

2009-2010

**SENATE
RULES, CALENDAR, &
OPERATIONS**

MINUTES

2009

Committee; Senate Rules Committee 2009[illegible]

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

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2009-2010 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0012=	Moore	GARVEE BONDS/ REPAYMENT.	*S	Pres. To Gov. 8/ 11/2009	08-06-09	08-06-09
79	Glazier	EXTEND SCHOOL FORMULA STUDY COMMITTEE.	*SR	Ch. SL 2009-276	03-09-09	06-23-09
H0104=	Glazier	CLARIFY LEGISLATIVE CONFIDENTIALITY.	*S	Pres. To Gov. 8/ 11/2009	03-05-09	07-07-09
H0188=	Parmon	STUDY RAISING COMPULSORY ATTENDANCE AGE.	*S	Ref To Com On Rules and Operations of the Senate	05-19-09	
H0224=	Lucas	HONOR THEODORE KINNEY.	SR	Ch. Res 2009-15	04-06-09	05-20-09
H0233	Avila	WAKE FOREST'S 100TH ANNIVERSARY.	SR	Ch. Res 2009-8	03-24-09	03-30-09
H0374=	Martin	PUBLIC HEALTH TECHNICAL CHANGES.	*S	Re-ref Com On Homeland Security, Military, and Veterans Affairs	05-11-09	08-06-09
H0383	Guice	HOUSE OF FLAGS MUSEUM.	*SR	Ch. Res 2009-19	04-13-09	06-03-09
H0455	Insko	DESIGNATE KIDNEY MONTH.	S	Ref To Com On Rules and Operations of the Senate	05-07-09	
H0466	Mackey	BOXING ADVISORY COMMISSION STUDY.	*S	Ref To Com On Rules and Operations of the Senate	05-19-09	
H0494	Wainwright	SUPERIOR COURT JUDGE MAY PERFORM MARRIAGE.	SR	Ch. SL 2009-13	03-31-09	04-08-09
H0529=	Tolson	EDGEcombe/NO HUNTING ON THE LAND OF ANOTHER.	*S	Ref To Com On Rules and Operations of the Senate	04-07-09	
H0562	Spear	HONOR JACK LUCAS.	S	Ref To Com On Rules and Operations of the Senate	05-26-09	
H0596	Fisher	ALLOW IN-HOME LIC'D BARBERING.	*S	Pres. To Gov. 8/ 11/2009	04-13-09	08-07-09
H0637	Haire	HONOR HORACE KEPHART/ GREAT SMOKY MTS.	SR	Ch. Res 2009-11	04-13-09	04-20-09
H0683	Crawford	ADOPT NC HOT SAUCE DAY.	S	Ref To Com On Rules and Operations of the Senate	04-06-09	
H0690	Coates	HONOR ROWAN COUNTY FALLEN FIREFIGHTERS.	*S	Ref To Com On Rules and Operations of the Senate	05-04-09	
H0696	Burris-Floyd	MOTORCYCLE AWARENESS MONTH.	S	Ref To Com On Rules and Operations of the Senate	04-06-09	
H0764	Owens	2009 APPOINTMENTS BILL.	*SR	Ch. SL 2009-470	08-06-09	08-06-09
H0766=	Womble	AMEND SURVIVOR'S	*S	Ref To Com On	05-04-09	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		ALTERNATE BENEFIT.		Rules and Operations of the Senate		
36= Tillis		MODIFY APPROPRIATIONS ACT.	*S	Pres. To Gov. 8/11/2009	05-14-09	08-07-09
H0945 Sutton		THE STUDIES ACT OF 2009.	*S	Pres. To Gov. 8/11/2009	05-07-09	08-07-09
H1076= Wiley		SUPERVISION OF CERTAIN DEFENDANTS.	S	Ref To Com On Rules and Operations of the Senate	05-14-09	
H1115 Gulley		DESIGNATE PSORIASIS AWARENESS MONTH.	S	Ref To Com On Rules and Operations of the Senate	05-06-09	
H1117 Tucker		SEX OFFENDER CAN'T DRIVE BUS WITH CHILDREN.	S	Pres. To Gov. 8/7/2009	08-06-09	08-06-09
H1249 Harrell		DEEP VEIN THROMBOSIS AWARENESS MONTH.	S	Ref To Com On Rules and Operations of the Senate	05-19-09	
H1251 Harrell		CANCER SCREENING AWARENESS MONTH.	*S	Ref To Com On Rules and Operations of the Senate	05-19-09	
H1307 Sutton		POSSESS PRESCRIPTION DRUG/NOT DRUG TRAFFICK.	*S	Ref To Com On Rules and Operations of the Senate	05-20-09	
29 Lewis		CLARIFY THE NEW NC DROUGHT RESPONSE.	*S	Ref To Com On Rules and Operations of the Senate	05-20-09	
H1517 Insko		HONOR TAR HEELS ON NATIONAL CHAMPIONSHIP.	SR	Ch. Res 2009-31	05-04-09	08-07-09
H1527 Mobley		HONOR HERTFORD COUNTY'S 250TH ANNIVERSARY.	S	Ref To Com On Rules and Operations of the Senate	05-26-09	
H1538 Jones		HIGH POINT FURNITURE MARKET.	SR	Ch. Res 2009-21	05-28-09	06-03-09
H1652 Martin		HONORING FALLEN SOLDIERS.	*S	Ratified	05-27-09	08-04-09
H1653 Randleman		HONOR WILLIAM OLIVER SWOFFORD.	SR	Ch. Res 2009-25	06-22-09	07-01-09
H1658 Farmer-Butterfie		HONOR WALTER CRONKITE.	S	Ref To Com On Rules and Operations of the Senate	08-06-09	
S0015 Tony Rand		SESSION LIMITS.	S	Ref to the Com on State Government/ State Personnel, if favorable, Appropriations	02-02-09	02-18-09
S0021 Tony Foriest		ORGAN DONATION	S	Ref To Com On	02-03-09	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		AWARENESS MONTH.		Rules and Operations of the Senate		
35	David W. Hoyle	EARLY ORGANIZATIONAL SESSION.	*S	Ref to the Com on Rules, Calendar, and Operations of the House, if favorable, State Government/State Personnel	02-04-09	02-19-09
S0057	Steve Goss	45TH SENATE DISTRICT LOCAL ACT.	S	Re-ref Com On Appropriations/Base Budget	02-04-09	07-30-09
S0062=	R. C. Soles, Jr.	BURGAW/OFFICIAL STATE BLUEBERRY FESTIVAL.	S	Ref To Com On Rules and Operations of the Senate	02-05-09	
S0083	Eleanor Kinnaird	23RD SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-10-09	
S0092	Steve Goss	HONOR JOHN BROWN.	S	Ref To Com On Rules and Operations of the Senate	02-10-09	
\$ S0100	Fletcher L. Hart	STUDY INNOVATIONS/INCENTIVES IN EDUCATION.	S	Ref To Com On Rules and Operations of the Senate	02-11-09	
S0110=	Ed Jones	HONOR SONNY BOY JOYNER/WELDON ROCKFISH CAPITAL.	SR	Ch. Res 2009-2	02-11-09	02-24-09
S0115	David W. Hoyle	GASTON COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-11-09	
S0120	David F. Weinstein	13TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-11-09	
S0129	Harry Brown	6TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-12-09	
S0146=	A. B Swindell	HONOR ROGER BONE.	SR	Ch. Res 2009-5	02-12-09	03-04-09
S0152	Philip E. Berger	26TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	02-12-09	
S0166=	Tony Foriest	DISAPPROVE JORDAN LAKE RULES.	S	Re-ref Com On Rules and Operations of the Senate	02-17-09	
S0168	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the	02-16-09	

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Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S0171	W. Edward (Eddie)	UNION COUNTY LOCAL ACT.	S Ref To Com On Senate Rules and Operations of the Senate	02-16-09	
S0174	Julia Boseman	9TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-17-09	
S0182	Tony Foriest	HONOR BOB SCOTT.	*S Re-ref Com On Rules and Operations of the Senate	02-17-09	03-30-09
S0182	Tony Foriest	HONOR BOB SCOTT.	*S Re-ref Com On Rules and Operations of the Senate	07-14-09	
S0183	Tony Rand	19TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-17-09	
S0201	Linda Garrou	32ND SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-18-09	
S0208=	Katie G. Dorsett	PEOPLE FIRST.	*SR Ch. SL 2009-264	02-18-09	03-10-09
S0209	Charles W. Alber	10TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-18-09	
S0211	Jean Preston	2ND SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-18-09	
S0215	Harris Blake	ROBBINS DEANNEXATION.	*SR Ch. SL 2009-294	02-19-09	05-07-09
S0231	A. B Swindell	11TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-19-09	
S0238	Larry Shaw	STUDY STATE CONTRACTS W/MINORITY BUSINESSES.	S Ref To Com On Rules and Operations of the Senate	02-19-09	
S0263	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-23-09	
S0284	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-25-09	
S0301=	Larry Shaw	HONOR THEODORE KINNEY.	S Ref To Com On Rules and Operations of the Senate	02-25-09	
S0317	Tom Apodaca	48TH SENATORIAL	S Ref To Com On	02-26-09	

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Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		DISTRICT LOCAL ACT.	Rules and Operations of the Senate		
28	Debbie A. Clary	46TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-26-09	
S0340	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-02-09	
S0342=	Steve Goss	STUDY GRANDPARENTS' VISITATION RIGHTS.	S Ref To Com On	03-02-09	
S0347	James Forrester	41ST SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-02-09	
S0350=	R. C. Soles, Jr.	HONOR CHIEF ROSCOE JACOBS, SR.	S Ref To Com On	03-02-09	
\$ S0353	Eleanor Kinnaird	NC HUMAN TRAFFICKING COMMISSION.	S Ref To Com On	03-02-09	
S0361	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-03-09	
71	Julia Boseman	HONOR RICHARD JOHN MATTHEWS.	S Ref To Com On	03-04-09	
S0376	Tony Foriest	HONOR JIM LONG.	SR Ch. Res 2009-16	03-04-09	04-28-09
S0382	Charlie S. Danne	38TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-04-09	
S0384	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-04-09	
S0392	Andrew C. Brock	34TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-04-09	
S0394	Bob Atwater	18TH SENATORIAL DISTRICT LOCAL ACT.	S Re-ref Com On	03-05-09	05-13-09
S0402	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-05-09	
S0418=	Daniel G. Clodfe	STUDY COMMUNITY COLLEGE CONSTRUCTION	S Ref To Com On	03-05-09	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		PROCESS.		Operations of the Senate		
21	Don Davis	5TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	03-05-09	
S0460=	Don Davis	COMMERCIAL DOG BREEDER REGULATION.	*S	Re-ref Com On Finance	07-08-09	08-04-09
S0468	Floyd B. McKissi	AUTHORIZE INSURANCE FOR FORMER EMPLOYEES.	*S	Pres. To Gov. 8/7/2009	06-24-09	07-23-09
S0471	Floyd B. McKissi	PAY EQUITY STUDY.	S	Ref To Com On Rules and Operations of the Senate	03-09-09	
S0496=	Ed Jones	EX-OFFENDER REENTRY STUDY.	S	Ref To Com On Rules and Operations of the Senate	03-11-09	
S0555	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate	03-12-09	
S0571	W. Edward (Eddie)	TELEWISE LEGISLATIVE SESSION.	S	Ref To Com On Rules and Operations of the Senate	03-12-09	
S0593=	Josh Stein	HONOR KAY YOW.	S	Ref To Com On Rules and Operations of the Senate	03-16-09	
.94=	Eleanor Kinnaird	STUDY EXISTING CHILDREN/YOUTH PROGRAMS.	S	Ref To Com On Rules and Operations of the Senate	03-16-09	
S0595	W. Edward (Eddie)	ADVANCED DIRECTIVES ON DRIVERS LICENSE.	*S	Re-ref Com On Judiciary I	03-16-09	05-11-09
S0635	Josh Stein	EQUITY FORMULA STUDY COMMISSION.	S	Ref To Com On Rules and Operations of the Senate	03-18-09	
S0644=	A. B Swindell	STUDY OF HIGH SCHOOL PROGRAMS AT COMM. COLL.	S	Ref To Com On Rules and Operations of the Senate	03-18-09	
\$ S0651	Steve Goss	STUDY NC GOVT TO UP ALTERNATIVE ENERGY USE.	S	Ref To Com On Rules and Operations of the Senate	03-19-09	
S0672=	William R. Purce	STUDY/SMOKING BAN/ FOSTER CARE HOMES.	S	Ref To Com On Rules and Operations of the Senate	03-19-09	
S0732	Jean Preston	EST. STUDY COMM./ EARLY CHILDHOOD PROGRAMS.	S	Ref To Com On Rules and Operations of the Senate	03-24-09	

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S0746	Joe Sam Queen	ENERGY, SCIENCE & TECHNOLOGY RECOMMENDATIONS.	S	Ref To Com On Rules and Operations of the Senate	03-24-09	
00,69	Eleanor Kinnaird	STUDY DNR ORDERS/ DECL. OF NATURAL DEATH.	S	Ref To Com On Rules and Operations of the Senate	03-24-09	
S0775	Charlie S. Danne	STUDY PREPAID WIRELESS SERVICE CHARGES.	S	Ref To Com On Rules and Operations of the Senate	03-24-09	
S0801	Tony Rand	2009 PRESIDENT PRO TEMP'S APPOINTMENTS.	S	Ref To Com On Rules and Operations of the Senate	03-25-09	
S0830	Jim Jacumin	ROADSIDE CAMPAIGN SIGNS.	S	Ref To Com On Rules and Operations of the Senate	03-25-09	
S0855	Don Vaughan	HONOR MARVIN WARD.	S	Ref To Com On Rules, Calendar, and Operations of the House	03-25-09	03-26-09
\$ S0869	Richard Stevens	STUDY/AFTER SCHOOL CHILD CARE PROGRAMS.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0872=	Daniel G. Clodfe	STUDY/STANDARDS/ DISPUTED CHILD CUSTODY CASES.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
00J73	Daniel G. Clodfe	AMEND THE LAWS.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0879=	Bob Atwater	STUDY OFF-SHORE DRILLING REVENUES.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0905	Debbie A. Clary	PARENT PROVIDE ILLEGAL DRUGS TO CHILD/STUDY.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0940	Don Davis	STUDY FLEXIBILITY/ CERTIFIED NURSE MIDWIVES.	*S	Re-ref Com On Rules and Operations of the Senate	05-13-09	
S0944	Linda Garrou	STUDY/AUTISM SPECTRUM DISORDERS.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0945=	Vernon Malone	GUARDIANSHIP STUDY.	*S	Re-ref Com On Rules and Operations of the Senate	05-12-09	

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S0948	Vernon Malone	STUDY COMM./YOUTH AGING OUT OF FOSTER CARE.	S Ref To Com On Rules and Operations of the Senate	03-26-09	
S0952	Don Vaughan	HONOR HORACE KORNEGAY.	S Ref To Com On Rules and Operations of the Senate	03-26-09	
S0995=	William R. Purce	RESTORE PRIOR APPT. PROCESS/AUCTIONEERS COMM.	S Ref To Com On Rules and Operations of the Senate	03-26-09	
S1012	Doug Berger	HOME SCHOOLERS IN PUBLIC SCHOOL PROG./STUDY.	*S Re-ref Com On Rules and Operations of the Senate	05-13-09	
S1033	Andrew C. Brock	STUDY/HEAD INJURIES IN HIGH SCHOOL ATHLETICS.	S Ref To Com On Rules and Operations of the Senate	03-31-09	
S1041	Andrew C. Brock	STUDY CERTIFICATE OF NEED.	S Ref To Com On Rules and Operations of the Senate	03-31-09	
S1046=	Eleanor Kinnaird	STUDY SENTENCING AND PRISON OVERCROWDING.	S Ref To Com On Rules and Operations of the Senate	03-31-09	
S1060=	Tony Foriest	STUDY RETIREMENT AND HEALTH BENEFITS.	S Ref To Com On Rules and Operations of the Senate	03-31-09	
---61=	Josh Stein	STUDY MEDICAL TREATMENTS/PRESCRIPTION DRUGS.	S Ref To Com On Rules and Operations of the Senate	03-31-09	
S1063	Julia Boseman	STUDY/ERASING ARREARS/INCARCERATED PARENTS.	S Ref To Com On Rules and Operations of the Senate	03-31-09	
S1064=	Julia Boseman	EST. FAMILY VIOLENCE & CHILD CUSTODY COMM.	S Ref To Com On Rules and Operations of the Senate	03-31-09	
S1085	John Snow	LEGISLATIVE COMMISSION ON GASOLINE SHORTAGES.	S Ref To Com On Rules and Operations of the Senate	03-31-09	
S1094	R. C. Soles, Jr.	HONOR WATHA'S 100TH ANNIVERSARY.	S Ref To Com On Rules, Calendar, and Operations of the House	04-02-09	06-25-09
S1095	Floyd B. McKissi	HONOR JOHN HOPE FRANKLIN.	S Ref To Com On Rules and Operations of the Senate	04-02-09	

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S1096	Tony Foriest	HONOR CHRISTOPHER DUFFY COLLINS.	S Ref To Com On Rules, Calendar, and Operations of the House	04-06-09	04-16-09
S1097	Jean Preston	HONOR BEAUFORT'S 300TH ANNIVERSARY.	SR Ch. Res 2009-12	04-07-09	04-23-09
S1098=	Steve Goss	HONOR WADE EDWARD BROWN.	SR Ch. Res 2009-13	04-07-09	04-29-09
S1099	Ed Jones	HONOR HERTFORD COUNTY'S 250TH ANNIVERSARY.	SR Ch. Res 2009-17	04-28-09	05-20-09
S1104	Ed Jones	HONOR HALIFAX COUNTY'S 250TH ANNIVERSARY.	SR Ch. Res 2009-24	06-17-09	06-30-09

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COMMITTEE ON RULES AND OPERATIONS OF THE SENATE

2009 SESSION

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February 18, 2009

S.B. 15

Session Limits

Favorable as to S.B. 15

SB 35

Early Organizational Session

Unfavorable as to S.B. 35 bill

Favorable as to Senate Committee

Sub. For S.B. 35 – Early Organizational Session. .

June 24, 2009

H.B. 79 (CS #1)

Extend School Formula Study

Unfavorable as to Committee Substitute

Bill #1, but favorable as to Senate Committee

Substitute Bill for H.B. 79 (CS #1) –

Extend School Formula Study.

August 4, 2009

S.B. 460 (CS #2)

Puppy Mill Ban

Unfavorable as to Committee Substitute (#2) but

Favorable at to Senate Committee Substitute

Bill -. 460 (No. 3) –Commercial Dog Breeder Regulation.

August 6, 2009

H.B. 764

2009 Speaker' Appointments

Unfavorable as to H.B. 764 –

Favorable as to Senate Committee Substitute, as amended for H.B. 764 – 2009 Appointments Bill.

H.B. 374

Public Health Technical Changes

Unfavorable as to H.B. 374 - but favorable as to Senate Committee Substitute Bill –
Improve Upper Neuse Basin Water Quality.

H.B. 12 (CS #1)

Bioptic Lenses/Issuance of Drivers License
Unfavorable as to H.B. 12 (CS #1). Favorable as to Senate Committee Substitute Bill -
GARVEE Bonds/Repayment.

August 7, 2009

H.B. 945 (CS #2)

Study/Preserve Culture/Indian Children
Unfavorable as to H.B. 945 (CS #2) – Favorable
As to Senate Committee Substitute - H.B. 945 -
The Studies Act of 2009, as amended.

H.B. 596

Designate April as Woodworking Month.
Unfavorable as to H.B. 596 – Favorable as to Senate Committee Substitute, as amended – Allow
In-Home Lic'd Barbering.

MINUTES

RULES AND OPERATIONS OF THE SENATE

FEBRUARY 18, 2009

The Committee on Rules and Operations of the Senate met on February 18, 2009 at 1:00 p.m. in Room 300-C of the Legislative Office Building. Nineteen members of the committee were present. Senator Rand, Chairman of the committee, presided.

SENATE BILL 35 - EARLY ORGANIZATIONAL SESSION

Senator Rand presented the committee with a committee substitute for the above bill. Senator Weinstein moved for the committee substitute to be heard. The motion carried.

Senator Hoyle was recognized to explain his bill - Committee Substitute for **SB 35 - Early Organizational Session**.

Senator Hoyle stated that there was a great deal of wasted time when the General Assembly convenes at the end of January. This bill would require that a two-day General Assembly session convene biennially at 10:00 a.m. on the second business day in January after the member's election, except if the day is a Friday, then the session will convene on Thursday, January 2, and allows the General Assembly to stand adjourned on that second day until the start of the regular session.

This time period in early January would allow for the election of Senate officers and for committees to be appointed. No per diem would be paid.

Senator Weinstein moved for a favorable report of the Committee Substitute for **SB 35 - Early Organizational Session**. This motion was seconded by Senator Soles and the committee gave this legislation a favorable report.

SENATE BILL 15 - SESSION LIMITS

Senator Rand presented his bill to the committee. The bill would limit the per diem to 135 days in odd-numbered year and to 60 in an even-numbered year.

Gerry Cohen was recognized and stated that "the average length of the sessions during the last few years were between 160-170 days".

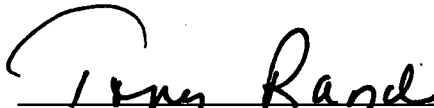
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Minutes – Rules and Operations of the Senate
February 18, 2009

Senator Kinnaird stated that local bills take a lot of time. Maybe limit the number of bills being introduced?

Senator Nesbitt asked what vehicle should be used to limit the length of sessions – statute or constitutional amendment? He also stated that there was a lot of down time while the budget is being negotiated by the leadership at the end of the session.

The meeting adjourned at 2:00 p.m.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Wednesday, February 18, 2009

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

FAVORABLE

S.B.	15	Session Limits.	
		Sequential Referral:	None
		Recommended Referral:	None

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

1

SENATE BILL 15

Short Title: Session Limits. (Public)

Sponsors: Senators Rand; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Dannelly, Don Davis, Dorsett, Foriest, Forrester, Garrou, Goss, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, Preston, Purcell, Queen, Rouzer, Rucho, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Vaughan, and Weinstein.

Referred to: Rules and Operations of the Senate.

February 2, 2009

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS BY LIMITING PER DIEM TO A MAXIMUM NUMBER OF DAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-3.1(c) reads as rewritten:

"(c) When the General Assembly by joint action of the two houses adjourns to a day certain, which day is more than three days after the date of adjournment, the period between the date of adjournment and the date of reconvening shall for the purposes of this section be deemed to be a period when the General Assembly is not in session, and no member shall be entitled to subsistence and travel allowance during that period, except under circumstances which would entitle him to subsistence and travel allowance when the General Assembly is not in session. In any odd-numbered year, no member may receive more than 135 days of per diem on account of the regular session. In any even-numbered year, no member may receive more than 60 days of per diem on account of the regular session."

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



SB 15 – Session Limits TALKING POINTS

Bill limits per diem to 135 days in long session (odd-numbered) years and 60 days in short session (even-numbered) years.

1996 – Senate Select Committee on Session Limits:

-The 135/60 limit was originally recommended in 1996 by the Senate Select Committee on Session Length. (No formal report was done but minutes do exist.)

-The 1996 committee heard testimony from a number of states and had extensive research done.

-Examining the legislative process in states which had limits, it was found that once the threshold dropped below about 135 days there were significant changes in the legislative process -- most states wound up with Friday, Saturday, and even in the case of Virginia which had a 75 day limit, Sunday sessions.

-In addition, with very short limits the compression of work on staff became much greater.

How other States Handle Session Limits:

(chart is available comparing state legislatures.)

-Currently, only 12 states do not place a limit on the length of regular session. (NC is one of the 12 that places no limit).

-The remaining 38 set limits through a variety of ways:

-Constitutional provisions establish the limits in 28 states.

-Indirect limits on legislator compensation, per diem or mileage reimbursement, are in effect in 3 states.

-Statutory provisions set the restrictions in 4 states.

-3 other states use chamber rules.

