this section. Upon the death of a member in service, the surviving spouse may make all purchases for creditable service as provided for under this Chapter for which the member had made application in writing prior to the date of death, provided that the date of death occurred prior to or within 60 days after notification of the cost to make the purchase."

SECTION 3. This act is effective when it becomes law and applies to beneficiaries of law enforcement officers killed in the line of duty on and after January 1, 2007.

PUBLIC BILL

H.B. 0914

SESSION LAW _____

A BILL TO BE ENTITLED

**AN ACT TO EXEMPT FROM STATE INCOME TAX COMPENSATION PAID TO MEMBERS OF THE
NORTH CAROLINA NATIONAL GUARD AND THE RESERVES.**

Introduced by Representative(s): Killian, ^{DO} ~~Wainwright~~ (Primary Sponsor)

~~_____~~ ^{L. Hall} • MARTIN

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

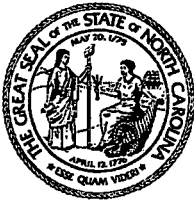
PASSED 1st READING

APR 1 2009

AND REFERRED TO COMMITTEE

ON. Homeland Security

Law Finance



HOUSE BILL 914: Exempt Pay to Reservists from Income Tax

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Finance	Date:	May 26, 2009
Introduced by:	Reps. Killian, Wainwright	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H914-CSRK-58		Committee Counsel

SUMMARY: *This act would exempt from State income tax any compensation paid by the Armed Forces of the United States to members of the North Carolina National Guard, and other reserve component members. This act is effective for taxes imposed for taxable years beginning on or after July 1, 2009.*

BILL ANALYSIS: The reserve components of the Armed Forces of the United States include the Army and Air National Guard, as well as the reserve members from the other military branches. This act would exempt military pay received by members of the reserve components from State income tax. The exemption would be available to spouses who both qualify and file a joint return.

EFFECTIVE DATE: This act is effective for taxes imposed for taxable years beginning on or after July 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 914
PROPOSED COMMITTEE SUBSTITUTE H914-CSRK-58 [v.1]**

5/26/2009 3:26:38 PM

Short Title: Exempt Pay to Reservists from Income Tax.

(Public)

Sponsors:

Referred to:

April 1, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT FROM STATE INCOME TAX COMPENSATION PAID TO
3 MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND THE
4 RESERVES.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** G.S. 105-134.6(b) is amended by adding a new subdivision to read:
7 "(b) Deductions. – The following deductions from taxable income shall be made in
8 calculating North Carolina taxable income, to the extent each item is included in taxable
9 income:
10 ...
11 "(20) Compensation paid by the Armed Forces of the United States to an
12 individual who is a member of a reserve component of the Armed Forces of
13 the United States, as defined in Title 10 United States Code section 10101,
14 specifically including the North Carolina Air or Army National Guard. In
15 the case of a married couple filing a joint return, each spouse may qualify
16 separately for the deduction allowed under this subdivision."
17 **SECTION 2.** This act is effective for taxable years beginning on or after January 1,
18 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 914

Short Title: Exempt Pay to Reservists from Income Tax. (Public)

Sponsors: Representatives Killian, Wainwright (Primary Sponsors); Dockham, Hall, Martin, Moore, and Neumann.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Finance.

April 1, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT FROM STATE INCOME TAX COMPENSATION PAID TO
3 MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND THE
4 RESERVES.
5 The General Assembly of North Carolina enacts:
6 SECTION 1. G.S. 105-134.6(b) is amended by adding a new subdivision to read:
7 "(b) Deductions. – The following deductions from taxable income shall be made in
8 calculating North Carolina taxable income, to the extent each item is included in taxable
9 income:
10 ...
11 "(20) Compensation paid by the armed forces of the United States to an individual
12 who is a member of either the North Carolina National Guard or one of the
13 reserve components of the armed forces of the United States. In the case of a
14 married couple filing a joint return, each spouse may qualify separately for
15 the deduction allowed under this subdivision."
16 SECTION 2. This act is effective for taxable years beginning on or after January 1,
17 2009.



PUBLIC BILL

1639

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

**AN ACT TO EXPAND THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION TO
INCLUDE PARTIALLY DISABLED VETERANS.**

Underhill
Introduced by Representative(s): Underhill.

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PASSED 1st READING

MAY 7 2009

AND REFERRED TO COMMITTEE

ON. Homeland Security

Law Finance



HOUSE BILL 1639: Expand Disabled Vet Homestead Exclusion

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Finance	Date:	May 26, 2009
Introduced by:	Rep. Underhill	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act would expand the property tax homestead exemption, currently limited to totally disabled veterans, to honorably discharged veterans who are 30% or more disabled. This act is effective for taxes imposed for taxable years beginning on or after July 1, 2009.*

Note: House Bill 594, which was heard in this Committee and is currently in House Finance Committee, would amend the law to increase the amount of the property tax homestead exclusion provided to honorably discharged disabled veterans or their surviving spouses from \$45,000 to \$65,000 per year.

CURRENT LAW:

- G.S. 105-275 "Property classified and excluded from the tax base" sets forth a list of classes of property that are not to be "...listed, appraised, assessed, or taxed". Subsection (21) of that statute provides that "[t]he first \$38,000 in assessed value of housing together with the necessary land therefor, owned and used as a residence by a disabled veteran..." is one of the classes of property excluded from taxation under this section.
- As enacted by Section 28.11 of Session Law 2008-107, effective for taxes imposed for taxable years beginning on or after July 1, 2009, G.S. 105-275(21) is repealed and a new G.S. 105-277.1(a) provides honorably discharged disabled veterans or their unmarried surviving spouses with an exclusion from taxation for the first \$45,000 of appraised value of their home. To qualify, the home must be "[a] permanent residence owned and occupied by an owner who is a North Carolina resident and who is an honorably discharged disabled veteran or the unmarried surviving spouse of an honorably discharged disabled veteran.
- An owner who receives an exclusion under this section may not receive other property tax relief.

BILL ANALYSIS: This act would amend the current law that allows totally disabled veterans, who were honorably discharged, to receive a \$45,000 homestead property tax exemption. The bill would allow honorably discharged veterans with a 30% or more disability, to qualify for a \$10,000 exemption from the property tax on their home.

EFFECTIVE DATE: This act is effective for taxes imposed for taxable years beginning on or after July 1, 2009.

H1639-SMRK-128(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1639

Short Title: Expand Disabled Vet Homestead Exclusion. (Public)

Sponsors: Representatives Underhill; and Tarleton.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Finance.

May 7, 2009

A BILL TO BE ENTITLED
AN ACT TO EXPAND THE DISABLED VETERAN PROPERTY TAX HOMESTEAD
EXCLUSION TO INCLUDE PARTIALLY DISABLED VETERANS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-277.1C reads as rewritten:

"§ 105-277.1C. Disabled veteran property tax homestead exclusion.

(a) ~~Exclusion.—Classification. — A permanent residence owned and occupied by an-a~~
~~qualifying owner who is a North Carolina resident and who is an honorably discharged disabled~~
~~veteran or the unmarried surviving spouse of an honorably discharged disabled veteran is~~
designated a special class of property under Article V, Section 2(2) of the North Carolina
Constitution and is taxable in accordance with this section. ~~The first forty five thousand dollars~~
~~(\$45,000) of appraised value of the residence is excluded from taxation.~~ An owner who
receives an exclusion under this section may not receive other property tax relief.

(b) Definitions. — The following definitions apply in this section:

(1) Disabled veteran. — A veteran of any branch of the Armed Forces of the
United States who was discharged under honorable conditions and who, as
of January 1 preceding the taxable year for which the exclusion allowed by
this section is claimed, receives benefits under 38 U.S.C. § 2101 or has a
veteran's disability certification is totally or partially disabled.

(2) Owner. — Defined in G.S. 105-277.1.

(2a) Partially disabled. — A veteran who is not totally disabled and has a
certification by the United States Department of Veterans Affairs or another
federal agency that he or she has a service-connected, permanent disability
of thirty percent (30%) or greater.

(3) Permanent residence. — Defined in G.S. 105-277.1.

(4) Property tax relief. — Defined in G.S. 105-277.1.

(4a) Qualifying owner. — An owner, as defined in G.S. 105-277.1, who is a North
Carolina resident and one of the following:

a. A disabled veteran.

b. The surviving spouse of a disabled veteran as long as the spouse does
not remarry.

(4b) Totally disabled. — A veteran who received benefits under 38 U.S.C. § 2101
or has a certification by the United States Department of Veterans Affairs or
another federal agency that he or she has a service-connected, permanent,
and total disability.

(5) Veteran. — A veteran of any branch of the Armed Forces of the United
States.



1 (6) ~~Veteran's disability certification. A certification by the United States~~
2 ~~Department of Veterans Affairs or another federal agency that a veteran has~~
3 ~~a permanent total disability that is service-connected.~~

4 (b1) Exclusion. – The amount of appraised value of the residence excluded from taxation
5 is as follows:

6 (1) The first forty-five thousand dollars (\$45,000) of appraised value for the
7 residence of a qualifying owner where the veteran was totally disabled.

8 (2) The first ten thousand dollars (\$10,000) of appraised value for the residence
9 of any other qualifying owner.

10 (c) Temporary Absence. – An owner does not lose the benefit of this exclusion because
11 of a temporary absence from his or her permanent residence for reasons of health or because of
12 an extended absence while confined to a rest home or nursing home, so long as the residence is
13 unoccupied or occupied by the owner's spouse or other dependent.

14 (d) Ownership by ~~Spouses.~~ Tenants by the Entirety. – A permanent residence owned and
15 occupied by husband and wife as tenants by the entirety is entitled to the full benefit of this
16 exclusion notwithstanding that only one of them meets the requirements of this section.

17 (e) Other Multiple Owners. – This subsection applies to co-owners who are not
18 husband and wife, wife as tenants by the entirety. Each co-owner of a permanent residence must
19 apply separately for the exclusion allowed under this section.

20 When one or more co-owners of a permanent residence qualify for the exclusion allowed
21 under this section and none of the co-owners qualifies for the exclusion allowed under
22 G.S. 105-277.1, each co-owner is entitled to the full amount of the exclusion allowed under this
23 section. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate
24 share of the valuation of the property, and the amount of the exclusion allowed to all the
25 co-owners may not exceed the exclusion allowed under this section.

26 When one or more co-owners of a permanent residence qualify for the exclusion allowed
27 under this section and one or more of the co-owners qualify for the exclusion allowed under
28 G.S. 105-277.1, each co-owner who qualifies for the exclusion allowed under this section is
29 entitled to the full amount of the exclusion. The exclusion allowed to one co-owner may not
30 exceed the co-owner's proportionate share of the valuation of the property, and the amount of
31 the exclusion allowed to all the co-owners may not exceed the greater of the exclusion allowed
32 under this section and the exclusion allowed under G.S. 105-277.1.

33 (f) Application. – An application for the exclusion allowed under this section should be
34 filed during the regular listing period, but may be filed and must be accepted at any time up to
35 and through June 1 preceding the tax year for which the exclusion is claimed. An applicant for
36 an exclusion under this section must establish eligibility for the exclusion by providing a copy
37 of the veteran's disability certification or evidence of benefits received under 38 U.S.C. §
38 2101."

39 **SECTION 2.** This act is effective for taxes imposed for taxable years beginning on
40 or after July 1, 2009.

House Pages

HOMELAND SECURITY

Name of Committee: _____

Date: 27-MAY-09

1. Name: Lindsay Stutts

County: Wayne

Sponsor: Rep. Bell

2. Name: Nan Copeland Nan Copeland

County: Wake

Sponsor: Martin

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

Sgt.-At-Arms

1. Name: GERALD PERRY

2. Name: EARL COKER

3. Name: TREY RILEY

VISITOR REGISTRATION SHEET

Homeland Security
Name of Committee

05/27/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mia Kang	UNC Hospitals (Dr of Day)
CAROL TAYLOR	Nurse of the Day
David Baker	NCDOR
Alex Pally	NCDST
David Starling	NCDST
R. Paul Williams	WGR
Leslie Arnold	SOG-Daily Bulletin
Michael Houser	NC DOR
TOM BOWLIN	NC NATIONAL GUARD
Scott Sowers	NMSS
JEFF FURST	NAT'L MULTIPLE SCLEROSIS SOCIETY

VISITOR REGISTRATION SHEET

Homeland Security
Name of Committee

05/27/09
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sara Niemow	NC Dept of Commerce
Lori McKee	National MS Society
Julie R. Christiansen	National MS Society
Raquel Williams	Rep. Hall
Wayne Peedin	NC DUA
BERRY Jenkins	CAROLINAS AGC
Daniel Baum	K+L GATES
Shirley Jackson	KACE
Beau Memory	NCTA
Lisa Martin	NCHBA
Thomas C. Caves, Jr.	NC Crime Control & Public Safety

VISITOR REGISTRATION SHEET

Name of Committee**Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Mildred Spearman

NCDOC

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☒ Committee Substitute for

SB 411 A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on PENSIONS AND RETIREMENT.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on .

_____ The bill/resolution is re-referred to the Committee on _____.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, MAY 27, 2009
ROOM 1425
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, May 27, 2009 at 10:00a.m in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blúst, Elmer Floyd, Richard Killian and Grier Martin; Representatives Braxton, Cleveland, Dickson, Hilton, Lewis, Sager, Sutton, Underhill and Warren. The following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Lindsay Stutts from Wayne County, and Nan Copeland from Wake County. He also recognized Sgt. At Arms Jerald Perry, Earl Coker, and Trey Railey.

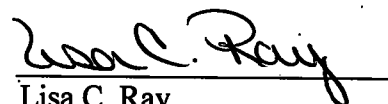
The first bill before the committee was **SB 411, AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE.** The Chair called upon Sen. Brunstetter to explain the bill. Representative Braxton moves for a favorable report and recommendation that the bill be re-referred to the Committee on Pensions and Retirement. The committee concurs and the bill passes.

HB 914, AN ACT TO EXEMPT FROM STATE INCOME TAX COMPENSATION PAID TO MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND THE RESERVES. The Chair called upon Rep. Killian to explain the bill. After discussion among members a vote was taken. Eight members opposed the bill and four members were in favor of the bill. The bill **failed**.

HB 1639, AN ACT TO EXPAND THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION TO INCLUDE PARTIALLY DISABLED VETERANS. The Chair called upon Rep. Underhill to explain the bill. No vote was taken on the bill. The bill was displaced.

There being no further business to come before the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

CORRECTED DATE 07/08/09

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: WEDNESDAY, JULY 08, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS: Corrected Notice

The following bills will be considered:

	BILL NO.	SHORT TITLE	SPONSOR
displaced ↗	HB 928	US Coast Guard Auxiliary Tax Deduction.	Representative Avila
	HB 1411	Clarify Lic. Fee Payments/Military Personnel.	Representative Martin
	SB 811	Fuel Rationing Authority for Governor.	Senator McKissick

displaced ↗

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11:45AM on July 06, 2009.**

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, July 08, 2009
10:00AM
Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman
- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 928	US Coast Guard Auxiliary Tax Deduction. (if favorable, finance)	Representative Avila
HB 1411	Clarify Lic. Fee Payments/Military Personnel. (if favorable, finance)	Representative Martin
SB 811	Fuel Rationing Authority for Governor.(if favorable, State Gov't/State Personnel	Senator McKissick

- **Comments**
- **Adjourn**

Committee
Proposed Committee Substitute For
S.B. 811

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE GOVERNOR TO IMPOSE FUEL RATIONING MEASURES DURING A STATE OF DISASTER, A LOCAL STATE OF EMERGENCY, OR AN ABNORMAL MARKET DISRUPTION.

Introduced by Senator(s)

McKissick

Principal Clerk's Use Only

Committee Substitute
Adopted
Pursuant to Rule 45.1

MAY 12 2009

PASSED 2nd & 3rd
READINGS

40-8 *UV*
MAY 13 2009

RED SENT TO
HOUSE OF REPRESENTATIVE

Just Print

RECEIVED

MAY 14 2009

12:25p
cu

PASSED 1st READING

MAY 18 2009

AND REFERRED TO COMMITTEE

ON. Homeland Security

B for State Government



SENATE BILL 811: Fuel Rationing Authority for Governor

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel	Date:	July 6, 2009
Introduced by:	Sen. McKissick	Prepared by:	Hal Pell
Analysis of:	PCS to Second Edition S811-CSRK-83		Committee Counsel

SUMMARY: *The proposed committee substitute for Senate Bill 811 confers fuel rationing authority on the Governor in the event of a state of emergency. This act is effective when it becomes law.*

CURRENT LAW: Article I of Chapter 166A is the Emergency Management Act. During a declared state of disaster the Governor, with the concurrence of the Council of State, has certain powers, including the power to establish economic controls over various resources, materials and services, including fuel.

BILL ANALYSIS: SB 811 would give the Governor alone the power to establish a system of rationing or other controls over fuel, extending to all parties in the distribution chain. This includes the power to enforce and administer similar federal orders or regulations. This power is triggered by a declared state of emergency, proclamation of a state of disaster, or an abnormal market disruption with respect to fuel.

EFFECTIVE DATE: Effective when it becomes law.

Steve Rose, Staff Attorney, substantially contributed to this summary.

S811-SMRK-171(CSRK-83) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE BILL 811
Commerce Committee Substitute Adopted 5/12/09
PROPOSED HOUSE COMMITTEE SUBSTITUTE S811-CSRK-83 [v.3]

7/7/2009 11:51:04 AM

Short Title: Fuel Rationing Authority for Governor.

(Public)

Sponsors:

Referred to:

March 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE GOVERNOR TO IMPOSE FUEL RATIONING
3 MEASURES DURING A STATE OF DISASTER, A LOCAL STATE OF EMERGENCY,
4 OR AN ABNORMAL MARKET DISRUPTION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 1 Chapter 166A of the General Statutes is amended by adding
7 a new section to read:

8 **"§ 166A-6.03. Fuel rationing authority.**

9 (a) In addition to any other powers conferred on the Governor by law, during a
10 triggering event the Governor shall have the power to establish a system of rationing or other
11 controls over fuel. These measures may extend to all parties in the chain of distribution,
12 including a supplier, wholesaler, distributor, or retail seller of fuel. This authority shall include
13 the power to administer and enforce a similar federal order or regulation.

14 (b) As used in this section, the term 'triggering event' means any of the following:

15 (1) The declaration of a state of emergency pursuant to G.S. 166A-8 or Article
16 36A of Chapter 14 of the General Statutes.

17 (2) The proclamation of a state of disaster pursuant to G.S. 166A-6.

18 (3) The finding of an abnormal market disruption, as that term is defined in
19 G.S. 75-38(e), with respect to fuel."

20 SECTION 2. G.S. 166A-6(c) reads as rewritten:

21 "(c) In addition, during a state of disaster, with the concurrence of the Council of State,
22 the Governor has the following powers:

23 ...

24 (2) To establish a system of economic controls over all resources, materials and
25 services to include food, clothing, shelter, ~~fuel~~, rents and wages, including
26 the administration and enforcement of any rationing, price freezing or
27 similar federal order or regulation;

28"

29 SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

2

SENATE BILL 811
Commerce Committee Substitute Adopted 5/12/09

Short Title: Fuel Rationing Authority for Governor.

(Public)

Sponsors:

Referred to:

March 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE GOVERNOR TO IMPOSE FUEL RATIONING
3 MEASURES DURING A STATE OF DISASTER, A LOCAL STATE OF EMERGENCY,
4 OR AN ABNORMAL MARKET DISRUPTION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 1 Chapter 166A of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 166A-6.03. Fuel rationing authority.**

9 (a) In addition to any other powers conferred on the Governor by law, during a
10 triggering event the Governor shall have the power to establish a system of rationing or other
11 controls over fuel. These measures may extend to all parties in the chain of distribution,
12 including a supplier, wholesaler, distributor, or retail seller of fuel. This authority shall include
13 the power to administer and enforce a similar federal order or regulation.

14 (b) As used in this section, the term 'triggering event' means any of the following:

15 (1) The declaration of a state of emergency pursuant to G.S. 166A-8 or Article
16 36A of Chapter 14 of the General Statutes.