**** Through 1967 Session – were per diem limits of 120 days.**

Methods by which Legislative Session Lengths are Limited with Typical Session Lengths

38 States Limit Session Length by Some Method

32 States Typically Meet for Shorter Sessions than North Carolina

Constitution (27 states)	Odd Yrs Only	Length of Session in Days (L = Legislative Days)
Arkansas	X	60
Colorado		120
Connecticut		120 Even, 150 Odd
Delaware		168
Florida		60
Georgia		40L
Hawaii		60L
Kansas		90
Kentucky		60L
Louisiana		45 Even, 85 Odd
Maryland		90
Minnesota		60L
Mississippi		125
Missouri		130
Montana	X	90L
Nebraska		60L Even, 90L Odd
Nevada	X	60
New Mexico		30 Even, 60 Odd
North Dakota	X	80L
Oklahoma		160
South Dakota		35L Even, 40L Odd
Texas	X	140
Utah		45
Virginia		30 Even, 60 Odd
Washington		60 Even, 105 Odd
West Virginia		60
Wyoming		20 Even, 40 Odd
Indirect Method e.g. Restrictions on Pay/Per diem (3 states)	Odd Yrs Only	Length of Session in Days (L = Legislative Days)
Iowa		120
New Hampshire		45L
Tennessee		90L

Statute (5 states)	Odd Yrs Only	Length of Session in Days (L = Legislative Days)
Alabama		30L
Alaska		120
Indiana		30L Even, 61L Odd
Maine		100
South Carolina		142
Chamber Rule (3 states)	Odd Yrs Only	Length of Session in Days (L = Legislative Days)
Arizona		100
California		Year Round
Massachusetts		Year Round
No Limit (12 states)	Odd Yrs Only	Length of Session in Days (L = Legislative Days)
Idaho		90
Illinois		Year Round
Michigan		Year Round
New Jersey		Year Round
New York		Year Round
North Carolina		?
Ohio		Year Round
Oregon	X	165
Pennsylvania		Year Round
Rhode Island		60L
Vermont		116
Wisconsin		Year Round

Sources:

American Legislative Exchange Council
National Conference of State Legislatures (www.ncsl.org)
Individual State Legislature Websites

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Thursday, February 19, 2009

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

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

S.B.	35	Early Organizational Session.	
		Draft Number:	PCS 45040
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

S

1

SENATE BILL 35

Short Title: Early Organizational Session. (Public)

Sponsors: Senators Hoyle; Clary, Forrester, Garrou, Jenkins, Preston, Stevens, and Weinstein.

Referred to: Rules and Operations of the Senate.

February 4, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR A ONE-DAY ORGANIZATIONAL SESSION FOLLOWED BY AN EXTENDED RECESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-11.1 reads as rewritten:

"§ 120-11.1. Time of meeting.

The regular session of the Senate and House of Representatives shall be held biennially beginning at ~~12:00 noon~~ 10:00 A.M. on the ~~third Wednesday after the second Monday~~ second business day in January next after their election, except if that day is a Friday, the session shall instead convene on Thursday, January 2. The Senate and House shall convene that day for a two-day session. When the Senate and House of Representatives adjourn on the second day, they stand adjourned until 12:00 noon on the third Wednesday thereafter."

SECTION 2. This act becomes effective January 1, 2011.



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VISITOR REGISTRATION SHEET

Rules and Operations of the Senate

February 18, 2008

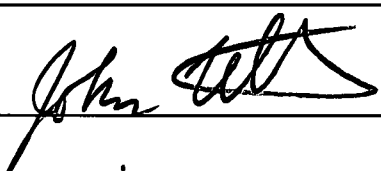
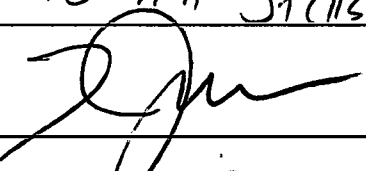
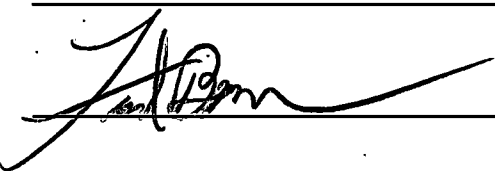
Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

	MWC
Mitch Leonard	SEANC
R. Paul Wilms	WGR
Darren Jackson	House
	RANK
Kim Gerardo	NBC 17 News
Becki Gray	John Locke Foundation
CASADORA WHITE	ASC
Kelli Kallua	NCLM
BRIAN LEWIS	NLA
	Am. ASSO.

VISITOR REGISTRATION SHEET

Rules and Operations of the Senate

February 18, 2008

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

John M. Muller

MFIS

Michelle Frazier

MFS

Jessi Harris

NO Home Builders

Lisa Martin

11

John Bowditch

Astrazenca

MINUTES

RULES AND OPERATIONS OF THE SENATE

JUNE 24, 2009

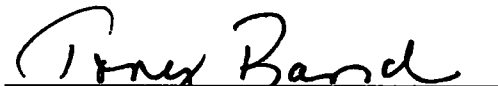
The Committee on Rules and Operations of the Senate met during a recess at 3:45 p.m. on June 24, 2009 at Senator Rand's Chamber Desk. Eighteen members of the committee were present.

Senator Rand, Chairman of Rules and Operations of the Senate, presented the committee with a Committee Substitute for **House Bill 79 – Extend School Formula Study**. Senator Hoyle moved for the adoption of the Committee Substitute

Senator Rand explained that this bill was needed as it gives the committee authority to meet during session. The RFP's have just come back from companies to review formulas and this committee needs to meet to review the RFP's.

Senator Soles moved for the adoption of **House Bill 79 – Extend School Formula Study** and the committee gave the bill a favorable report.

The meeting adjourned at 3:50 P.M.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Tuesday, June 23, 2009

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

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

H.B.(CS #1) 79

Extend School Formula Study Committee.

Draft Number: 80471

Sequential Referral: None

Recommended Referral: None

Long Title Amended: ~~No~~ yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Senator Rand will handle bill on floor.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 79
Committee Substitute Favorable 2/24/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H79-PCS80471-RW-56

Short Title: Extend School Formula Study Committee.

(Public)

Sponsors:

Referred to:

February 9, 2009

A BILL TO BE ENTITLED
AN ACT PERMITTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC
SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL
FUNDING.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Study Committee on Public School Funding Formulas, which was established on November 27, 2007, by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1), Rule 31 of the Rules of the Senate of the 2007 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly, and was subsequently modified by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, may review the implementation of any modifications to school funding formulas that are enacted by the General Assembly upon the recommendation of the Committee and shall evaluate the impact of those modifications.

SECTION 2. Notwithstanding G.S. 120-19.6, the Committee may meet during sessions of the General Assembly.

SECTION 3. The Committee may report to the General Assembly at least once a year on its activities.

SECTION 4. The Committee shall terminate upon completion of its evaluation of modifications to public school funding formulas.

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 79
Committee Substitute Favorable 2/24/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H79-PCS80471-RW-56

Short Title: Extend School Formula Study Committee.

(Public)

Sponsors:

Referred to:

February 9, 2009

A BILL TO BE ENTITLED
AN ACT PERMITTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC
SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL
FUNDING.

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SECTION 2. Notwithstanding G.S. 120-19.6, the Committee may meet during sessions of the General Assembly.

SECTION 3. The Committee may report to the General Assembly at least once a year on its activities.

SECTION 4. The Committee shall terminate upon completion of its evaluation of modifications to public school funding formulas.

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 79
Committee Substitute Favorable 2/24/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H79-PCS80471-RW-56

Short Title: Extend School Formula Study Committee.

(Public)

Sponsors:

Referred to:

February 9, 2009

A BILL TO BE ENTITLED
AN ACT PERMITTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC
SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL
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SECTION 4. The Committee shall terminate upon completion of its evaluation of modifications to public school funding formulas.

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 79
Committee Substitute Favorable 2/24/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H79-PCS80471-RW-56

Short Title: Extend School Formula Study Committee.

(Public)

Sponsors:

Referred to:

February 9, 2009

A BILL TO BE ENTITLED
AN ACT PERMITTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC
SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL
FUNDING.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Study Committee on Public School Funding Formulas, which was established on November 27, 2007, by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1), Rule 31 of the Rules of the Senate of the 2007 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly, and was subsequently modified by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, may review the implementation of any modifications to school funding formulas that are enacted by the General Assembly upon the recommendation of the Committee and shall evaluate the impact of those modifications.

SECTION 2. Notwithstanding G.S. 120-19.6, the Committee may meet during sessions of the General Assembly.

SECTION 3. The Committee may report to the General Assembly at least once a year on its activities.

SECTION 4. The Committee shall terminate upon completion of its evaluation of modifications to public school funding formulas.

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



2009-2010

**SENATE
RULES, CALENDAR, &
OPERATIONS**

MINUTES

MINUTES

RULES AND OPERATIONS OF THE SENATE

AUGUST 4, 2009

The Committee on Rules and Operations of the Senate met on August 4, 2009 at a recess at 4:00 p.m. during the session on August 4, 2009 at Senator Rand's chamber desk. Seventeen members of the committee were present. Senator Rand, Chairman of the committee presided.

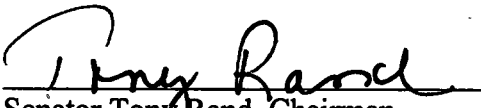
Senator Rand presented the committee with a proposed Committee Substitute – for **SB (CS#2) 460 Puppy Mill Ban**. Senator Hoyle moved for the adoption of the Committee Substitute

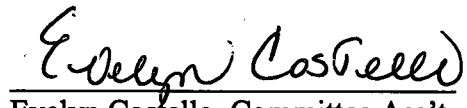
SENATE BILL 460 (S.B. CS No. 3) – COMMERCIAL DOG BREEDER REGULATION

Senator Davis was recognized to explain the proposed committee substitute. He stated the committee substitute clarifies the definition of commercial breeder to require owning or maintaining puppies primarily for the purpose of sale and to make clear that certain boarding and training establishments are not included in the definition. The committee substitute creates a fine of not less than \$50 per day per animal, deleting the \$1,000 cap and loss of registration for a criminal conviction of commercial breeder for failure to provide adequate animal care. Removes provisions concerning the seizure or impoundment of animals.

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

The meeting adjourned at 4:15 p.m.


Senator Tony Rand, Chairman


Evelyn Costello, Committee Ass't

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Tuesday, August 04, 2009

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

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE
AS TO COMMITTEE SUBSTITUTE BILL NO. 3**

S.B.(CS #2) 460	Puppy Mill Ban.	
	Draft Number:	55502
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

D

SENATE BILL 460*
Commerce Committee Substitute Adopted 5/4/09
Finance Committee Substitute Adopted 7/1/09
PROPOSED COMMITTEE SUBSTITUTE S460-PCS55502-RW-69

Short Title: Commercial Dog Breeder Regulation.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED
AN ACT TO ELIMINATE ABUSIVE PRACTICES AND PROVIDE FOR THE HUMANE
CARE AND TREATMENT OF DOGS AND PUPPIES BY ESTABLISHING
STANDARDS FOR THEIR CARE AT COMMERCIAL BREEDING OPERATIONS,
EXCLUDING KENNELS OR ESTABLISHMENTS OPERATED FOR THE PURPOSE
OF BOARDING OR TRAINING HUNTING, SPORTING, HERDING, SHOW, OR
WORKING DOGS.

Whereas, dogs are known as "man's best friend" and were first domesticated more
than 14,000 years ago; and

Whereas, dogs have been used as both working and companion animals throughout
history and have performed invaluable functions for people, including hunting, herding,
protection, and assisting ill and disabled individuals; and

Whereas, there is a long-standing tradition of using dogs for hunting and working in
this State; and

Whereas, nothing in this act shall be construed to interfere with an individual's right
to participate in hunting and working activities with dogs; and

Whereas, some members of society have chosen to exploit man's best friend for
money through the operation of breeding mills wherein large numbers of dogs and their
puppies are kept in intolerable and inhumane conditions in the name of maximizing profits
from the sale of the puppies; and

Whereas, significant public health and safety concerns have been raised by the
abusive and inhumane practice of some unregulated commercial dog breeders; and

Whereas, there have been substantial costs to taxpayers as a result of responding to
complaints regarding unregulated commercial dog breeders; and

Whereas, this act is intended to eliminate abusive treatment of dogs by regulating
commercial breeding operations only, not by restricting hunting or working rights in any way;

Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 19A-21 reads as rewritten:

"§ 19A-21. Purposes.

The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of
such pets; (ii) to prevent the sale or use of stolen pets; (iii) to ~~insure~~ensure that animals, as



1 items of commerce, are provided humane care and treatment by regulating the transportation,
2 commercial breeding, sale, purchase, housing, care, handling and treatment of such animals by
3 persons or organizations engaged in transporting, breeding, buying, or selling them for such
4 use; (iv) to ~~insure~~ensure that animals confined in commercial breeding operations, pet shops,
5 kennels, animal shelters and auction markets are provided humane care and treatment; (v) to
6 prohibit the sale, trade or adoption of those animals which show physical signs of infection,
7 communicable disease, or congenital abnormalities, unless veterinary care is assured
8 subsequent to sale, trade or adoption."

9 **SECTION 2.** G.S. 19A-23 is amended by adding two new subdivisions to read:

10 **"§ 19A-23. Definitions.**

11 For the purposes of this Article, the following terms, when used in the Article or the rules
12 or orders made pursuant thereto, shall be construed respectively to mean:

13 ...

14 (5b) "Commercial breeder" means any person who owns or maintains 15 or more
15 intact female dogs of breeding age and 30 or more puppies primarily for the
16 purpose of sale. This shall not include kennels or establishments operated for
17 the purpose of boarding or training hunting, sporting, herding, show, or
18 working dogs.

19 (5c) "Commercial breeding operation" means the physical location or facility at
20 which a commercial breeder breeds or maintains intact female dogs of
21 breeding age and puppies.

22"

23 **SECTION 3.** G.S. 19A-24(a) reads as rewritten:

24 "(a) The Board of Agriculture shall:

25 (1) Establish standards for the care of animals at animal shelters, boarding
26 kennels, pet shops, and public auctions. A boarding kennel that offers dog
27 day care services and has a ratio of dogs to employees or supervisors, or
28 both employees and supervisors, of not more than 10 to one, shall not as to
29 such services be subject to any regulations that restrict the number of dogs
30 that are permitted within any primary enclosure.

31 (1a) Establish standards for the care of animals at commercial breeding
32 operations. The standards adopted shall include provisions for adequate daily
33 exercise, adequate veterinary care, appropriate housing for intact female
34 dogs of breeding age, females with litters and weaned puppies, and record
35 keeping. The standards applicable to animal shelters shall apply to
36 commercial breeding facilities unless otherwise established.

37 (1b) Provide a consumer protection registry available on the Internet that lists all
38 registered commercial breeding facilities.

39 (2) Prescribe the manner in which animals may be transported to and from
40 registered or licensed premises.

41 (3) Require licensees and holders of certificates to keep records of the purchase
42 and sale of animals and to identify animals at their establishments.

43 (4) Adopt rules to implement this Article, including federal regulations
44 promulgated under Title 7, Chapter 54, of the United States Code.

45 (5) Adopt rules on the euthanasia of animals in the possession or custody of any
46 person required to obtain a certificate of registration under this Article. An
47 animal shall only be put to death by a method and delivery of method
48 approved by the American Veterinary Medical Association, the Humane
49 Society of the United States, or the American Humane Association. The
50 Department shall establish rules for the euthanasia process using any one or
51 combination of methods and standards prescribed by the three

1 aforementioned organizations. The rules shall address the equipment, the
2 process, and the separation of animals, in addition to the animals' age and
3 condition. If the gas method of euthanasia is approved, rules shall require (i)
4 that only commercially compressed carbon monoxide gas is approved for
5 use, and (ii) that the gas must be delivered in a commercially manufactured
6 chamber that allows for the individual separation of animals. Rules shall also
7 mandate training for any person who participates in the euthanasia process."

8 **SECTION 4.** G.S. 19A-25 reads as rewritten:

9 **"§ 19A-25. Employees; investigations; right of entry.**

10 For the enforcement of the provisions of this Article, the Director is authorized, subject to
11 the approval of the Commissioner to appoint employees as are necessary in order to carry out
12 and enforce the provisions of this Article, and to assign them interchangeably with other
13 employees of the Animal Health Division. The Director shall cause the investigation of all
14 reports of violations of the provisions of this Article, and the rules adopted pursuant to the
15 provisions hereof; provided further, that if any person shall deny the Director or his
16 representative admittance to his property, either person shall be entitled to secure from any
17 superior court judge a court order granting such admittance. Counties shall have the exclusive
18 authority to investigate violations related to commercial breeding operations and to take
19 appropriate enforcement action as authorized by law."

20 **SECTION 5.** Article 1A of Chapter 19A of the General Statutes is amended by
21 adding a new section to read:

22 **"§ 19A-29.1. Registration required for commercial breeder; penalty; injunction.**

23 (a) No commercial breeder shall operate in the State without first registering with the
24 Director. Registration shall be in the manner provided by the Director. Prior to registering, a
25 commercial breeder shall provide the Director a statement that the commercial breeding
26 operation being registered is in full compliance with all established standards in accordance
27 with G.S. 19A-24(a). The registration period shall be the fiscal year and the registration fee
28 shall be fifty dollars (\$50.00) for each registration period or part thereof, beginning with the
29 first day of the fiscal year.

30 (b) Acting as a commercial breeder without first registering as set forth in subsection
31 (a) of this section shall constitute a Class 2 misdemeanor. A second or subsequent offense shall
32 constitute a Class 1 misdemeanor.

33 (c) A commercial breeder who fails to register pursuant to this section, or violates the
34 standards established pursuant to G.S. 19A-24(a)(1a), shall be subject to injunction pursuant to
35 the provisions of G.S. 19A-3 and G.S. 19A-4."

36 **SECTION 6.** Article 1A of Chapter 19A of the General Statutes is amended by
37 adding a new section to read:

38 **"§ 19A-29.2. Additional standards of care for commercial breeders.**

39 Commercial breeders shall provide adequate veterinary care to the intact female dogs of
40 breeding age and any puppies in their care and custody."

41 **SECTION 7.** Article 1A of Chapter 19A of the General Statutes is amended by
42 adding a new section to read:

43 **"§ 19A-29.3. Penalties for commercial breeder failing to provide adequate care for**
44 **animals.**

45 The failure of a commercial breeder to adequately house, exercise, feed, water, provide
46 adequate veterinary care, or otherwise meet the standards of care for the animals in the
47 commercial breeder's custody or possession shall constitute a Class 3 misdemeanor, and the
48 commercial breeder shall be subject to a fine of not less than fifty dollars (\$50.00) per day per
49 animal. The registration of any commercial breeder convicted under this Article shall be
50 terminated."

1 **SECTION 8.** This act becomes effective May 1, 2010, and applies to the
2 commercial breeding of dogs on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

2

SENATE BILL 460*
Commerce Committee Substitute Adopted 5/4/09

Short Title: Commercial Dog Breeders.

(Public)

Sponsors:

Referred to:

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE COMMERCIAL BREEDING OF DOGS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 19A-21 reads as rewritten:

5 "§ 19A-21. Purposes.

6 The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of
7 such pets; (ii) to prevent the sale or use of stolen pets; (iii) to insure that animals, as items of
8 commerce, are provided humane care and treatment by regulating the transportation,
9 commercial breeding, sale, purchase, housing, care, handling and treatment of such animals by
10 persons or organizations engaged in transporting, breeding, buying, or selling them for such
11 use; (iv) to insure that animals confined in commercial breeding operations, pet shops, kennels,
12 animal shelters and auction markets are provided humane care and treatment; (v) to prohibit the
13 sale, trade or adoption of those animals which show physical signs of infection, communicable
14 disease, or congenital abnormalities, unless veterinary care is assured subsequent to sale, trade
15 or adoption."

16 SECTION 2. G.S. 19A-23 reads as rewritten:

17 "§ 19A-23. Definitions.

18 For the purposes of this Article, the following terms, when used in the Article or the rules
19 or orders made pursuant thereto, shall be construed respectively to mean:

20 ...
21 (5b) "Commercial breeder" means any person who, during any 12-month period,
22 maintains 15 or more adult female dogs for the primary purpose of the sale
23 of their offspring as companion animals.

24 (5c) "Commercial breeding operation" means the physical location or facility at
25 which a commercial breeder breeds or maintains adult female dogs and their
26 offspring."

27 SECTION 3. G.S. 19A-24(a) reads as rewritten:

28 "(a) The Board of Agriculture shall:

29 (1) Establish standards for the care of animals at animal shelters, boarding
30 kennels, pet shops, and public auctions. A boarding kennel that offers dog
31 day care services and has a ratio of dogs to employees or supervisors, or
32 both employees and supervisors, of not more than 10 to one, shall not as to
33 such services be subject to any regulations that restrict the number of dogs
34 that are permitted within any primary enclosure.

35 (1a) Establish standards for the care of animals at commercial breeding
36 operations. The standards adopted shall include provisions for adequate daily



1 exercise, adequate veterinary care, appropriate housing for adult females,
2 females with litters and weaned puppies, and record keeping.

- 3 (2) Prescribe the manner in which animals may be transported to and from
4 registered or licensed premises.
5 (3) Require licensees and holders of certificates to keep records of the purchase
6 and sale of animals and to identify animals at their establishments.
7 (4) Adopt rules to implement this Article, including federal regulations
8 promulgated under Title 7, Chapter 54, of the United States Code.
9 (5) Adopt rules on the euthanasia of animals in the possession or custody of any
10 person required to obtain a certificate of registration under this Article. An
11 animal shall only be put to death by a method and delivery of method
12 approved by the American Veterinary Medical Association, the Humane
13 Society of the United States, or the American Humane Association. The
14 Department shall establish rules for the euthanasia process using any one or
15 combination of methods and standards prescribed by the three
16 aforementioned organizations. The rules shall address the equipment, the
17 process, and the separation of animals, in addition to the animals' age and
18 condition. If the gas method of euthanasia is approved, rules shall require (i)
19 that only commercially compressed carbon monoxide gas is approved for
20 use, and (ii) that the gas must be delivered in a commercially manufactured
21 chamber that allows for the individual separation of animals. Rules shall also
22 mandate training for any person who participates in the euthanasia process."

23 **SECTION 4. G.S. 19A-30 reads as rewritten:**

24 **"§ 19A-30. Refusal, suspension or revocation of certificate or license.**

25 The Director may refuse to issue or renew or may suspend or revoke a certificate of
26 registration for any animal shelter or a license for any commercial breeder, public auction,
27 kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he
28 determines that any one or more of the following grounds apply:

- 29 (1) Material misstatement in the application for the original certificate of
30 registration or license or in the application for any renewal under this
31 Article;
32 (2) Willful disregard or violation of this Article or any rules issued pursuant
33 thereto;
34 (3) Failure to provide adequate housing facilities and/or primary enclosures for
35 the purposes of this Article, or if the feeding, watering, sanitizing and
36 housing practices at the animal shelter, public auction, pet shop, or kennel
37 are not consistent with the intent of this Article or the rules adopted under
38 this Article;
39 (3a) Failure to comply with the statutes and rules governing commercial breeding
40 operations.
41 (4) Allowing one's license under this Article to be used by an unlicensed person;
42 (5) Conviction of any crime an essential element of which is misstatement,
43 fraud, or dishonesty, or conviction of any felony;
44 (6) Making substantial misrepresentations or false promises of a character likely
45 to influence, persuade, or induce in connection with the business of a public
46 auction, commercial kennel, commercial breeding operation, pet shop, or
47 dealer;
48 (7) Pursuing a continued course of misrepresentation of or making false
49 promises through advertising, salesmen, agents, or otherwise in connection
50 with the business to be licensed;

(8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect."

SECTION 5. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-29.1. License required for commercial breeder; penalty.

(a) No commercial breeder shall operate in the State without first obtaining a commercial breeders license. Application for a license shall be in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be fifty dollars (\$50.00) for each license period or part thereof, beginning with the first day of the fiscal year.

(b) Failure of a commercial breeder to obtain a license as set forth in subsection (a) of this section shall constitute a Class 2 misdemeanor. Continued illegal operation after conviction shall constitute a separate offense. Animals found in the possession or custody of an unlicensed commercial breeder shall be subject to immediate seizure and impoundment and upon conviction of the unlicensed commercial breeder, shall become subject to sale or euthanasia in the discretion of the Director."