17 (2) The proclamation of a state of disaster pursuant to G.S. 166A-6.

18 (3) The finding of an abnormal market disruption, as that term is defined in
19 G.S. 75-38(e), with respect to fuel."

20 SECTION 2. G.S. 166A-6(c) reads as rewritten:

21 "(c) In addition, during a state of disaster, with the concurrence of the Council of State,
22 the Governor has the following powers:

23 ...

24 (2) To establish a system of economic controls over all resources, materials and
25 services to include food, clothing, shelter, ~~fuel~~, rents and wages, including
26 the administration and enforcement of any rationing, price freezing or
27 similar federal order or regulation; and to establish a system of price freezing
28 over fuel.

29"

30 SECTION 3. This act is effective when it becomes law.



PUBLIC BILL

0928

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR MEMBERS OF THE UNITED STATES COAST
GUARD AUXILIARY.

Mwa
Introduced by Representative(s): Avila.

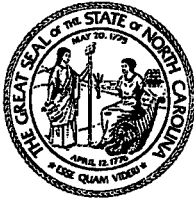
• <i>Cleveland</i>	• <i>Daugherty</i>	• <i>Curtis Blackwood</i>	• <i>FILLIS</i>
• <i>BROWN</i>	• <i>Frye</i>	• <i>Dollar</i>	• <i>Farmon</i>
• <i>Gulley</i>	• <i>McCratt</i>	• <i>Tranford</i>	• <i>C. Justu</i>

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

PAS! 1st READING
APR 1 2009
AND REFERRED TO COMMITTEE
N. *Homeland Security*

for Finance



HOUSE BILL 928: US Coast Guard Auxillary Tax Deduction

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Finance	Date:	July 6, 2009
Introduced by:	Rep. Avila	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act would allow members of the Coast Guard Auxiliary to deduct \$3500 from taxable income. This act is effective for taxes imposed for taxable years beginning on or after January 1, 2009.*

BILL ANALYSIS: Members of the U.S. Coast Guard Auxiliary would be allowed to deduct \$3500 from their taxable annual income if:

- The member was in good standing for the 72 preceding months.
- The member has completed at least 75 hours of documented volunteer service during the year for which the deduction is being claimed.
- The taxpayer submits any required documentation.

Married members are both eligible and may qualify for the tax exclusion.

EFFECTIVE DATE: This act is effective for taxes imposed for taxable years beginning on or after January 1, 2009.

H928-SMRK-172(e1) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 928

Short Title: US Coast Guard Auxillary Tax Deduction. (Public)

Sponsors: Representatives Avila; Blackwood, Brown, Cleveland, Crawford, Daughtry,
Dollar, Frye, Gulley, Justice, McElraft, Parmon, and Tillis.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Finance.

April 1, 2009

A BILL TO BE ENTITLED
AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR MEMBERS OF THE
UNITED STATES COAST GUARD AUXILIARY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-134.6(b) is amended by adding a new subdivision to read:
"(b) Deductions. – The following deductions from taxable income shall be made in
calculating North Carolina taxable income, to the extent each item is included in taxable
income:

...
(20) A taxpayer who meets the conditions set forth in this subdivision may deduct
from taxable income the sum of three thousand five hundred dollars
(\$3,500). In the case of a married couple filing a joint return, each spouse
may qualify separately for the deduction allowed under this subdivision. In
order to claim the deduction allowed under this subdivision, the taxpayer
must meet the following conditions:

- a. The taxpayer has been a member of the United States Coast Guard
Auxiliary in good standing for the preceding 72 months.
- b. The taxpayer has completed at least 75 hours of documented
volunteer service during the year for which the deduction is being
claimed.
- c. The taxpayer submits, with the tax return, any documentation
required by the Secretary."

SECTION 2. This act is effective for taxable years beginning on or after January 1,
2009.



SECTION I, 1-1 ACTIVITIES AND SERVICES

PUBLIC EDUCATION: Classes on boating techniques and safety offered on a scheduled basis throughout the year. Special classes are available to meet local needs, including **YOUTH CLASSES:** Classes designed to educate children, K-3, boating safety and water safety.

VESSEL SAFETY CHECKS: Free safety checks offered to recreational boaters on their boats, for their benefit. Not reported to Coast Guard or local law enforcement.

MULTI-MISSION PATROLS: Surface patrols on navigable and local waters to promote safety awareness, assist boaters in distress, save lives and property and perform disaster relief operations as well as air patrols to provide logistical support, Search and Rescue (SAR) missions, and Maritime Safety & Marine Observation missions.

REGATTA SUPPORT MISSION: Assist sponsors of large marine events in crowd control and spectator safety.

AIDS TO NAVIGATION: Provide audits on federal and private aids to navigation.

MARITIME SAFETY & MARINE OBSERVATION MISSION: Surveys of docking and fleeting areas for safety and environmental concerns.

RECREATIONAL BOATING SAFETY PROGRAM VISITORS PROGRAM: Assist marine dealers and marinas with safety information, access to Coast Guard resources for recalls and consumer complaints.

BASIC & ADVANCED COASTAL NAVIGATION: Classes designed to educate the boater on the finer points of navigation over the water.

CHART UPDATING: A program designed to update nautical charts.

COMMERCIAL FISHING VESSEL INSPECTIONS: A program designed to help commercial fishermen meet inspection requirements.

BOAT SHOW SAFETY BOOTHS: Setting up and staffing boat show safety booths, answering questions from attendees, and handing out safety literature,

PUBLIC AFFAIRS: Activities include participating in parades, doing public appearances and demonstrations, speakers bureaus, writing articles and news releases.

LOCAL WATER COUNCILS: Participate on local water councils, dealing with water and boating safety issues, conflicts of interest, and waterways management.

NATIONAL SAFE BOATING WEEK: Extended to year round activity, but with a kick off week in preparation for boating season. Seeks contributing partners in boating safety.

COAST GUARD, STATE, AND LOCAL ASSISTANCE. Providing a variety of assistance to governmental agencies, such as watch standers, communication stations, logistical help, translators, and administrative assistance. The Auxiliary is able to augment disaster-planning committees.

PERSONNEL SERVICES: Recruiting new members for the Auxiliary while performing human resource functions for the retention of existing members is the responsibility of the PS officer. The functions of this area also include Diversity which helps recruit and retain non-traditional members. Joining the Auxiliary and participating in Maritime Domain Awareness is an excellent opportunity for Americans to assist in Maritime Homeland Defense activities and become real warriors in combating terrorism.

TELECOMMUNICATIONS: Using land and mobile facilities, able to set up and staff radios to provide or supplement telecommunication nets.

UNITED STATES COAST GUARD AUXILIARY



DEPARTMENT OF HOMELAND SECURITY
The civilian component of the U.S. Coast Guard
(Authorized by Congress in 1939)



OFFICE OF THE REAR COMMODORE
SECTOR NORTH CAROLINA, SSA
Gary F. Jessup, RCO-NC
1215 Park Avenue
Garner, NC 27529-4132
C: 919-792-7324
e-mail: Gary.Jessup@CoastGuardAux.com

March 15, 2008

Representative Avila:

First, thank you again for your support to the U.S. Coast Guard Auxiliary. It was a pleasure meeting with you and discussing the auxiliary's involvement in North Carolina. Below are the employment status and other information that you requested on activities the auxiliary did in North Carolina in 2007:

- 1) Breakdown of employment >
- | males employed | retired | females employed | retired |
|----------------|---------|------------------|---------|
| 472 | 426 | 107 | 47 |
- 2) Public Affairs (Activities include participating in boat show, public appearances, speakers bureaus, writing articles and news releases and answering questions at events from the general public concerning boating safety.) # missions 303 # hours 1,224
- 3) Recreational Boating Safety Visitation Participation (Assist marine dealers, marinas and the recreational boating community with safety information.) # missions 3,268 # hours 1,988
- 4) Public Education (Offer classes on boating techniques and safety throughout the year to all ages of the general public with the goal to prevent accidents.) # missions 697 # hours 1,468
- 5) Vessel Safety Checks (A service provided to privately owned recreational boats and certain federal, state, local government owned boats, and commercial fishing vessels.) # given 5,186 # hours 3,496
- 6) Operational Patrols (Provide patrols on navigable and local waters and in the air to promote safety awareness and assist boaters in distress.) # missions 3,128 # hours 19,457 # assists 48 property value saved \$329,000
- 7) Marine Environment (Provide support to State Ports and Facilities by surveying docking and fleeting areas for environmental concerns.) # missions 28 # hours 1,446
- 8) Aids to Navigation (Provide audits on federal and private aids to navigation and NOAA chart updating.)
missions 105 # hours 39
- 9) Administration Support (Assist the Coast Guard Stations along the coast; such as performing watch standing duties and clerical duties.) # missions 99 # hours 8,146

I am also including copies of a Directory of Services that offers in-depth information on the auxiliary. Please feel free to call me if I can be of further assistance.

Sincerely,

Gary F. Jessup

PUBLIC BILL

not RC per.
Lisa Weeks

1411

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE EXTENSION OF TIME REQUIREMENTS FOR THE PAYMENT OF
LICENSURE FEES BY MEMBERS OF THE ARMED FORCES UNDER THE LAWS PERTAINING TO
OCCUPATIONAL LICENSING BOARDS.

Martin
Introduced by Representative(s): Martin, ~~John~~

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

ED 1st READING

APR 13 2009

REFERRED TO COMMITTEE

Homeland Security if far.
transportation

referral changed
from Transportation

Finance - bill remains
in Homeland Security

APR 28 2009



HOUSE BILL 1411: Occ. Lic. Bd. Waiver Rules/Military Personnel

2009-2010 General Assembly

Committee:	House Serial referral changed from Transportation to Finance.	Date:	July 7, 2009
Introduced by:	Rep. Martin	Prepared by:	Ben Popkin
Analysis of:	PCS to First Edition H1411-CSRD-57		Committee Counsel

SUMMARY: *The Proposed Committee Substitute to House Bill 1411 would insert a new subsection into G.S. 93B-15 "Payment of license fees by members of the armed forces" to direct occupational licensing boards to adopt rules to postpone or waive conditions relating to licensure for members of the armed forces serving in combat or in times of "presidentially declared disasters".*

CURRENT LAW: G.S. 93B-15 "Payment of license fees by members of the armed forces" allows for a person serving in the armed forces who is granted an extension of time to file a tax return under G.S. 105-249.2 (*Due date extended and penalties waived for certain military personnel or persons affected by a presidentially declared disaster*) to be granted the same extension for payment of a fee charged by an occupational licensing board as a condition of retaining a license granted by the board.

Current language in this section provides that, "[a]n individual who is serving in the armed forces...is granted an extension of time to pay any license fee charged by an occupational licensing board as a condition of retaining a license granted by the board."

BILL ANALYSIS: The Proposed Committee Substitute to House Bill 1411 would make the existing language in the section subsection (a) and would add a new subsection (b).

Subsection (b) would direct occupational licensing boards to, "...postpone or waive continuing education, payment of renewal and other fees, and any other requirements or conditions relating to the maintenance of licensure by an individual...", in instances where the individual meets all of the following criteria:

- Is currently licensed and in good standing with the board.
- Is serving in the armed forces of the United States.
- Would be granted an extension of time to file a tax return under G.S. 105-249.2.

The bill would also amend the section's catch line to include mention of licensing boards' waiver authority granted under the new subsection (b).

EFFECTIVE DATE: This act is effective when it becomes law.

H1411-SMRD-174(CSRD-57) v3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1411
PROPOSED COMMITTEE SUBSTITUTE H1411-PCS70467-RD-57

Short Title: Occ. Lic. Bd. Waiver Rules/Military Personnel.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES TO
3 POSTPONE OR WAIVE CONDITIONS OF LICENSURE FOR CERTAIN
4 INDIVIDUALS SERVING IN THE ARMED FORCES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 93B-15 reads as rewritten:

7 "**§ 93B-15. Payment of license fees by members of the armed forces; board waiver rules.**

8 (a) An individual who is serving in the armed forces of the United States and to whom
9 G.S. 105-249.2 grants an extension of time to file a tax return is granted an extension of time to
10 pay any license fee charged by an occupational licensing board as a condition of retaining a
11 license granted by the board. The extension is for the same period that would apply if the
12 license fee were a tax.

13 (b) Occupational licensing boards shall adopt rules to postpone or waive continuing
14 education, payment of renewal and other fees, and any other requirements or conditions
15 relating to the maintenance of licensure by an individual who is currently licensed by and in
16 good standing with the board, is serving in the armed forces of the United States, and to whom
17 G.S. 105-249.2 grants an extension of time to file a tax return.

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



* H 1 4 1 1 - P C S 7 0 4 6 7 - R D - 5 7 *

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 1411

Short Title: Clarify Lic. Fee Payments/Military Personnel. (Public)

Sponsors: Representative Martin.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Transportation.

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE EXTENSION OF TIME REQUIREMENTS FOR THE
3 PAYMENT OF LICENSURE FEES BY MEMBERS OF THE ARMED FORCES UNDER
4 THE LAWS PERTAINING TO OCCUPATIONAL LICENSING BOARDS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 93B-15 reads as rewritten:

7 "§ 93B-15. Payment of license and renewal fees by members of the armed forces.

8 An individual who is serving in the armed forces of the United States and to whom
9 G.S. 105-249.2 grants an extension of time to file a tax return is granted an extension of time to
10 pay any license fee or license renewal fee charged by an occupational licensing board as a
11 condition of retaining a license granted by the board. The extension is for the same period that
12 would apply if the license fee or license renewal fee were a tax."

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



HOUSE PAGES

NAME OF COMMITTEE HOMELAND SECURITY DATE 8-JUL-09

1. Name: Bryan Wimberly

County: Wake

Sponsor: Mr. Michaux

2. Name: Andre Harris

County: Guilford

Sponsor: Harrison

3. Name: _____

County: _____

Sponsor: _____

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: GERALD PERRY

2. Name: JUDY TURNER

3. Name: _____

4. Name: _____

VISITOR REGISTRATION SHEET

Homeland Security
Name of Committee7/08/09
DateVISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Paul Hampton	D.A.V.
Dave Irby	D.A.V.
Steve Hohman	D.A.V.
George Balch	DAV
Tom Nichols	AMVETS
Doug Howay	NCPM
Doug Horell	NCEM/CCPS
Zach McPherson	Civitas
Racquel Williams	Rep. Hall
Charlie Smith	NC DVA
John Dorman	CCPS-EM

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

HB 1411

A BILL TO BE ENTITLED AN ACT TO CLARIFY THE
EXTENSION OF TIME REQUIREMENTS FOR THE PAYMENT OF LICENSURE FEES BY
MEMBERS OF THE ARMED FORCES UNDER THE LAWS PERTAINING TO
OCCUPATIONAL LICENSING BOARDS.

☒ With a favorable report as to the committee substitute bill, *which change the title* unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
FINANCE.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, JULY 08, 2009
ROOM 1425 LB
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, July 08, 2009 at 10:00a.m. in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Braxton, Cleveland, Dickson, Hilton, Lewis, Sager, Sutton, Underhill, and Warren. The following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Bryan Wimberley from Wake County, and Andre Harris from Guilford County. He also recognized Sgt. At Arms Jerald Perry and Judy Turner.

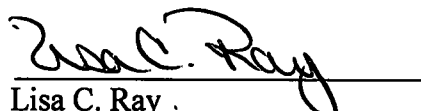
The first bill before the committee was **SB 811, AN ACT TO AUTHORIZE THE GOVERNOR TO IMPOSE FUEL RATIONING MEASURES DURING A STATE OF DISASTER, A LOCAL STATE OF EMERGENCY, OR AN ABNORMAL MARKET DISRUPTION.** The Chair called Sen. McKissick to explain the bill. No vote was taken on the bill. The bill was displaced.

HB 928, AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR MEMBERS OF THE UNITED STATES COAST GUARD AUXILIARY. The Chair called Rep. Avila to explain the bill. No vote was taken on the bill. The bill was displaced.

HB 1411, AN ACT TO CLARIFY THE EXTENSION OF TIME REQUIREMENTS FOR THE PAYMENT OF LICENSURE FEES BY MEMBERS OF THE ARMED FORCES UNDER THE LAWS PERTAINING TO OCCUPATIONAL LICENSING BOARDS. The Chair called upon Rep. Martin to explain the bill. Representative Cleveland moves for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the bill be re-referred to the Committee on Finance.

There being no further business to come before the committee, the meeting adjourned.


Representative Larry D. Hall
Chair


Lisa C. Ray
Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION.
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Wednesday, July 29, 2009

TIME: 10:00 am

LOCATION: 1425 LB

COMMENTS:

The following bills will be considered:

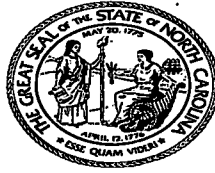
BILL NO.	SHORT TITLE	SPONSOR
HB 1098	Protect Search and Rescue Animal.	Representative Frye Representative Jones
SB 253	Statutorily Establish Division of Emerg. Mgmt.	Senator Snow
SB 345	Public Health Technical Changes.	Senator Malone

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at
10:20 A.M. o'clock on **July 28, 2009.**

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, July 08, 2009
10:00AM
Room 1425, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman

- **The following bills will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
HB 1098	Protect Search and Rescue Animal.	Representative Frye
SB 253	Statutorily Establish Division of Emerg. Mgmt.	Representative Jones
SB 345	Public Health Technical Changes.	Senator Snow
		Senator Malone

- **Comments**
- **Adjourn**

Judiciary II
Proposed Senate Committee Substitute For
H.B. 1098

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THE SAME PROTECTIONS TO SEARCH AND RESCUE ANIMALS AS THOSE PROVIDED TO LAW ENFORCEMENT AGENCY ANIMALS AND ANIMALS THAT ASSIST THE DISABLED.

Introduced by Representative(s): *Drye, E. Jones*

For a complete list of cosponsors for this bill, please see the report inside the bill jacket.

Principal Clerk's Use Only

Senate
Committee Substitute
Adopted
Pursuant to Rule 45.1
JUL 2 - 2009

CHANGES TITLE

PLACED ON CALENDAR FOR
7-8-09

RECEIVED

JUL 9 2009 *1 pm*
CV

Rec'd for Concurrence in
Sen. Amd./C.S. _____
JUL 13 2009
Placed on Calendar 36(b)
Referred to Com.
Homeland Security
(TITLE CHANGE)
upen concurrence

Passed 2d & 3d Readings

46-0 *UU*
JUL 8 - 2009

AND ORDERED SENT TO HOUSE OF REPS.
Concurrence To Senate Amendment

Comm
Sub.

just print



HOUSE BILL 1098: Protect Search and Rescue Animal

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	July 27, 2009
Introduced by:	Reps. Frye, Jones	Prepared by:	Ben Popkin
Analysis of:	Third Edition		Committee Counsel

SUMMARY: *House Bill 1098 would add search and rescue animals to statutes that protect law enforcement animals and animals that assist persons with disabilities.*

The Senate Committee Substitute added to the items for which the court may order the defendant to make restitution, the salary of the search and rescue animal handler for the time services are lost to the agency due to the handler participating in training or retraining of an animal.

CURRENT LAW: G.S. 14-163.1 provides the following offenses:

Willfully killing – Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully kills the animal is guilty of a **Class H felony**.

Willfully causing or attempting to cause serious harm – Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a **Class I felony**.

Willfully causing or attempting to cause harm – Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause harm to the animal is guilty of a **Class 1 misdemeanor**.

Willfully taunting, teasing, obstructing the animal – Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a law enforcement agency animal or assistance animal is guilty of a **Class 2 misdemeanor**.

Restitution – A defendant who violates the above provisions must make restitution to the person with a disability or the law enforcement agency who owns or is responsible for the care of the animal.

Aggravating factor – For felony convictions, there are three ranges of imprisonment: presumptive, aggravated, and mitigated. In many instances, the court will sentence a defendant in the presumptive range. If aggravating factors outweigh mitigating factors, a court may impose a longer term from the aggravated range. G.S. 15A-1340.16(d) lists aggravating factors.

BILL ANALYSIS: House Bill 1098 would add search and rescue animals to law enforcement agency animals and assistance animals under the offense and restitution provisions of G.S. 14-163.1.

Further, the bill would add search and rescue animals to law enforcement agency animals and assistance animals in G.S. 15A-1340.16(d)(6a), which makes committing an offense against or proximately causing serious harm or death to these animals while engaged in the performance of the animal's official duties an aggravating factor for sentencing purposes.

EFFECTIVE DATE: This act would become effective December 1, 2009, and apply to offenses committed on or after that date.

Jeff Hudson and Jennifer McGinnis, Staff Attorneys, substantially contributed to this summary.

H1098-SMRD-192(e3) v2

Research Division

O. Walker Reagan, Director

(919) 733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

3

HOUSE BILL 1098.
Committee Substitute Favorable 4/15/09
Senate Judiciary II Committee Substitute Adopted 7/2/09

Short Title: Protect Search and Rescue Animal.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THE SAME PROTECTIONS TO SEARCH AND RESCUE
ANIMALS AS THOSE PROVIDED TO LAW ENFORCEMENT AGENCY ANIMALS
AND ANIMALS THAT ASSIST THE DISABLED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-163.1 reads as rewritten:

**"§ 14-163.1. Assaulting a law enforcement agency ~~animal or animal~~, an assistance
animal, or a search and rescue animal.**

(a) The following definitions apply in this section:

(1) Assistance animal. – An animal that is trained and may be used to assist a
"person with a disability" as defined in G.S. 168A-3. The term "assistance
animal" is not limited to a dog and includes any animal trained to assist a
person with a disability as provided in Article 1 of Chapter 168 of the
General Statutes.

(2) Law enforcement agency animal. – An animal that is trained and may be
used to assist a law enforcement officer in the performance of the officer's
official duties.

(3) Harm. – Any injury, illness, or other physiological impairment; or any
behavioral impairment that impedes or interferes with duties performed by a
law enforcement agency animal or an assistance animal.

(3a) Search and rescue animal. – An animal that is trained and may be used to
assist in a search and rescue operation.

(4) Serious harm. – Harm that does any of the following:

- a. Creates a substantial risk of death.
- b. Causes maiming or causes substantial loss or impairment of bodily
function.
- c. Causes acute pain of a duration that results in substantial suffering.
- d. Requires retraining of the law enforcement agency animal or
assistance animal.
- e. Requires retirement of the law enforcement agency animal or
assistance animal from performing duties.

(a1) Any person who knows or has reason to know that an animal is a law enforcement
agency ~~animal or animal~~, an assistance ~~animal animal~~, or a search and rescue animal and who
willfully kills the animal is guilty of a Class H felony.

(b) Any person who knows or has reason to know that an animal is a law enforcement
agency ~~animal or an assistance animal animal~~, an assistance animal, or a search and rescue



1 animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a
2 Class I felony.

3 (c) Unless the conduct is covered under some other provision of law providing greater
4 punishment, any person who knows or has reason to know that an animal is a law enforcement
5 agency ~~animal or an assistance animal~~ animal, an assistance animal, or a search and rescue
6 animal and who willfully causes or attempts to cause harm to the animal is guilty of a Class 1
7 misdemeanor.

8 (d) Unless the conduct is covered under some other provision of law providing greater
9 punishment, any person who knows or has reason to know that an animal is a law enforcement
10 agency ~~animal or an assistance animal~~ animal, an assistance animal, or a search and rescue
11 animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or
12 obstruct the animal in the performance of its duty as a law enforcement agency ~~animal or~~
13 ~~assistance animal~~ animal, an assistance animal, or a search and rescue animal is guilty of a Class
14 2 misdemeanor.

15 (d1) A defendant convicted of a violation of this section shall be ordered to make
16 restitution to the person with a disability, or to a person, group, or law enforcement agency who
17 owns or is responsible for the care of the law enforcement agency animal or search and rescue
18 animal for any of the following as appropriate:

19 (1) Veterinary, medical care, and boarding expenses for the ~~assistance animal or~~
20 ~~law enforcement animal~~ law enforcement agency animal, the assistance
21 animal, or the search and rescue animal.

22 (2) Medical expenses for the person with the disability relating to the harm
23 inflicted upon the assistance animal.

24 (3) Replacement and training or retraining expenses for the ~~assistance animal or~~
25 ~~law enforcement animal~~ law enforcement agency animal, the assistance
26 animal, or the search and rescue animal.

27 (4) Expenses incurred to provide temporary mobility services to the person with
28 a disability.

29 (5) Wages or income lost while the person with a disability is with the
30 assistance animal receiving training or retraining.

31 (6) The salary of the law enforcement agency animal handler as a result of the
32 lost services to the agency during the time the handler is with the law
33 enforcement agency animal receiving training or retraining.

34 (6a) The salary of the search and rescue animal handler as a result of the search
35 and rescue services lost during the time the handler is with the search and
36 rescue animal receiving training or retraining.

37 (7) Any other expense reasonably incurred as a result of the offense.

38 (e) This section shall not apply to a licensed veterinarian whose conduct is in
39 accordance with Article 11 of Chapter 90 of the General Statutes.

40 (f) Self-defense is an affirmative defense to a violation of this section.

41 (g) Nothing in this section shall affect any civil remedies available for violation of this
42 section."

43 **SECTION 2.** G.S. 15A-1340.16(d)(6a) reads as rewritten:

44 "(6a) The offense was committed against or proximately caused serious harm as
45 defined in G.S. 14-163.1 or death to a law enforcement agency ~~animal or~~
46 ~~assistance animal~~ animal, an assistance animal, or a search and rescue animal
47 as defined in G.S. 14-163.1, while engaged in the performance of the
48 animal's official duties."

49 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
50 offenses committed on or after that date.

* title change
* PCS

PUBLIC BILL

at 4:00 PM
~~Proposed~~ Committee Substitute For
S.B. 253

SESSION LAW _____

ID H-378

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH STATUTORILY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Introduced by Senator(s)

Law

Principal Clerk's Use Only

Committee Substitute
Adopted
Pursuant to Rule 45.1
MAY 5 - 2009

CHANGES TITLE

PASSED 2nd & 3rd
READINGS
47-0 *UV*
MAY 6 - 2009
ORDERED SENT TO
HOUSE OF REPRESENTATIVE

RECEIVED

MAY 7 2009 1:50 PM
CG

PASSED 1st READING

MAY 11 2009

AND REFERRED TO COMMITTEE

*ON Homeland Security
& Fed. State
Government*

SAINT DAVITT

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

2

**SENATE BILL 253*
State and Local Government Committee Substitute Adopted 5/5/09**

Short Title: Statutorily Establish Division of Emerg. Mgmt. (Public)

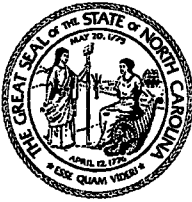
Sponsors:

Referred to:

February 23, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH STATUTORILY THE DEPARTMENT OF CRIME CONTROL
3 AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS
4 RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY
5 PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** G.S. 143B-475(a) is amended by adding a new subdivision to read:
8 "(11) Emergency Management Division, Department of Crime Control and Public
9 Safety. The purpose of this subdivision is to vest statutorily in the
10 Department the powers previously conferred on the Division by executive
11 order or otherwise."
12 **SECTION 2.** G.S. 166A-4 is amended by adding a new subdivision to read:
13 "(2a) Division. – The Division of Emergency Management established in Part 7 of
14 Article 11 of Chapter 143B of the General Statutes."
15 **SECTION 3.** Article 11 of Chapter 143B of the General Statutes is amended by
16 adding a new Part to read:
17 "Part 7. Emergency Management Division.
18 "§ 143B-508. Division of Emergency Management of the Department of Crime Control
19 and Public Safety.
20 (a) There is established, within the Department of Crime Control and Public Safety, the
21 Division of Emergency Management, which shall be organized and staffed in accordance with
22 applicable laws and regulations and within the limits of authorized appropriations.
23 (b) The Division of Emergency Management shall have the following powers and
24 duties:
25 (1) To exercise the powers and duties exercised prior to the enactment of this
26 section in accordance with G.S. 143B-475(a)(11).
27 (2) To exercise the powers and duties conferred on it by Chapter 166A of the
28 General Statutes.
29 (3) To exercise any other powers vested by law."
30 **SECTION 4.** This act is effective when it becomes law.





SENATE BILL 253: Absentee Voting Improvements

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel	Date:	July 28, 2009
Introduced by:	Sen. Snow	Prepared by:	Ben Popkin
Analysis of:	PCS to Second Edition S253-CSR-79		Committee Counsel

SUMMARY: *The Proposed Committee Substitute to Senate Bill 253 would make changes to the absentee voting and military absentee voting statutes, including requiring that absentee ballot forms be available 60 days prior to the election, requiring only one witness to absentee ballots, and providing the State Board of Elections with emergency powers to facilitate absentee voting by overseas military and citizens in certain emergency situations.*

CURRENT LAW: Article 20 of Chapter 163 provides the procedures for absentee voting. Under that Article, boards of elections must provide absentee ballots, container return envelopes, and instruction sheets 50 days prior to the date of the election, except in certain circumstances. Absentee ballots may be mailed no earlier than 50 days prior to the election. Absentee voting must be witnessed by two other qualified persons, who must sign the certificate as witness.

Article 21 of Chapter 163 provides for absentee registration and voting in primary and general elections for certain military personnel and families and civilians living overseas (military absentee voters), in compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These requirements include furnishing a register of military absentee ballot applications, providing absentee ballots to military absentee voters on the same timeline as required for other absentee ballots (50 days before the election), and requiring an absentee voted ballot to be witnessed by two persons.

BILL ANALYSIS: SB 253 would make the following changes to the absentee voting statutes.

In Article 20: Absentee Voting

- Require that absentee ballot forms, container-return envelopes, and instruction sheets be printed no later than 60 days before the statewide general election in even-numbered years and no later than 50 days before the primary or any other election. (*Sections 2 & 4*)
- Remove the requirement that the reason assigned for requesting absentee ballots be included in the official register of absentee requests maintained by county boards of elections, and makes the registry open 60, rather than 50, days before an election in which absentee ballots are authorized. (*Section 3*)
- Require that applications and ballots shall not be mailed earlier than 60 days before the statewide general election in even-numbered years and no earlier than 50 days prior to any other election. (*Section 5*)
- Eliminate the requirement that two persons must witness the absentee ballot voting and instead require only one person witness the ballot. (*Section 6*)
- Permits absentee ballots issued under Articles 20 to be accepted if postmarked by the day of the election and received not later than 5pm three days after the election, and under Article 21 if received by 5pm three days after the election. (*Section 8(a)*)

Senate Bill 253

Page 2

- Requires county boards of elections to prepare a list of all absentee ballots issued under Articles 20 or 21 that were approved by the county board of elections, were postmarked by the day of the election (for Article 20 ballots), were received no later than three days after the election, and were not included on the certified list prepared pursuant to G.S. 163-232. Requires the list to be supplemented with new information daily until the deadline for receipt of absentee ballots and requires that the chairman of the county board of elections execute a sworn statement certifying the final list. Directs the board to post one copy of the list in a conspicuous location for public inspection and send a copy of the final list to the SBOE by 10am the day following the deadline for receipt of absentee ballots. Requires county BOE to retain list for 22 months before it may be destroyed. *(Section 8(b))*
- Allows absentee ballots issued under Articles 20 or 21 to be challenged between noon the day after the election and 5pm the day after the deadline for receipt of absentee ballots. *(Section 8(c))*
- Amends G.S. 163-234 "Counting absentee ballots by CBOE" to conform to new provisions in the bill and to authorize the county BOE to meet to count absentee ballots received under the new provisions. The meeting may be held following the day of the election and before the day of canvass, when an additional meeting has been provided for by resolution. *(Section 8(d))*

In Article 21: Military Absentee Voting

- Require the State Board of Elections (SBOE) to approve an official register of military absentee ballot applications and ballots issued, and permit the SBOE to provide the register be kept by electronic data processing equipment, with a copy or supplement printed each business day. *(Section 1)*
- Require that absentee ballot forms, container-return envelopes, and instruction sheets for military absentee voters be printed no later than 60 days before the statewide general election in even-numbered years and no later than 50 days before the primary or any other election. *(Section 1)*
- Creates a space on the container return envelope for the chairman of the county board of elections to designate the precinct where the applicant is registered. *(Section 1)*
- Add "A United States citizen currently outside the United States" to the list of choices to designate when using the Certificate of Absentee Voter for military absentee ballots. *(Section 1)*
- Eliminate the requirement that two persons must witness the absentee ballot voting and instead require only one person witness the ballot. *(Sections 1 and 7)*
- Provide the SBOE emergency rule-making powers to develop special procedures or requirements to facilitate absentee voting by absent uniformed service or other overseas voters directly affected by an international, national, or local emergency or other situation which makes substantial compliance with the Article or UOCAVA impossible or unreasonable. *(Section 9)*
- Direct the SBOE to allow counties to mail out absentee ballots as soon as they are available, in those instances where the law requires ballots to be available for mailing 60 days before the general election and they are not ready by that date. *(Section 10)*

EFFECTIVE DATE: SB 253 would become effective January 1, 2010 and would apply to elections held on or after that date, but may not be implemented until the law has received 'pre-clearance' approval under Section 5 of the Voting Rights of 1965 by the U.S. Department of Justice.

Kara McCraw, counsel to House Committee on Election Law and Campaign Finance Reform, substantially contributed to this summary.

S253-SMRD-193(CSRD-79) v2



SENATE BILL 253: Absentee Voting Improvements

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, State Government/State Personnel	Date:	July 28, 2009
Introduced by:	Sen. Snow	Prepared by:	Ben Popkin
Analysis of:	PCS to Second Edition S253-CSRD-79		Committee Counsel

SUMMARY: *The Proposed Committee Substitute to Senate Bill 253 would make changes to the absentee voting and military absentee voting statutes, including requiring that absentee ballot forms be available 60 days prior to the election, requiring only one witness to absentee ballots, and providing the State Board of Elections with emergency powers to facilitate absentee voting by overseas military and citizens in certain emergency situations.*

CURRENT LAW: Article 20 of Chapter 163 provides the procedures for absentee voting. Under that Article, boards of elections must provide absentee ballots, container return envelopes, and instruction sheets 50 days prior to the date of the election, except in certain circumstances. Absentee ballots may be mailed no earlier than 50 days prior to the election. Absentee voting must be witnessed by two other qualified persons, who must sign the certificate as witness.

Article 21 of Chapter 163 provides for absentee registration and voting in primary and general elections for certain military personnel and families and civilians living overseas (military absentee voters), in compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These requirements include furnishing a register of military absentee ballot applications, providing absentee ballots to military absentee voters on the same timeline as required for other absentee ballots (50 days before the election), and requiring an absentee voted ballot to be witnessed by two persons.

BILL ANALYSIS: SB 253 would make the following changes to the absentee voting statutes.

In Article 20: Absentee Voting

- Require that absentee ballot forms, container-return envelopes, and instruction sheets be printed no later than 60 days before the statewide general election in even-numbered years and no later than 50 days before the primary or any other election. *(Sections 2 & 4)*
- Remove the requirement that the reason assigned for requesting absentee ballots be included in the official register of absentee requests maintained by county boards of elections, and makes the registry open 60, rather than 50, days before an election in which absentee ballots are authorized. *(Section 3)*
- Require that applications and ballots shall not be mailed earlier than 60 days before the statewide general election in even-numbered years and no earlier than 50 days prior to any other election. *(Section 5)*
- Eliminate the requirement that two persons must witness the absentee ballot voting and instead require only one person witness the ballot. *(Section 6)*
- Permits absentee ballots issued under Articles 20 to be accepted if postmarked by the day of the election and received not later than 5pm three days after the election, and under Article 21 if received by 5pm three days after the election. *(Section 8(a))*

Senate Bill 253

Page 2

- Requires county boards of elections to prepare a list of all absentee ballots issued under Articles 20 or 21 that were approved by the county board of elections, were postmarked by the day of the election (for Article 20 ballots), were received no later than three days after the election, and were not included on the certified list prepared pursuant to G.S. 163-232. Requires the list to be supplemented with new information daily until the deadline for receipt of absentee ballots and requires that the chairman of the county board of elections execute a sworn statement certifying the final list. Directs the board to post one copy of the list in a conspicuous location for public inspection and send a copy of the final list to the SBOE by 10am the day following the deadline for receipt of absentee ballots. Requires county BOE to retain list for 22 months before it may be destroyed. *(Section 8(b))*
- Allows absentee ballots issued under Articles 20 or 21 to be challenged between noon the day after the election and 5pm the day after the deadline for receipt of absentee ballots. *(Section 8(c))*
- Amends G.S. 163-234 "Counting absentee ballots by CBOE" to conform to new provisions in the bill and to authorize the county BOE to meet to count absentee ballots received under the new provisions. The meeting may be held following the day of the election and before the day of canvass, when an additional meeting has been provided for by resolution. *(Section 8(d))*

In Article 21: Military Absentee Voting

- Require the State Board of Elections (SBOE) to approve an official register of military absentee ballot applications and ballots issued, and permit the SBOE to provide the register be kept by electronic data processing equipment, with a copy or supplement printed each business day. *(Section 1)*
- Require that absentee ballot forms, container-return envelopes, and instruction sheets for military absentee voters be printed no later than 60 days before the statewide general election in even-numbered years and no later than 50 days before the primary or any other election. *(Section 1)*
- Creates a space on the container return envelope for the chairman of the county board of elections to designate the precinct where the applicant is registered. *(Section 1)*
- Add "A United States citizen currently outside the United States" to the list of choices to designate when using the Certificate of Absentee Voter for military absentee ballots. *(Section 1)*
- Eliminate the requirement that two persons must witness the absentee ballot voting and instead require only one person witness the ballot. *(Sections 1 and 7)*
- Provide the SBOE emergency rule-making powers to develop special procedures or requirements to facilitate absentee voting by absent uniformed service or other overseas voters directly affected by an international, national, or local emergency or other situation which makes substantial compliance with the Article or UOCAVA impossible or unreasonable. *(Section 9)*
- Direct the SBOE to allow counties to mail out absentee ballots as soon as they are available, in those instances where the law requires ballots to be available for mailing 60 days before the general election and they are not ready by that date. *(Section 10)*

EFFECTIVE DATE: SB 253 would become effective January 1, 2010 and would apply to elections held on or after that date, but may not be implemented until the law has received 'pre-clearance' approval under Section 5 of the Voting Rights of 1965 by the U.S. Department of Justice.

Kara McCraw, counsel to House Committee on Election Law and Campaign Finance Reform, substantially contributed to this summary.

S253-SMRD-193(CSRD-79) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 253*

State and Local Government Committee Substitute Adopted 5/5/09
PROPOSED HOUSE COMMITTEE SUBSTITUTE S253-PCS55498-RD-79

Short Title: Absentee Voting Improvements.

(Public)

Sponsors:

Referred to:

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS,
ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS
VOTERS TO CAST TIMELY BALLOTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-248 reads as rewritten:

"§ 163-248. Register, ballots, container-return envelopes, and instruction sheets.

(a) Register of Military Absentee Ballot Applications and Ballots Issued. – The State Board of Elections shall ~~furnish the chairman of the board of elections in each county of the State with a book to be called the~~ approve an official register of military absentee ballot applications and ballots issued in which shall be recorded whatever information and official action may be required by this Article. ~~In lieu of furnishing this register, the State Board of Elections may provide for a separate military section in the register furnished under the provisions of G.S. 163-228 which shall be used for the same purpose. The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy or a supplement of new information shall be printed each business day.~~

The register of military absentee ballot applications and ballots issued, ~~whether contained in a separate book or maintained as a separate part of the register furnished under the provisions of G.S. 163-228, issued~~ shall constitute a public record and ~~shall be opened to the inspection of any registered voter of the county at any time.~~ record.

(b) Absentee Ballot Form. – Persons entitled to vote by absentee ballot under the terms of this Article shall be furnished with regular official ballots; separate or distinctly marked absentee ballots shall not be used. The State Board of Elections and the county boards of elections shall have all necessary absentee ballots printed and in the hands of the proper election officials not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before the primary or any other election. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election.