SECTION 6. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-29.2. Additional standards of care for commercial breeders; inspections.

(a) Commercial breeders shall not breed female dogs less than 18 months or more than eight years of age and shall provide adequate veterinary care to the female adult dogs and their offspring. An adult female dog shall not be bred without an annual certification from a licensed veterinarian that the dog is in suitable health for breeding.

(b) Commercial breeding operations shall be subject to inspection by duly appointed employees of the Department or by local animal control officers. In conducting such inspections, the Department employee or local animal control officer may inspect the records of the commercial breeder, the premises where animals are bred and maintained, and any animal used in the breeding program or their offspring. Denial of access to the commercial breeding operation shall be grounds for revocation of the commercial breeders license."

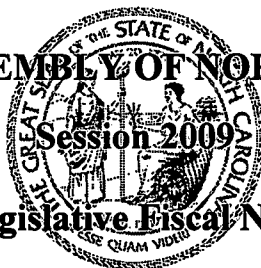
SECTION 7. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-29.3. Penalties for commercial breeder failing to provide adequate care for animals; disposition of animals.

1 The failure of a commercial breeder to adequately house, exercise, feed, water, provide
2 adequate veterinary care, or otherwise meet the standards of care for the animals in the
3 commercial breeder's custody or possession shall constitute a Class 3 misdemeanor, and the
4 commercial breeder shall be subject to a fine of not less than fifty dollars (\$50.00) per animal
5 or more than a total of one thousand dollars (\$1,000). The animals in the possession or custody
6 of the commercial breeder shall be subject to seizure and impoundment and upon conviction
7 may be sold or euthanized at the discretion of the Director, and the failure shall also constitute
8 grounds for revocation of the commercial breeder's license."

9 **SECTION 8.** This act becomes effective December 1, 2009, and applies to the
10 commercial breeding of dogs on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

BILL NUMBER: Senate Bill 460 (Fifth Edition)

SHORT TITLE: Commercial Dog Breeder Regulation.

FISCAL IMPACT

	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
REVENUES	\$6,200	\$7,250	\$9,750	\$12,250	\$14,250
Agriculture	\$4,338	\$5,338	\$7,888	\$10,388	\$12,388
Fines & Forfeitures	\$1,862	\$1,862	\$1,862	\$1,862	\$1,862
EXPENDITURES	\$3,435	\$2,142	\$3,508	\$4,570	\$5,936
Agriculture	\$3,435	\$2,142	\$3,508	\$4,570	\$5,936
Corrections			No Fiscal Impact Anticipated		
Judicial Branch			Indeterminate Fiscal Impact		
POSITIONS (cumulative):	0	0	0	0	0
DACS	0	0	0	0	0
Fines & Forfeitures	0	0	0	0	0
Judicial Branch	0	0	0	0	0
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:					
Department of Agriculture & Consumer Services (DACS), Animal Welfare Section					
Department of Corrections					
EFFECTIVE DATE: May 1, 2010					

BILL SUMMARY:

S.B. 460, Commercial Dog Breeder Regulation, amends the Animal Welfare Act (G.S. 19A-20). The bill defines a commercial breeder as any person who owns or maintains 15 or more intact female dogs of breeding age and 30 or more puppies primarily for the purpose of sales, and a commercial breeding operation as a physical location or facility at which a commercial breeder breeds or maintains intact female dogs of breeding age and puppies. S.B. 460 excludes kennels or establishments operated for the purpose of boarding or training, hunting, sporting, herding, show, or working dogs.

S.B. 460 requires the Board of Agriculture to establish standards for the care of animals at commercial breeding operations, including provisions for adequate daily exercise, adequate veterinary care, appropriate housing and record keeping. The most recent version of the bill

removes the provision that states that the standards applicable to animal shelters also apply to commercial breeding facilities unless otherwise established.

The bill also requires commercial dog breeders to register as a commercial breeder with the Director of the Animal Welfare Service (AWS) within the Department of Agriculture and Consumer Services (DACS) before commencing operations. Failure to register is a Class 2 misdemeanor; any subsequent failure to register would be a Class 1 misdemeanor. Commercial dog breeders register as of May 1, 2010. The most recent version of the bill removes the requirement to maintain an online consumer protection registry of commercial breeding facilities.

S.B. 460 establishes penalties (fines of at least \$50 per animal per day up to a total of \$1,000, Class 3 misdemeanor) for failure of a commercial breeder to adequately house, exercise, feed, water, provide adequate veterinary care or otherwise meet the standards of care for their animals. Failure to meet established standards would also allow for the immediate termination of the commercial breeder's registration.

BACKGROUND

In 1966, the U.S. Congress passed the Animal Welfare Act (USAWA), which outlines specific minimum standards of care for dogs (and other animals) bred for commercial resale. Under the USAWA, certain large-scale commercial breeders are required to be licensed and regularly inspected by the United States Department of Agriculture. Only "wholesale" facilities that breed animals for resale – for example, to pet stores – are subject to the USAWA; operations that sell directly to the public are not required to adhere to USAWA or any federal humane care standards.

AWS estimates that there are at least 200 commercial breeders operating in North Carolina; of these, 79 are known to have more than 15 intact female dogs. AWS stresses the fact that this is most likely a very conservative estimate of the actual number of commercial dog breeders; since the industry is unregulated, it is essentially hidden, making an accurate estimate of the number of breeders, at best, an educated guess.

While regulation may cause some commercial breeders to shut down, AWS expects the number of known breeders to grow to 240 within five years. This growth is due to three main factors:

- Increased attention to the industry by DACS will uncover additional breeders;
- Inspected facilities will inform on their non-regulated competitors; and
- Increased public awareness of commercial dog breeding standards will increase the number of public complaints about commercial breeding facilities.

ASSUMPTIONS AND METHODOLOGY:

Expected Revenue

There are two sources of revenue under S.B. 460 – registration revenue and fines. All commercial breeding facilities would be required to register with AWS in order to operate. Failure to register is a Class 2 misdemeanor. The license fee is \$50. Assuming all known commercial breeders register in 2010, DACS would receive \$3,950 in revenue in the first year. This revenue is expected to increase to \$12,000 per year by FY 2013-14 due to the expected increase in the number of regulated facilities.

S.B. 460 allows AWS to assess penalties on breeders who fail to provide adequate care for their animals. The failure to properly care for the animals (house, exercise, feed, water, provide veterinary care, etc) is a Class 3 misdemeanor; for this offense, the breeder could also be subject to a fine of not less than \$50 per animal per day. Pursuant to Article IX, Section 7(b) of the Constitution, the proceeds of all civil penalties that are collected due to S.B. 460 would be deposited in the Civil Penalty and Forfeiture Fund. The proceeds may be diminished only by the actual costs of collection. The DACS' administrative withholding rate is 17.25%.

AWS does not expect significant revenue from fines. The bill does not require the inspection of facilities, making fines for failure to comply with standards unlikely. Businesses recognize that failure to comply with the regulations puts their livelihood at risk and that there are substantial legal costs associated with a challenge to AWS regulation. Moreover, assessing fines on commercial dog breeders is different than the fines AWS assesses on shelters and pet stores; shelters and stores advertize their services and AWS is aware of their location and operations. On the other hand, many commercial dog breeders operate outside of the public eye.

Consequently, the Fiscal Research Division has used a conservative estimate of the expected revenue from fines, assuming that one commercial breeder with the minimum number of dogs required to qualify as a commercial breeder (15 females and 30 puppies) is assessed the minimum fine (\$50) for only one day. The expected fine revenue in this scenario is \$2,250. As noted, this should be considered a low revenue estimate scenario as it assumes the minimum for all components. However, in some years, if no breeders are found to be in violations, no fines may be assessed and no revenue generated.

Table 1: Expected Revenue

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
Licenses					
Registered Breeders	79	100	150	200	240
Registration Revenue	\$ 3,950	\$ 5,000	\$ 7,500	\$ 10,000	\$ 12,000
Fines	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250
Total Revenue	\$ 6,200	\$ 7,250	\$ 9,750	\$ 12,250	\$ 14,250

Per G.S. 115C-457.2, the clear proceeds of the \$2,250 fine revenue will go to the Civil Penalty and Forfeiture Fund; DACS will retain its cost of collection based on its 17.25% administrative withholding rate. Table 2 shows the breakdown of the fine by recipient.

Table 2: Allocation of Fine Revenue

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
DACS	\$ 388	\$ 388	\$ 388	\$ 388	\$ 388
Civil Penalty & Forfeiture	\$ 1,862	\$ 1,862	\$ 1,862	\$ 1,862	\$ 1,862
Total Fine Revenue	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250	\$ 2,250

Expected Costs

Department of Agriculture and Consumer Services
Develop & Implement Standards

Housing situations at commercial dog breeding operations are sufficiently different from those in currently regulated facilities that AWS believes that new rules should be developed to accommodate the different goals of operation. Many states and the federal government have standards in place for breeding facilities that could serve as a model for North Carolina.

AWS anticipates that the development of standards will be controversial. The American Kennel Club and other organizations that promote ethical breeding are expected to object to regulating the commercial dog breeders. Assuming little controversy, new regulation could be implemented in approximately six months. However, because of the expected controversy, it could take a year or more to pass the rules.

There is a cost associated with developing standards. Existing staff time will be needed to develop the standards and travel expenses will be needed for public meetings. Developing commercial breeding standards will require approximately 189 hours from existing AWS staff, including a veterinarian, attorney, and paralegal. The total value of their time is \$8,830 in FY 2009-10 dollars. Table 3 outlines the duties these employees will perform.

Table 3: Cost to Develop Standards, FY 2009-10 Dollars

	Attorney		Veterinarian		Paralegal	
	Hours	Cost	Hours	Cost	Hours	Cost
Research & Draft Standards	80	\$3,855	80	\$3,845	0	\$ -
Prepare Rules	0	\$ -	0	\$ -	10	\$ 215
Conduct Public Hearing	3	\$ 145	3	\$ 144	0	\$ -
Review by Rules Review Commission	10	\$ 482	3	\$ 144	0	\$ -
Total Staff Hours & Cost	93	\$4,481	86	\$4,133	10	\$ 215

Staff costs have not been included in the total fiscal cost to the State. The task will occur only one time and be completed by existing staff. If new staff were required or the task were to be performed on an ongoing basis, these costs would be included in the fiscal impact.

AWS anticipates using the euthanasia public hearing process as a model. In this process, AWS published the rules in the NC Register, held one public meeting in conjunction with a Board of Agriculture meeting, sent the information to existing mailing lists, and placed the information on the department website. Assuming the public meeting was held in Raleigh, there would be no travel or subsistence costs associated with the meeting.

Finally, AWS will have costs associated with producing and educating breeders on the new standards. For the euthanasia rules, they scheduled ten public hearings to educate those directly affected by the rules. Assuming ten hearings would be needed, the total cost would be \$3,500 (FY 2009-10 dollars), including \$1,922 in staff time, \$ 1,234 in travel and subsistence, \$150 for web development, and \$100 for product production and printing. However, since existing staff would host the educational meetings, this cost has not been included in the fiscal impact of the bill. Additionally, the Fiscal Research Division believes that ten meetings are not needed. Table 4 provides detail on the costs to provide educational materials and ten meetings.

Table 4: Educational Materials & Meetings

	2009-10	2010-11	2011-12	2012-13	2013-14
Web development	\$ 150	\$ -	\$ -	\$ -	\$ -
Production & re/printing of materials	\$ 200	\$ -	\$ 104	\$ -	\$ 107
Educational meetings					
Total Mileage Reimbursement	\$ 1,025	\$ -	\$ -	\$ -	\$ -
Total Subsistence Reimbursement	\$ 209	\$ -	\$ -	\$ -	\$ -
Total Cost for Education	\$ 1,584	\$ -	\$ 104	\$ -	\$ 107

Registration of Commercial Breeders

AWS will have to develop a registration process for commercial dog breeders as well as process all registrations. They estimate that each registration will require one hour of administrative staff time. They will require a computer programmer to develop and “debug” the registration system. Existing staff will assume these responsibilities on a permanent basis; therefore, staff costs associated with registration have been included in the fiscal impact of S.B. 460. Supplies will also be needed. Table 5 provides detail on the expected costs to develop and implement the registration process. AWS indicated that they will need to replace the license/ registration printer in FY2010-11. Since this printer is currently owned by AWS and used for the printing of all registration and license documentation, Fiscal Research does not believe that the full cost of replacing this printer should be born by the commercial dog breeding section. The estimated 79 registrations that will be printed in FY 2009-10 are not the primary reason that the printer needs replacing; this cost has not been included in the fiscal impact of the bill.

Table 5: Expected Cost to Implement & Maintain Registration Process

	2009-10	2010-11	2011-12	2012-13	2013-14
Estimated number of facilities	79	100	150	200	240
Administrative Assistant	\$ 1,458	\$ 1,937	\$ 3,067	\$ 4,306	\$ 5,432
Computer Programmer	\$ 200				
Specialty license printer paper	\$ 150	\$ 150	\$ 150	\$ 150	\$ 150
Postage for application notification	\$ 35	\$ 45	\$ 69	\$ 94	\$ 115
Printing costs	\$ 8	\$ 10	\$ 15	\$ 20	\$ 24
Total Costs for Registration	\$ 1,851	\$ 2,142	\$ 3,301	\$ 4,570	\$ 5,721

S.B. 460 will not require AWS to inspect commercial dog breeders; counties will have the sole responsibility to investigate violations related to commercial breeding operations and to take the appropriate enforcement actions authorized by law. It is expected that most investigations would come due to complaints about specific facilities. The cost to counties of inspecting commercial breeding facilities cannot be determined without detailed information on the cost of inspections in each county as well as an accurate estimate of the number of commercial breeding facilities in each county; this information is not available.

Table 6 summaries all expected expenditures for DACS due to S.B. 460.

Table 6: Expected Expenditures Associated with S.B. 460

	2009-10	2010-11	2011-12	2012-13	2013-14
Develop & Implement Rules	\$ -	\$ -	\$ -	\$ -	\$ -
Educational Outreach	\$ 1,584	\$ -	\$ 207	\$ -	\$ 215
Registration Costs	\$ 1,851	\$ 2,142	\$ 3,301	\$ 4,570	\$ 5,721
Consumer Protection Registry	\$ -	\$ -	\$ -	\$ -	\$ -
Total Expected Cost	\$ 3,435	\$ 2,142	\$ 3,508	\$ 4,570	\$ 5,936

Department of Correction

Section 6 enacts G.S. 19A-29.3, making it a Class 3 misdemeanor for a commercial dog breeder to fail to adequately house, exercise, feed, water, provide adequate veterinary care, or otherwise meet the standards of care for the animals in the commercial breeder's custody or possession.

Because the proposed Section 6 creates a new offense, the NC Sentencing and Policy Advisory Commission does not have any historical data from which to estimate the impact of this section on the prison population. It is not known how many offenders might be convicted and sentenced under the proposed section. In FY 2007-08, 24% of Class 3 misdemeanors convictions resulted in active sentences. The average estimated time served for Class 3 misdemeanor convictions was 3 days. Offenders serving active sentences of 90 days or less are housed in county jails. Therefore, convictions for this proposed offense would not be expected to have significant impact on the prison population. The impact on local jail populations is not known.

As noted above, some portion of "commercial breeders" under the proposed law are already subject to licensure as "dealers." Under G.S. 19A-35, it is currently a Class 3 misdemeanor for any person subject to licensure to fail to adequately house, feed, and water animals in his possession or custody. Therefore, a portion of the potential offender pool for the new offense is already subject to prosecution for a Class 3 misdemeanor under G.S. 19A-35. AOC currently does not have a specific offense code for violations of G.S. 19A-35. The lack of AOC offense code is some indication that this offense is infrequently charged and/or infrequently results in convictions.

The new offense would also cover certain acts by "commercial breeders" which are currently covered by general animal cruelty laws. Animal cruelty offenses typically require a showing of intentional conduct. They are also classified more highly than the proposed Class 3 misdemeanor. (For example; under subsection (a) of G.S. 14-360, it is a Class 1 misdemeanor to intentionally, inter alia, deprive any animal of necessary sustenance.) The proposed offense would not appear to result in any prison impact vis-à-vis the acts that are covered by these more serious offenses.

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, Fiscal Research does not assume deterrent effects for any criminal penalty bill.

Judicial Branch

The Administrative Office of the Courts (AOC) has no data from which to determine the number of new Class 3 misdemeanor charges under this bill. Some individuals who would be considered "commercial breeders" under this bill already qualify as "dealers" under G.S. 19A-23. It is

currently a Class 2 misdemeanor to operate as a dealer without a license (G.S. 19A-34) and a Class 3 misdemeanor for any person subject to licensure to fail to adequately care for animals in his possession or custody. AOC does not know the number of defendants charged with these misdemeanors in the past, nor the additional number of people who would come under the new licensing requirements of this bill.

To the extent that this legislation broadens the number of people charged with Class 3 misdemeanors, there will be an impact on the court system. Because commercial breeders by definition are responsible for multiple dogs, it is possible that offenders charged under this bill would face multiple charges, which could add to the complexity of the cases and increase costs. In FY 2007-08, a typical misdemeanor case took approximately 87 days to dispose in District Court. Any increase in judicial caseload without accompanying resources could be expected to further delay the disposition of cases.

The new Class 3 misdemeanor offense would also cover some acts by commercial breeders that are already covered as higher-level misdemeanors under animal cruelty statutes. In 2008, there were 502 defendants charged with misdemeanor cruelty to animals (Class 1 misdemeanor), which includes intentionally depriving an animal of necessary sustenance, and 33 defendants were charged with abandonment of an animal (Class 2 misdemeanor). To the extent that commercial breeders are already charged at a higher offense level under existing statutes, the Class 3 misdemeanor in this bill would have no impact.

AOC provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

SOURCES OF DATA:

Department of Correction,
Administrative Office of the Courts,
Department of Agriculture and Consumer Services

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Lanier McRee, Danielle Seale

APPROVED BY: Marilyn Chism, Director
Fiscal Research Division

DATE: August 7, 2009



Signed Copy Located in the NCGA Principal Clerk's Offices

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

CORRECTED REPORT

Thursday, August 06, 2009

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

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

H.B.(CS #1) 764	2009 Speaker's Appointments Bill.	
	Draft Number:	50793
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

MINUTES
RULES AND OPERATIONS OF THE SENATE
AUGUST 6, 2009

The Committee on Rules and Operations of the Senate met on August 6, 2009 at a recess at 3:30 p.m. during the session on August 6, 2009 at Senator Rand's chamber desk. Sixteen members of the committee were present. Senator Rand, chairman of the committee presided.

Senator Rand presented the committee with a proposed Committee Substitute for **House Bill 764 – 2009 Speaker's Appointments.**

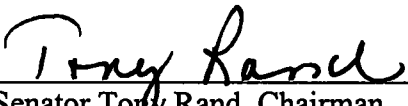
Senator Hoyle moved for the adoption of the committee substitute.

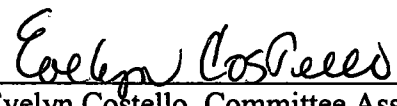
SENATE BILL (C.S.) 764 – 2009 APPOINTMENTS BILL

Senator Rand presented the committee with copies of the bill which listed all the appointments made by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Senator Rand presented the committee with an amendment removing Kimberly Clark of Mecklenberg County to the NC Respiratory Care Board on Page 7, Line 33 of the bill. She was listed in the bill twice.

Senator Soles moved for adoption of the bill and the committee gave **Senate Bill (C.S.) 764** a favorable report, as amended.

The meeting adjourned at 3:45 p.m.


Senator Tony Rand, Chairman


Evelyn Costello, Committee Ass't

Amendment
line 33
Kimberly Clark
Taken out

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

HOUSE BILL 764

Committee Substitute Favorable 8/5/09

PROPOSED SENATE COMMITTEE SUBSTITUTE H764-PCS50793-LG-15

Short Title: 2009 Appointments Bill.

(Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain
appointments to public offices upon the recommendation of the Speaker of the House of
Representatives and the President Pro Tempore of the Senate; and

Whereas, the Speaker of the House of Representatives and the President Pro
Tempore of the Senate have made recommendations; Now, therefore,
The General Assembly of North Carolina enacts:

PART I. SPEAKER'S RECOMMENDATIONS

SECTION 1.1. The Honorable Willis P. Whichard of Chatham County and Linda
S. Suggs of Wake County are appointed to the North Carolina Center for the Advancement for
Teaching Board of Trustees for terms expiring on June 30, 2013.

SECTION 1.2. Effective October 1, 2009, the Honorable Donald A. Bonner of
Robeson County is appointed to the African-American Heritage Commission for a term
expiring on September 30, 2012.

SECTION 1.3. Henry Vines of Alamance County is appointed to the North
Carolina Agricultural Finance Authority for a term expiring on June 30, 2012.

SECTION 1.4.(a) Larry W. McClellan of Forsyth County is appointed to the
Alarm Systems Licensing Board for a term expiring on June 30, 2012.

SECTION 1.4.(b) Effective January 1, 2010, Guy John Phillips of Jackson County
is appointed to the Alarm Systems Licensing Board for a term expiring on June 30, 2012.

SECTION 1.5. David B. Fountain of Wake County is appointed to the North
Carolina Capital Facilities Finance Agency Board of Directors for a term expiring on March 1,
2013.

SECTION 1.6. Leonard J. "Boscoe" Fulcher of Durham County is appointed to the
North Carolina Cemetery Commission for a term expiring on June 30, 2013.

SECTION 1.7. Judi K. Grainger of Wake County and Ray N. Rouse III of Wake
County are appointed to the Centennial Authority for terms expiring on June 30, 2013.

SECTION 1.8. Angela Boyce Davis of Guilford County and Jennifer Svenstrup of
Buncombe County are appointed to the Child Care Commission for terms expiring on June 30,
2011.



1 **SECTION 1.9.** David Yarasheski of Sampson County is appointed to the State
2 Board of Chiropractic Examiners for a term expiring on June 30, 2011.

3 **SECTION 1.10.** Polly G. Barnhardt of Davie County is appointed to the North
4 Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2012.

5 **SECTION 1.11.** The Honorable James K. Festerman of Rockingham County,
6 Richard J. Armstrong of Wake County, Vernon Julius Bryant of Halifax County, and Kevin G.
7 Wallace of Wake County are appointed to the North Carolina Criminal Justice Education and
8 Training Standards Commission for terms expiring on June 30, 2011.

9 **SECTION 1.12.** Todd Jones of Orange County is appointed to the North Carolina
10 Criminal Justice Information Network Governing Board for a term expiring on June 30, 2013.

11 **SECTION 1.13.** Michelle Futrell of Wake County is appointed to the North
12 Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2012.

13 **SECTION 1.14.** The Honorable Karen B. Ray of Iredell County and Michael J.
14 Houser of Johnston County are appointed to the Disciplinary Hearing Commission of the North
15 Carolina State Bar for terms expiring on June 30, 2012.

16 **SECTION 1.15.** Effective October 1, 2009, Edward C. Hay, Jr., of Buncombe
17 County is appointed to the Dispute Resolution Commission for a term expiring on September
18 30, 2012.

19 **SECTION 1.16.** Effective September 1, 2009, Marisol D. Barr of Pitt County and
20 the Honorable Beverly A. Scarlett of Orange County are appointed to the Domestic Violence
21 Commission for terms expiring on August 31, 2011.

22 **SECTION 1.17.** Effective January 1, 2010, the Honorable Stanley H. Fox of
23 Granville County and Tom Vanderbeck of Chatham County are appointed to the e-NC
24 Authority Commission for terms expiring on December 31, 2011.

25 **SECTION 1.18.** Wanda Edwards Yuhas of Pitt County is appointed to North
26 Carolina's Eastern Region Development Commission for a term expiring on June 30, 2011, to
27 fill the unexpired term of John D. Chaffee.

28 **SECTION 1.19.** Representative Marvin W. Lucas of Cumberland County is
29 appointed to the Education Commission of the States for a term expiring on December 31,
30 2010.

31 **SECTION 1.20.** John S. Curry of Buncombe County and Yvonne C. Bailey of
32 Wake County are appointed to the Environmental Management Commission for terms expiring
33 on June 30, 2011.

34 **SECTION 1.21.** R. Gene Braswell of Wayne County is appointed to the Board of
35 Directors of the North Carolina Global TransPark Authority for a term expiring on June 30,
36 2013.