(c) Container-Return Envelope. – The county board of elections shall print a sufficient number of envelopes in which persons casting military absentee ballots may transmit their marked ballots to the chairman of the county board of elections. The container-return envelopes shall be printed and available for use not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before the primary or any other



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election. However, in the case of municipal elections, container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall be printed in accordance with the following instructions:

- (1) On one side shall be arranged identified spaces in which the chairman of the county board of elections may insert the name of the applicant, the number assigned his application, and the designation of the precinct in which his ~~ballots are to be voted; the applicant is registered.~~
- (2) On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

"CERTIFICATE OF ABSENTEE VOTER

I, _____, do hereby certify that I am a resident and qualified voter in _____ precinct, _____ County, North Carolina, and that I am [check whichever of the following statements is correct]

☐ Serving in the armed forces of the United States

☐ The spouse of a member of the armed forces of the United States residing outside the county of my spouse's residence

☐ A disabled war veteran in a United States government hospital

☐ A civilian attached to and serving outside the United States with the armed forces of the United States

☐ A member of the Peace Corps

☐ A United States citizen currently outside the United States

I further certify that I am affiliated with the _____ Party. [To be completed only if applicant seeks to vote in the primary of the political party to which he belongs.]

I further certify that the following is my official address:

[Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

[Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

[Street number, APO, or FPO number]

[City, postal zone, State, and zip code]

[E-mail address]

I further certify that I made application for absentee ballots and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instruction. I understand it is a felony to falsely sign this certificate.

Witness my hand in the presence of _____ [Insert ~~names~~ name and ~~addresses~~ address of witnesses witness] this _____ day of _____, _____.

(Signature of voter)

Signature of witness # 1 _____

Address of witness # 1 _____

Signature of witness # 2 _____

Address of witness # 2 _____

Note: This certificate must be witnessed by ~~any two persons who are a person who is 18 years of age or older, and must contain their signatures and addresses.~~ the signature and address of the witness.

(d) Instruction Sheets. – The county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters covered by the provisions of this Article are to prepare absentee ballots and return them to the chairman of the county board of elections. The instruction sheets shall be printed and available for use not later than ~~60 days before the primary or election~~ the date of ballot availability."

SECTION 2. G.S. 163-227.3(a) reads as rewritten:

"(a) A board of elections shall provide absentee ballots of the kinds needed 60 days prior to the statewide general election in even-numbered years and 50 days prior to the date on which the any other election shall be conducted ~~conducted~~, unless 45 days is authorized by the State Board of Elections under G.S. 163-22(k) or there shall exist an appeal before the State Board or the courts not concluded, in which case the board shall provide the ballots as quickly as possible upon the conclusion of such an appeal. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election. In every instance the board of elections shall exert every effort to provide absentee ballots, of the kinds needed by the date on which absentee voting is authorized to commence."

SECTION 3. G.S. 163-228 reads as rewritten:

"§ 163-228. Register of absentee requests, applications, and ballots issued; a public record.

The State Board of Elections shall approve an official register in which the county board of elections in each county of the State shall record the following information:

- (1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.
- (2) Number of assigned voter's application when issued.
- (3) Precinct in which applicant is registered.
- (4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163-227.2, a notation of that fact.
- (5) ~~Reason assigned for requesting absentee ballots.~~
- (6) Date request for application for ballots is received by the county board of elections.
- (7) The voter's party affiliation.
- (8) The date the ballots were mailed or delivered to the voter.
- (9) Whatever additional information and official action may be required by this Article.

The State Board of Elections may provide for the register to be kept by electronic data processing equipment, and a copy shall be printed out each business day or a supplement printed out each business day of new information.

The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county ~~at any time~~ within ~~50–60~~ days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection."

SECTION 4. G.S. 163-229 reads as rewritten:

"§ 163-229. Absentee ballots, applications on container-return envelopes, and instruction sheets.

(a) Absentee Ballot Form. – In accordance with the provisions of G.S. 163-230.1, persons entitled to vote by absentee ballot shall be furnished with official ballots.

(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots

1 may transmit their marked ballots to the county board of elections. However, in the case of
2 municipal elections, sufficient container-return envelopes shall be made available no later than
3 30 days before an election. Each container-return envelope shall have printed on it an
4 application which shall be designed and prescribed by the State Board of Elections, the voter's
5 certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in
6 accordance with this Article, a space for identification of the envelope with the voter, and a
7 space for approval by the county board of elections. The envelope shall allow reporting of a
8 change of name as provided by G.S. 163-82.16. The container-return envelope shall be printed
9 in accordance with the instructions of the State Board of Elections.

10 (c) Instruction Sheets. – In time for use not later than 60 days before a statewide general
11 election in an even-numbered year, and not later than 50 days before a statewide primary, other
12 general or county bond election, the county board of elections shall prepare and print a
13 sufficient number of sheets of instructions on how voters are to prepare absentee ballots and
14 return them to the county board of elections. However, in the case of municipal elections,
15 instruction sheets shall be made available no later than 30 days before an election."

16 **SECTION 5. G.S. 163-230.1(a2) reads as rewritten:**

17 "(a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
18 the county board of elections receives a request for applications and absentee ballots, the board
19 shall promptly issue and transmit them to the voter in accordance with the following
20 instructions:

- 21 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
22 member, officer, or employee of the board of elections shall write or type the
23 words "Absentee Ballot No. ____" or an abbreviation approved by the State
24 Board of Elections and insert in the blank space the number assigned the
25 applicant's application in the register of absentee requests, applications, and
26 ballots issued. That person shall not write, type, or print any other matter
27 upon the ballots transmitted to the absentee voter. Alternatively, the board of
28 elections may cause to be barcoded on the ballot the voter's application
29 number, if that barcoding system is approved by the State Board of
30 Elections.
- 31 (2) The chair, member, officer, or employee of the board of elections shall fold
32 and place the ballots (identified in accordance with the preceding
33 instruction) in a container-return envelope and write or type in the
34 appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b),
35 the absentee voter's name, the absentee voter's application number, and the
36 designation of the precinct in which the voter is registered. If the ballot is
37 barcoded under this section, the envelope may be barcoded rather than
38 having the actual number appear. The person placing the ballots in the
39 envelopes shall leave the container-return envelope holding the ballots
40 unsealed.
- 41 (3) The chair, member, officer, or employee of the board of elections shall then
42 place the unsealed container-return envelope holding the ballots together
43 with printed instructions for voting and returning the ballots, in an envelope
44 addressed to the voter at the post office address stated in the request, seal the
45 envelope, and mail it at the expense of the county board of elections:
46 Provided, that in case of a request received after 5:00 p.m. on the Tuesday
47 before the election under the provisions of subsection (a1) of this section, in
48 lieu of transmitting the ballots to the voter in person or by mail, the chair,
49 member, officer, or employee of the board of elections may deliver the
50 sealed envelope containing the instruction sheet and the container-return

1 envelope holding the ballots to a near relative or verifiable legal guardian of
2 the voter.

3 The county board of elections may receive written requests for applications ~~earlier than 50~~
4 ~~days at any time~~ prior to the election but shall not mail applications and ballots to the voter or
5 issue applications and ballots in person earlier than 60 days prior to the statewide general
6 election in an even-numbered year, or earlier than 50 days prior to the any other election,
7 except as provided in G.S. 163-227.2. No election official shall issue applications for absentee
8 ballots except in compliance with this Article."

9 **SECTION 6.** G.S. 163-231(a) reads as rewritten:

10 "(a) Procedure for Voting Absentee Ballots. – In the presence of ~~two other persons who~~
11 ~~are a person who is~~ at least 18 years of age, and who ~~are is not~~ disqualified by
12 G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter shall:

- 13 (1) Mark the voter's ballots, or cause them to be marked by ~~one of such persons~~
14 that person in the voter's presence according to the voter's instruction;
- 15 (2) Fold each ballot separately, or cause each of them to be folded in the voter's
16 presence;
- 17 (3) Place the folded ballots in the container-return envelope and securely seal it,
18 or have this done in the voter's presence;
- 19 (4) Make the application printed on the container-return envelope according to
20 the provisions of G.S. 163-229(b) and make the certificate printed on the
21 container-return envelope according to the provisions of G.S. 163-229(b).

22 The ~~persons person~~ in whose presence the ballot is marked shall at all times respect the
23 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests ~~their the~~
24 person's assistance and ~~they are the person is~~ otherwise authorized by law to give assistance.
25 The ~~persons person~~ in whose presence the ballot was marked shall sign the application and
26 certificate as ~~witnesses, a witness~~ and shall indicate ~~their that person's~~ address. When thus
27 executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in
28 accordance with the provisions of subsection (b) of this section to the county board of elections
29 which issued the ballots."

30 **SECTION 7.** G.S. 163-250 reads as rewritten:

31 "**§ 163-250. Voting absentee ballots and transmitting them to chairman of county board**
32 **of elections.**

33 (a) Procedure for Voting Absentee Ballots. – In the presence of ~~two persons who are at~~
34 a person who is at least 18 years of age, the voter shall:

- 35 (1) Mark ~~his the voter's~~ ballots, or cause them to be marked by ~~one of such~~
36 ~~persons that person~~ in ~~his the voter's~~ presence according to ~~his the voter's~~
37 instructions.
- 38 (2) Fold each ballot separately, or cause each of them to be folded in ~~his the~~
39 voter's presence.
- 40 (3) Place the folded ballots in the container-return envelope and securely seal it,
41 or have this done in ~~his the voter's~~ presence.
- 42 (4) Make and subscribe the certificate printed on the container-return envelope
43 according to the provisions of G.S. 163-248(c).

44 The ~~persons person~~ in whose presence the ballots were marked shall sign the certificate as
45 ~~witnesses, a witness~~ and shall give ~~their addresses that person's address~~.

46 (b) Transmitting Executed Absentee Ballots to Chairman of County Board of Elections.
47 – When executed and witnessed in accordance with the provisions of subsection (a) of this
48 section, the sealed container-return envelope in which executed absentee ballots have been
49 placed shall be mailed by the voter to the chairman of the county board of elections who issued
50 them."

51 **SECTION 8.(a)** G.S. 163-231(b) reads as rewritten:

"(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the county board of elections who issued them as follows: All ballots issued under the provisions of Articles 20 and 21 of this Chapter shall be transmitted by mail or by commercial courier service, at the voter's expense, or delivered in person, or by the voter's near relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide primary or general election or county bond election. If ~~such~~ ballots are received later than that hour, they shall not be accepted ~~for~~ unless (i) federal law so ~~requires~~ requires, (ii) if ballots issued under Article 20 of this Chapter are postmarked by the day of the statewide primary or general election or county bond election and are received by the county board of elections not later than three days after the election by 5:00 p.m., or (iii) if ballots issued under Article 21 of this Chapter are received by the county board of elections not later than three days after the election by 5:00 p.m. Ballots issued under Article 20 of this Chapter not postmarked by the day of the election shall not be accepted by the county board of elections."

SECTION 8.(b) Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-232.1. Certified list of executed absentee ballots received on or after election day; publication of list.

(a) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all absentee ballots issued under Article 20 of this Chapter returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later than three days after the election by 5:00 p.m. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, chairman of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the _____ day of _____, _____, which have been approved by the county board of elections and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later than three days after the election by 5:00 p.m. I certify that the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or by commercial courier service or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the _____ day of _____, _____

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this _____ day of _____, _____.

Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

(b) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all military absentee ballots issued under Article 21 of this Chapter and returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which have been received by the county board of elections not later than three days after the election by 5:00 p.m. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, chairman of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed military absentee ballots to be voted in the election to be conducted on the _____ day of _____, which have been approved by the county board of elections, and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later than three days after the election by 5:00 p.m. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered military absentee ballots to persons other than those listed herein; that this list constitutes the only precinct registration of military absentee voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the _____ day of _____, _____

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this _____ day of _____.

Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

(c) The board shall post one copy of the most current version of each list in the board office in a conspicuous location for public inspection and shall retain one copy until all challenges of absentee ballots have been heard by the county board of elections. The county board of elections shall cause one copy of each of the final lists of executed absentee ballots required under subsection (a) and subsection (b) of this section to be deposited as "first-class" mail to the State Board of Elections no later than 10:00 a.m. of the next business day following the deadline for receipt of such absentee ballots. Challenges shall be made to absentee ballots as provided in G.S. 163-89. In addition the county board of elections shall, upon request, provide a copy of each of the lists to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

(d) All lists required by this section shall be retained by the county board of elections for a period of 22 months after which they may then be destroyed."

SECTION 8.(c) G.S. 163-89(a) reads as rewritten:

"(a) Time for Challenge. – The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-251(b). The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(ii) or (iii) may be challenged no earlier than noon on the day following the election and no later than 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots."

SECTION 8.(d) G.S.-163-234 reads as rewritten:

"§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

(1) Only those absentee ballots returned to the county board of elections no later than 5:00 p.m. on the day before election day in a properly executed container-return envelope or absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) shall be counted, except to the extent federal law requires otherwise.

(2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day. day and those received pursuant to G.S. 163-231(b)(ii) or (iii). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided the elector shall not in any manner interfere with the election officials in the discharge of their duties.

Provided, that the county board of elections is authorized to begin counting absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. Such resolution also may provide for an additional meeting following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) as provided in subdivision (10) of this section. A copy of the resolutions shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity, except that if the count has been completed prior to the time the polls close, it shall be suspended until that time pending receipt of any additional ballots. Nothing in this section shall prohibit a county board of elections from taking preparatory steps for the count earlier than the times specified in this section, as long as the preparatory steps do not reveal to any individual not engaged in the actual count election results before the times specified in this subdivision for the count to begin. By way of illustration and not limitation, a preparatory step for the count would be the entry of tally cards from direct record electronic voting units into a computer for processing. The board shall not announce the result of the count before 7:30 p.m.

(2a) Notwithstanding the provisions of subdivision (2) of this section, a county board of elections may, at each meeting at which it approves absentee ballot applications pursuant to G.S. 163-230.1(c) and (c1), remove those ballots from their envelopes and have them read by an optical scanning machine, without printing the totals on the scanner. The board shall complete the counting of these ballots at the times provided in subdivision (2) of this section. The State Board of Elections shall provide instructions to county boards of elections for executing this procedure, and the instructions shall be designed to ensure the accuracy of the count, the participation of board

members of both parties, and the secrecy of the results before election day. This subdivision applies only in counties that use optical scan devices to count absentee ballots.

(3) The counting of absentee ballots shall not commence until a majority and at least one board member of each political party represented on the board is present and that fact is publicly declared and entered in the official minutes of the county board.

(4) The county board of elections may employ such assistants as deemed necessary to count the absentee ballots, but each board member present shall be responsible for and observe and supervise the opening and tallying of the ballots.

(5) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the board shall check off the name. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot. The "Pollbook of Absentee Voters" shall also contain the names of all persons who voted under G.S. 163-227.2, but those names may be printed by computer for inclusion in the pollbook.

After all ballots have been placed in the boxes, the counting process shall begin.

If one-stop ballots under G.S. 163-227.2 are counted electronically, that count shall commence at the time the polls close. If one-stop ballots are paper ballots counted manually, that count shall commence at the same time as other absentee ballots are counted.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The county board of elections shall be responsible for the safekeeping of the pollbook of absentee voters.

(6) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board of Elections. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board of Elections. The county board of elections may have a separate count on the abstract for one-stop absentee ballots under G.S. 163-227.2.

(7) One copy of the absentee abstract shall be retained by the county board of elections and the totals appearing thereon shall be added to the final totals of all votes cast in the county for each office as determined on the official canvass.

(8) In the event a political party does not have a member of the county board of elections present at the meeting to count absentee ballots due to illness or other cause of the member, the counting shall not commence until the county party chairman of said absent member, or a member of the party's county executive committee, is in attendance. Such person shall act as an official witness to the counting and shall sign the absentee ballot abstract as an "observer."

(9) The county board of elections shall retain all container-return envelopes and absentee ballots, in a safe place, for at least four months, and longer if any contest is pending concerning the validity of any ballot.

(10) The county board of elections shall meet after election day and prior to the date of canvass to determine where the container-return envelopes for absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) has been properly executed. The county board of elections shall comply with the requirements of G.S. 163-230.1 for approval of applications. Any absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) shall be counted by the county board of elections on the day of canvass. The county board of elections is also authorized to meet following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) upon the adoption of a resolution pursuant to subdivision (2) of this section. The county board of elections shall comply with all other requirements of this section for the counting of such absentee ballots."

SECTION 9. Article 21 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-258. Emergency powers.

If an international, national, or local emergency or other situation arises that makes substantial compliance with this Article or the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, the State Board of Elections may prescribe, by emergency rule, such special procedures or requirements as may be necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected who are eligible to vote in this State. The rule shall become effective when filed with the Codifier of Rules."

SECTION 10. G.S. 163-22(k) reads, as rewritten:

"(k) Notwithstanding the provisions contained in Article 20 or Article 21 of Chapter 163 the State Board of Elections shall be authorized, by resolution adopted prior to the printing of the primary ballots, to reduce the time by which absentee ballots are required to be printed and distributed for the primary election from 50 days to 45 days. This authority shall not be authorized for absentee ballots to be voted in the ~~general election~~ general election, except if the law requires ballots to be available for mailing 60 days before the general election, and they are not ready by that date, the State Board of Elections shall allow the counties to mail them out as soon as they are available."

SECTION 11. This act becomes effective January 1, 2010, and applies with respect to elections held on or after that date.

Mar 21

S.B. 345
ID = A 374

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF
ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Introduced by Senator(s)
Nesbitt

Malone
Snow

Atwater

Goss

[Signature]
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[Signature]

Principal Clerk's Use Only
FILED FEB 26 2009

PASSED 1st READING
MAR 2 - 2009
AND REFERRED TO COMMITTEE
ON *Health Care*

Committee on Health Care to whom this bill was
referred, a majority being present and voting, has
fully considered the same and recommend that it
pass.

[Signature]
The Committee

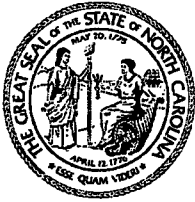
PASSED 2nd & 3rd
READINGS
47-0 VV
MAR 19 2009
ORDERED SENT TO
HOUSE OF REPRESENTATIVE

[Signature]
RECEIVED

MAR 23 2009
7:37pm
cb

PASSED 1st READING
MAR 24 2009

The Committee on Health
a majority being present, having considered
this bill, recommend that it do ☒ pass.
[Signature] England & Onoka
For the Committee
and be re-referred to the
Committee on Homeland Security.
REPORTED FAVORABLY JUN 01 2009
re-ref to Homeland Security



SENATE BILL 345: Public Health Technical Changes

2009-2010 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs	Date:	July 24, 2009
Introduced by:	Sen. Malone	Prepared by:	Ben Popkin
Analysis of:	First Edition		Committee Counsel

SUMMARY: *Senate Bill 345 would add "Public Health Preparedness" as a new category of essential public health services provided in G.S. 130A-1.1(b) and would add "Quality Improvement" to the list of items within the essential public health service "Health Support". The essential public health services are services that the Department of Environment and Natural Resources and the Department of Health and Human Services are to ensure are available and accessible to all citizens of North Carolina, within available resources.*

[As introduced, this bill was identical to H374, as introduced by Reps. Martin, Glazier, Farmer-Butterfield, which is currently in Rules and Operations of the Senate.]

CURRENT LAW: The General Assembly recognizes that unified purpose and direction of the public health system is necessary to ensure all citizens in the State have equal access to essential public health services.¹

Essential public health services are services that the State shall ensure because they are essential to promoting and contributing to the highest level of health possible for citizens of North Carolina.² The Commission for Public Health is directed to determine specific services to be provided under each of the essential public health service categories provided in the statute, listed below:

- Health Support
- Environmental Health
- Personal Health

BILL ANALYSIS: The bill would amend G.S. 130A-1.1(b) by adding 'Quality improvement' as one of the topics falling within the essential public health service category "Health Support" and by adding "Public Health Preparedness" as a fourth essential public health service category listed in subsection (b) of that section.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: This is a recommendation of the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery.

Shawn Parker, Staff to House Health, substantially contributed to this summary.

S345-SMRD-189(e1) v1

¹ G.S. 130A-1.1(a)

² G.S. 130A-1.1(b)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 345*

Short Title: Public Health Technical Changes. (Public)

Sponsors: Senators Malone, Atwater, Goss, Nesbitt, Snow; Albertson, Dannelly, Dorsett,
Jones, Purcell, Stevens, Swindell, and Weinstein.

Referred to: Health Care.

March 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT
3 TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED
4 BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND
5 DISASTER MANAGEMENT RECOVERY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 130A-1.1 reads as rewritten:

8 "§ 130A-1.1. Mission and essential services.

9 (a) The General Assembly recognizes that unified purpose and direction of the public
10 health system is necessary to ensure that all citizens in the State have equal access to essential
11 public health services. The General Assembly declares that the mission of the public health
12 system is to promote and contribute to the highest level of health possible for the people of
13 North Carolina by:

- 14 (1) Preventing health risks and disease;
15 (2) Identifying and reducing health risks in the community;
16 (3) Detecting, investigating, and preventing the spread of disease;
17 (4) Promoting healthy lifestyles;
18 (5) Promoting a safe and healthful environment;
19 (6) Promoting the availability and accessibility of quality health care services
20 through the private sector; and
21 (7) Providing quality health care services when not otherwise available.

22 (b) As used in this section, the term "essential public health services" means those
23 services that the State shall ensure because they are essential to promoting and contributing to
24 the highest level of health possible for the citizens of North Carolina. The Departments of
25 Environment and Natural Resources and Health and Human Services shall attempt to ensure
26 within the resources available to them that the following essential public health services are
27 available and accessible to all citizens of the State, and shall account for the financing of these
28 services:

- 29 (1) Health Support:
30 a. Assessment of health status, health needs, and environmental risks to
31 health;
32 b. Patient and community education;
33 c. Public health laboratory;
34 d. Registration of vital events;
35 e. Quality improvement; and
36 (2) Environmental Health:



- 1 a. Lodging and institutional sanitation;
- 2 b. On-site domestic sewage disposal;
- 3 c. Water and food safety and sanitation; and
- 4 (3) Personal Health:
- 5 a. Child health;
- 6 b. Chronic disease control;
- 7 c. Communicable disease control;
- 8 d. Dental public health;
- 9 e. Family planning;
- 10 f. Health promotion and risk reduction;
- 11 g. Maternal ~~health-health~~; and
- 12 (4) Public Health Preparedness.

13 The Commission for Public Health shall determine specific services to be provided under
14 each of the essential public health services categories listed above.

15 (c) The General Assembly recognizes that there are health-related services currently
16 provided by State and local government and the private sector that are important to maintaining
17 a healthy social and ecological environment but that are not included on the list of essential
18 public health services required under this section. Omission of these services from the list of
19 essential public health services shall not be construed as an intent to prohibit or decrease their
20 availability. Rather, such omission means only that the omitted services may be more
21 appropriately assured by government agencies or private entities other than the public health
22 system.

23 (d) The list of essential public health services required by this section shall not be
24 construed to limit or restrict the powers and duties of the Commission for Public Health or the
25 Departments of Environment and Natural Resources and Health and Human Services as
26 otherwise conferred by State law."

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

VISITOR REGISTRATION SHEET

Honolulu Soc. Mil. & Vet. Affairs

Name of Committee

9/29/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<i>Raquel Williams</i>	<i>Rep. Hall</i>
<i>Damon Circosta</i>	<i>NC Voter Ed</i>
<i>Leslie Arnold</i>	<i>Daily Bulletin-SOB</i>
<i>Gary Bartlett</i>	<i>SBE</i>
<i>Johnnie McLean</i>	<i>"</i>
<i>Chuck [unclear]</i>	<i>SEALC</i>
<i>DANIEL BAUM</i>	<i>K+C GATES</i>
<i>Jon Carr</i>	<i>~~And~~ Jordan Price Gun Run</i>
<i>Chm [unclear]</i>	<i>DPH</i>
<i>Sandra [unclear]</i>	<i>DPH</i>
<i>Schallert</i>	<i>NMRS</i>

VISITOR REGISTRATION SHEET

Hameland Soc. Mil. Vet. Affairs *7/29/09*

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sara Nieman

NC Dept of Commerce

Thomas C. Caves, Jr.

NC Dept. of Crime Control & Public Safety

Betsy Vetter

American Heart Assn

Phyllis Bell

American Cancer Society

David Anderson

PTF=NC

Toni Maynard

GPMA Assoc

Jani Fitzgerald

Christian Action League

VISITOR REGISTRATION SHEET

Homeland Security, Military, & Veterans Affairs

Name of Committee

07/29/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME.

FIRM OR AGENCY AND ADDRESS[illegible]

HOUSE PAGES

NAME OF COMMITTEE Homeland Sec. Mil. Vet DATE 7/29/09

1. Name: Michael Morrison

County: Onslow

Sponsor: Cleveland

2. Name: Rodney Hall

County: Durham

Sponsor: Bordson

3. Name: Shamone Smith

County: Gaston

Sponsor: Rep. Fogle

4. Name: Trey Hansley

County: Union County

Sponsor: Gibson

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: Martha Badison

2. Name: Judy Turner

3. Name: _____

4. Name: _____

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☒ Senate Committee Substitute for

HB 1098

A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SAME
PROTECTIONS TO SEARCH AND RESCUE ANIMALS AS THOSE PROVIDED TO LAW
ENFORCEMENT AGENCY ANIMALS AND ANIMALS THAT ASSIST THE DISABLED.

☒ With recommendation that the House concur.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented: .

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☒ Committee Substitute for

SB 253 A BILL TO BE ENTITLED AN ACT TO ESTABLISH STATUTORILY THE
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF
EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT
RECOVERY.

☒ With a favorable report as to House committee substitute bill, which changes the title,
unfavorable as to Senate committee substitute bill and recommendation that the House committee
substitute bill be re-referred to the Committee on STATE GOVERNMENT/STATE
PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☐ Committee Substitute for

SB 345 A BILL TO BE ENTITLED AN ACT TO ADD PUBLIC HEALTH
PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL
PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT
COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT
RECOVERY.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, JULY 29, 2009
ROOM 1425
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday July 29, 2009 at 10:00a.m. in room 1425 of the legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Braxton, Cleveland, Dickson, Hilton, Sager, Sutton, and Warren. The following staff members were present Hal Pell and Ben Popkin.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Michael Morrison from Onslow County, Rodney Hall from Durham County, Shamone Smith from Gaston County, and Trey Hansley from Union County. He also recognized Sgt. At Arms Martha Gadison, and Judy Turner.

The first bill before the committee was **HB 1098, AN ACT TO PROVIDE THE SAME PROTECTIONS TO SEARCH AND RESCUE ANIMALS AS THOSE PROVIDED TO LAW ENFORCEMENT AGENCY ANIMALS AND ANIMALS THAT ASSIST THE DISABLED.** The Chair called upon Rep. Frye to explain the bill. Representative Sutton made a motion for concurrence. The committee concurs and the bill passes.

SB 253, AN ACT TO ESTABLISH STATUTORILY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. The Chair called upon Rep. Martin to explain the bill. Representative Floyd made a motion for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill and recommendation that the bill be re-referred to the Committee on State Government/State Personnel. The committee concurs and the bill passes.

SB 345, AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. The Chair called upon Rep. Martin to explain the bill. Representative Cleveland made a motion for a favorable report. The Committee concurs and the bill passes.

There being no further business to come before the committee, the meeting adjourned.


Rep. Larry D. Hall, Chair


Lisa C. Ray, Committee Asst.

DATE AND LOCATION HAS BEEN CHANGED
TUESDAY 08/04/09, ROOM 1228

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Homeland Security, Military, and Veterans Affairs** will meet as follows:

DAY & DATE: Tuesday, August 4, 2009

TIME: 10:00 am

LOCATION: 1228 LB

COMMENTS: PLEASE NOTE CHANGE IN DATE AND LOCATION

The following bills will be considered:

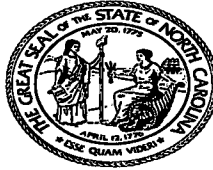
BILL NO.	SHORT TITLE	SPONSOR
SB252	Strengthen Local Emergency Management (Compliance with Melendez-Diaz Decision)	Senator Snow

Respectfully,
Representative Hall, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at
10:30 A.M. o'clock on **July 31, 2009.**

- ☐ Principal Clerk
☐ Reading Clerk – House Chamber

Lisa Ray (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

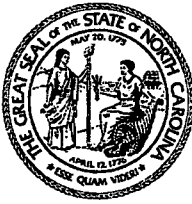
Tuesday, August 04, 2009
10:00AM
Room 1228, LB

- **Opening Remarks**
Representative Larry D. Hall, Chairman

- **The following bill will be considered:**

BILL NO.	SHORT TITLE	SPONSOR
SB252	Strengthen Local Emergency Management (Compliance with Melendez-Diaz Decision)	Senator Snow

- **Comments**
- **Adjourn**



SENATE BILL 252: Comply with Melendez-Diaz Decision.

2009-2010 General Assembly

Committee:	Homeland Security, Military, and Veterans Affairs	Date:	August 3, 2009
Introduced by:		Prepared by:	Hal Pell
Analysis of:	PCS to Second Edition S252-PCS35376-RK-92		Committee Counsel

SUMMARY: *This proposed committee substitute would amend State laws relating to the introduction of laboratory and other forensic reports as evidence in hearings and trials. This act becomes effective October 1, 2009, and applies to offenses occurring on or after that date.*

BACKGROUND:

In the recent United States Supreme Court case of *Melendez-Diaz v. Massachusetts*, 559 U.S. ____ (June 25, 2009), the Court ruled that forensic lab reports were testimonial in nature, and subject to the Confrontation Clause in the Sixth Amendment to the U. S. Constitution. Forensic lab reports include those identifying a substance as a controlled substance, and the analysis of breath, blood or urine in a DWI case. The Court held that a defendant had the right to confront [cross-examine] the person who prepared the report and his or her conclusion contained within the report.

The Supreme Court held that a "notice and demand" statute satisfied the constitutional requirement that a defendant be allowed to "confront" any adverse witnesses. A "notice and demand" statute provides that the State must notify the defendant that a forensic report will be offered into evidence, and give the defendant an opportunity to object to its admission. If an objection is made, then the report is treated like any other evidence—the analyst who concluded, for example, that a substance was cocaine, must appear and testify in court. The Court noted that there are states that require confrontation at trial, and also pointed out several jurisdictions that currently use the "notice and demand" procedure.

CURRENT LAW:

Some current State statutes provide "notice and demand" for certain courts and proceedings (e.g., Superior Court and adjudicatory hearings in juvenile court), and not for others. There are other statutes that provide that in District Court, affidavits with conclusions about alcohol concentrations are admissible without testimony, and impose a requirement upon the defendant to make a showing that the analyst should respond to a subpoena and testify. The *Melendez-Diaz* Court noted that the "Confrontation Clause imposes a burden on the prosecution to present its witnesses, not on the defendant to bring those adverse witnesses into court." In addition, several North Carolina appellate court decisions relating to these issues have been effectively overturned by the *Melendez-Diaz* decision.

BILL ANALYSIS:

Section 1 -- Amends an evidentiary rule to require the State to notify a defendant that a laboratory report and affidavit of the analyst will be offered into evidence. Current law only requires that the State serve a copy of the report and affidavit prior to any proceeding in which the report and affidavit may be used against the defendant.

Section 2 -- Amends the evidentiary rule in Section 1 of the bill by adding a new subsection. The subsection addresses the admissibility of a chain of custody statement without calling unnecessary witnesses. The amendment adds a notice and demand provision to the statute. In lieu of complying with

Senate Bill 252

Page 2

the notice and demand provision, the State may include the statement along with the lab report and affidavit, which must be provided 5 business days after it receives the report, or 30 business days before trial, whichever is earlier.

Section 3 -- Amends the law in implied-consent cases to require notice to the defendant that the results of a chemical analysis of blood or urine will be used in a proceeding against the defendant, at least 15 business days before the proceeding. The defendant must object to the admission at least 5 business days before the proceeding, or the results are admissible without an appearance by the analyst. If the defendant objects, the admissibility of the report would be governed by the rules of evidence, i.e., the in-court testimony of the chemical analyst would be required. The requirement to provide notice does not apply to administrative hearings, as the Melendez-Diaz decision does not apply. Each party maintains their right to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report.

Section 4 -- Amends the law in implied-consent cases which provides that a defendant may only object to the admissibility of a chain-of-custody document without in-court testimony in cases that are in Superior Court, or in an adjudicatory hearing in juvenile court. The amendment expands the provision to all district and superior court hearings or cases; the requirement does not apply to administrative hearings. The State must notice the defendant that the chain of custody statement will be used at least 15 business days before the proceeding. The defendant must object to the statement at least 5 business days before the proceeding, or the results are admissible without an appearance by the analyst. If the defendant objects, the admissibility of the report would be governed by the rules of evidence, i.e., the in-court testimony of the person signing the statement would be required. Each party maintains their right to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report.

Section 5 -- Amends the law in implied-consent cases in District Court that allows the admission of an affidavit by a chemical analyst without authentication. The affidavit contains information on alcohol concentration or concentrations or the presence or absence of an impairing substance. The amendment clarifies that the affidavit is admissible in any hearing or trial in the District Court division without testimony by the analyst. The amendment also deletes the requirement that a defendant present grounds to the court for requiring the presence, by subpoena, of the analyst. Section 6 of the bill provides the limitations on use of this provision.

Section 6 -- In order for the State to use the provisions contained in G.S. 20-139.1(e1) [Section 5], the State must provide notice to the defendant, at least 15 business days before the proceeding, that the affidavit will be used in a proceeding against the defendant. The defendant must object to the admission at least 5 business days before the proceeding, or the affidavit is admissible without an appearance by the person who signed the affidavit. If the defendant objects, the admissibility of the report would be governed by the rules of evidence, i.e., the in-court testimony of the chemical analyst would be required. The case would be continued to allow for the analyst's appearance; the court could dismiss the case if the analyst willfully refuses an order of the court. Each party maintains their right to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report.

Section 7 -- Amends the law in controlled substance cases under Chapter 90 to clarify that the report is admissible without the testimony of the analyst if there is no objection after notice to the defendant. The existing statute had a notice and demand provision; the amendment inserts "business" for the type of days required for notice, and for the objection prior to hearing.

Section 8 -- The act would be effective for offenses occurring on or after October 1, 2009.

S252-SMRK-185(CSRK-92) v2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 252*
State and Local Government Committee Substitute Adopted 5/5/09
PROPOSED HOUSE COMMITTEE SUBSTITUTE S252-PCS35376-RK-92

Short Title: Comply with Melendez-Diaz Decision.

(Public)

Sponsors:

Referred to:

February 23, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB
3 REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF
4 THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V.
5 MASSACHUSETTS.
6 The General Assembly of North Carolina enacts:
7 SECTION 1. G.S. 8-58.20(d) reads as rewritten:
8 "(d) The district attorney shall serve a copy of the laboratory report and affidavit and
9 indicate whether the report and affidavit will be offered as evidence at any proceeding against
10 the defendant on the attorney of record for the defendant, or on the defendant if that person has
11 no attorney, no later than five business days after receiving the report and affidavit, or 30
12 business days before any proceeding in which the report may be used against the defendant,
13 whichever occurs first."
14 SECTION 2. G.S. 8-58.20 is amending by adding a new subsection to read:
15 "(g) Procedure for Establishing Chain of Custody of Evidence Subject to Forensic
16 Analysis Without Calling Unnecessary Witnesses. -
17 (1) For the purpose of establishing the chain of physical custody or control of
18 evidence that has been subjected to forensic analysis performed as provided
19 in subsection (b) of this section, a statement signed by each successive
20 person in the chain of custody that the person delivered it to the other person
21 indicated on or about the date stated is prima facie evidence that the person
22 had custody and made the delivery as stated, without the necessity of a
23 personal appearance in court by the person signing the statement.
24 (2) The statement shall contain a sufficient description of the material or its
25 container so as to distinguish it as the particular item in question and shall
26 state that the material was delivered in essentially the same condition as
27 received. The statement may be placed on the same document as the report
28 provided for in subsection (a) of this section.
29 (3) The provisions of this subsection may be utilized by the State only if (i) the
30 State notifies the defendant at least 15 business days before any proceeding
31 at which the statement would be used of its intention to introduce the
32 statement into evidence under this subsection and provides the defendant
33 with a copy of the statement and (ii) the defendant fails to file a written

notification with the court, with a copy to the State, at least five business days before the proceeding that the defendant objects to the introduction of the statement into evidence.

(4) In lieu of the notice required in subdivision (3) of this subsection, the State may include the statement with the laboratory report and affidavit, as provided in subsection (d) of this section.

(5) If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file the written objection as provided in this subsection, then the statement may be admitted into evidence without the necessity of a personal appearance by the person signing the statement.

(6) Upon filing a timely objection, the admissibility of the statement shall be determined and governed by the appropriate rules of evidence.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the statement."

SECTION 3. G.S. 20-139.1(c1) reads as rewritten:

"(c1) Admissibility. – The results of a chemical analysis of blood or urine reported by the North Carolina State Bureau of Investigation Laboratory, the Charlotte, North Carolina, Police Department Laboratory, or any other laboratory approved for chemical analysis by the Department of Health and Human Services, are admissible as evidence in all administrative hearings, and in any court, without further authentication. ~~authentication and without the testimony of the analyst.~~ The results shall be certified by the person who performed the analysis. ~~However, The provisions of this subsection may be utilized in any administrative hearing, but can only be utilized in cases tried in the district and superior court divisions, or in an adjudicatory hearing in juvenile court, if: if the defendant notifies the State, at least five days before trial in the superior court division or an adjudicatory hearing in juvenile court that the defendant objects to the introduction of the report into evidence,~~

(1) The State notifies the defendant at least 15 business days before the proceeding at which the evidence would be used of its intention to introduce the report into evidence under this subsection and provides a copy of the report to the defendant, and

(2) The defendant fails to file a written objection with the court, with a copy to the State, at least five business days before the proceeding at which the report would be used that the defendant objects to the introduction of the report into evidence.

If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file a written objection as provided in this subsection, then the report may be admitted into evidence without the testimony of the analyst. Upon filing a timely objection, the admissibility of the report shall be determined and governed by the appropriate rules of evidence.

The report containing the results of any blood or urine test may be transmitted electronically or via facsimile. A copy of the affidavit sent electronically or via facsimile shall be admissible in any court or administrative hearing without further authentication. A copy of the report shall be sent to the charging officer, the clerk of superior court in the county in which the criminal charges are pending, the Division of Motor Vehicles, and the Department of Health and Human Services.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report."

SECTION 4. G.S. 20-139.1(c3) reads as rewritten:

"(c3) Procedure for Establishing Chain of Custody Without Calling Unnecessary Witnesses. –

- (1) For the purpose of establishing the chain of physical custody or control of blood or urine tested or analyzed to determine whether it contains alcohol, a controlled substance or its metabolite, or any impairing substance, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery as stated, without the necessity of a personal appearance in court by the person signing the statement.
- (2) The statement shall contain a sufficient description of the material or its container so as to distinguish it as the particular item in question and shall state that the material was delivered in essentially the same condition as received. The statement may be placed on the same document as the report provided for in subsection (c1) of this section.
- (3) The provisions of this subsection may be utilized in any administrative ~~hearing and by the State in district court, hearing,~~ but can only be utilized in cases tried in the district and superior court divisions, or in an adjudicatory hearing in juvenile court, if a case originally tried in superior court or an adjudicatory hearing in juvenile court if the defendant fails to notify the State at least five days before trial that the defendant objects to the introduction of the statement into evidence.
- a. The State notifies the defendant at least 15 business days before the proceeding at which the statement would be used of its intention to introduce the statement into evidence under this subsection and provides a copy of the statement to the defendant, and
- b. The defendant fails to file a written notification with the court, with a copy to the State, at least five business days before the proceeding at which the statement would be used that the defendant objects to the introduction of the statement into evidence.
- If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file a written objection as provided in this subsection, then the statement may be admitted into evidence without the necessity of a personal appearance by the person signing the statement. Upon filing a timely objection, the admissibility of the report shall be determined and governed by the appropriate rules of evidence.
- (4) Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the statement."