37 **SECTION 1.22.** Gerald W. Canipe of Cumberland County is appointed to the
38 North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2013.

39 **SECTION 1.23.** William C. Lackey, Jr., of Mecklenburg County, William C.
40 Fitzgerald of Moore County, Paul S. Jaber of Nash County, and James W. Oglesby of
41 Buncombe County are appointed to the North Carolina Housing Finance Agency Board of
42 Directors for terms expiring on June 30, 2011.

43 **SECTION 1.24.** Effective September 1, 2009, Constance Stancil of Durham
44 County, E.G. "Ned" Fowler of Watauga County, Scott Dedmon of Buncombe County, Bryan
45 D. Coyle of Wake County, and Tonia W. Scott of Wake County are appointed to the North
46 Carolina Housing Partnership for terms expiring on August 31, 2012.

47 **SECTION 1.25.** Effective October 1, 2009, Michael F. Currin of Granville County
48 is appointed to the North Carolina Irrigation Contractors' Licensing Board for a term expiring
49 on September 30, 2012.

50 **SECTION 1.26.** The Honorable Noah Woods of Robeson County, Ashley Miles
51 Honeycutt of Wake County, Representative Jennifer Weiss of Wake County, Representative

1 Arthur Williams of Beaufort County, Representative Larry W. Womble of Forsyth County,
2 Sylvia Coleman of Guilford County, W. Robert Bizzell of Lenoir County, and Karen Anne
3 McCall of Durham County are appointed to the Justus-Warren Heart Disease and Stroke
4 Prevention Task Force for terms expiring on June 30, 2011.

5 **SECTION 1.27.** Dean E. Vavra of Forsyth County is appointed to the License to
6 Give Trust Fund Commission for a term expiring December 31, 2010, to fill the unexpired term
7 of Jens Saakvitne.

8 **SECTION 1.28.** The Honorable Fred Folger, Jr., of Surry County is appointed to
9 the Local Government Commission for a term expiring on June 30, 2013.

10 **SECTION 1.29.** James D. Storie of Watauga County is appointed to the North
11 Carolina Locksmith Licensing Board for a term expiring on December 31, 2010, to fill the
12 unexpired term of Larry K. Hayes.

13 **SECTION 1.30.** Dell Averette of Wake County, Katrina F. Bryant of Pasquotank
14 County, and Wayne E. Carpenter of Johnston County are appointed to the North Carolina
15 Manufactured Housing Board for terms expiring on June 30, 2012.

16 **SECTION 1.31.** Jamie A. Huffman of Buncombe County and Kevin E. Powell of
17 Chatham County are appointed to the North Carolina Board of Massage and Bodywork
18 Therapy for terms expiring on June 30, 2012.

19 **SECTION 1.32.** Dr. John J. Haggerty, Jr., of Orange County, Debra Dihoff of
20 Orange County, and Jennifer Brobst of Durham County are appointed to the Commission for
21 Mental Health, Developmental Disabilities, and Substance Abuse Services for terms expiring
22 on June 30, 2012.

23 **SECTION 1.33.** LeAnder Canady of Guilford County and Kaola Allen Phoenix of
24 Orange County are appointed to the North Carolina Museum of Art Board of Trustees for terms
25 expiring on June 30, 2011.

26 **SECTION 1.34.** Robert B. Smith of Mecklenburg County is appointed to the 911
27 Board for a term expiring on December 31, 2014, to fill the unexpired term of William Craigle.

28 **SECTION 1.35.** Eddie J. Lynch of Currituck County, the Honorable Thomas B.
29 Richter of Beaufort County, and the Honorable Drewery N. Beale of Halifax County are
30 appointed to the North Carolina's Northeast Commission for terms expiring on June 30, 2011.

31 **SECTION 1.36.** James Lamar Mitchell of Catawba County and Evelyn Pet
32 Shepherd Pruden, Ph.D., of Wilson County are appointed to the North Carolina Nursing
33 Scholars Commission for terms expiring on June 30, 2013.

34 **SECTION 1.37.** Diana M. Rashash, Ph.D., of Onslow County is appointed to the
35 North Carolina On-Site Wastewater Contractors and Inspectors Certification Board for a term
36 expiring on July 1, 2012.

37 **SECTION 1.38.(a)** Ashley B. "Brownie" Futrell of Beaufort County is appointed
38 to the North Carolina Parks and Recreation Authority for a term expiring on June 30, 2010, to
39 fill the unexpired term of Thomas S. Blue.

40 **SECTION 1.38.(b)** Jennifer S. Andrews, Esq., of Chatham County and Edward W.
41 Wood of New Hanover County are appointed to the North Carolina Parks and Recreation
42 Authority for terms expiring on June 30, 2012.

43 **SECTION 1.39.** Robert M. Clark of Stanly County, Mack Donaldson of Guilford
44 County, William F. Booth of Wake County, and Sally K. Pleasant of Stanly County are
45 appointed to the Private Protective Services Board for terms expiring on June 30, 2012.

46 **SECTION 1.40.** The Honorable Stanley H. Fox of Granville County and H.W.
47 "Herb" Crenshaw of Wake County are appointed to the North Carolina Agency for Public
48 Telecommunications for terms expiring on June 30, 2011.

49 **SECTION 1.41.** John L. Atkins, III, of Durham County is appointed to the North
50 Carolina Railroad Company Board of Directors for a term expiring on June 30, 2013.

1 **SECTION 1.42.** Michelle Lowery of Buncombe County is appointed to the North
2 Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2011, to fill the
3 unexpired term of Janet Baldwin.

4 **SECTION 1.43.** Effective November 1, 2009, Joseph Paul Coyle, M.D., of Gaston
5 County and Kimberly M. Clark of Mecklenburg County are appointed to the North Carolina
6 Respiratory Care Board for terms expiring on October 31, 2012.

7 **SECTION 1.44.** Walter E. Daniels of Durham County, Dr. Thomas E. Brooks of
8 Wake County, and O. Rolf Blizzard, III, of Wake County are appointed to the Roanoke Island
9 Commission for terms expiring on June 30, 2011.

10 **SECTION 1.45.** The Honorable Clarence E. Horton, Jr., of Cabarrus County,
11 Jennie Jarrell Hayman of Wake County, and Daniel F. McLawhorn of Wake County are
12 appointed to the Rules Review Commission for terms expiring on June 30, 2011.

13 **SECTION 1.46.** Hughley B. Spruill, Sr., of Cumberland County and Dr. Richard J.
14 Richardson of Chatham County are appointed to the Board of Trustees of the North Carolina
15 School of Science and Mathematics for terms expiring on June 30, 2011.

16 **SECTION 1.47.** W. Hugh Thompson of Wake County is appointed to the North
17 Carolina Board of Science and Technology for a term expiring on June 30, 2011.

18 **SECTION 1.48.** Gwen A. White of Tyrrell County is appointed to the North
19 Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2011.

20 **SECTION 1.49.** Jarrett A. Crowe of Swain County is appointed to the North
21 Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2011, to fill the
22 unexpired term of Bryan S. Evans.

23 **SECTION 1.50.** Michael Green of Cumberland County, Kermit D. Williamson of
24 Sampson County, and James L. F. Smith of New Hanover County are appointed to the
25 Southeastern North Carolina Regional Economic Development Commission for terms expiring
26 on June 30, 2013.

27 **SECTION 1.51.** Rodney Dickerson of Wake County is appointed to the State
28 Building Commission for a term expiring on June 30, 2012.

29 **SECTION 1.52.** Effective July 1, 2008, the Honorable Louis M. Pate, Jr., of
30 Wayne County and John H. Cilley, IV, of Catawba County are appointed to the State Health
31 Plan Administrative Commission for terms expiring on June 30, 2010.

32 **SECTION 1.53.** John E. Hammond, Ph.D., of Chatham County is appointed to the
33 Board of Trustees of the State Health Plan for Teachers and State Employees for a term
34 expiring on June 30, 2011.

35 **SECTION 1.54.** The Honorable J. Marlene Hyatt of Haywood County is appointed
36 to the North Carolina State Lottery Commission for a term expiring on August 31, 2013, to fill
37 the unexpired term of Dr. Edward B. Fort.

38 **SECTION 1.55.** Mona M. Keech of Wake County is appointed to the North
39 Carolina Supplemental Retirement Board of Trustees for a term expiring on June 30, 2010.

40 **SECTION 1.56.** Jesse Smith Capel of Montgomery County is appointed to the
41 North Carolina State Ports Authority for a term expiring on June 30, 2011.

42 **SECTION 1.57.** Susan Johnson Jones of Chatham County and Tina Beacham of
43 Pitt County are appointed to the North Carolina Teacher Academy Board of Trustees for terms
44 expiring on June 30, 2013.

45 **SECTION 1.58.** Donald L. Tarkenton of Chatham County is appointed to the
46 Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring
47 on June 30, 2011.

48 **SECTION 1.59.** Stephanie Lemon of Guilford County is appointed to the North
49 Carolina Teaching Fellows Commission for a term expiring on June 30, 2013.

1 **SECTION 1.60.** Effective January 14, 2009, Edward C. Hay, Jr., of Buncombe
2 County is appointed to the North Carolina Turnpike Authority for a term expiring on January
3 14, 2013.

4 **SECTION 1.61.** Clement Geitner of Catawba County is appointed to the Board of
5 Trustees of the University of North Carolina Center for Public Television for a term expiring
6 on June 30, 2011.

7 **SECTION 1.62.** William P. Tatum of Lee County and Linda Willey of Dare
8 County are appointed to the University of North Carolina Umstead Review Panel for terms
9 expiring on May 1, 2013.

10 **SECTION 1.63.** Cassandra "Casey" Champion of Granville County is appointed to
11 the Well Contractors Certification Commission for a term expiring on June 30, 2012.

12 **SECTION 1.64.** Henry H. Doss of Ashe County, Charles M. "Mike" Fulenwider of
13 Burke County, and George Couch of Polk County are appointed to the Western North Carolina
14 Regional Economic Development Commission for terms expiring on June 30, 2013.

15 **SECTION 1.65.** John L. Clark of Sampson County, Durwood S. Laughinghouse of
16 Wake County, Mitch St. Clair, Sr., of Beaufort County, and Charles "Chuck" W. Bennett of
17 Mecklenburg County are appointed to the North Carolina Wildlife Resources Commission for
18 terms expiring on June 30, 2011.

19
20 **PART 11. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS**

21 **SECTION 2.1.** Andrew Kingoff of New Hanover County is appointed to the
22 Acupuncture Licensing Board for a term expiring on June 30, 2012.

23 **SECTION 2.2.** Frankie Day of Guilford County is appointed to the
24 African-American Heritage Commission for a term expiring on June 30, 2012.

25 **SECTION 2.3.** Robert Timberlake of Wake County and Ed Emory of Duplin
26 County are appointed to the North Carolina Agricultural Finance Authority for terms expiring
27 on July 1, 2012.

28 **SECTION 2.4.** Sidney Jessup of Dare County is appointed to the North Carolina
29 Appraisal Board for a term expiring on June 30, 2012.

30 **SECTION 2.5.** Robert Casmus of Rowan County and Michelle E. Piette of Wake
31 County are appointed to the North Carolina Board of Athletic Trainer Examiners for terms
32 expiring on June 30, 2012.

33 **SECTION 2.6.** Dickie Powell of Brunswick County is appointed to the North
34 Carolina Cemetery Commission for a term expiring on June 30, 2013.

35 **SECTION 2.7.** Barbara Hardy of Dare County and Grace Edwards of Gaston
36 County are appointed to the North Carolina Center for the Advancement of Teaching Board of
37 Trustees for terms expiring on June 30, 2012.

38 **SECTION 2.8.** Magdalena Cruz of Nash County and Penny Davis of Rutherford
39 County are appointed to the Child Care Commission for terms expiring on June 30, 2011.

40 **SECTION 2.9.(a)** Yevonne Brannon of Wake County, Bill Hollan of Forsyth
41 County, and Aaron K. Thomas of Robeson County are appointed to the Clean Water
42 Management Trust Fund Board of Trustees for terms expiring on July 1, 2013.

43 **SECTION 2.9.(b)** Betty Chafin Rash of Mecklenburg County is appointed to the
44 Clean Water Management Trust Fund Board of Trustees for a term expiring on July 1, 2011, to
45 fill the unexpired term of Dr. Lloyd Hackley.

46 **SECTION 2.10.** Joyce Cutler of Beaufort County is appointed to the Crime
47 Victims Compensation Commission for a term expiring on June 30, 2013.

48 **SECTION 2.11.** Steve Johnson of Wake County, Terry Lee Waterfield of
49 Pasquotank County, Annie Harvey of Wake County, and Ricky Anderson of Pasquotank
50 County are appointed to the North Carolina Criminal Justice Education and Training Standards
51 Commission for terms expiring on June 30, 2011.

1 **SECTION 2.12.** Robert Lee of Anson County, Doug Logan of Granville County,
2 and Bill Stice of Wake County are appointed to the Criminal Justice Information Network
3 Governing Board for terms expiring on June 30, 2013.

4 **SECTION 2.13.** Kathleen V. Sodoma of Wayne County is appointed to the North
5 Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2012.

6 **SECTION 2.14.** Charles L. Garrett, Jr. of Onslow County is appointed to the
7 Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring on June
8 30, 2012.

9 **SECTION 2.15.** Effective September 1, 2009, Lynn Bryant of Dare County, Linda
10 Hold-Cox of Wayne County, and Betsy Wells of Cleveland County are appointed to the
11 Domestic Violence Commission for terms expiring on August 31, 2011.

12 **SECTION 2.16.** Stan Crowe of Martin County, Freddie Harrill of Cleveland
13 County, and Forrest Westfall of Yancey County are appointed to the Environmental
14 Management Commission for terms expiring on June 30, 2011.

15 **SECTION 2.17.** Chris Smith of Hertford County is to be appointed to the State
16 Fire and Rescue Commission for a term expiring on June 30, 2010, to fill the unexpired term of
17 William Winn.

18 **SECTION 2.18.** Jack Kellogg of Dare County is appointed to the Board of
19 Directors of the North Carolina Global TransPark Authority for a term expiring on June 30,
20 2011, to fill the unexpired term of Durwood Stephenson.

21 **SECTION 2.19.** Dean Carpenter of Gaston County, Sam Ewell of Wake County,
22 and John White of Dare County are appointed to the North Carolina Housing Finance Agency
23 Board of Directors for terms expiring on June 30, 2013.

24 **SECTION 2.20.** Paul Brooks of Robeson County is appointed to the North
25 Carolina State Commission of Indian Affairs for a term expiring on June 30, 2011.

26 **SECTION 2.21.** Ashley Benton of Wake County, Wayne Giese of Burke County,
27 and Jane Dolan of Wake County are appointed to the North Carolina Interpreter and
28 Transliterator Licensing Board for terms expiring on June 30, 2012.

29 **SECTION 2.22.** The Honorable Don Davis of Wayne County is appointed to the
30 Interstate Commission of Educational Opportunity for Military Children State Council to serve
31 at the pleasure of the appointing authority, to fill the unexpired term of Senator Vernon
32 Malone.

33 **SECTION 2.23.** Effective October 1, 2009, W. Charles Nieman of Dare County is
34 appointed to the North Carolina Irrigation Contractors' Licensing Board for a term expiring on
35 September 30, 2012.

36 **SECTION 2.24.** Lonnie Player of Cumberland County is appointed to the State
37 Judicial Council for a term expiring on December 31, 2012.

38 **SECTION 2.25.** Kathryn Alphorn of Guilford County, the Honorable Katie Dorsett
39 of Guilford County, the Honorable Jim Forrester of Gaston County, Gladys Lundy of Wake
40 County, Joe Morgan of Pitt County, Carolyn Tracy of Cumberland County, and Dr. Rosemary
41 Summers of Orange County are appointed to the Justus-Warren Heart Disease and Stroke
42 Prevention Task Force for terms expiring on June 30, 2011.

43 **SECTION 2.26.** Robin Surane of Mecklenburg County is appointed to the License
44 to Give Trust Fund Commission for a term expiring on December 31, 2009, to fill the
45 unexpired term of William Faircloth.

46 **SECTION 2.27.** Frederick Turnage of Nash County is appointed to the Local
47 Government Commission for a term expiring on June 30, 2013.

48 **SECTION 2.28.** Steve Bright of Cumberland County is appointed to the North
49 Carolina Locksmith Licensing Board for a term expiring on December 31, 2009, to fill the
50 unexpired term of Ronald Cox.

1 **SECTION 2.29.** Michael Perkins of Wake County is appointed to the North
2 Carolina Manufactured Housing Board for a term expiring on June 30, 2012.

3 **SECTION 2.30.** Dr. Joan Cornoni-Huntley of Orange County and Dr. Dudley
4 Anderson of Wilson County are appointed to the North Carolina Museum of Art Board of
5 Trustees for terms expiring on June 30, 2011.

6 **SECTION 2.31.** In order to establish staggered terms required by G.S. 158-8.2(c),
7 Ernie Bowden of Currituck County, Elsie Griggs Pugh of Camden County, and David Twiddy
8 of Chowan County are appointed to the North Carolina's Northeast Commission for terms
9 expiring on June 30, 2011, and Larry Johnson of Camden County, Gene Rogers of Martin
10 County, and Robert Spivey of Bertie County are appointed to the North Carolina's Northeast
11 Commission for terms expiring on June 30, 2012.

12 **SECTION 2.32.** Virginia Adams of New Hanover County and Kathy Weeks of
13 Harnett County are appointed to the North Carolina Nursing Scholars Commission for terms
14 expiring on June 30, 2013.

15 **SECTION 2.33.** Glenn Hines of Currituck County is appointed to the North
16 Carolina On-Site Wastewater Contractors and Inspectors Certification Board for a term
17 expiring on June 30, 2012.

18 **SECTION 2.34.** Boyd Lee of Pitt County and Cody Grasty of Haywood County
19 are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June
20 30, 2012.

21 **SECTION 2.35.** William Weatherspoon of Wake County, Douglas Howey of
22 Wake County, Thomas Mehder of Mecklenburg County, Anne Coan of Wake County, and
23 Michael Hare of Perquimans County are appointed to the North Carolina Petroleum
24 Underground Storage Tank Funds Council for terms expiring on June 30, 2011.

25 **SECTION 2.36.** Eric L. Jones of Cabarrus County, Ronnie Smith of Cumberland
26 County, and Richard Jenkins of Nash County are appointed to the Private Protective Services
27 Board for terms expiring on June 30, 2012.

28 **SECTION 2.37.** Martin Bocock of Wake County and Jack Stanley of Guilford
29 County are appointed to the North Carolina Agency for Public Telecommunications for terms
30 expiring on June 30, 2011.

31 **SECTION 2.38.** John Pike of Wayne County is appointed to the North Carolina
32 Railroad Board of Directors for a term expiring on June 30, 2013.

33 **SECTION 2.39.** ~~Effective November 1, 2009, Kimberly Clark of Mecklenburg~~
34 ~~County and Dr. Ed Bratzke of Wake County are appointed to the North Carolina Respiratory~~
35 ~~Care Board for terms expiring on October 31, 2012.~~

36 **SECTION 2.40.** Norma Houston of Dare County, Moncie "Punk" Daniels, and
37 Glenn Eure of Dare County are appointed to the Roanoke Island Commission for terms
38 expiring on June 30, 2011.

39 **SECTION 2.41.** Jim Funderburke of Gaston County, Jeff Gray of Wake County,
40 David R. Twiddy of Pasquotank County, Ralph A. Walker of Wake County, and Jerry Crisp of
41 Burke County are appointed to the Rules Review Commission for terms expiring on June 30,
42 2011.

43 **SECTION 2.42.** Kirk Alan Preiss of Wake County is appointed to the North
44 Carolina Board of Science and Technology for a term expiring on June 30, 2011.

45 **SECTION 2.43.** Bruce Beasley of Wilson County and Hih Song Kim of Brooklyn,
46 New York, are appointed to the Board of Trustees of the North Carolina School of Science and
47 Mathematics for terms expiring on June 30, 2013.

48 **SECTION 2.44.** Russell Lee Stetson of Dare County is appointed to the North
49 Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2011.

1 **SECTION 2.45.** The Honorable Rodney Midgett is appointed to the North
2 Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June
3 30, 2011.

4 **SECTION 2.46.** William Phipps of Columbus County, William Robinette of
5 Richmond County, and Jane Smith of Robeson County are appointed to the Southeastern North
6 Carolina Regional Economic Commission for terms expiring on June 30, 2013.

7 **SECTION 2.47.** Dewitt Hardee of Johnston County is appointed to the Southern
8 Dairy Compact Commission for a term expiring on June 30, 2013.

9 **SECTION 2.48.** Terry Turner of New Hanover County and Valoree Eikinas of
10 Wake County are appointed to the State Building Commission for terms expiring on June 30,
11 2012.

12 **SECTION 2.49.** Derryl Garner of Carteret County is appointed to the North
13 Carolina State Ports Authority for a term expiring on June 30, 2011.

14 **SECTION 2.50.** Dexter Perry of Wake County is appointed to the Supplemental
15 Retirement Board of Trustees for a term expiring on June 30, 2010.

16 **SECTION 2.51.** Anna Austin of Buncombe County and Dorothy Crowe of Person
17 County are appointed to the North Carolina Teacher Academy Board of Trustees for terms
18 expiring on June 30, 2013.

19 **SECTION 2.52.** William Moyer of Henderson County is appointed to the Board of
20 Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June
21 30, 2011.

22 **SECTION 2.53.** Lyndo Tippet of Cumberland County is appointed to the Board of
23 Trustees of the State Health Plan for Teachers and State Employees for a term expiring on June
24 30, 2010, to fill the unexpired term of Marion Sullivan.

25 **SECTION 2.54.** Jane Norwood of Mecklenburg County is appointed to the North
26 Carolina Teaching Fellows Commission for a term expiring on June 30, 2013.

27 **SECTION 2.55.** Laney Wilson of New Hanover County is appointed to the North
28 Carolina Turnpike Authority for a term expiring on January 14, 2013.

29 **SECTION 2.56.** Ashley Thrift of Forsyth County is appointed to the Board of
30 Trustees of the University of North Carolina Center for Public Television for a term expiring
31 on June 30, 2011.

32 **SECTION 2.57.** Joyce Grant of Durham County and Bill Warden of Wilkes
33 County are appointed to the University of North Carolina Umstead Review Panel for terms
34 expiring on May 1, 2012.

35 **SECTION 2.58.** John Nycamp of Guilford County is appointed to the Well
36 Contractors Certification Commission for a term expiring on June 30, 2012.

37 **SECTION 2.59.** Mark Burrows of Transylvania County, Larry Kernea of Cherokee
38 County, and Elizabeth Miller of Rutherford County are appointed to the Western North
39 Carolina Regional Economic Development Commission for terms expiring on June 30, 2013.

40 **SECTION 2.60.** Dell Murphy of Duplin County, Maughan Hull of Pasquotank
41 County, Eugene Price of Wayne County, and Bobby Purcell of Wake County are appointed to
42 the Wildlife Resources Commission for terms expiring on June 30, 2011.

43 **PART III. EFFECTIVE DATE**

44 **SECTION 3.1.** The headings to the parts and sections of this act are a convenience
45 to the reader and are for reference only.

46 **SECTION 3.2.** Unless otherwise provided for in this act, appointments are for
47 terms to begin July 1, 2009.

48 **SECTION 3.3.** This act is effective when it becomes law.
49

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

2

**HOUSE BILL 764
Committee Substitute Favorable 8/5/09**

Short Title: 2009 Speaker's Appointments Bill.

(Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

**AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.**

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

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SECTION 1.10. Polly G. Barnhardt of Davie County is appointed to the North Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2012.



* H 7 6 4 - V - 2 *

1 **SECTION 1.11.** The Honorable James K. Festerman of Rockingham County,
2 Richard J. Armstrong of Wake County, Vernon Julius Bryant of Halifax County, and Kevin G.
3 Wallace of Wake County are appointed to the North Carolina Criminal Justice Education and
4 Training Standards Commission for terms expiring on June 30, 2011.

5 **SECTION 1.12.** Todd Jones of Orange County is appointed to the North Carolina
6 Criminal Justice Information Network Governing Board for a term expiring on June 30, 2013.

7 **SECTION 1.13.** Michelle Futrell of Wake County is appointed to the North
8 Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2012.