SECTION 5. G.S. 20-139.1(e1) reads as rewritten:

"(e1) Use of Chemical Analyst's Affidavit in District Court. – An affidavit by a chemical analyst sworn to and properly executed before an official authorized to administer oaths is admissible in evidence without further authentication and without the testimony of the analyst in any hearing or trial in the District Court Division of the General Court of Justice with respect to the following matters:

- (1) The alcohol concentration or concentrations or the presence or absence of an impairing substance of a person given a chemical analysis and who is involved in the hearing or trial.
- (2) The time of the collection of the blood, breath, or other bodily fluid or substance sample or samples for the chemical analysis.
- (3) The type of chemical analysis administered and the procedures followed.

- 1 (4) The type and status of any permit issued by the Department of Health and
2 Human Services that the analyst held on the date the analyst performed the
3 chemical analysis in question.
- 4 (5) If the chemical analysis is performed on a breath-testing instrument for
5 which regulations adopted pursuant to subsection (b) require preventive
6 maintenance, the date the most recent preventive maintenance procedures
7 were performed on the breath-testing instrument used, as shown on the
8 maintenance records for that instrument.

9 The Department of Health and Human Services shall develop a form for use by chemical
10 analysts in making this affidavit. ~~If any person who submitted to a chemical desires that a~~
11 ~~chemical analyst personally testify in the hearing or trial in the District Court Division, the~~
12 ~~person may subpoena the chemical analyst and examine him as if he were an adverse witness.~~
13 ~~A subpoena for a chemical analyst shall not be issued unless the person files in writing with the~~
14 ~~court and serves a copy on the district attorney at least five days prior to trial an affidavit~~
15 ~~specifying the factual grounds on which the person believes the chemical analysis was not~~
16 ~~properly administered and the facts that the chemical analyst will testify about and stating that~~
17 ~~the presence of the analyst is necessary for the proper defense of the case. The district court~~
18 ~~shall determine if there are grounds to believe that the presence of the analyst requested is~~
19 ~~necessary for the proper defense. If so, the case shall be continued until the analyst can be~~
20 ~~present. The criminal case shall not be dismissed due to the failure of the analyst to appear,~~
21 ~~unless the analyst willfully fails to appear after being ordered to appear by the court."~~

22 **SECTION 6.** G.S. 20-139.1 is amended by adding a new subsection to read:

23 "(e2) Except as governed by subsection (c1), (c2), or (c3) of this section, the State can
24 only use the provisions of subsection (e1) of this section if:

- 25 (1) The State notifies the defendant at least 15 business days before the
26 proceeding at which the affidavit would be used of its intention to introduce
27 the affidavit into evidence under this subsection and provides a copy of the
28 affidavit to the defendant, and
- 29 (2) The defendant fails to file a written notification with the court, with a copy
30 to the State, at least five business days before the proceeding at which the
31 affidavit would be used that the defendant objects to the introduction of the
32 affidavit into evidence.

33 The failure to file a timely objection as provided in this subsection shall be deemed a
34 waiver of the right to object to the admissibility of the affidavit. Upon filing a timely objection,
35 the admissibility of the report shall be determined and governed by the appropriate rules of
36 evidence. The case shall be continued until the analyst can be present. The criminal case shall
37 not be dismissed due to the failure of the analyst to appear, unless the analyst willfully fails to
38 appear after being ordered to appear by the court. Nothing in subsection (e1) or subsection (e2)
39 of this section precludes the right of any party to call any witness or to introduce any evidence
40 supporting or contradicting the evidence contained in the affidavit."

41 **SECTION 7.** G.S. 90-95(g) reads as rewritten:

42 "(g) Whenever matter is submitted to the North Carolina State Bureau of Investigation
43 Laboratory, the Charlotte, North Carolina, Police Department Laboratory or to the Toxicology
44 Laboratory, Reynolds Health Center, Winston-Salem for chemical analysis to determine if the
45 matter is or contains a controlled substance, the report of that analysis certified to upon a form
46 approved by the Attorney General by the person performing the analysis shall be admissible
47 without further authentication and without the testimony of the analyst in all proceedings in the
48 district court and superior court divisions of the General Court of Justice as evidence of the
49 identity, nature, and quantity of the matter analyzed. Provided, however, the provisions of this
50 subsection may be utilized by the State only if: that a report is admissible in a criminal

1 ~~proceeding in the superior court division or in an adjudicatory hearing in juvenile court in the~~
2 ~~district court division only if:~~

3 (1) The State notifies the defendant at least 15 business days before ~~trial the~~
4 proceeding at which the report would be used of its intention to introduce the
5 report into evidence under this subsection and provides a copy of the report
6 to the defendant, and

7 (2) The defendant fails to file a written objection with the court, with a copy to
8 the State, notify the State at least five business days before ~~trial the~~
9 proceeding that the defendant objects to the introduction of the report into
10 evidence.

11 If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file
12 a written objection as provided in this subsection, then the report may be admitted into
13 evidence without the testimony of the analyst. Upon filing a timely objection, the admissibility
14 of the report shall be determined and governed by the appropriate rules of evidence.

15 Nothing in this subsection precludes the right of any party to call any witness or to
16 introduce any evidence supporting or contradicting the evidence contained in the report."

17 **SECTION 8.** This act becomes effective October 1, 2009, and applies to offenses
18 committed on or after that date. Nothing in this act shall be construed to abrogate any judicial
19 or administrative rulings or decisions prior to the effective date of this act that (i) allowed or
20 disallowed the introduction of evidence or (ii) validated or invalidated procedures used for the
21 introduction of evidence.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

3

**SENATE BILL 252*
State and Local Government Committee Substitute Adopted 5/5/09
House Committee Substitute Favorable 8/3/09**

Short Title: Comply with Melendez-Diaz Decision.

(Public)

Sponsors:

Referred to:

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB
REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF
THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V.
MASSACHUSETTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 8-58.20(d) reads as rewritten:

"(d) The district attorney shall serve a copy of the laboratory report and affidavit and indicate whether the report and affidavit will be offered as evidence at any proceeding against the defendant on the attorney of record for the defendant, or on the defendant if that person has no attorney, no later than five business days after receiving the report and affidavit, or 30 business days before any proceeding in which the report may be used against the defendant, whichever occurs first."

SECTION 2. G.S. 8-58.20 is amending by adding a new subsection to read:

"(g) Procedure for Establishing Chain of Custody of Evidence Subject to Forensic Analysis Without Calling Unnecessary Witnesses. -

- (1) For the purpose of establishing the chain of physical custody or control of evidence that has been subjected to forensic analysis performed as provided in subsection (b) of this section, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery as stated, without the necessity of a personal appearance in court by the person signing the statement.
- (2) The statement shall contain a sufficient description of the material or its container so as to distinguish it as the particular item in question and shall state that the material was delivered in essentially the same condition as received. The statement may be placed on the same document as the report provided for in subsection (a) of this section.
- (3) The provisions of this subsection may be utilized by the State only if (i) the State notifies the defendant at least 15 business days before any proceeding at which the statement would be used of its intention to introduce the statement into evidence under this subsection and provides the defendant with a copy of the statement and (ii) the defendant fails to file a written notification with the court, with a copy to the State, at least five business days before the proceeding that the defendant objects to the introduction of the statement into evidence.



(4) In lieu of the notice required in subdivision (3) of this subsection, the State may include the statement with the laboratory report and affidavit, as provided in subsection (d) of this section.

(5) If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file the written objection as provided in this subsection, then the statement may be admitted into evidence without the necessity of a personal appearance by the person signing the statement.

(6) Upon filing a timely objection, the admissibility of the statement shall be determined and governed by the appropriate rules of evidence.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the statement."

SECTION 3. G.S. 20-139.1(c1) reads as rewritten:

"(c1) Admissibility. – The results of a chemical analysis of blood or urine reported by the North Carolina State Bureau of Investigation Laboratory, the Charlotte, North Carolina, Police Department Laboratory, or any other laboratory approved for chemical analysis by the Department of Health and Human Services, are admissible as evidence in all administrative hearings, and in any court, without further authentication. ~~authentication and without the testimony of the analyst.~~ The results shall be certified by the person who performed the analysis. ~~However, The provisions of this subsection may be utilized in any administrative hearing, but can only be utilized in cases tried in the district and superior court divisions, or in an adjudicatory hearing in juvenile court, if: if the defendant notifies the State, at least five days before trial in the superior court division or an adjudicatory hearing in juvenile court that the defendant objects to the introduction of the report into evidence,~~

(1) The State notifies the defendant at least 15 business days before the proceeding at which the evidence would be used of its intention to introduce the report into evidence under this subsection and provides a copy of the report to the defendant, and

(2) The defendant fails to file a written objection with the court, with a copy to the State, at least five business days before the proceeding at which the report would be used that the defendant objects to the introduction of the report into evidence.

If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file a written objection as provided in this subsection, then the report may be admitted into evidence without the testimony of the analyst. Upon filing a timely objection, the admissibility of the report shall be determined and governed by the appropriate rules of evidence.

The report containing the results of any blood or urine test may be transmitted electronically or via facsimile. A copy of the affidavit sent electronically or via facsimile shall be admissible in any court or administrative hearing without further authentication. A copy of the report shall be sent to the charging officer, the clerk of superior court in the county in which the criminal charges are pending, the Division of Motor Vehicles, and the Department of Health and Human Services.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report."

SECTION 4. G.S. 20-139.1(c3) reads as rewritten:

"(c3) Procedure for Establishing Chain of Custody Without Calling Unnecessary Witnesses. –

(1) For the purpose of establishing the chain of physical custody or control of blood or urine tested or analyzed to determine whether it contains alcohol, a controlled substance or its metabolite, or any impairing substance, a statement signed by each successive person in the chain of custody that the

1 person delivered it to the other person indicated on or about the date stated is
2 prima facie evidence that the person had custody and made the delivery as
3 stated, without the necessity of a personal appearance in court by the person
4 signing the statement.

5 (2) The statement shall contain a sufficient description of the material or its
6 container so as to distinguish it as the particular item in question and shall
7 state that the material was delivered in essentially the same condition as
8 received. The statement may be placed on the same document as the report
9 provided for in subsection (c1) of this section.

10 (3) The provisions of this subsection may be utilized in any administrative
11 ~~hearing and by the State in district court, hearing, but can only be utilized in~~
12 ~~cases tried in the district and superior court divisions, or in an adjudicatory~~
13 ~~hearing in juvenile court, if a case originally tried in superior court or an~~
14 ~~adjudicatory hearing in juvenile court if the defendant fails to notify the~~
15 ~~State at least five days before trial that the defendant objects to the~~
16 ~~introduction of the statement into evidence.~~

17 a. The State notifies the defendant at least 15 business days before the
18 proceeding at which the statement would be used of its intention to
19 introduce the statement into evidence under this subsection and
20 provides a copy of the statement to the defendant, and

21 b. The defendant fails to file a written notification with the court, with a
22 copy to the State, at least five business days before the proceeding at
23 which the statement would be used that the defendant objects to the
24 introduction of the statement into evidence.

25 If the defendant's attorney of record, or the defendant if that person has no
26 attorney, fails to file a written objection as provided in this subsection, then
27 the statement may be admitted into evidence without the necessity of a
28 personal appearance by the person signing the statement. Upon filing a
29 timely objection, the admissibility of the report shall be determined and
30 governed by the appropriate rules of evidence.

31 (4) Nothing in this subsection precludes the right of any party to call any
32 witness or to introduce any evidence supporting or contradicting the
33 evidence contained in the statement."

34 **SECTION 5.** G.S. 20-139.1(e1) reads as rewritten:

35 "(e1) Use of Chemical Analyst's Affidavit in District Court. – An affidavit by a chemical
36 analyst sworn to and properly executed before an official authorized to administer oaths is
37 admissible in evidence without further authentication and without the testimony of the analyst
38 in any hearing or trial in the District Court Division of the General Court of Justice with respect
39 to the following matters:

40 (1) The alcohol concentration or concentrations or the presence or absence of an
41 impairing substance of a person given a chemical analysis and who is
42 involved in the hearing or trial;

43 (2) The time of the collection of the blood, breath, or other bodily fluid or
44 substance sample or samples for the chemical analysis.

45 (3) The type of chemical analysis administered and the procedures followed.

46 (4) The type and status of any permit issued by the Department of Health and
47 Human Services that the analyst held on the date the analyst performed the
48 chemical analysis in question.

49 (5) If the chemical analysis is performed on a breath-testing instrument for
50 which regulations adopted pursuant to subsection (b) require preventive
51 maintenance, the date the most recent preventive maintenance procedures

1 were performed on the breath-testing instrument used, as shown on the
2 maintenance records for that instrument.

3 The Department of Health and Human Services shall develop a form for use by chemical
4 analysts in making this affidavit. ~~If any person who submitted to a chemical desires that a~~
5 ~~chemical analyst personally testify in the hearing or trial in the District Court Division, the~~
6 ~~person may subpoena the chemical analyst and examine him as if he were an adverse witness.~~
7 ~~A subpoena for a chemical analyst shall not be issued unless the person files in writing with the~~
8 ~~court and serves a copy on the district attorney at least five days prior to trial an affidavit~~
9 ~~specifying the factual grounds on which the person believes the chemical analysis was not~~
10 ~~properly administered and the facts that the chemical analyst will testify about and stating that~~
11 ~~the presence of the analyst is necessary for the proper defense of the case. The district court~~
12 ~~shall determine if there are grounds to believe that the presence of the analyst requested is~~
13 ~~necessary for the proper defense. If so, the case shall be continued until the analyst can be~~
14 ~~present. The criminal case shall not be dismissed due to the failure of the analyst to appear,~~
15 ~~unless the analyst willfully fails to appear after being ordered to appear by the court."~~

16 SECTION 6. G.S. 20-139.1 is amended by adding a new subsection to read:

17 "(e2) Except as governed by subsection (c1), (c2), or (c3) of this section, the State can
18 only use the provisions of subsection (e1) of this section if:

19 (1) The State notifies the defendant at least 15 business days before the
20 proceeding at which the affidavit would be used of its intention to introduce
21 the affidavit into evidence under this subsection and provides a copy of the
22 affidavit to the defendant, and

23 (2) The defendant fails to file a written notification with the court, with a copy
24 to the State, at least five business days before the proceeding at which the
25 affidavit would be used that the defendant objects to the introduction of the
26 affidavit into evidence.

27 The failure to file a timely objection as provided in this subsection shall be deemed a
28 waiver of the right to object to the admissibility of the affidavit. Upon filing a timely objection,
29 the admissibility of the report shall be determined and governed by the appropriate rules of
30 evidence. The case shall be continued until the analyst can be present. The criminal case shall
31 not be dismissed due to the failure of the analyst to appear, unless the analyst willfully fails to
32 appear after being ordered to appear by the court. Nothing in subsection (e1) or subsection (e2)
33 of this section precludes the right of any party to call any witness or to introduce any evidence
34 supporting or contradicting the evidence contained in the affidavit."

35 SECTION 7. G.S. 90-95(g) reads as rewritten:

36 "(g) Whenever matter is submitted to the North Carolina State Bureau of Investigation
37 Laboratory, the Charlotte, North Carolina, Police Department Laboratory or to the Toxicology
38 Laboratory, Reynolds Health Center, Winston-Salem for chemical analysis to determine if the
39 matter is or contains a controlled substance, the report of that analysis certified to upon a form
40 approved by the Attorney General by the person performing the analysis shall be admissible
41 without further authentication and without the testimony of the analyst in all proceedings in the
42 district court and superior court divisions of the General Court of Justice as evidence of the
43 identity, nature, and quantity of the matter analyzed. Provided, however, the provisions of this
44 subsection may be utilized by the State only if: that a report is admissible in a criminal
45 proceeding in the superior court division or in an adjudicatory hearing in juvenile court in the
46 district court division only if:

47 (1) The State notifies the defendant at least 15 business days before trial the
48 proceeding at which the report would be used of its intention to introduce the
49 report into evidence under this subsection and provides a copy of the report
50 to the defendant, and

1 (2) The defendant fails to file a written objection with the court, with a copy to
2 the State, ~~notify the State~~ at least five business days before ~~trial~~
3 the proceeding that the defendant objects to the introduction of the report into
4 evidence.

5 If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file
6 a written objection as provided in this subsection, then the report may be admitted into
7 evidence without the testimony of the analyst. Upon filing a timely objection, the admissibility
8 of the report shall be determined and governed by the appropriate rules of evidence.

9 Nothing in this subsection precludes the right of any party to call any witness or to
10 introduce any evidence supporting or contradicting the evidence contained in the report."

11 **SECTION 8.** This act becomes effective October 1, 2009, and applies to offenses
12 committed on or after that date. Nothing in this act shall be construed to abrogate any judicial
13 or administrative rulings or decisions prior to the effective date of this act that (i) allowed or
14 disallowed the introduction of evidence or (ii) validated or invalidated procedures used for the
15 introduction of evidence.

HOUSE PAGES

HOMELAND
NAME OF COMMITTEE SECURITY DATE 9-AUG-09

1. Name: Callie Wahab

County: Beaufort

Sponsor: Williams

2. Name: Rachael Harris

County: Beaufort

Sponsor: Williams

3. Name: Allyn Carlos-Barr

County: Cumberland

Sponsor: Lucas

4. Name: Matt Martin

County: Wake

Sponsor: Lewis

5. Name: _____

County: _____

Sponsor: _____

SGT-AT-ARM

1. Name: GERALD PERRY

2. Name: JUDY TURNER

3. Name: TOUSSAINT AVENTY

4. Name: _____

VISITOR REGISTRATION SHEET

Homeland Sec

Name of Committee

8/4/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME.

FIRM OR AGENCY AND ADDRESS

IKE Avery

NC Conference DA's

Matt Osborne

AOC

Colleen Kochavek

Kocherik Low Group

VISITOR REGISTRATION SHEET

Homeland Sec

Name of Committee

8/4/07

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sub Allin

NMRS

Eddie Caldwell

NC Sheriff's Assn.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Hall (Chair) for the Committee on HOMELAND SECURITY,
MILITARY, AND VETERANS AFFAIRS.

☒ House Committee Substitute for

SB 252 A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW
REGARDING THE INTRODUCTION OF LAB REPORTS AND RELATED DOCUMENTS
TO COMPLY WITH REQUIREMENTS OF THE UNITED STATES SUPREME COURT
DECISION IN MELENDEZ-DIAZ V. MASSACHUSETTS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
TUESDAY, AUGUST 04, 2009
ROOM 1228
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Tuesday, August 04, 2009 at 10:00a.m. in room 1228 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman Richard Killian; Representatives Braxton, Cleveland, Dickson, Hilton, McLawhorn and Sager. Staff member Hal Pell was also present.

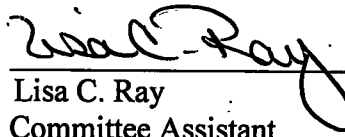
Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Callie Wahab and Rachael Harris from Beaufort County, Allyn Carlos-Barr from Cumberland County, and Matt Martin from Wake County. He also recognized Sgt. At Arms Jerald Perry, Judy Turner, and Tousaint Avent.

Vice Chair Richard Killian called Rep. Larry Hall to present **SB 252, AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V. MASSACHUSETTS.** Representative Dickson moves for a favorable report. The committee concurs and the bill passes.

There being no further business to come before the committee, the meeting adjourned.