9 **SECTION 1.14.** The Honorable Karen B. Ray of Iredell County and Michael J.
10 Houser of Johnston County are appointed to the Disciplinary Hearing Commission of the North
11 Carolina State Bar for terms expiring on June 30, 2012.

12 **SECTION 1.15.** Effective October 1, 2009, Edward C. Hay, Jr., of Buncombe
13 County is appointed to the Dispute Resolution Commission for a term expiring on September
14 30, 2012.

15 **SECTION 1.16.** Effective September 1, 2009, Marisol D. Barr of Pitt County and
16 the Honorable Beverly A. Scarlett of Orange County are appointed to the Domestic Violence
17 Commission for terms expiring on August 31, 2011.

18 **SECTION 1.17.** Effective January 1, 2010, the Honorable Stanley H. Fox of
19 Granville County and Tom Vanderbeck of Chatham County are appointed to the e-NC
20 Authority Commission for terms expiring on December 31, 2011.

21 **SECTION 1.18.** Wanda Edwards Yuhas of Pitt County is appointed to North
22 Carolina's Eastern Region Development Commission for a term expiring on June 30, 2011, to
23 fill the unexpired term of John D. Chaffee.

24 **SECTION 1.19.** Representative Marvin W. Lucas of Cumberland County is
25 appointed to the Education Commission of the States for a term expiring on December 31,
26 2010.

27 **SECTION 1.20.** John S. Curry of Buncombe County and Yvonne C. Bailey of
28 Wake County are appointed to the Environmental Management Commission for terms expiring
29 on June 30, 2011.

30 **SECTION 1.21.** R. Gene Braswell of Wayne County is appointed to the Board of
31 Directors of the North Carolina Global TransPark Authority for a term expiring on June 30,
32 2013.

33 **SECTION 1.22.** Gerald W. Canipe of Cumberland County is appointed to the
34 North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2013.

35 **SECTION 1.23.** William C. Lackey, Jr., of Mecklenburg County, William C.
36 Fitzgerald of Moore County, Paul S. Jaber of Nash County, and James W. Oglesby of
37 Buncombe County are appointed to the North Carolina Housing Finance Agency Board of
38 Directors for terms expiring on June 30, 2011.

39 **SECTION 1.24.** Effective September 1, 2009, Constance Stancil of Durham
40 County, E.G. "Ned" Fowler of Watauga County, Scott Dedmon of Buncombe County, Bryan
41 D. Coyle of Wake County, and Tonia W. Scott of Wake County are appointed to the North
42 Carolina Housing Partnership for terms expiring on August 31, 2012.

43 **SECTION 1.25.** Effective October 1, 2009, Michael F. Currin of Granville County
44 is appointed to the North Carolina Irrigation Contractors' Licensing Board for a term expiring
45 on September 30, 2012.

46 **SECTION 1.26.** The Honorable Noah Woods of Robeson County, Ashley Miles
47 Honeycutt of Wake County, Representative Jennifer Weiss of Wake County, Representative
48 Arthur Williams of Beaufort County, Representative Larry W. Womble of Forsyth County,
49 Sylvia Coleman of Guilford County, W. Robert Bizzell of Lenoir County, and Karen Anne
50 McCall of Durham County are appointed to the Justus-Warren Heart Disease and Stroke
51 Prevention Task Force for terms expiring on June 30, 2011.

1 **SECTION 1.27.** Dean E. Vavra of Forsyth County is appointed to the License to
2 Give Trust Fund Commission for a term expiring December 31, 2010, to fill the unexpired term
3 of Jens Saakvitne.

4 **SECTION 1.28.** The Honorable Fred Folger, Jr., of Surry County is appointed to
5 the Local Government Commission for a term expiring on June 30, 2013.

6 **SECTION 1.29.(a)** James D. Storie of Watauga County is appointed to the North
7 Carolina Locksmith Licensing Board for a term expiring on December 31, 2010, to fill the
8 unexpired term of Larry K. Hayes.

9 **SECTION 1.29.(b)** Effective January 1, 2010, Hosie King, Jr., of Cumberland
10 County is appointed to the North Carolina Locksmith Licensing Board for a term expiring on
11 December 31, 2012.

12 **SECTION 1.30.** Dell Averette of Wake County, Katrina F. Bryant of Pasquotank
13 County, and Wayne E. Carpenter of Johnston County are appointed to the North Carolina
14 Manufactured Housing Board for terms expiring on June 30, 2012.

15 **SECTION 1.31.** Jamie A. Huffman of Buncombe County and Kevin E. Powell of
16 Chatham County are appointed to the North Carolina Board of Massage and Bodywork
17 Therapy for terms expiring on June 30, 2012.

18 **SECTION 1.32.** Dr. John J. Haggerty, Jr., of Orange County, Debra Dihoff of
19 Orange County, and Jennifer Brobst of Durham County are appointed to the Commission for
20 Mental Health, Developmental Disabilities, and Substance Abuse Services for terms expiring
21 on June 30, 2012.

22 **SECTION 1.33.** LeAnder Canady of Guilford County and Kaola Allen Phoenix of
23 Orange County are appointed to the North Carolina Museum of Art Board of Trustees for terms
24 expiring on June 30, 2011.

25 **SECTION 1.34.** Robert B. Smith of Mecklenburg County is appointed to the 911
26 Board for a term expiring on December 31, 2014, to fill the unexpired term of William Craigle.

27 **SECTION 1.35.** Eddie J. Lynch of Currituck County, the Honorable Thomas B.
28 Richter of Beaufort County, and the Honorable Drewery N. Beale of Halifax County are
29 appointed to the North Carolina's Northeast Commission for terms expiring on June 30, 2011.

30 **SECTION 1.36.** James Lamar Mitchell of Catawba County and Evelyn Pet
31 Shepherd Pruden, Ph.D., of Wilson County are appointed to the North Carolina Nursing
32 Scholars Commission for terms expiring on June 30, 2013.

33 **SECTION 1.37.** Diana M. Rashash, Ph.D., of Onslow County is appointed to the
34 North Carolina On-Site Wastewater Contractors and Inspectors Certification Board for a term
35 expiring on July 1, 2012.

36 **SECTION 1.38.(a)** Ashley B. "Brownie" Futrell of Beaufort County is appointed
37 to the North Carolina Parks and Recreation Authority for a term expiring on June 30, 2010, to
38 fill the unexpired term of Thomas S. Blue.

39 **SECTION 1.38.(b)** Jennifer S. Andrews, Esq., of Chatham County and Edward W.
40 Wood of New Hanover County are appointed to the North Carolina Parks and Recreation
41 Authority for terms expiring on June 30, 2012.

42 **SECTION 1.39.** Robert M. Clark of Stanly County, Mack Donaldson of Guilford
43 County, William F. Booth of Wake County, and Sally K. Pleasant of Stanly County are
44 appointed to the Private Protective Services Board for terms expiring on June 30, 2012.

45 **SECTION 1.40.** The Honorable Stanley H. Fox of Granville County and H.W.
46 "Herb" Crenshaw of Wake County are appointed to the North Carolina Agency for Public
47 Telecommunications for terms expiring on June 30, 2011.

48 **SECTION 1.41.** John L. Atkins, III, of Durham County is appointed to the North
49 Carolina Railroad Company Board of Directors for a term expiring on June 30, 2013.

1 **SECTION 1.42.** Michelle Lowery of Buncombe County is appointed to the North
2 Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2011, to fill the
3 unexpired term of Janet Baldwin.

4 **SECTION 1.43.** Effective November 1, 2009, Joseph Paul Coyle, M.D., of Gaston
5 County and Kimberly M. Clark of Mecklenburg County are appointed to the North Carolina
6 Respiratory Care Board for terms expiring on October 31, 2012.

7 **SECTION 1.44.** Walter E. Daniels of Durham County, Dr. Thomas E. Brooks of
8 Wake County, and O. Rolf Blizzard, III, of Wake County are appointed to the Roanoke Island
9 Commission for terms expiring on June 30, 2011.

10 **SECTION 1.45.** The Honorable Clarence E. Horton, Jr., of Cabarrus County,
11 Jennie Jarrell Hayman of Wake County, and Daniel F. McLawhorn of Wake County are
12 appointed to the Rules Review Commission for terms expiring on June 30, 2011.

13 **SECTION 1.46.** Hughley B. Spruill, Sr., of Cumberland County and Dr. Richard J.
14 Richardson of Chatham County are appointed to the Board of Trustees of the North Carolina
15 School of Science and Mathematics for terms expiring on June 30, 2011.

16 **SECTION 1.47.** W. Hugh Thompson of Wake County is appointed to the North
17 Carolina Board of Science and Technology for a term expiring on June 30, 2011.

18 **SECTION 1.48.** Gwen A. White of Tyrrell County is appointed to the North
19 Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2011.

20 **SECTION 1.49.** Jarrett A. Crowe of Swain County is appointed to the North
21 Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2011, to fill the
22 unexpired term of Bryan S. Evans.

23 **SECTION 1.50.** Michael Green of Cumberland County, Kermit D. Williamson of
24 Sampson County, and James L. F. Smith of New Hanover County are appointed to the
25 Southeastern North Carolina Regional Economic Development Commission for terms expiring
26 on June 30, 2013.

27 **SECTION 1.51.** Rodney Dickerson of Wake County is appointed to the State
28 Building Commission for a term expiring on June 30, 2012.

29 **SECTION 1.52.** Effective July 1, 2008, the Honorable Louis M. Pate, Jr., of
30 Wayne County and John H. Cilley, IV, of Catawba County are appointed to the State Health
31 Plan Administrative Commission for terms expiring on June 30, 2010.

32 **SECTION 1.53.** John E. Hammond, Ph.D., of Chatham County is appointed to the
33 Board of Trustees of the State Health Plan for Teachers and State Employees for a term
34 expiring on June 30, 2011.

35 **SECTION 1.54.** The Honorable J. Marlene Hyatt of Haywood County is appointed
36 to the North Carolina State Lottery Commission for a term expiring on August 31, 2013, to fill
37 the unexpired term of Dr. Edward B. Fort.

38 **SECTION 1.55.** Mona M. Keech of Wake County is appointed to the North
39 Carolina Supplemental Retirement Board of Trustees for a term expiring on June 30, 2010.

40 **SECTION 1.56.** Jesse Smith Capel of Montgomery County is appointed to the
41 North Carolina State Ports Authority for a term expiring on June 30, 2011.

42 **SECTION 1.57.** Susan Johnson Jones of Chatham County and Tina Beacham of
43 Pitt County are appointed to the North Carolina Teacher Academy Board of Trustees for terms
44 expiring on June 30, 2013.

45 **SECTION 1.58.** Donald L. Tarkenton of Chatham County is appointed to the
46 Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring
47 on June 30, 2011.

48 **SECTION 1.59.** Stephanie Lemon of Guilford County is appointed to the North
49 Carolina Teaching Fellows Commission for a term expiring on June 30, 2013.

1 **SECTION 1.60.** Effective January 14, 2009, Edward C. Hay, Jr., of Buncombe
2 County is appointed to the North Carolina Turnpike Authority for a term expiring on January
3 14, 2013.

4 **SECTION 1.61.** Clement Geitner of Catawba County is appointed to the Board of
5 Trustees of the University of North Carolina Center for Public Television for a term expiring
6 on June 30, 2011.

7 **SECTION 1.62.** William P. Tatum of Lee County and Linda Willey of Dare
8 County are appointed to the University of North Carolina Umstead Review Panel for terms
9 expiring on May 1, 2013.

10 **SECTION 1.63.** Cassandra "Casey" Champion of Granville County is appointed to
11 the Well Contractors Certification Commission for a term expiring on June 30, 2012.

12 **SECTION 1.64.** Henry H. Doss of Ashe County, Charles M. "Mike" Fulenwider of
13 Burke County, and George Couch of Polk County are appointed to the Western North Carolina
14 Regional Economic Development Commission for terms expiring on June 30, 2013.

15 **SECTION 1.65.** John L. Clark of Sampson County, Durwood S. Laughinghouse of
16 Wake County, Mitch St. Clair, Sr., of Beaufort County, and Charles "Chuck" W. Bennett of
17 Mecklenburg County are appointed to the North Carolina Wildlife Resources Commission for
18 terms expiring on June 30, 2011.

19 **PART II. EFFECTIVE DATE**

20 **SECTION 2.1.** The headings to the parts and sections of this act are a convenience
21 to the reader and are for reference only.

22 **SECTION 2.2.** Unless otherwise provided for in this act, appointments are for
23 terms to begin July 1, 2009.

24 **SECTION 2.3.** This act is effective when it becomes law.

MINUTES

RULES AND OPERATIONS OF THE SENATE

AUGUST 6, 2009

The Committee on Rules and Operations of the Senate met on August 6, 2009 at 4:00 p.m. at Senator Rand's Chamber Desk. 15 members of the committee were present at the meeting. Senator Rand presided and presented the committee with two committee substitutes.

Senator Hoyle moved for the adoption of the proposed Senate Committee substitute for HOUSE BILL (CS #1) 12 – BIOPTIC LENSES/ISSUANCE OF DRIVERS LICENSE.

Senator Rand explained the Senate Committee Substitute: HOUSE BILL 12 - GARVEE BONDS/REPAYMENT.

Senator Rand stated that the current law states that GARVEE bonds are subject to the equity formula upon distribution – this limits their use on large projects. This change keeps GARVEE bonds subject to equity formula, but on the back end instead of the front end. He knew of no opposition to the proposed Senate Committee Substitute.

Senator Forrester moved for a favorable report of the proposed Senate Committee Substitute for House Bill 12 (CS#1) - GARVEE Bonds/Repayment.

The committee gave House Bill 12 (CS#1) – GARVEE Bonds/Repayment a favorable report.

HOUSE BILL 374 – PUBLIC HEALTH TECHNICAL CHANGES.

Senator Rand presented the committee with a Senate Committee Substitute for House Bill 374 – IMPROVE UPPER NEUSE BASIN WATER QUALITY.

Senator Dorsett moved for the adoption of the Senate Committee Substitute for House Bill 374 – IMPROVE UPPER NEUSE BASIN WATER QUALITY.

Senator Weiss was introduced to explain the proposed Senate Committee Substitute.

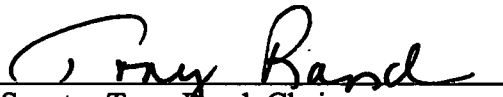
Page 2.
August 6, 2009

He stated that this bill requires the Environmental Management Commission to encourage development, adoption and implementation of policies and practices to reduce the runoff and discharge of nitrogen, phosphorus, sediment and other pollutants into the surface water and drinking water reservoirs in the Upper Neuse River Basin.

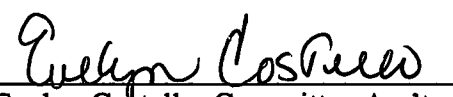
Senator Queen had some concerns with this bill and it was agreed that he and Senator Weiss would iron these problems out.

Senator Hoyle moved for a favorable report of the Senate Committee Substitute for House Bill 374 – IMPROVE UPPER NEUSE BASIN WATER QUALITY. The committee gave the bill a favorable report. The bill would be sent to the House for concurrence.

The committee adjourned at 4:30 p.m. on August 6, 2009.



Senator Tony Rand, Chairman



Evelyn Costello, Committee Ass't

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:



* H 3 7 4 - V - 1 *

- 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.

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Thursday, August 06, 2009

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

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

H.B.	374	Public Health Technical Changes.	
		Draft Number:	80504
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

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

H.B.(CS #1) 12	Bioptic Lenses/Issuance of Drivers License.	
	Draft Number:	50794
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

HB 374 - Senator Rand
HB 12 - Senator Rand

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 374*

PROPOSED SENATE COMMITTEE SUBSTITUTE H374-PCS80504-SB-80

Short Title: Improve Upper Neuse Basin Water Quality.

(Public)

Sponsors:

Referred to:

March 4, 2009

A BILL TO BE ENTITLED

AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS.

Whereas, that portion of the Neuse River Basin that is upstream of the Falls Dam and that includes Falls Lake is often referred to as the Upper Neuse River Basin; and

Whereas, the nine drinking water supply reservoirs in the Upper Neuse River Basin provide water for drinking, sanitation, food processing, cooling, industrial processing, and other essential uses for the citizens of Orange, Person, Durham, Granville, and Wake Counties; and

Whereas, the General Assembly enacted S.L. 1997-458, the Clean Water Responsibility and Environmentally Sound Policy Act, to protect and restore the waters of the State in 1997; and

Whereas, the General Assembly enacted S.L. 2005-190, the Clean Lakes Act, to protect and restore the drinking water supply reservoirs of the State in 2005; and

Whereas, the North Carolina Division of Water Quality in the Department of Environment and Natural Resources listed Falls Lake in the Upper Neuse River Basin as impaired waters in 2008, and the U.S. Environmental Protection Agency also classifies Falls Lake as impaired waters due to nutrients and turbidity; and

Whereas, the quality and quantity of the water in the nine drinking water supply reservoirs in the Upper Neuse River Basin are essential to public health, environmental quality, and the economic vitality of the region; and

Whereas, the North Carolina Environmental Management Commission may not develop a nutrient management strategy and rules to implement the nutrient management strategy for the Upper Neuse River Basin by July 1, 2009, as required by law; and

Whereas, delayed development of a nutrient management strategy and rules to implement the nutrient management strategy threatens the quality and quantity of drinking water supply reservoirs in the Upper Neuse River Basin; Now, therefore, The General Assembly of North Carolina enacts:



1 **SECTION 1.(a) Definition.** – For purposes of this section, the term "Upper Neuse
2 River Basin" is that portion of the Neuse River Basin upstream of the Falls Dam, including
3 Falls Lake.

4 **SECTION 1.(b) Credit for Early Adoption.** – The Environmental Management
5 Commission shall encourage local governments, landowners, and others to develop, adopt, and
6 implement policies and practices to reduce the runoff and discharge of nitrogen, phosphorus,
7 sediment, and other pollutants into the surface waters and drinking water supply reservoirs in
8 the Upper Neuse River Basin before it adopts permanent rules to implement the nutrient
9 management strategy and the turbidity strategy for Upper Falls Lake. The Environmental
10 Management Commission shall, in its permanent rules, provide credit for the early
11 implementation of the nutrient management strategy for the Upper Neuse River Basin and the
12 turbidity strategy for Falls Lake to local governments, landowners, and others who implement
13 policies and practices after January 1, 2007, to reduce runoff and discharge of nitrogen,
14 phosphorus, and sediment in the Upper Neuse River Basin.

15 **SECTION 1.(c) Reports.** – The Environmental Management Commission shall
16 report its progress in implementing this section to the Environmental Review Commission as
17 part of each quarterly report it makes pursuant to G.S. 143B-282(b).

18 **SECTION 2.(a)** Section 3 of S.L. 2005-190, as amended by Section 31 of S.L.
19 2006-259, reads as rewritten:

20 **"SECTION 3.(a) Applicability of section to certain reservoirs.** – This section applies
21 only to drinking water supply reservoirs that meet all of the following criteria as of 1 July 2005:

- 22 (1) The reservoir serves a population greater than 300,000 persons.
- 23 (2) The Environmental Management Commission has classified all or any part
24 of the water in the reservoir as a nutrient sensitive water (NSW).
- 25 (3) Water quality monitoring data indicates that water quality in the reservoir
26 violates the chlorophyll A standard.
- 27 (4) The Division of Water Quality of the Department of Environment and
28 Natural Resources has not prepared or updated a calibrated nutrient response
29 model for the reservoir since 1 July 2002.

30 **"SECTION 3.(b) Temporary limitation on increased nutrient loading.** – If the
31 Environmental Management Commission determines either that water quality in all or in any
32 part of a drinking water supply reservoir to which this section applies does not meet current
33 water quality standards or that it is likely that water quality will not meet water quality
34 standards at any time prior to 1 July 2010, the Commission shall not make any new or
35 increased nutrient loading allocation to any person who is required to obtain a permit under
36 G.S. 143-215 for an individual wastewater discharge directly or indirectly into that reservoir.
37 This limitation on new or increased nutrient loading allocation shall not be construed to
38 prohibit a person who holds a permit for a wastewater discharge into a drinking water supply
39 reservoir from purchasing a nutrient loading allocation from another person who holds a permit
40 for a wastewater discharge into the same drinking water supply reservoir. This subsection
41 expires with respect to a drinking water supply reservoir when permanent rules adopted by the
42 Commission to implement the nutrient management strategy for that reservoir become
43 effective.

44 **"SECTION 3.(c) Nutrient management strategy.** – The Environmental Management
45 Commission shall develop a nutrient management strategy for drinking water supply reservoirs
46 to which this section applies by ~~4 July 2009~~ 15 January 2011. The nutrient management
47 strategy shall be based on a calibrated nutrient response model that meets the requirement of
48 G.S. 143-215.1(c5). The nutrient management strategy shall include specific mandatory
49 measures to achieve the reduction goals. ~~The Commission shall consider the cost of the~~
50 ~~proposed measures in relation to the effectiveness of the measures.~~ In developing the nutrient
51 management strategy, the Commission shall consider the effectiveness of measures previously

implemented in the watershed and the cost of the proposed measures in relation to their effectiveness. These measures could include, but are not limited to, buffers, erosion and sedimentation control requirements, post-construction stormwater management, agricultural nutrient reduction measures, the addition of nutrient removal treatment processes to point source permitted wastewater treatment plants, the removal of point source discharging wastewater treatments through regionalization and conversion to non-discharge treatment technologies, measures to address nutrient inputs from on-site wastewater treatment systems, control of atmospheric deposition, allowing the sale and purchase of nutrient offsets, allowing trading of nutrient loading allocations and credits for nutrient reductions, and any other measures that the Commission determines to be necessary to meet the nutrient reduction goals. To the extent that one or more other State programs already mandate any of these measures, the nutrient management strategy shall incorporate the mandated measures and any extension of those measures and any additional measures that may be necessary to achieve the nutrient reduction goals. In making a nutrient loading allocation to a permit holder, the Commission shall, to the extent allowed by federal and State law, give consideration to all voluntary efforts taken by the permit holder to protect water quality prior to the development of the nutrient management strategy.

"SECTION 3.(d) Eligibility under the Clean Water Revolving Loan and Grant Act. – The definitions set out in G.S. 159G-3 apply to this subsection. The operator of a wastewater treatment works that is owned by an agency of the State may apply for a loan or grant under Chapter 159G of the General Statutes on the same basis as any other applicant if the operator is a local government unit and if the local government unit operates the wastewater treatment works pursuant to a contract with the State agency that contemplates that the local government unit will eventually acquire ownership of the wastewater treatment works.

"SECTION 3.(e) Implementation; rulemaking. – The Environmental Management Commission shall adopt permanent rules to implement the nutrient management strategies required by this section by ~~1 July 2009~~ 15 January 2011. The rules shall require that reductions in nutrient loading from all sources begin no later than five years after the rules become effective. The rules shall require that stormwater management programs to reduce nutrient loading from new development be implemented no later than 30 months after the rules become effective.

"SECTION 3.(f) Reports. – The Environmental Management Commission shall report its progress in implementing this section to the Environmental Review Commission as a part of each quarterly report it makes pursuant to G.S. 143B-282(b)."

SECTION 2.(b) S.L. 2005-190, as amended by Section 31 of S.L. 2006-259, is amended by adding four new subsections to read:

"SECTION 3.(g) Compensatory mitigation for riparian buffer loss; nutrient offset purchases. – Compensatory mitigation for riparian buffer loss in the watershed of a drinking water supply to which this section applies must be performed in the watershed of the drinking water supply. The Environmental Management Commission may further limit the area in which compensatory mitigation for riparian buffer loss must be performed in the watershed of a drinking water supply to which this section applies. Any nutrient offset purchased to offset loading in the watershed of a drinking water supply to which this section applies may only be obtained from an offset project located in the watershed of the drinking water supply. The Environmental Management Commission may further limit the area from which nutrient offsets may be obtained in the watershed of a drinking water supply to which this section applies.

"SECTION 3.(h) Additional standards for land-disturbing activities in the water supply watershed. – For purposes of this section, "land-disturbing activity" does not include the land-disturbing activities set out in G.S. 113A-52.01. In addition to any other requirements of State, federal, and local law, land-disturbing activity in the watershed of the water supply

reservoir to which this section applies shall meet all of the following design standards for sedimentation and erosion control:

- (1) Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the runoff of the 25-year storm that produces the maximum peak rate of runoff as calculated according to procedures set out in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of the State or the United States or any generally recognized organization or association.
- (2) Sediment basins shall be planned, designed, and constructed so that the basin will have a settling efficiency of at least seventy percent (70%) for the 40-micron size soil particle transported into the basin by the runoff of the two-year storm that produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of the State or the United States or any generally recognized organization or association.
- (3) Newly constructed open channels shall be planned, designed, and constructed with side slopes no steeper than two horizontal to one vertical if a vegetative cover is used for stabilization unless soil conditions permit steeper slopes or where the slopes are stabilized by using mechanical devices, structural devices, or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.
- (4) For an area of land-disturbing activity where grading activities have been completed, temporary or permanent ground cover sufficient to restrain erosion shall be provided as soon as practicable, but in no case later than seven days after completion of grading. For an area of land-disturbing activity where grading activities have not been completed, temporary ground cover shall be provided as follows:
 - a. For an area with no slope, temporary ground cover shall be provided for the area if it has not been disturbed for a period of 14 days.
 - b. For an area of moderate slope, temporary ground cover shall be provided for the area if it has not been disturbed for a period of 10 days. For purposes of this subdivision, "moderate slope" means an inclined area, the inclination of which is less than or equal to three units of horizontal distance to one unit of vertical distance.
 - c. For an area of steep slope, temporary ground cover shall be provided for the area if it has not been disturbed for a period of seven days. For purposes of this subdivision, "steep slope" means an inclined area, the inclination of which is greater than three units of horizontal distance to one unit of vertical distance.

"SECTION 3.(i) For purposes of this section, "land-disturbing activity" does not include the land-disturbing activities set out in G.S. 113A-52.01. No later than December 31, 2011, the Sedimentation Control Commission shall adopt rules for the control of erosion and sedimentation resulting from land-disturbing activities in the watershed of the water supply reservoir to which this section applies. In developing the rules, the Commission shall consider the standards established pursuant to Section 3(h), as enacted by Section 2(b) of this act.

"SECTION 3.(j) The Department of Environment and Natural Resources, in consultation with the Environmental Management Commission, shall identify improvements needed in the

1 design, operation, and siting of septic tank systems in order to reduce excess nutrient loading
2 from septic tank systems in the watershed of a drinking water supply to which this section
3 applies. The Department shall report its findings and recommendations for specific changes to
4 standards adopted by the Commission for Public Health pursuant to G.S. 130A-355 to the
5 Commission for Public Health and to the Environmental Review Commission no later than
6 March 1, 2010."

7 **SECTION 3.** Concurrent with the permanent rule making required by Section 3 of
8 S.L. 2005-190, as amended by Section 31 of S.L. 2006-259 and Section 2(a) of this act, and
9 pursuant to G.S. 143-215.8B, the Environmental Management Commission shall adopt
10 temporary rules. The Commission shall adopt the temporary rules required by this section by
11 January 15, 2011.

12 **SECTION 4.** Section 3(h) of S.L. 2005-190, as enacted by Section 2(b) of this act,
13 becomes effective January 1, 2010, applies to land-disturbing activities begun on or after
14 January 1, 2010, and expires on the date that rules adopted pursuant to Section 3(i) of S.L.
15 2005-190, as enacted by Section 2(b) of this act, become effective. The remaining sections of
16 this act are effective when they become law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 12
Committee Substitute Favorable 4/14/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H12-PCS50794-SU-86

Short Title: GARVEE Bonds/Repayment.

(Public)

Sponsors:

Referred to:

February 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY PROVISIONS APPLICABLE TO FUNDS USED IN REPAYMENT
3 OF GARVEE BONDS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 136-17.2A(i) reads as rewritten:

6 "(i) All funds ~~derived from used in repayment of~~ "GARVEE" bonds issued pursuant to
7 G.S. 136-18(12b) shall be ~~distributed in accordance with~~ subject to the provisions of this
8 section."

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 12
Committee Substitute Favorable 4/14/09

Short Title: Bioptic Lenses/Issuance of Drivers License.

(Public)

Sponsors:

Referred to:

February 2, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE ISSUANCE OF DRIVERS LICENSES TO PERSONS USING
BIOPTIC TELESCOPIC LENSES PROVIDED THEY MEET OTHER LICENSING
REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(e) reads as rewritten:

"(e) Restrictions. – The Division may impose any restriction it finds advisable on a drivers license. It is unlawful for the holder of a restricted license to operate a motor vehicle without complying with the restriction and is the equivalent of operating a motor vehicle without a license. If any applicant shall suffer from any physical defect or disease which affects his or her operation of a motor vehicle, the Division may require to be filed with it a certificate of such applicant's condition signed by some medical authority of the applicant's community designated by the Division. This certificate shall in all cases be treated as confidential. Nothing in this subsection shall be construed to prevent the Division from refusing to issue a license, either restricted or unrestricted, to any person deemed to be incapable of safely operating a motor vehicle. This subsection does not prohibit deaf persons or persons using bioptic telescopic lenses from operating motor vehicles who in every other way meet the requirements of this section."

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



MINUTES

RULES AND OPERATIONS OF THE SENATE

AUGUST 7, 2009

The Committee on Rules and Operations of the Senate met on August 7, 2009 at a recess at 4:00 p.m. during the session on August 7, 2009 at Senator Rand's chamber desk. Fourteen members of the committee were present. Senator Rand, chairman of the committee presided.

Senator Rand presented the committee with a proposed Committee Substitute for **House Bill 945 (CS #2) – Study/Preserve Culture/Indian Children.**

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

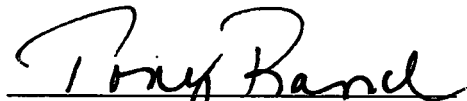
HOUSE BILL 945 – THE STUDIES ACT OF 2009.

Senator Rand explained that the bill contained the studies that may be conducted during the interim. Senator Rand offered an amendment to H.B. 945 – The Studies Act. This amendment is attached to these minutes and marked Attachment I.

Senator Soles moved for the adoption of the Committee Substitute – **House Bill 945 – The Studies Act of 2009, as amended.**

The committee gave the bill a favorable report, as amended..

The meeting adjourned at 4:15 p.m.


Senator Tony Rand, Chairman


Evelyn Costello, Committee Ass't.



Attachment I

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 945

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H945-ARW-19 [v.2]

Page 1 of 3

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date 8-7 2009

Senator Rand

1 moves to amend the bill on page 24, line 31, by rewriting that line to read:

2
3 **"PART XLIII. LEGISLATIVE STUDY COMMISSION ON WATER AND**
4 **WASTEWATER INFRASTRUCTURE (Crawford, Owens)**

5 **SECTION 43.1.** There is created the Legislative Study Commission on Water and
6 Wastewater Infrastructure. The Commission shall consist of 17 members appointed as follows:

- 7 (1) Four members of the House of Representatives, appointed by the Speaker of
8 the House of Representatives.
9 (2) Four members of the Senate, appointed by the President Pro Tempore of the
10 Senate.
11 (3) Two members appointed by the Governor.
12 (4) The Secretary of the North Carolina Department of Environment and Natural
13 Resources or the Secretary's designee.
14 (5) The Secretary of the North Carolina Department of Commerce or the
15 Secretary's designee.
16 (6) The President of the North Carolina Rural Economic Development Center or
17 the President's designee.
18 (7) The Executive Director of the North Carolina Clean Water Management
19 Trust Fund or the Executive Director's designee.
20 (8) The Executive Director of the North Carolina League of Municipalities or
21 the Executive Director's designee.
22 (9) The Executive Director of the North Carolina Association of County
23 Commissioners or the Executive Director's designee.
24 (10) The Chair of the State Water Infrastructure Commission.

25 **SECTION 43.2.** The Speaker of the House of Representatives and the President
26 Pro Tempore of the Senate shall each designate a cochair. The Commission may meet at any
27 time upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its
28 members.

29 Vacancies on the Commission shall be filled by the same appointing authority that
30 made the initial appointment.

31 Subject to the approval of the Legislative Services Commission, the Commission
32 may meet in the Legislative Building or the Legislative Office Building.



H 9 4 5 - A R W - 1 9 - V - 2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 945

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H945-ARW-19 [v.2]

Page 2 of 3

1 The Legislative Services Commission, through the Legislative Services Officer,
2 shall assign professional staff to assist the Commission in its work. The House of
3 Representatives' and the Senate's Director of Legislative Assistants shall assign clerical support
4 staff to the Commission, and the expenses relating to the clerical employees shall be borne by
5 the Commission.

6 In addition, the State agencies and nonprofits serving on the Commission shall
7 cooperate in providing information and additional staff resources as needed to accomplish the
8 work of the Commission.

9 The Commission, while in the discharge of its official duties, may exercise all
10 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
11 Commission may contract for professional, clerical, or consultant services as provided by
12 G.S. 120-32.02.

13 Members of the Commission shall receive subsistence and travel expenses at the
14 rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

15 **SECTION 43.3.** The Legislative Study Commission on Water and Wastewater
16 Infrastructure shall focus on the development of an ongoing process to identify and regularly
17 report to the North Carolina General Assembly on statewide water and wastewater
18 infrastructure needs and to improve the delivery of State appropriated water and wastewater
19 programs. The Commission shall specifically do all of the following:

- 20 (1) Evaluate the information provided through the drinking water and
21 wastewater needs assessment prepared by the Environmental Protection
22 Agency (EPA) every four years; the drinking water and wastewater needs
23 surveys currently done by the North Carolina Department of Environment
24 and Natural Resources in support of the EPA needs assessment; the data
25 compiled as part of Water 2030 by the North Carolina Rural Economic
26 Development Center, Inc.; and any other existing data sets in order to
27 determine what information currently exists and where there may be gaps in
28 the data.
- 29 (2) Study an ongoing method for regularly determining and reporting on the
30 State's water and wastewater infrastructure needs, including the subject of
31 small towns whose water or sewer rates exceed the high-unit-cost threshold
32 as defined in G.S. 159G-20.
- 33 (3) Select a method for identifying and reporting on infrastructure needs in the
34 future.
- 35 (4) Review infrastructure funding priorities currently set out in State law to
36 determine whether the priorities appropriately reflect the State's most
37 pressing needs in light of future growth projections.
- 38 (5) Recommend changes to infrastructure funding priorities and appropriations
39 processes to ensure that funds are used to meet the State's most pressing
40 needs.
- 41 (6) Ascertain the capacity and role of the State in bridging identified gaps
42 between funding priorities and available funds.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 945

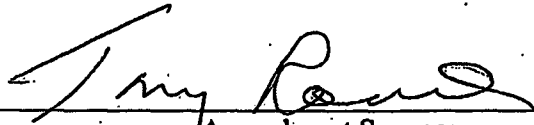
AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H945-ARW-19 [v.2]

Page 3 of 3

- 1 (7) Determine what steps funding agencies can take to improve the delivery of
2 existing funding programs, including the following options:
3 a. Developing common application requirements;
4 b. Scheduling regular joint meetings between funders and applicants;
5 c. Where projects are jointly funded, exploring options to share and
6 improve oversight responsibilities; and
7 d. Coordinating reporting requirements to produce a single integrated
8 funders report on an annual basis.
9 **SECTION 43.4.** As used in subdivision (7) of Section 43.3, "funding agencies"
10 means the Department of Commerce, the Department of Environment and Natural Resources,
11 the Clean Water Management Trust Fund, and the Rural Economic Development Center.
12 **SECTION 43.5.** On or before May 1, 2010, the Legislative Study Commission on
13 Water and Wastewater Infrastructure shall submit an interim report to the 2009 General
14 Assembly, Regular Session 2010. This interim report shall include any findings or
15 recommendations of the Commission at that time. In addition, no later than the convening of
16 the 2011 General Assembly, the Commission shall submit a final report to the General
17 Assembly. This final report shall include the Commission's findings and recommendations
18 under this study, including any legislative or administrative proposals. The Commission shall
19 terminate upon the earlier of the filing of its final report or the convening of the 2011 General
20 Assembly."
21

SIGNED


Amendment Sponsor

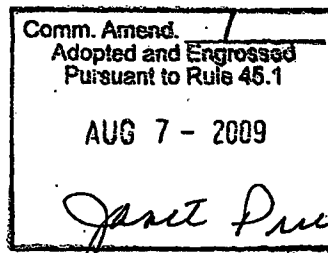
SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Friday, August 07, 2009

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

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL AS AMENDED.**

H.B.(CS #2) 945	Study/Preserve Culture/Indian Children.
	Draft Number: 50796
	Sequential Referral: None
	Recommended Referral: None
	Long Title Amended: Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Senator Rand will handle on Floor.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

3

**HOUSE BILL 945
Committee Substitute Favorable 4/15/09
Committee Substitute #2 Favorable 5/5/09**

Short Title: Study/Preserve Culture/Indian Children.

(Public)

Sponsors:

Referred to:

April 1, 2009

A BILL TO BE ENTITLED

AN ACT TO STUDY HOW THE TRADITIONAL NATIVE AMERICAN CULTURE, CUSTOMS, AND TRADITIONS OF STATE INDIAN TRIBE CHILDREN CAN BE PROTECTED WHEN THE CHILDREN ARE INVOLVED IN CUSTODY, ADOPTION, AND OTHER PROCEEDINGS IN STATE COURTS.

Whereas, over the years, a number of federal policies impacting Native Americans have had a devastating effect on the preservation of the Indian family; and

Whereas, these policies caused reservation communities to be broken apart and forced Native American families away from the reservations into urban areas, isolating them from their community and extended families, who often served as a source of support; and

Whereas, based on nationwide studies conducted between 1969 and 1974, 25% to 35% of Indian children were removed from their homes and placed in non-Indian foster and adoptive homes by state courts and welfare agencies; and

Whereas, in 1978, the United States Congress heeded the call of the great Lakota leader, Sitting Bull, by passing the Indian Child Welfare Act, commonly known as ICWA; and

Whereas, ICWA is viewed as a requisite to eliminating the practice of state entities that tended to remove an inordinately large number of Native American children from their homes without full appreciation of traditional Native American culture, customs, and child-rearing practices; and

Whereas, North Carolina has many State-recognized Indian tribes whose child members are not protected by the provisions of the ICWA solely because the tribes have not received federal recognition; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. There is created the House Select Committee on the Preservation of Culture and Customs of Indian Children. The Committee shall consist of nine members appointed as follows:

- (1) Six members from the House of Representatives, one of which shall be a Native American, to be appointed by the Speaker of the House of Representatives.
- (2) One member from the State Commission on Indian Affairs, to be appointed by the Executive Director of the Commission.
- (3) One member from the Child Welfare Division, Department of Health and Human Services, to be appointed by the Secretary of the Department.
- (4) One member to be selected by the American Indian Mothers, Inc.

The Speaker of the House of Representatives shall designate one representative as Chair. Vacancies of the Committee shall be filled by the same appointing authority that made



1 the initial appointment. The Committee shall meet on the call of the Chair. A quorum of the
2 Committee shall be a majority of its members.

3 **SECTION 2.** The Committee shall examine any issues or matters which would
4 impact on the preservation of the customs and culture of Indian children who are not covered
5 under the ICWA, and who are the subject of legal proceedings in State courts, including, but
6 not limited, to adoption, custody, and visitation. The House Select Committee may study:

- 7 (1) Current State laws applicable to family-related legal proceedings and their
8 impact on retention of the cultural heritage of child members of Indian
9 tribes.
- 10 (2) Guidelines for local departments of social service agencies that would
11 implement the same or similar policies and practices that are applicable to
12 Indian children under federal law.
- 13 (3) The creation of a State council or commission, to include members of Indian
14 tribes, State and local social services agencies, the judiciary, and other
15 appropriate officials to recommend policies and procedures to the General
16 Assembly.
- 17 (4) Any other matter that is relevant to promoting the preservation of the
18 customs and culture of Indian children who are the subject of legal
19 proceedings in State courts.

20 **SECTION 3.** While in the discharge of its official duties, the Committee may
21 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
22 Members of the Committee shall receive per diem, subsistence, and travel allowance as
23 provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. With the prior approval of the
24 Legislative Services Commission, the Legislative Services Officer shall assign professional and
25 clerical staff to assist the Committee in its work. The House of Representatives shall assign
26 clerical staff to the Committee. The Committee may contract for professional, clerical, or
27 consultant services as provided by G.S. 120-32.02. The Committee may meet in the
28 Legislative Building or Legislative Office Building and may meet at various locations around
29 the State in order to promote greater public participation in its deliberations.

30 **SECTION 4.** The Committee shall submit a final report to the 2010 Regular
31 Session of the 2009 General Assembly and may submit interim reports as it deems necessary.
32 The Committee shall terminate upon filing its final report or upon the convening of the 2010
33 Regular Session of the 2009 General Assembly, whichever comes first.

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

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 945
Committee Substitute Favorable 4/15/09
Committee Substitute #2 Favorable 5/5/09
PROPOSED COMMITTEE SUBSTITUTE H945-PCS50796-TH-3**

Short Title: The Studies Act of 2009.

(Public)

Sponsors:

Referred to:

April 1, 2009

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR STUDIES BY THE COMMISSION, STATUTORY
OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES,
COMMITTEES, AND COMMISSIONS.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known as "The Studies Act of 2009."

PART II. LEGISLATIVE RESEARCH COMMISSION

SECTION 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor are listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 2009 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study.

SECTION 2.2. Child Support Guidelines Regarding Child Support Arrearage That Does Not Accrue for a Parent Who is Incarcerated (S.J.R. 1063 – Boseman) – The Commission may study North Carolina child support guidelines regarding child support arrearage that does not accrue for a parent who is incarcerated, including the impact the lack of arrearage accrual has on the nonincarcerated parent.

SECTION 2.3. Standards Applied in Disputed Child Custody Cases (S.J.R. 872 – Clodfelter; H.B. 670 – Goodwin, Farmer-Butterfield; H.B. 1174 – Pierce, Wainwright) – The Commission may study the standards applied in disputed child custody cases and the need for any modification of existing standards, including the possible adoption of a presumptive joint custody standard in some or all disputed child custody cases.

SECTION 2.4. Youth Transitioning Out of Foster Care (S.B. 948 – Malone, Snow; H.B. 783 – M. Alexander, Earle, Adams, Wiley) – The Commission may study the needs of youth transitioning out of the foster care system.

SECTION 2.5. Family Violence and Child Custody (S.B. 1064 – Boseman; H.B. 860 – Goodwin, McLawhorn, Farmer-Butterfield) – The Commission may study the issue of child custody and the impact family violence has on child custody decisions rendered in North Carolina.



* H 9 4 5 - P C S 5 0 7 9 6 - T H - 3 *

1 **SECTION 2.6.** Civil Custody Guardian Program (H.B. 1275 – Insko) – The
2 Commission may study the feasibility and desirability of creating a statewide Civil Custody
3 Guardian Program.

4 **SECTION 2.7.** Juvenile Justice Administration (S.B. 1048 – Kinnaird; H.B. 1414
5 – Bordsen, Bryant, Glazier, Parmon) – The Commission may study issues related to juvenile
6 justice administration and may analyze the legal, systematic, and organizational impact of
7 expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to
8 include persons 16 and 17 years of age who commit crimes or infractions under State law or
9 under an ordinance of local government.

10 **SECTION 2.8.** Grandparents' Visitation Rights (S.B. 342 – Goss; H.B. 590 –
11 Randleman, McCormick, Howard, Brisson) – The Commission may study grandparents'
12 visitation rights in North Carolina.

13 **SECTION 2.9.** Parenting Education (H.B. 1308 – M. Alexander) – The
14 Commission may study current practices relating to the provision of parenting education in the
15 State in order to enhance parents' and parenting partners' competence and confidence to
16 improve child-rearing knowledge and skills.

17 **SECTION 2.10.** Work and Family Balance (H.B. 177 – Adams, Ross, Blue,
18 Wainwright) – The Commission may study issues related to work and family balance.

19 **SECTION 2.11.** After-School Child Care and Related Programs (S.B. 869 –
20 Stevens, Malone; H.B. 1405 – Carney, Goforth) – The Commission may study after-school
21 child care and related programs.

22 **SECTION 2.12.** Preservation of Culture and Customs of Indian Children (H.B. 945
23 – Sutton) – The Commission may study any issues or matters that would impact the
24 preservation of the customs and culture of Indian children who are not covered under the
25 ICWA and who are the subject of legal proceedings in State courts, including, but not limited
26 to, adoption, custody, and visitation.

27 **SECTION 2.13.** Youth Violence (H.B. 1279 – Pierce, Mobley, Bryant, Parmon) –
28 The Commission may study the causes and effects of youth violence in North Carolina and
29 may review current State, local, and private efforts to prevent youth violence, including
30 working cooperatively with the Department of Juvenile Justice and Delinquency Prevention on
31 youth violence issues that may overlap with the ongoing work of that Department.

32 **SECTION 2.14.** Issues Related to Sexual Abuse and Violence (H.B. 1605 –
33 Bordsen, Glazier, Insko, Farmer-Butterfield) – The Commission may study issues related to
34 sexual abuse and violence.

35 **SECTION 2.15.** Ex-Offender Reintegration Into Society (S.B. 496 – Jones; H.B.
36 527 – Pierce, Bryant, Jones, Ross) – The Commission may study issues related to reintegration
37 into society for people with criminal records. Specifically, the Commission may study how
38 North Carolina and other states address barriers facing ex-offenders in accessing jobs, housing,
39 education, training, and services and determine best practices that reduce recidivism.

40 **SECTION 2.16.** Sentencing and Prison Overcrowding (S.B. 1046 – Kinnaird; H.B.
41 1092 – Bordsen, Love) – The Commission may study the State's current sentencing laws and
42 policies, consider the current availability, use, and effectiveness of alternative punishments, and
43 evaluate how all of those contribute to the increasing number of nonviolent offenders housed in
44 State and local government correctional facilities.

45 **SECTION 2.17.** Prison Overcrowding, Incarceration of Nonviolent Felons, and
46 Modified Sentences (S.B. 972 – Rand) – The Commission may study issues related to prison
47 overcrowding, the State's policies and laws regarding incarceration of nonviolent felons, and
48 the feasibility of modifying sentences for nonviolent offenses.

49 **SECTION 2.18.** Post-Conviction and Post-Release Bond (H.B. 1338 – Gibson,
50 Brubaker) – The Commission may study the feasibility of reducing prison overcrowding

1 through a post-conviction and post-release bond program that would allow bail bondsmen to
2 bond out prisoners who have completed the major portions of their active sentences.

3 **SECTION 2.19.** Guidelines for Issuance of a Limited Driving Privilege by the
4 Courts (S.B. 937 – Davis) – The Commission may study the guidelines for issuance of a limited
5 driving privilege by the courts.

6 **SECTION 2.20.** Early Childhood Programs (S.B. 732 – Preston) – The
7 Commission may conduct a study to include the following:

8 (1) Assessing the feasibility and desirability of consolidating the North Carolina
9 Partnership for Children, Inc., and the "More At Four" program.

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

12 (3) Reviewing any other matters the Commission deems relevant to the study.

13 **SECTION 2.21.** Innovations in Education (S.B. 100 – Hartsell) – The Commission
14 may study the feasibility of giving to every public school student in North Carolina an
15 incentive of one thousand dollars (\$1,000) per year beginning at grade one and extending to
16 grade 12 if the student successfully meets specific academic, disciplinary, attendance,
17 character, and parental involvement goals and benchmarks.

18 **SECTION 2.22.** Legislative Grants (H.B. 1620 – Rapp, McLawhorn, Glazier) –
19 The Commission may study the feasibility of providing legislative grants for eligible students
20 who attend North Carolina career colleges and schools.

21 **SECTION 2.23.** Project Graduate (H.B. 1535 – Lucas, Bell, Yongue) – The
22 Commission may study the number of adults in North Carolina who have credit hours at a State
23 institution of higher education but who have not earned a bachelor's degree and may consider
24 initiatives, incentives, and methods to recruit these adults back to college to complete their
25 degree.

26 **SECTION 2.24.** Sports Injuries (H.B. 536 – Cotham, Glazier, England, Blue) –
27 The Commission may study issues relating to sports injuries for all sports at the middle school
28 and high school levels, focusing on the prevention and treatment of injuries.