Representative Larry D. Hall
Chair

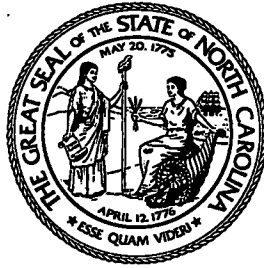


Lisa C. Ray
Committee Assistant

ATTENDANCE

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

[illegible]



NORTH CAROLINA GENERAL ASSEMBLY

HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS

AGENDA

Wednesday, June 16, 2010

10:00AM

Room 1425, LB

- **Opening Remarks**

Representative Larry D. Hall, Chairman

- **Presentation – Division of Emergency Management
Coastal Protection Briefing**

Mr. Michael A. Sprayberry, Deputy Director

- **Questions & Comments**

- **Adjourn**

MINUTES
HOMELAND SECURITY, MILITARY, AND VETERANS AFFAIRS
WEDNESDAY, JUNE 16, 2010
ROOM 1425 LB
10:00AM
REPRESENTATIVE LARRY D. HALL, PRESIDING

The House Committee on Homeland Security, Military, and Veterans Affairs met on Wednesday, June 16, 2010 at 10:00a.m in room 1425 of the Legislative Building. The following members were present Representative Larry D. Hall, Chairman, Vice Chairman's John Blust, Elmer Floyd, Richard Killian, and Grier Martin; Representatives Cleveland, Hilton, Lewis, McLawhorn, Parfitt, Sager, and Warren. The following staff members were present Hal Pell and Brad Krehely.

Chairman Hall called the meeting to order and welcomed members, staff, and visitors. He introduced Pages Chris Miller from Nash County, Zachy Girmay from Gaston County, Franklin Irvin from Vance County, and Taylor Honeycutt from Wake County. He also recognized Sgt. At Arms Earl Coker and Thomas Wilder. Legislative Intern, Wendolyn Morgan was also recognized.

Presentation: Mr. Mike Sprayberry, Deputy Director of the North Carolina Division of Emergency Management provided an informational briefing on North Carolina Preparedness for the Deepwater Horizon Incident. (See Attachment)

Questions and comments were taken from members. There being no further business to come before the committee, the meeting adjourned.

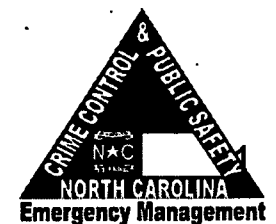
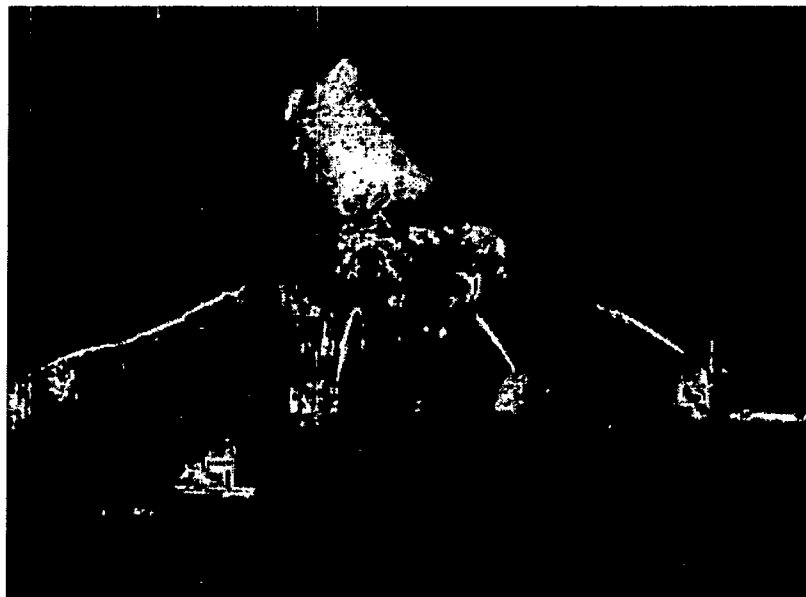


Representative Larry D. Hall
Chair



Lisa C. Ray
Committee Assistant

NORTH CAROLINA PREPAREDNESS FOR THE DEEPWATER HORIZON INCIDENT (DHI)



PURPOSE OF BRIEF

- Brief on Actions Taken To Date & Future Action Plan by the State Emergency Response Team (SERT) concerning the Preparedness & Response to the Deepwater Horizon Incident (DHI).
- Ensure NC is fully prepared to address any Eventuality.
- Demonstrate the Collaboration & Team Building Efforts Underway.
- Get your Ideas & Recommendations.
- Answer all Questions.



- State Agencies are **NOT SITTING BACK** waiting for the Oil Spill to come to us.
- The SERT Partners are and have been **proactive** early on in this incident.
- Intent is to **BE INCLUSIVE**, absorb the **LESSONS LEARNED** in the Gulf and maintain a **SENSE OF URGENCY** in ensuring NC has well-developed Action Plans at all times.



- State has an Oil Spill Response Plan in place.

In the normal rotation of plan updates, the Oil Spill Plan was scheduled for UPDATE IN 2010.

- THAT SCHEDULE HAS BEEN EXPEDITED

and we will have an updated plan in place by no later than JUNE 21st.

- Learning process based on experiences in Gulf so document MUST BE AGILE, WELL THOUGHT-OUT, and tailored to this UNPRECEDENTED INCIDENT.



The Lead Agencies for this Response will be CCPS/NCEM and DENR:

- Emergency Management is responsible for the
Coordination of State Efforts.**
- DENR is the Lead Technical Agency.**
- Have reached out to Subject Matter Experts from:**

**Local, State & Federal Agencies
Private Sector
Universities**



- **ALREADY CONDUCTED CONFERENCE CALLS & subsequent MEETINGS on 6/3 & 6/7 to bring Agencies together.**
- **We have identified NC's PRIORITIES AND A LIST OF ACTION ITEMS with deadlines to complete those activities.**
- **USCG maintains an Area Contingency Plan (ACP) that addresses Response to Major Oil Spill out to 200 miles.**
- **NEXT ACP MEETING IS JUNE 17, 2010 in Morehead City Federal, state, local agencies, as well as private & non-profit stakeholders.**



The MAJOR PRIORITIES for the State of North Carolina are:

- 1. Obtaining PRE-IMPACT SAMPLING to establish a baseline of data for Air, Water, Marine Life, etc.**
- 2. Getting UPDATED INVENTORY of Response RESOURCES & CAPABILITIES available in the State NC as well as those available outside of our State.**
- 3. Sharing of PUBLIC INFORMATION.**



The PRIORITIES for the State of North Carolina are:

4. MONITOR the situation closely as it continues to unfold in the Gulf – DAILY COMMUNICATION with the USCG and Region IV EPA.

5. SHARING INFORMATION with other Southeastern States – those impacted & those preparing for potential impact. Proactively responding to LESSONS LEARNED will be critical in the way ahead.



AGENDA

Governor's Opening Comments.....Governor Bev Perdue

***Welcoming Comments.....Secretary Reuben Young, CCPS**

***Meeting Purpose & Agenda (5 Min).....Chief Deputy Secretary Rudy Rudisill, CCPS**

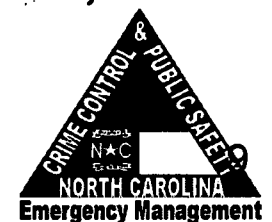
***Current Situation for DHI (10 Min).....Deputy Director Mike Sprayberry, NCEM**

***NC SERT Preparedness for DHI (15 Min)....Deputy Director Mike Sprayberry, NCEM**

DENR as the SERT Tech Lead (5 Min).....Secretary Dee Freeman, DENR

**DHI Planning for Effects on Commerce (5 Min)...Assistant Secretary Lynn Minges,
NC Department of Commerce**

Questions (10 Min).....Chief Deputy Secretary Rudy Rudisill, CCPS





Mike Sprayberry
Deputy Director
NC Division of Emergency
Management

“CURRENT SITUATION”





Area Contingency Plan

Sector North Carolina



ACP Purpose

- Establishes protocols for use of Incident Command System
- Describes normal and expected roles & responsibilities of various responders
- Identifies economically and environmentally sensitive areas



ACP Purpose

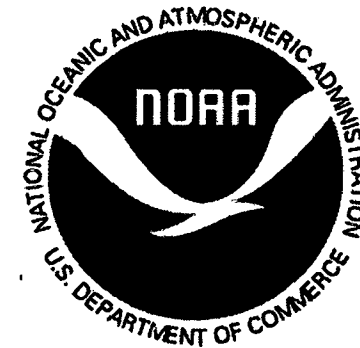
- Pre-identifies strategies for response including booming, dispersants, and burning
- Contains procedures for notification & resource lists
- Establishes purpose of the Area Committee



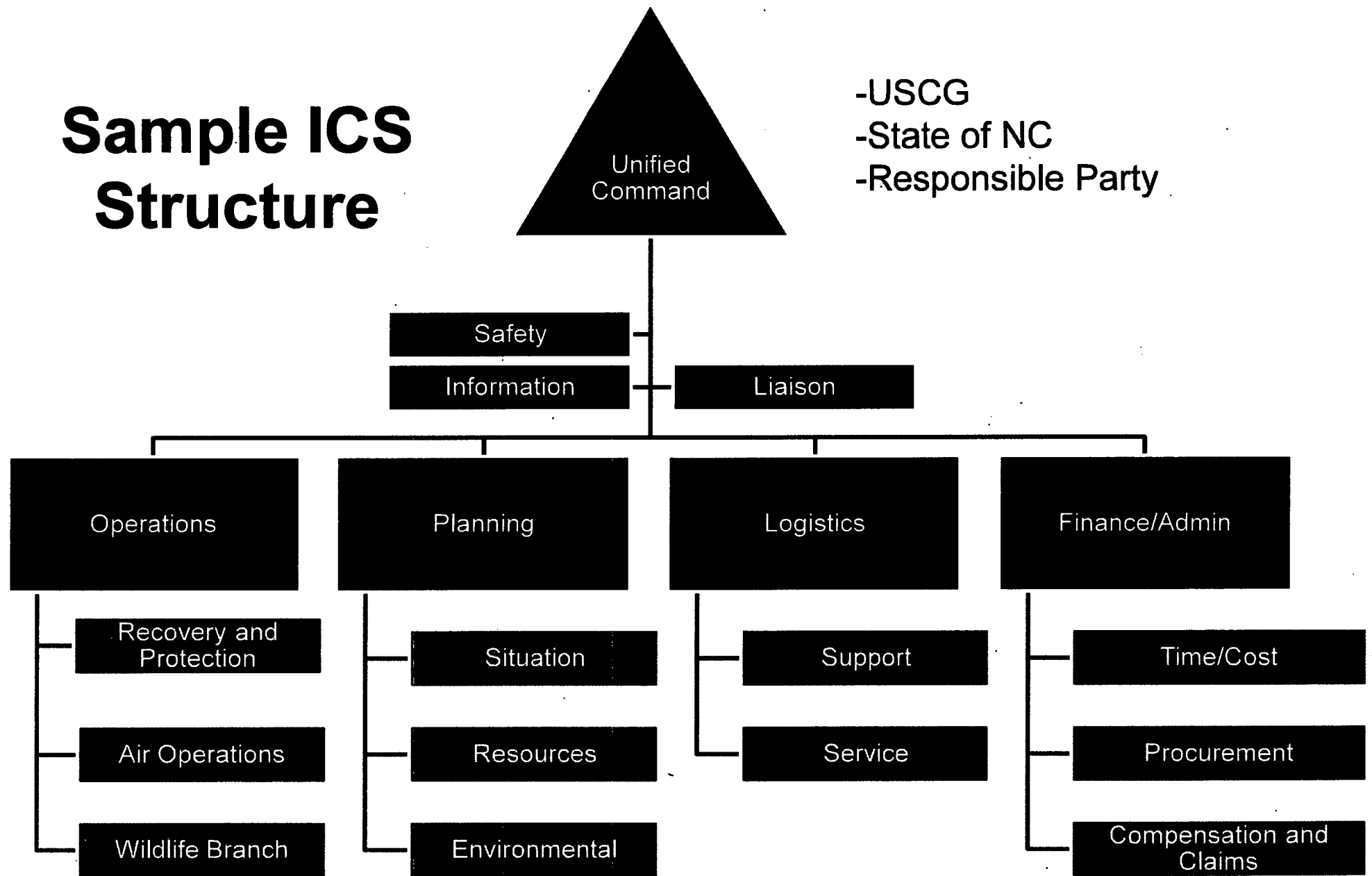
ACP Participating Agencies



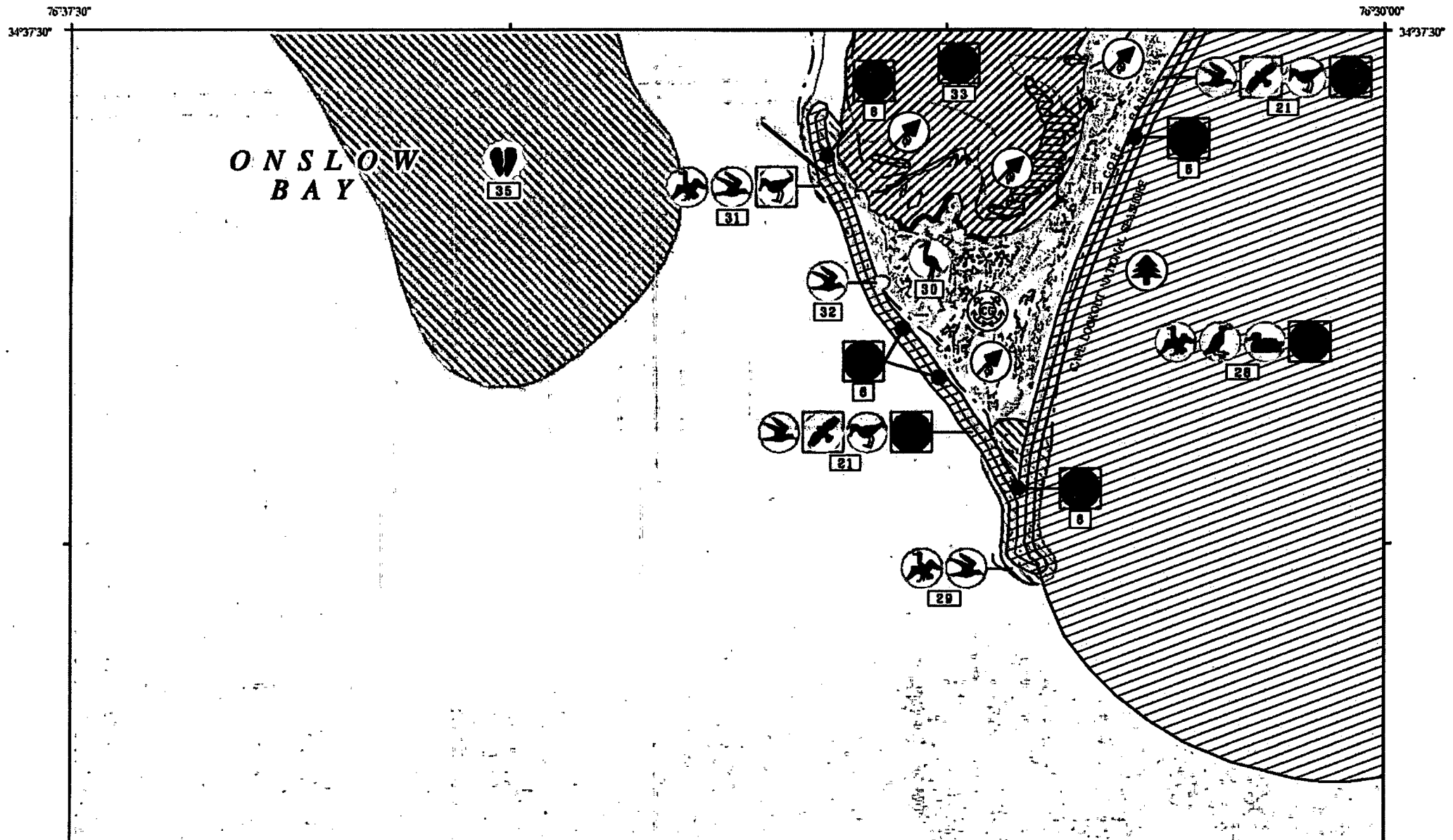
**US Army Corps
of Engineers**
Wilmington District



Sample ICS Structure



ENVIRONMENTAL SENSITIVITY INDEX MAP



 **Air Sampling**

 **Beach Clean Up**

 **Beach Debris**

 **SATELLITE SURVEILLANCE**

 **AIRCRAFT SURVEILLANCE**

LOUISIANA

MISSISSIPPI

ALABAMA

BOOM

NOAA RESEARCH

VOSS

CG CUTTER

DISPERSANT VESSEL

RELIEF WELL

CONTAINMENT VESSELS

BURNING

SKIMMERS

FISHING BOAT

RELIEF WELL

ROV

DISPERSANT SPRAY

ROV

5,000FT

ACTIVITY

- 15.4 MILLION GALLONS OF OILY WATER RECOVERED
- 1.1 MILLION GALLONS OF DISPERSANTS DEPLOYED
- 3.5 MILLION GALLONS OF OIL BURNED
- 812 ANIMALS RECOVERED DECEASED
- 224 ANIMALS RECOVERED ALIVE/RESCUED



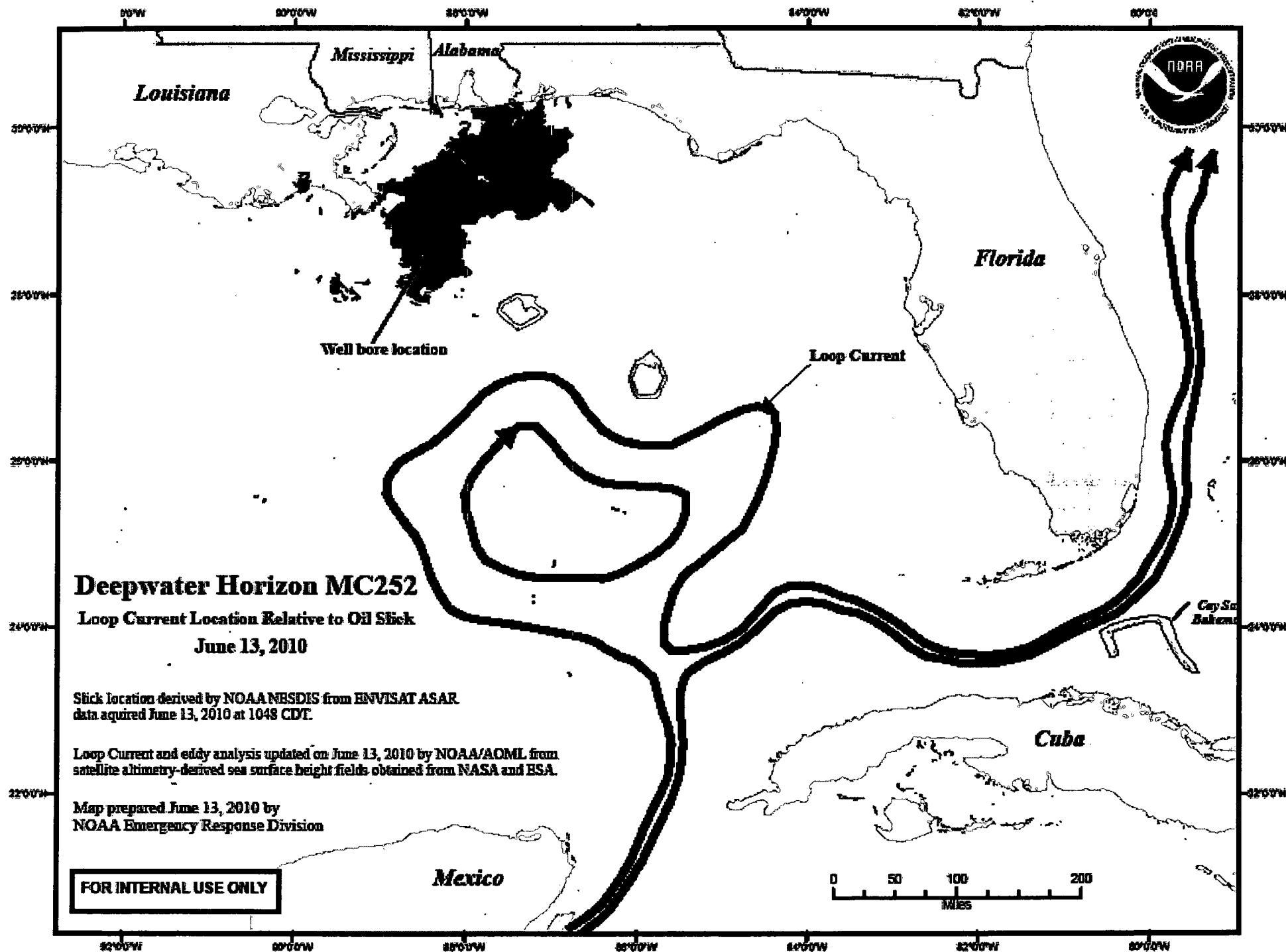
Water Sampling

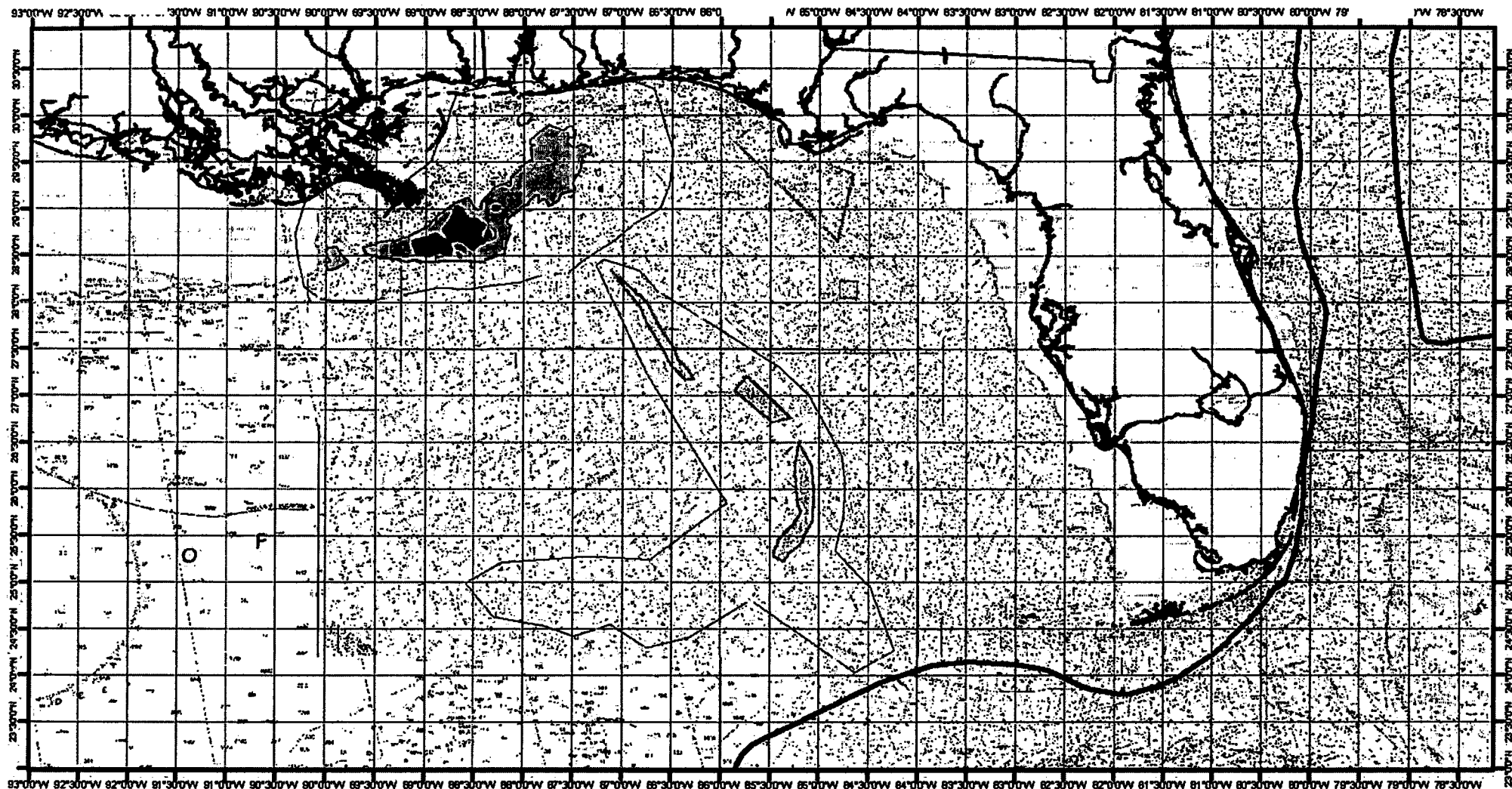
RESOURCES:

- 20,562 PERSONNEL
- 453 MILES OF BOOM
- 2,736 VESSELS (115 SKIMMERS)
- 67 AIRCRAFT

* FIGURES AS OF 0800 6 JUNE 2010

 **Bio Mass Sampling**





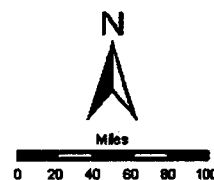
Mississippi Canyon Incident - Experimental Map Product 5 NOAA Nautical Chart Overview - June 8, 2010

Legend

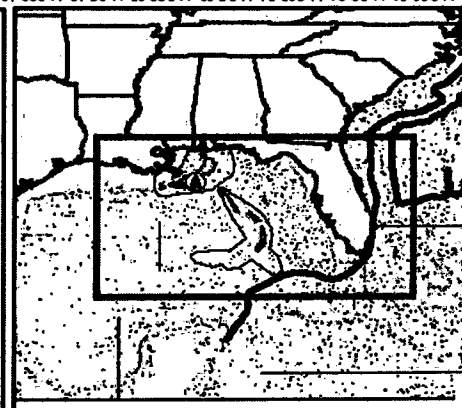
- ① Location of Oil Release
- Naval Oceanographic Office Loop Current for June 9
- NOAA 72h Offshore Trajectory for June 10 @ 1200 EDT
- Forecast Uncertainty
- Forecast Light (Offshore)
- NOAA 72h Nearshore Trajectory for June 10 @ 1300 EDT
- Forecast Heavy
- Forecast Medium
- Forecast Light
- Forecast Uncertainty



This scale bar shows the meaning of the distribution terms at the current time.
It depicts relative densities of oil distribution relative to classification (light to heavy).
Source : NOAA



FWRI - Center for Spatial Analysis







Mike Sprayberry
Deputy Director
NC Division of Emergency
Management

“NC SERT DHI PREPAREDNESS”



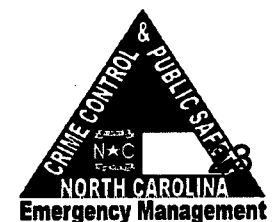
FACTS

- Currently, the National Oceanic & Atmospheric Administration (NOAA) and the USCG predict a remote chance of DHI oil reaching NC.
- Oil continues to spill into the Gulf; volume of spill is unknown.
- The USCG is lead agency for Coastal Water Threats & maintains an Area Contingency Plan that addresses an oil spill response out to 200 miles. This plan is routinely exercised with federal, state and local partners.



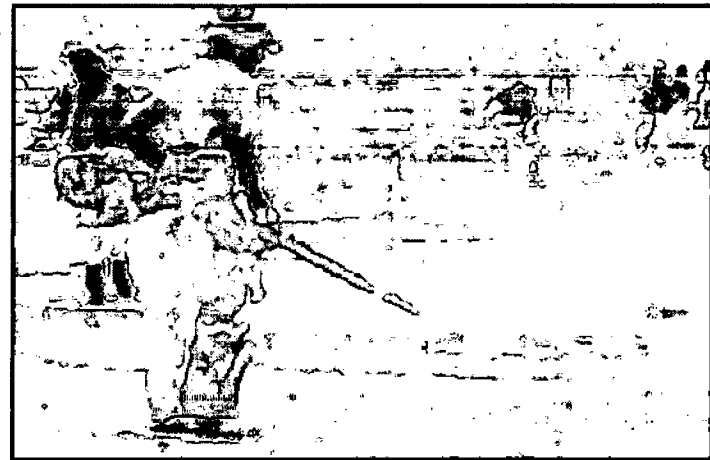
FACTS

- The Environmental Protection Agency (EPA) is the lead agency for Inland Water Threats.
- Should NC conduct a DHI response, our actions would fall under the National Incident Command. The USCG would be the Incident Commander in a Unified Command.
- NC Department of Environment and Natural Resources is the Technical Lead for the SERT for a DHI Response.



FACTS

- NC has 320 miles of Ocean Beaches and over 8,000 miles of Estuarine Shoreline. Preparedness Plan must Incorporate the diversified Nature of NC Shores.



ASSUMPTIONS

- Oil from DHI could eventually reach NC.
- Response resources will be limited due to Priority in the Gulf.
- Special, “Just-in-Time” Training will be required for all DHI Responders.
- Pre-Impact Sampling of Natural Resources will be executed. There will be costs associated with the Sampling.

Now a fact



SHORT TERM GOALS

- Management of Public Information.
- Keep Government Informed at every Level.
- ID Response Resources, both Equipment & Personnel.
- Complete Update of NC Oil Spill Response Plan. *will be done on 06/24/10.*
- Send SERT Personnel to Observe DHI Response Ops in Gulf.



LONG TERM GOALS

- Develop “Just-in-Time” Training for Clean-Up Responders.
- Develop Clearinghouse for Pre-Impact Sampling of NC’s Coastal & Inland Waters to Ensure NC has Baseline Data on Normal Water Quality, Air Quality, etc. This will be Key to Validating Oil came from DHI & for Reimbursement of Costs incurred by NC.



CONCEPT OF OPERATIONS

– Available Response Strategies:

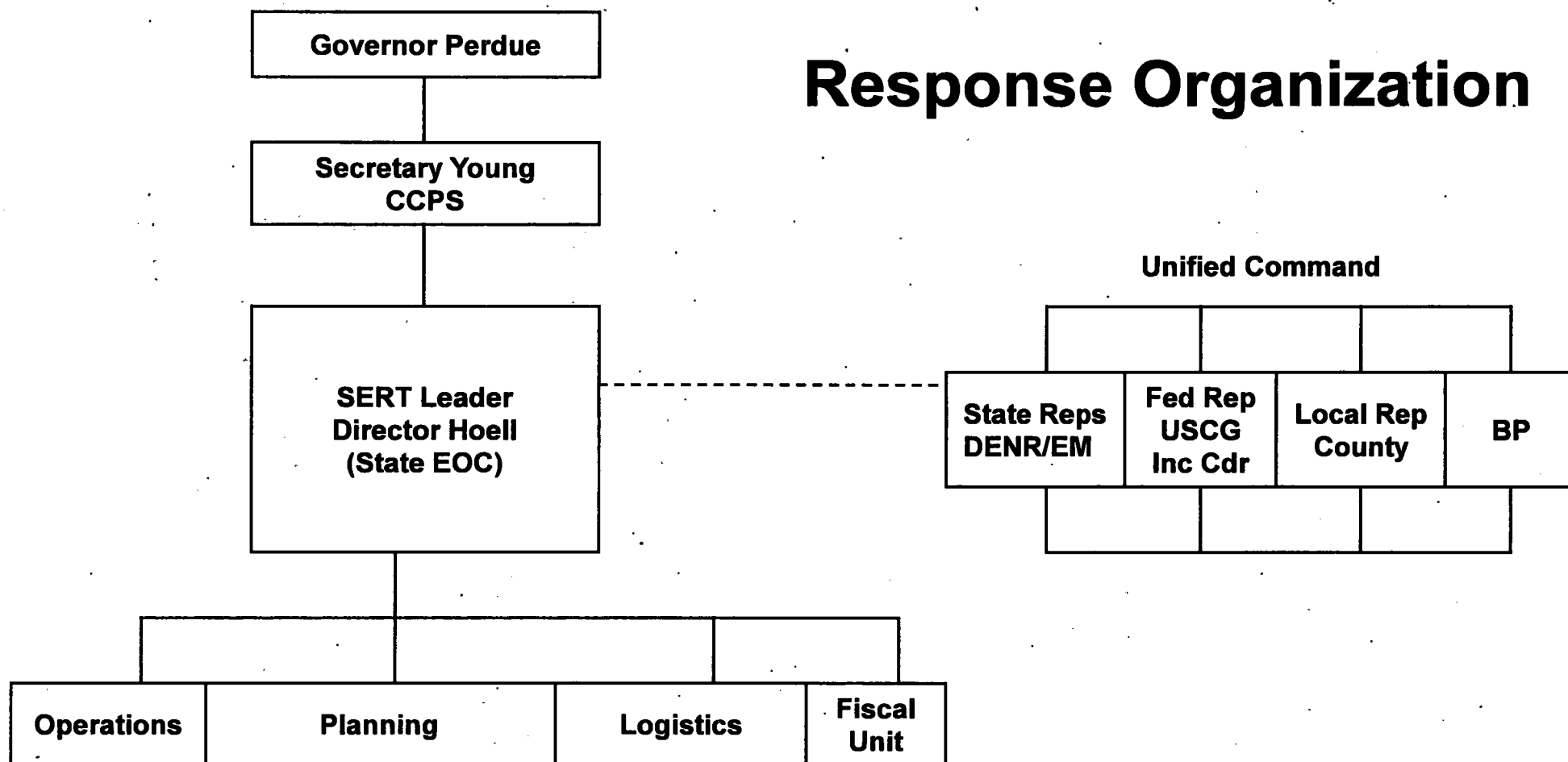
- In Situ Burning – Approving Authority DENR Air Quality Director
- Dispersants & Biological Agents – Approving Authority DENR Water Quality Director
- Booming and/or Skimming Operations
- Natural Attenuation



** If it reaches NC it
will probably be in the
form of tar balls.*



CONCEPT OF OPERATIONS



AVAILABLE RESOURCES

– Personnel:

- Qualified Community Responder Program
- Contractors
- Volunteers (No Handling Oil Contaminated Materials)
- Inmates
- State & Federal Agencies

Coordination has begun with the Governor's Office for Volunteerism & Community Service. NCEM is working with NCDOC and NCNG to determine how much Manpower they have available. Currently, States in the Gulf have only used 1500 Guardsmen (CBS News 6/7/10), preferring instead to hire Workers and charge British Petroleum.



AVAILABLE RESOURCES

– Equipment & Material:

- British Petroleum Clean-Up Contracts
- USCG Clean-Up Equipment Contracts
- EPA Clean-Up Contracts
- NCDOT Clean-Up Contracts with Executive Order
- NCDENR Watercraft & Crews

Limited Equipment is available in the State; majority of Equipment will be Contracted. **It is Important to Note that NC would be in Competition with other States for the Equipment.**



DHI TECHNICAL SUPPORT

- NCDENR has Identified State Agencies & Universities to Provide Pre-Impact Sampling Information.
- NCDENR has Identified Subject Matter Experts from State Agencies, Private Sector and Universities.
- NCDENR will begin meeting with the Environmental Technical Advisory Group (ETAG) to provide Technical Advice to SERT for DHI Preparedness.



Environmental Technical Advisory Group (ETAG)

- A group of environmental specialists comprised of representatives from the following agencies of State government:
 1. Division of Water Quality
 2. Division of Air Quality
 3. Division of Marine Fisheries
 4. Division of Coastal Management
 5. Wildlife Resources Commission
 6. Division of Archives & History
 7. Division of Environmental Health
 8. Division of Waste Management
 9. Division of Parks & Recreation



DHI TECHNICAL SUPPORT

- NCDENR & NCEM are in process of Development of Clearinghouse for Pre-Impact Data for Natural Resources to Establish a Baseline.
- NCDENR & other SERT Partners are working on Professional Technical Predictions for possible effects of DHI Oil in NC.



DHI INFORMATION MANAGEMENT

- State Agency Public Information Officers are Working Together in the DHI Joint Information System to Ensure DHI Information is Vetted/Approved prior to Release to Public.
- DHI Webpage has been Established on CCPS Website (www.nccrimecontrol.org, then go to Gulf Oil Spill Tab).
- DHI Frequently Asked Questions (FAQ) List is posted on CCPS Website.



DHI INFORMATION MANAGEMENT

- Social Media is being Used to Share DHI Information (Facebook & Twitter).
- WebEOC is being Used to Share DHI Information between SERT Partners.
- NCEM is Publishing Bi-Weekly Situation Reports for SERT DHI Preparedness Actions.



DHI RECOVERY PLANNING

- British Petroleum is officially designated the Responsible Party for the DHI and, as such, must Pay for Damages as the result of the DHI.
- NCEM Recovery Chief is Working with Gulf State Representatives and FEMA Region IV to Identify Federal Reimbursement Programs.



TOP 3 DHI SERT ACTIONS

- Develop a Written DHI Pre-Impact Sampling Initiative Plan. **DENR – 6/15/10 (initiated & ongoing)**
- Complete Inventory of Resources (Personnel & Equipment). **DENR & NCEM – 7/7/10 (initiated & ongoing)**
- Develop or Obtain Training Curricula for Oil Spill Responders. **DENR & DOL – 7/14/10 (initiated & ongoing)**





Dee Freeman
Secretary
NC Department of Environment
and Natural Resources

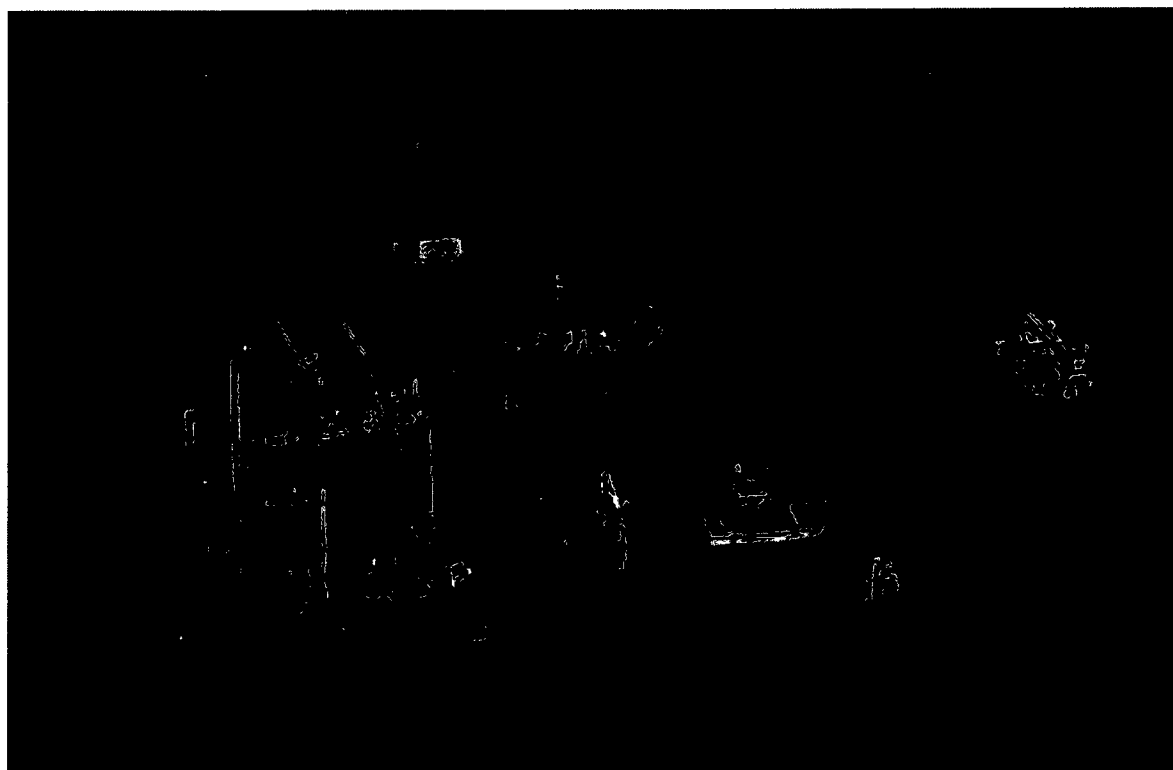


NORTH CAROLINA

Lynn Minges
Assistant Secretary for Tourism,
Marketing and Global Branding
NC Department of Commerce



QUESTIONS?



Box Contents for 2009-2010 Standing Committee Minutes (Item 25894)

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