29 **SECTION 2.25.** Superior Court Criminal Case Calendaring (S.B. 601 – Clodfelter)
30 – The Commission may study Superior Court criminal case calendaring.

31 **SECTION 2.26.** Health Insurance Coverage for the Diagnosis and Treatment of
32 Autism Spectrum Disorders (S.B. 944 – Garrou) – The Commission may study and assess the
33 need for and the merits of providing health insurance coverage for the diagnosis and treatment
34 of autism spectrum disorders.

35 **SECTION 2.27.** Impact of Smoking Prohibitions in Foster Care Homes (S.J.R. 672
36 – Purcell; H.B. 694 – Cotham, Holliman, Barnhart) – The Commission may study whether
37 smoking prohibitions that apply to foster care homes are having an impact on the availability of
38 foster care homes.

39 **SECTION 2.28.** Medicaid Income Levels/Community Alternative Programs (H.B.
40 1243 – Mobley) – The Commission may study the income requirements for eligibility to
41 receive Medicaid and Community Alternative Program (CAP) benefits.

42 **SECTION 2.29.** Mental Health Commitment Statutes (H.B. 718 – Brisson, Justus)
43 – The Commission may study the involuntary commitment statutes in Chapter 122C of the
44 General Statutes, in particular G.S. 122C-263(a), to determine if an individual lawfully ordered
45 to undergo an examination by a physician or eligible psychologist is being appropriately
46 supervised to protect the health and safety of the individual and others during the period of the
47 individual's examination.

48 **SECTION 2.30.** Feasibility and Advisability of Establishing "Cover NC" and
49 Establishing the NC Health Insurance Market Choices Program (H.B. 1402 – Neumann,
50 Burris-Floyd) – The Commission may study the feasibility and advisability of establishing a
51 program to provide health care access to uninsured individuals and their families. The program

1 may emphasize coverage for basic and preventive health care services; provide inpatient
2 hospital, urgent, and emergency care services; and be offered Statewide.

3 **SECTION 2.31.** Statewide Trauma System (H.B. 1375 – Stewart, Neumann) – The
4 Commission may study the current General Statutes and State regulations pertaining to the
5 Statewide Trauma System to determine if any changes are necessary; assess and identify gaps
6 in the Statewide Trauma System with respect to funding and service delivery; assess the
7 financial viability of the Statewide Trauma System; and determine the amount of funds the
8 State should appropriate annually to the Statewide Trauma System.

9 **SECTION 2.32.** Pediatric Palliative and End-of-Life Care (Garrou) – The
10 Commission may study pediatric palliative and end-of-life care in North Carolina.

11 **SECTION 2.33.** Expanding Access to the Department of Health and Human
12 Services' Controlled Substances Reporting System (H.B. 1119 – McLawhorn, Justus, R.
13 Warren) – The Commission may study whether, and under what circumstances, the Controlled
14 Substances Reporting System maintained by the Department of Health and Human Services
15 should be accessible to sheriffs and deputy sheriffs.

16 **SECTION 2.34.** Chiropractic Services and Cost-Sharing Under the State Health
17 Plan (Gibson) – The Commission may study chiropractic services and cost-sharing under the
18 State Health Plan for Teachers and State Employees ("Plan").

19 **SECTION 2.35.** Mandatory Nurse Overtime (H.B. 812 – Glazier, M. Alexander) –
20 The Commission may study the current use of mandatory nurse overtime as a staffing tool in
21 hospitals and health care organizations.

22 **SECTION 2.36.** Comparative Effectiveness (S.B. 1022 – Stein) – The Commission
23 may study how to improve people's health and contain health care costs by studying the
24 comparative effectiveness of various medical treatments and prescription drugs.

25 **SECTION 2.37.** Tax Credit for LID Stormwater Controls (H.B. 1566 – Allred) –
26 The Commission may study the feasibility and advisability of providing a tax credit for the
27 installation of innovative, low-impact development stormwater management systems.

28 **SECTION 2.38.** Greenhouse Gas Credits for Farming (H.B. 28 – Faison) – The
29 Commission may study the feasibility and advisability of extending credits to the business of
30 farming in the same manner that credits are extended to other businesses in the event North
31 Carolina participates in a market-based "Cap-and-Trade" program for greenhouse gas
32 emissions adopted either by the federal government or by the State.

33 **SECTION 2.39.** Gasoline Shortages (S.B. 1085 – Snow, Hartsell; H.B. 847 –
34 Coates, Whilden, Tillis, Goforth) – The Commission may study the issue of gasoline shortages
35 in this State and, in particular, may study the gasoline shortages experienced from the Piedmont
36 to the Western region of this State in the wake of Hurricanes Ike and Gustav in 2008.

37 **SECTION 2.40.** Sanitary District Laws (H.B. 835 – McLawhorn, E. Warren) – The
38 Commission may study and review the current sanitary district laws in Chapter 130A of the
39 General Statutes in order to identify and recommend legislation to modernize the sanitary
40 district laws and clarify the substantive and procedural requirements contained in the law.

41 **SECTION 2.41.** Mountain Resources (S.B. 968 – Queen) – The Commission may
42 identify and evaluate issues affecting important mountain resources and recommend policies
43 and programs to address those issues.

44 **SECTION 2.42.** Transfer of Development Rights Into the Developed Areas of
45 Counties, Including Currituck and Chatham Counties (H.B. 954 – Owens, S.B. 547 – Atwater)
46 – The Commission may study the transfer of development rights into the developed areas of
47 counties, including Currituck and Chatham Counties, in association with conservation
48 easements in rural areas of counties.

49 **SECTION 2.43.** reserved

50 **SECTION 2.44.** Advancing Innovation in North Carolina (Queen) – The
51 Commission may study methods to implement the findings of the December 2008 report of the

1 Office of Science and Technology of the North Carolina Department of Commerce, prepared at
2 the direction of the North Carolina Board of Science and Technology, entitled "Advancing
3 Innovation in North Carolina: An Innovation Framework for Competing and Prospering in the
4 Interconnected Global Environment."

5 **SECTION 2.45.** Modernize the NC Consumer Finance Act and the North Carolina
6 Banking Laws (H.B. 1138 – Hall, Pierce, Mobley, Luebke) – The Commission may study ways
7 to amend the North Carolina Consumer Finance Act (Article 15 of Chapter 53 of the General
8 Statutes) to provide greater protection to consumers.

9 **SECTION 2.46.** Regional Economic Development (Rand) – The Commission may
10 build on the study by the General Assembly Program Evaluation Division and complete a
11 review of all State-funded regional economic development programs.

12 **SECTION 2.47.** Economic Impact of Arts and Culture in Western North Carolina
13 (H.B. 1640 – Fisher, Goforth, Haire, Whilden) – The Commission may study issues relating to
14 the economic impact of arts and culture in Western North Carolina and the State.

15 **SECTION 2.48.** Science, Technology, Engineering, and Math (STEM) Innovation
16 and Community Collaboration (H.B. 1085 – Glazier, Dickson, Howard, Braxton) – The
17 Commission may study issues related to economic growth by the creation of measures and
18 metrics which define the readiness of a community to deliver, to all stakeholders, the services
19 that equip the workforce to be competitive in a STEM-intensive economy, including ensuring
20 that students throughout the education pipeline gain the skills learned from science, technology,
21 engineering, math, and other rigorous subjects.

22 **SECTION 2.49.** Reform Insurance Rate Filing Process (H.B. 1439 – Spear) – The
23 Commission may study the adequacy of public participation in the setting of rates for
24 homeowners insurance in North Carolina.

25 **SECTION 2.50.** System of Electing Judges (H.B. 526 – Wainwright) – The
26 Commission may study the feasibility and desirability of a system of electing superior court
27 judges in which each superior court judge is elected separately, as is already provided for the
28 appellate division and the district court, and in which vacancies are filled at the next election
29 for a full eight-year term, as is already provided for the appellate division.

30 **SECTION 2.51.** Use of 911 Funds (S.B. 521 – Forrester; H.B. 546 – Rhyne; H.B.
31 59 – Allen; H.B. 1480 – Bryant, Allen; H.B. 923 – Goodwin, Burr) – The Commission may
32 study the use of the 911 Funds by Public Safety Answering Points (PSAPs).

33 **SECTION 2.52.** High-Speed Internet in Underserved Urban Areas (H.B. 595 – K.
34 Alexander, Faison, Jones) – The Commission may study the availability of high-speed Internet
35 access in low-wealth areas of the State having a population of 100,000 or more according to the
36 most recent federal decennial census.

37 **SECTION 2.53.** High-Speed Internet in Rural Areas (H.B. 157 – Faison, Haire,
38 Bryant, Gulley) – The Commission may study the availability of high-speed Internet access in
39 rural areas.

40 **SECTION 2.54.** Broadband Use (H.B. 283 – K. Alexander, Coates, Tillis, Faison;
41 Harrison) – The Commission may study administrative actions that can result in immediate
42 promotion of broadband access and usage within the State. The Commission may make
43 specific recommendations as to how North Carolina can take advantage of opportunities for
44 and eliminate any related barriers to broadband access and adoption. The Commission may also
45 study broadband account usage limits and tiered pricing based, in part or in whole, on data
46 consumption, and penalties and fees for exceeding those limitations.

47 **SECTION 2.55.** Equine Industry (S.B. 785 – Weinstein; H.B. 756 – Cole) – The
48 Commission may study and evaluate the recommendations contained in the report to the Joint
49 Legislative Commission on Governmental Operations, which resulted from the Equine Industry
50 Study conducted by the Rural Economic Development Center, Inc., under Section 13.14A of
51 S.L. 2007-323, and included an assessment of the numbers, composition, and value of the

equine industry in North Carolina, an analysis of the direct and indirect impacts of the industry on the State's economy, and the development of a comprehensive plan to maximize the economic opportunities presented by the equine industry.

SECTION 2.56. Impact and Control of Fire Ants in North Carolina (H.B. 513 – Lewis) – The Commission may study issues relating to the impact, control, and eradication of fire ants in North Carolina.

SECTION 2.57. Coyote Nuisance Removal Program (H.B. 1631 – Faison) – The Commission may study the development of a coyote nuisance removal program aimed at diminishing the threat presented by the existence of a coyote population in the State.

SECTION 2.58. Zoological Park Funding and Organization (H.B. 321 – E. Warren, Brubaker, Tarleton, Harrison) – The Commission may study: (i) funding issues associated with the Zoological Park, including current and expected capital and operational needs, current sources of revenue, and potential funding mechanisms; and (ii) the current organizational structure of the Zoological Park, and other potential organizational structures, including, but not limited to, reorganization as an authority, as a private nonprofit corporation, or other entity to determine which organizational structure would most effectively achieve the mission of the Zoological Park.

SECTION 2.59. Spay/Neuter Program (H.B. 208 – Harrison, Wray, Cotham, Carney) – The Commission may study the possibility of establishing a voluntary statewide program to foster the spaying and neutering of dogs and cats for the purpose of reducing the population of unwanted animals in the State.

SECTION 2.60. Issues Relating to the Duration of the Compensation for Temporary Total Disability Under the Workers' Compensation Act (S.B. 975 – Apodaca; H.B. 1022 – Goforth, Folwell, Hill, Rhyne) – The Commission may study issues relating to the duration of the compensation for Temporary Total Disability under the Workers' Compensation Act.

SECTION 2.61. Poultry Worker Health and Safety (H.B. 390 – Earle) – The Commission may study ways to improve poultry worker health and safety.

SECTION 2.62. Security and Emergency Medical Services at the State Legislative Buildings (H.B. 1633 – Hall) – The Commission may study whether and to what extent the security and emergency medical services need to be upgraded at the State legislative buildings and grounds.

SECTION 2.63. Homeowners Associations (H.R. 935 – McGee, Weiss) – The Commission may study issues concerning the protection and participation of homeowners in the governance of their homeowners associations, particularly as to assessments and record keeping of the associations.

SECTION 2.64. Setting of Rates for Homeowners Insurance in North Carolina (H.B. 1439 – Spear) – The Commission may study the adequacy of public participation in the setting of rates for homeowners insurance in North Carolina.

SECTION 2.65. Mechanic's Liens on Real Property (S.B. 803 – Rand) – The Commission may study issues related to mechanic's liens on real property in North Carolina, including the State's current laws regarding mechanic's liens on real property, ways to address hidden liens to protect third-party purchasers for value and lenders in real estate transactions, and any other issues the Commission deems relevant to the study.

SECTION 2.66. Commercial Real Estate Broker Lien Act (H.B. 1356 – McCormick, Gibson) – The Commission may study commercial real estate broker liens.

SECTION 2.67. Department of Military and Veterans Affairs Initiative (Underhill, Wainwright) – The Commission may study and plan the creation of a Department of Military and Veterans Affairs.

SECTION 2.68. Increase Small Brewery Limits (H.B. 1017 – Fisher, Faison, Harrison, Earle) – The Commission may study the possibility of increasing the small brewery

1 brewing limit from 25,000 gallons to 60,000 gallons before the brewery must use a wholesale
2 distributor to distribute its products.

3 **SECTION 2.69.** Bicycle Laws (H.B. 1451 – Harrison) – The Commission may
4 study laws related to the operation of bicycles.

5 **SECTION 2.70.** Voluntary Shared Leave Program (S.B. 352 – Kinnaird; H.B. 213
6 – Insko, Lucas, Hurley) – The Commission may study rules and policies for the voluntary
7 shared leave program that will permit the donation of sick leave to a nonfamily member
8 recipient for State employees subject to the State Personnel Act, public school employees, and
9 community college employees.

10 **SECTION 2.71.** Office of Prosecution Services (S.B. 816 – Brunstetter, Rand;
11 H.B. 786 – Faison) – The Commission may study the establishment of an Office of Prosecution
12 Services to manage the budgetary aspects of the various district attorney offices and related
13 issues.

14 **SECTION 2.72.** For each Legislative Research Commission committee created
15 during the 2007-2009 biennium, the cochairs of the Legislative Research Commission shall
16 appoint the committee membership.

17 **SECTION 2.73.** For each of the topics the Legislative Research Commission
18 decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may report
19 its findings, together with any recommended legislation, to the 2010 Regular Session of the
20 2009 General Assembly upon its convening.

21 **SECTION 2.74.** From the funds available to the General Assembly, the Legislative
22 Services Commission may allocate additional monies to fund the work of the Legislative
23 Research Commission.

24 25 **PART III. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE** 26 **STUDIES**

27 **SECTION 3.1.** The Joint Legislative Health Care Oversight Committee may study
28 the topics listed in this Part and report its findings, together with any recommended legislation,
29 to the 2010 Regular Session of the 2009 General Assembly upon its convening.

30 **SECTION 3.2.** Validity of "Do Not Resuscitate" Orders Issued by a Physician in
31 the Absence of a Declaration for Natural Death (S.J.R. 769 – Kinnaird) – The Committee may
32 study the validity of "Do Not Resuscitate" (DNR) orders issued by a physician in the absence
33 of a declaration for natural death made by the patient for whom the DNR order was issued. In
34 conducting the study, the Committee may consider the matters raised in Senate Bill 685, 2007
35 General Assembly.

36 **SECTION 3.3.** Provider Credentials/Insurer/Provider Contracts (H.B. 1297 –
37 Stewart, Jackson) – The Committee may study issues related to the credentialing of health care
38 providers under health benefit plans, notice and contract negotiation provisions for health
39 benefit plans and provider contracting, certificate of need exemption criterion, modification of
40 inspection practices of hospital outpatient locations, and related issues.

41 **SECTION 3.4.** Temporary License Waiver for Medical, Dental, Nursing, or
42 Pharmacy Professionals (Berger of Rockingham) – The Committee may study the allowance of
43 a temporary waiver of a license for a medical, dental, nursing, or pharmacy professional who is
44 properly licensed in another state for the purpose of volunteering for a nonprofit entity that
45 provides medical, dental, nursing, or pharmacy services in the State of North Carolina.

46 47 48 **PART IV. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE** 49 **STUDIES**

1 **SECTION 4.1.** The Joint Legislative Transportation Oversight Committee may
2 study the topics listed in this Part and report its findings, together with any recommended
3 legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

4 **SECTION 4.2.** License Plate Backgrounds/Information (H.B. 487 – Underhill,
5 Haire) – The Committee may study whether to require the Division of Motor Vehicles to place
6 the North Carolina tourism Web site, visitnc.com, on the State's registration plates and whether
7 to require all license plates issued by the Division of Motor Vehicles to have a "First in Flight"
8 background, including all specialized license plates.

9 **SECTION 4.3.** Authorization of Special Registration Plates (H.B. 67 – Cole) – The
10 Committee, in consultation with the Revenue Laws Study Committee, may study the
11 authorization of special registration plates under Part 5 of Article 3 of Chapter 20 of the
12 General Statutes and the issuance of special registration plates with a design that is not a "First
13 in Flight" design.

14 **SECTION 4.4.** Transportation Funding Distribution Formula (S.B. 635 – Stein,
15 Clodfelter; H.B. 237 – Carney, Cole, Blust, Ross) – The Committee may study issues related to
16 the State's method for distributing transportation funds.

17 **SECTION 4.5.** Ways to Reduce Construction Expense (Goss, Cole) – The
18 Committee may study ways to reduce construction expense by considering life cycle cost,
19 durability, environmental impact, sustainability, longevity, and maintenance costs when
20 selecting project pavement types.

21 22 **PART V. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE STUDIES**

23 **SECTION 5.1.** The Joint Legislative Education Oversight Committee may study
24 the topics listed in this Part and report its findings, together with any recommended legislation,
25 to the 2010 Regular Session of the 2009 General Assembly upon its convening.

26 **SECTION 5.2.** Consolidation of the General Statutes and Administrative Rules
27 Pertaining to High School Programs Offered at Community Colleges (S.B. 644 – Swindell;
28 H.B. 717 – Tarleton) – The Committee may study the consolidation of the General Statutes and
29 administrative rules pertaining to high school programs offered at community colleges,
30 including Huskins Bill courses, dual enrollment, Learn and Earn, Learn and Earn Online, and
31 college transfer courses, to facilitate consistency in administration of these programs among
32 colleges and to ensure that revenues are appropriately received by the colleges to fulfill their
33 responsibility in providing these programs to high school students.

34 **SECTION 5.3.** Social Workers in Schools (H.B. 1089 – Jeffus) – The Committee
35 may study all aspects of the practice of school social work in North Carolina.

36 **SECTION 5.4.** Impact of Student Mobility on Academic Performance (H.B. 1029
37 – Folwell, Glazier, Wiley, Parmon) – The Committee may study the impact of student mobility
38 on academic performance.

39 **SECTION 5.5.** Alternative Schools (H.B. 971 – Lucas, Bryant) – The Committee
40 may study the number of alternative schools that currently exist in North Carolina, how
41 effective those schools are in helping at-risk students reach academic success, and any other
42 issues that the Committee considers relevant to this topic.

43 **SECTION 5.6.** ABC Bonus Program (H.B. 707 – Wilkins, Yongue, Glazier,
44 Johnson) – The Committee may study the ABC Bonus Program. In the course of the study, the
45 Committee may consider (i) the current mechanism for determining which schools' employees
46 are entitled to bonuses, (ii) the relationship of bonuses awarded to the improvement of student
47 performance and outcomes and reduction in dropout rates, and (iii) any equities and inequities
48 in the current program.

49 **SECTION 5.7.** State Need-Based Financial Aid (H.B. 1552 – Glazier,
50 McLawhorn, Rapp, Tarleton) – The Committee may study how best to fund grants, loans, and
51 scholarships made for the purpose of attending institutions of higher education both within and

outside of North Carolina, including examining the availability and sustainability of existing State, federal, and private funding sources.

PART VI. ENVIRONMENTAL REVIEW COMMISSION STUDIES

SECTION 6.1. The Environmental Review Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

SECTION 6.2. Issues Related to the Use of Intrabasin and Interbasin Netting by Contract Among Water Utilities (S.B. 919 – Bingham) – The Commission, with the assistance of the Department of Environment and Natural Resources, may study the feasibility and environmental impact of intrabasin and interbasin netting of water withdrawals and discharges by contract among water systems subject to regulation by the North Carolina Utilities Commission.

SECTION 6.3. Continue Study of Water Allocation Issues (S.B. 907 – Clodfelter; H.B. 1101 – Allen, Gibson, Tarleton) – The Commission may continue to study those topics identified for further research and study in the 2008 Report of the Water Allocation Study to the Environmental Review Commission.

SECTION 6.4. Desirability and Feasibility of Consolidating the State's Environmental Policymaking, Rule-making, and Quasi-Judicial Functions Into One Commission (S.B. 876 – Clodfelter) – The Commission may study the desirability and the feasibility of consolidating the State's environmental policy-making, rule-making, and quasi-judicial functions into one comprehensive full-time environmental commission, perhaps to be modeled after the North Carolina Utilities Commission.

SECTION 6.5. Issues Related to the Environmental Impacts of Cement Plants (S.B. 699 – Boseman; H.B. 1462 – Hughes) – The Commission, with the assistance of the Department of Environment and Natural Resources, may study issues related to cement plants.

SECTION 6.6. Expanding Alternative Energy Use by State Government (S.B. 651 – Goss) – The Commission may study the feasibility and desirability of State government expanding its use of alternative sources of energy for fueling vehicles that are owned or leased by the State as well as for providing energy to power heating, ventilating, and air conditioning (HVAC) systems in buildings owned or leased by the State and to power other systems, motors, and appliances that are owned or leased by the State.

SECTION 6.7. Sustainable Growth Through the Year 2050 (S.B. 1024 – Stein) – The Commission may study how North Carolina can grow and develop sustainably in the future through the year 2050. The Commission may consider what it means for the State's growth and development to be sustainable, focusing on the following areas: economic development, including transportation and water and sewer infrastructure; the State's natural resources, including its land, water, air, local food supply, and energy supplies; and quality of life issues, including health and education.

SECTION 6.8. Green School Construction Loan Fund (H.B. 282 – Harrison, Glazier, Cotham, Fisher) – The Commission may study the possibility of establishing a Green School Construction Loan Fund to provide no interest loans to local school administrative units for green construction, with priority given to projects that will have the greatest impact on reducing the use of energy and water.

SECTION 6.9. Disclosure of Coastal Hazards (H.B. 605 – Harrison, Justice) – The Commission may study the establishment of a system whereby prospective purchasers of coastal properties subject to certain hazards can receive reasonable notice of these hazards prior to acquisition of property.

SECTION 6.10 Phase Out Lagoon and Sprayfield Systems (H.B. 607 – Harrison, Luebke, Underhill, Justice) – The Commission may study ways to phase out animal waste management systems that employ lagoon and sprayfield systems.

SECTION 6.11. Phase Out Polybrominated Diphenyl Ethers (PBDEs) and Bisphenol A (H.B. 823 – Harrison, Glazier, England, Burris-Floyd) – The Commission may study ways to phase out PBDEs and Bisphenol A in flame-retardant products.

SECTION 6.12. Strengthen Pesticide Law for Workers (H.B. 1052 – Blue, Harrison) – The Commission may study ways to strengthen pesticide law for the protection of workers.

SECTION 6.13. Recycle Products Containing Mercury (H.B. 1287 – Harrison, Burris-Floyd) – The Commission may study the possibility of requiring all public agencies to recycle all spent fluorescent lights and mercury thermostats, requiring the removal of all fluorescent lights and mercury thermostats from buildings prior to demolition, and banning mercury-containing products from unlined landfills.

SECTION 6.14. Ordinances Banning Clotheslines (H.B. 1353 – Harrison, Samuelson, Fisher) – The Commission may study city ordinances and county ordinances prohibiting the installation of clotheslines.

SECTION 6.15. Green Building Code (H.B. 1443 – Harrison, Fisher, K. Alexander) – The Commission may study the possibility of requiring new and renovated commercial buildings and new residential buildings to comply with energy conservation standards.

SECTION 6.16. Environmental Documents Prepared Pursuant to G.S. 113A-4 (Harrison) – The Commission may study whether the circumstances under which an environmental document must be prepared pursuant to G.S. 113A-4 should be clarified.

SECTION 6.17. Use and Storage of Reclaimed Water (H.B. 643 – Tucker) – The Commission, in consultation with the Department of Environment and Natural Resources, may study issues related to the use and storage of reclaimed water.

SECTION 6.18. Remediation of Industrial and Commercial Site Contamination (Gibson) – The Commission may study environmentally sound mechanisms for accelerating the remediation of industrial and commercial site contamination.

SECTION 6.19. Reducing Diesel Emissions (Samuelson) – The Commission, in consultation with the Division of Air Quality of the Department of Environment and Natural Resources, the Department of Transportation, and the Department of Administration, may study the feasibility and the advisability of adopting requirements aimed at reducing diesel emissions for construction projects that are funded in whole or in part with State or federal funds.

PART VII. REVENUE LAWS STUDY COMMITTEE STUDIES

SECTION 7.1. The Revenue Laws Study Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

SECTION 7.2. Local Government Owned and Operated Communication Services (H.B. 1252 – Harrell, Jones, Avila, Tillis) – The Committee may study local government owned and operated communication services.

SECTION 7.3. Issues Relating to Property Tax Relief Programs and Exemptions (H.B. 1587 – Luebke) – The Committee may study issues relating to the effects on local units of government of enacted property tax relief programs and exemptions.

SECTION 7.4. Special Tax Reduction Provisions (H.B. 1594 – Gibson, Haire) – The Committee may study issues relating to the effects on State revenues of government-enacted tax incentives, exemptions, credits, refunds, and exclusions.

SECTION 7.5. Renewable Energy and Alternative Fuel Tax Credits (H.B. 905 – Bryant, Harrison, Tolson) – The Committee and the Environmental Review Commission may study renewable energy tax credits and incentives for energy conservation.

SECTION 7.6. Small Business Incentives for Job Preservation and Growth (H.B. 1598 – K. Alexander, Mackey, Faison) – The Committee may examine the following issues:

- (1) The feasibility of programs for small businesses with annual gross receipts of one million five hundred thousand dollars (\$1,500,000) or more and less than two million dollars (\$2,000,000) that would provide low-interest loans for any of the following purposes:
 - a. Purchasing real or business property used to maintain or expand workforce.
 - b. Improving real property, whether owned or leased, to make it more energy efficient.
 - c. Acquiring broadband connectivity and technology to improve efficiency of business operations.
- (2) The feasibility of programs for small business with annual gross receipts of five hundred thousand dollars (\$500,000) or more and less than one million five hundred thousand dollars (\$1,500,000) that would provide funds for any of the following purposes:
 - a. Providing working capital grants.
 - b. Providing low-interest construction loans for the purchase of real or business property used to maintain or expand the workforce.
 - c. Improving real property, whether owned or leased, to make it more energy efficient.
 - d. Acquiring broadband connectivity and technology to improve the efficiency of business operations.
 - e. Any other legitimate business purpose designed to improve business efficiency.
- (3) The feasibility of microloans and microgrants to small businesses with annual gross receipts of less than five hundred thousand dollars (\$500,000) for any legitimate business purpose.
- (4) Any other issue the Committee deems relevant.

SECTION 7.7. Equal Tax Treatment of Government Retiree Benefits (S.B. 233 – Hoyle, Jenkins; H.B. 345 – Underhill, Cleveland, Glazier, Martin) – The Committee may study the possibility of exempting retirement benefits for all government employees from income tax in North Carolina.

PART-VII. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES

SECTION 8.1. The Joint Legislative Utility Review Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

SECTION 8.2. Service Charge for Prepaid Wireless Telephone Service (S.B. 775 – Dannelly) – The Committee may study the adequacy of the service charge for prepaid wireless telephone service and the manner in which the service charge is collected and remitted to the 911 Board.

SECTION 8.3. Feed-In Rates (H.B. 1440 – Harrison, K. Alexander, Cotham, Martin) – The Committee and the Energy Policy Council jointly may study the feasibility and suitability of establishing feed-in rates to be paid to renewable energy electricity producers by electric power suppliers for each kilowatt-hour of electricity produced.

SECTION 8.4. Mountaintop Removal Coal Mining (H.B. 340 – Harrison, Haire, Fisher, Howard) – The Committee may study electric public utilities' purchase and use of coal that is extracted using mountaintop removal coal mining.

SECTION 8.5. Permits for the Siting of Wind Energy Facilities (H.B. 809 – Harrison, Fisher, Owens) – The Committee may study ways to establish a system of permits to

be issued by the Department of Environment and Natural Resources for the siting of wind energy facilities.

SECTION 8.6. NC Saves Energy (H.B. 1050 – Blue, Tolson, Glazier, Harrison) – The Committee may study the creation of NC Saves Energy as an independent energy efficiency administrator for the State to administer energy efficiency and energy conservation programs and programs to promote the sustainable use of energy.

SECTION 8.7. Energy Efficiency in State-Funded Buildings (H.B. 1199 – Harrison, Underhill, Fisher) – The Committee may study the possibility of extending the standards governing energy efficiency and water use for major facility construction and renovation projects involving State, university, and community college buildings to major facility construction and renovation projects involving buildings of entities that receive state funding.

SECTION 8.8. Applying Pesticides to Rights-of-Way (H.B. 1201 – Harrison, Insko, Martin, Glazier) – The Committee may study the necessity of requiring, prior to applying pesticides to rights-of-way, that telegraph, telephone, electric, and lighting companies notify property owners of the rights-of-way or adjacent to such land that pesticides are to be applied to the land and to provide these property owners with the opportunity to stop such application from taking place on their land.

PART IX. JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY STANDARDIZING SELECT ELECTION PROCESSES (H.B. 908 – Goodwin)

SECTION 9.1. The Joint Legislative Elections Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

SECTION 9.2. The Committee may study the following issues raised by the listed bills introduced in the 2009 Regular Session of the 2009 General Assembly and make recommendations regarding the standardization of that process:

- (1) Senate Bill 417, National Popular Vote Interstate Compact.
- (2) Senate Bill 596, Filling Vacancies in Local Offices.
- (3) Senate Bill 878, Judicial Appointment/Voter Retention.

PART X. GENERAL ASSEMBLY TO STUDY EFFICIENCY OF NORTH CAROLINA'S PORTS

SECTION 10.1. The General Assembly may, from funds available, contract with an independent third party for a study of how to maximize the efficacy of North Carolina's ports. The study may include examination of the costs and benefits of consolidating the port sites, privatizing port operations, and other ways to improve the ports' role in order to enhance economic benefit for the State.

PART XI. LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH STUDIES

SECTION 11.1. The Joint Legislative Study Commission on Children and Youth may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

SECTION 11.2. Issues Related to Children of Incarcerated Parents (H.B. 1416 – Bordsen, Farmer-Butterfield, Parmon, Bryant) – The Commission may study the issue of incarcerated parents and their children.

SECTION 11.3. Practice and Prevalence of Shackling Children En Route to Mental Health Commitment Hearings (H.B. 656 – Earle, Bordsen, Lucas, Bryant) – The Commission may study the practice and prevalence of shackling children en route to mental health commitment hearings.

PART XII. LEGISLATIVE ETHICS COMMISSION TO STUDY COMPENSATION FOR ELECTED STATE OFFICIALS (S.B. 292 – Clodfelter, Hartsell)

SECTION 12.1. The Legislative Ethics Commission may study the relationship of all forms of compensation for the duties of members and officers of the General Assembly, examining compensation paid to other elected officials in North Carolina and other states, and such other information as the Commission deems appropriate.

SECTION 12.2. The Commission may report its findings and recommendations to the General Assembly as soon as feasible during or prior to the reconvening in 2010 of the 2009 Regular Session of the General Assembly.

PART XIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A SCHOOL-BASED INFLUENZA VACCINATION PILOT PROGRAM (S.B. 805 –Purcell; H.B. 957 – England)

SECTION 13.1. The Department of Health and Human Services, Division of Public Health, may study the feasibility of establishing a school-based influenza vaccination pilot program. The purpose of the program would be to vaccinate against influenza all children ages six months to 18 years in accordance with the recommendations of the National Advisory Committee on Immunization Practices. In conducting the study, the Division may:

- (1) Examine the costs and benefits of establishing a school-based influenza vaccination pilot program;
- (2) Identify any barriers to implementing the school-based influenza vaccination pilot program and recommend strategies for removing the barriers; and
- (3) Determine the fiscal impact to the State of the proposed pilot program.

SECTION 13.2. The Department of Health and Human Services may report its findings and recommendations to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Governor not later than October 1, 2010.

PART XIV. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY PROVIDER MEDICAL RATES TO DETERMINE THE EQUITY OF EXISTING RATES AMONG PROVIDERS (H.B. 1339 – England)

SECTION 14.1. The Department of Health and Human Services, Division of Medical Assistance, may conduct a study of rate equity for medical providers. The study may include the following:

- (1) The cost of providing services, capital costs, and medical malpractice insurance.
- (2) A review of medical providers for a stand-alone payment method, including the consideration of a private consultant to perform the rate-setting process.

SECTION 14.2. Not later than December 1, 2009, the Department may report its findings and recommendations to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

PART XV. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE FEASIBILITY OF REQUIRING LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES (H.B. 1239 – Sager, Cleveland, Stevens, Randleman)

SECTION 15.1. The Department of Health and Human Services, Division of Health Service Regulation and the Division of Aging and Adult Services, may conduct a study

on the feasibility of requiring long-term care facilities to require drug tests on applicants for employment and on employees. The Department may solicit input from advocates, long-term care facilities, and other interested stakeholders while conducting the study.

SECTION 15.2. The Department may report findings and recommendations on the feasibility of conducting drug tests for long-term care facility employment applicants and employees to the North Carolina Study Commission on Aging on or before October 1, 2010.

PART XVI. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES THAT ARE FUNDED WITH MEDICAID FUNDS AND WITH STATE FUNDS (S.B. 409 – Nesbitt; H.B. 458 – Insko, England, Farmer-Butterfield, Braxton)

SECTION 16.1. The North Carolina Institute of Medicine (NCIOM) may conduct a study of mental health, developmental disabilities, and substance abuse services that are funded with Medicaid funds and with State funds. The purpose of the study is to determine what services are currently available to active, reserve, and veteran members of the military and National Guard and the need for increased State services to these individuals. The NCIOM may 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.

PART XVIII. NORTH CAROLINA INSTITUTE OF MEDICINE TO CONTINUE TO STUDY ISSUES RELATED TO COST, QUALITY, AND ACCESS TO APPROPRIATE AND AFFORDABLE HEALTH CARE FOR ALL NORTH CAROLINIANS (H.B. 741 – Holliman, Insko)

SECTION 18.1. The North Carolina Institute of Medicine (NCIOM) may continue the work of its Health Access Study Group to study issues related to cost, quality, and access to appropriate and affordable health care for all North Carolinians. The Health Access Study Group may include in its study the matters contained in Sections 31.1, 31.2, and 31.3 of S.L. 2008-181, and may also monitor federal health-related legislation to determine how the legislation would impact costs, quality, and access to health care. The Institute may make an interim report to the Joint Legislative Health Care Oversight Committee no later than January 15, 2010, which may include recommendations and proposed legislation, and may issue its final report with findings, recommendations, and suggested legislation to the 2011 General Assembly upon its convening. In the event members of the General Assembly serve on the NCIOM Health Access Study Group, they may receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1.

PART XIX. NORTH CAROLINA INSTITUTE OF MEDICINE TO STUDY THE PROVISION OF STATE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO CURRENT AND FORMER MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES (H.B. 738 – Martin, Insko)

SECTION 19.1. The North Carolina Institute of Medicine (NCIOM) may convene a Task Force to study the adequacy of mental health, developmental disabilities, and substance abuse services funded with Medicaid funds and with State funds that are currently available to active, reserve, and National Guard members of the military, veterans of the military, and their families, and the need for increased State services to these individuals.

SECTION 19.2. The Department of Health and Human Services may cooperate with NCIOM and the Task Force and provide the data necessary for the Task Force to conduct its study.

SECTION 19.3. The membership of the Task Force may include members of the North Carolina General Assembly. Senate members may be appointed by the President Pro

1 Tempore of the Senate. House members may be appointed by the Speaker of the House of
2 Representatives. Members of the General Assembly serving on the Task Force may be entitled
3 to receive per diem, subsistence, and travel allowances as provided by G.S. 120-3.1.

4 **SECTION 19.4.** NCIOM may report its findings and recommendations to the Joint
5 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance
6 Abuse Services on or before the convening of the 2010 Regular Session of the 2009 General
7 Assembly.

8
9 **PART XX. UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING TO**
10 **STUDY PUBLIC GUARDIANSHIP SERVICES (S.B. 693 – Dorsett, Malone; H.B. 740 –**
11 **Bordsen, Goodwin)**

12 **SECTION 20.1.** The University of North Carolina Institute on Aging may conduct
13 a study regarding public guardianship services. In conducting the study, the Institute on Aging
14 may consult with agencies and organizations that are involved or interested in the provision of
15 public guardianship services, including the Division of Aging and Adult Services, the ARC of
16 North Carolina, the Corporation for Guardianship Services, the North Carolina Guardianship
17 Association, the North Carolina Association of County Directors of Social Services, Carolina
18 Legal Assistance, and the Elder Law Section of the North Carolina Bar Association. The
19 Institute on Aging may consider the recommendations regarding public guardianship services
20 made by the Wingspread National Guardianship Conference, the Wingspan National
21 Guardianship Conference, and the National Study of Public Guardianship conducted by the
22 American Bar Association's Commission on Legal Problems of the Elderly, as well as the
23 structure, administration, funding, and performance of the public guardianship programs in
24 Florida, Georgia, Illinois, Indiana, Kentucky, and Virginia.

25 **SECTION 20.2.** The study may address the following:

- 26 (1) The provision of public guardianship services through "disinterested public
27 agent" guardians appointed under Chapter 35A of the General Statutes.
- 28 (2) The provisions of public guardianship services through "public guardians"
29 under Article 11 of Chapter 35A of the General Statutes.
- 30 (3) The advantages and disadvantages of providing public guardianship services
31 through each of the four models of public guardianship (court, social
32 services, independent agency, and county) identified in the National Study of
33 Public Guardianship.
- 34 (4) The cost and feasibility of providing public guardianship services through
35 government-funded nonprofit corporations.
- 36 (5) The potential for conflicts of interest in the provision of public guardianship
37 services and ways to avoid or minimize potential conflicts of interest in
38 providing public guardianship services.
- 39 (6) The amount of funding needed to provide high quality public guardianship
40 services.
- 41 (7) Potential sources of revenue to fund public guardianship services.
- 42 (8) Eligibility to receive public guardianship services.
- 43 (9) Monitoring and evaluation of public guardianship programs.
- 44 (10) Maximum staff-ward ratios for public guardianship programs.
- 45 (11) Training of public guardians.
- 46 (12) Certification of public guardianship programs.
- 47 (13) Ethical and practice standards for public guardianship programs.

48 **SECTION 20.3.** The Institute on Aging may submit a report of its findings and
49 recommendations to the North Carolina Study Commission on Aging, the Department of
50 Health and Human Services, the Division of Aging and Adult Services, and the Fiscal Research
51 Division on or before October 1, 2011.

PART XXI. NORTH CAROLINA MIDWIFERY JOINT COMMITTEE TO STUDY METHODOLOGY FOR LICENSING CERTIFIED PROFESSIONAL MIDWIVES IN THIS STATE (H.B. 333 – England, McLawhorn, Neumann, Wilkins)

SECTION 21.1. The North Carolina Midwifery Joint Committee may develop and propose a methodology for licensing Certified Professional Midwives (CPMs) in the State. In developing a licensure methodology, the Committee may collaborate with the North Carolina Obstetrical and Gynecological Society, the North Carolina Section of the American College of Obstetricians and Gynecologists, and other interested parties. The proposed methodology may establish standards for education and training of CPMs that are at least as stringent as those put forth by the American Midwifery Certification Board and may require that CPMs maintain insurance liability coverage regardless of the setting in which they practice. The Commissioner of Insurance may provide the Committee with information relating to the access and availability of such insurance in North Carolina.

SECTION 21.2. The Committee may report its recommendations and legislative proposals to the 2010 Regular Session of the 2009 General Assembly on or before its convening.

PART XXII. UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS TO STUDY THE FEASIBILITY OF IMPLEMENTING A TRIMESTER SYSTEM (H.B. 1225 – Haire, Stewart, Rapp, Tolson)

SECTION 22.1. The Board of Governors of The University of North Carolina may study the feasibility of converting the academic calendar for most of the State's university system from a semester system to a trimester system. The study may include the following universities: the University of North Carolina at Chapel Hill, North Carolina State University, the University of North Carolina at Greensboro, the University of North Carolina at Charlotte, the University of North Carolina at Asheville, the University of North Carolina at Wilmington, Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, the University of North Carolina at Pembroke, Western Carolina University, and Winston-Salem State University. The study may not include either the University of North Carolina School of the Arts or the constituent high school, the North Carolina School of Science and Mathematics.

The goal of the study is to evaluate whether switching to a trimester system would better enable a university to use more fully its campus facilities during the summer while still maintaining the academic and programmatic integrity of the institution. The Board of Governors may consider how a conversion to a trimester system could change campus culture at each university that is included in the study, the challenges of enticing people to participate, particularly in a summer trimester, and the issues related to workload distribution and student support. In its study the Board of Governors may also analyze and evaluate how converting to a trimester system would affect all of the following at each university included in the study: student life; financial aid; athletic programs; student government; student learning; the need, if any, for additional faculty, and if additional faculty are needed, then the academic areas in which they would be needed; faculty research; registration; housing; maintenance; and utilities.

SECTION 22.2. As part of the study set out in this Part, the Board of Governors may also design a pilot program to explore the advantages and disadvantages to different types of campuses in switching to an academic year based on trimesters. The Board of Governors may identify four of the universities included in the study with different types of campuses to participate in the pilot program. The Board of Governors may determine the time frame for implementing the pilot program and the length of time that the pilot program may be maintained in order to analyze fully the advantages and disadvantages of switching to a

1 trimester system. The Board of Governors may also determine what incentives, if any, may be
2 offered to encourage students and faculty to participate in the summer trimester. The pilot
3 program may not be implemented until after the Board of Governors reports to the Joint
4 Legislative Education Oversight Committee pursuant to this Part and funds are appropriated to
5 implement the pilot program.

6 **SECTION 22.3.** The Board of Governors may report its findings and
7 recommendations to the Joint Legislative Education Oversight Committee by December 1,
8 2009.

9
10 **PART XXIII. UNC BOARD OF GOVERNORS TO STUDY TRANSFER OF UNC**
11 **CENTER FOR PUBLIC TELEVISION TO UNC SCHOOL OF THE ARTS (Garrou)**

12 **SECTION 23.1.** The Board of Governors of The University of North Carolina may
13 study the feasibility of transferring the University of North Carolina Center for Public
14 Television to the University of North Carolina School of the Arts and may report its findings
15 and recommendations by March 1, 2010, to the Joint Education Legislative Oversight
16 Committee and to the Chairs of the Senate and House of Representatives Appropriations
17 Subcommittees on Education.

18
19 **PART XXIV. UNC BOARD OF GOVERNORS, IN CONJUNCTION WITH THE**
20 **DEPARTMENT OF PUBLIC INSTRUCTION AND THE NORTH CAROLINA**
21 **INDEPENDENT COLLEGES AND UNIVERSITIES, TO DIRECT THE**
22 **APPROPRIATE ENTITY TO STUDY THE IMPACTS OF RAISING THE**
23 **COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE**
24 **PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO**
25 **SEVENTEEN OR EIGHTEEN (S.B. 320 – Malone; H.B. 188 – Parmon, Tarleton,**
26 **Current, Bryant)**

27 **SECTION 24.1.** The Board of Governors of The University of North Carolina, in
28 coordination with the Department of Public Instruction and the North Carolina Independent
29 Colleges and Universities, may direct the appropriate entity to study the impacts of raising the
30 compulsory public school attendance age prior to completion of a high school diploma from 16
31 to 17 or 18 and may report to the Joint Legislative Education Oversight Committee prior to
32 May 1, 2010.

33
34 **PART XXV. STATE BOARD OF COMMUNITY COLLEGES TO STUDY**
35 **STRATEGIES FOR MAKING THE CONSTRUCTION PROCESS FOR COMMUNITY**
36 **COLLEGES MORE EFFICIENT (S.B. 418 – Clodfelter)**

37 **SECTION 25.1.** The State Board of Community Colleges may review the
38 construction process for community college facilities and may study strategies for making the
39 process more efficient. In the course of the study, the Board may consider:

- 40 (1) The capacity of the various colleges to construct capital facilities without
41 oversight by the Office of State Construction;
42 (2) The appropriateness of increasing the cost threshold at which oversight by
43 the Office of State Construction is required for some or all of the colleges;
44 and
45 (3) The need for oversight by the Office of State Construction in counties with
46 an effective county review process.

47 **SECTION 25.2.** The State Board of Community Colleges may report the results of
48 its study to the Joint Legislative Education Oversight Committee prior to March 30, 2010.

49
50 **PART XXVI. STATE BOARD OF COMMUNITY COLLEGES TO STUDY THE NEED**
51 **FOR FURTHER PURCHASING FLEXIBILITY (S.B. 419 – Clodfelter)**

1 **SECTION 26.1.** The State Board of Community Colleges may review the
2 purchasing process for community colleges and may consider whether the State Board of
3 Community Colleges should have the authority to increase the bid value benchmark for each
4 community college based on the college's overall capabilities, including staff resources,
5 purchasing compliance reviews, and audit reports.

6 **SECTION 26.2.** The State Board of Community Colleges may report the results of
7 its study to the Joint Legislative Education Oversight Committee prior to March 30, 2010.
8

9 **PART XXVII. STATE BOARD OF COMMUNITY COLLEGES TO STUDY THE**
10 **FEASIBILITY OF CONVERTING THE ACADEMIC CALENDAR FOR MOST OF**
11 **THE CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY**
12 **COLLEGE SYSTEM FROM A SEMESTER SYSTEM TO A TRIMESTER SYSTEM**
13 **(H.B. 1244 – Haire, Tolson)**

14 **SECTION 27.1.** The State Board of Community Colleges may study the feasibility
15 of converting the academic calendar for most of the constituent institutions of the North
16 Carolina Community College System from a semester system to a trimester system.

17 The goal of the study is to evaluate whether switching to a trimester system would
18 better enable a college to more fully use its campus facilities during the summer while still
19 maintaining the academic and programmatic integrity of the institution. The State Board of
20 Community Colleges may consider how a conversion to a trimester system would change
21 campus culture at each college that is included in the study, the challenges of enticing people to
22 participate, particularly in a summer trimester, and the issues related to workload distribution
23 and student support. In its study, the State Board of Community Colleges also may analyze and
24 evaluate how converting to a trimester system would affect all of the following at each college
25 included in the study: student life; financial aid; athletic programs; student government; student
26 learning; the need, if any, for additional faculty, and if additional faculty are needed, then the
27 academic areas in which they would be needed; faculty research; registration; housing;
28 maintenance; and utilities.

29 **SECTION 27.2.** The State Board of Community Colleges may report its findings
30 and recommendations to the Joint Legislative Education Oversight Committee by December 1,
31 2009.
32

33 **PART XXVIII. CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING**
34 **BOARD TO STUDY THE FEASIBILITY OF CREATING AN AUTOMATED PAWN**
35 **TRANSACTION DATABASE SYSTEM (H.B. 1282 – Underhill)**

36 **SECTION 28.1.** The Criminal Justice Information Network Governing Board may
37 study the feasibility of developing and maintaining an automated system that would receive
38 pawn transaction data electronically from pawn shops and provide access to law enforcement
39 agencies for retrieving information about pawn shop transactions Statewide as part of the
40 Criminal Justice Information Network. The study may consider issues related to the State's role
41 in regulating pawn shops in order to identify and minimize illegal activities, recover stolen
42 property, verify compliance with applicable laws, and ensure a legitimate environment for
43 consumers by decreasing the cost of regulation, improving law enforcement services and
44 effectiveness, enabling information sharing among law enforcement and regulatory authorities,
45 and impacting related crimes. The Board may report its findings and recommendations,
46 including any legislative proposals, to the Joint Legislative Corrections, Crime Control, and
47 Juvenile Justice Oversight Committee on or before March 31, 2010.
48

49 **PART XXIX. DEPARTMENT OF CORRECTION TO STUDY COMPREHENSIVE**
50 **REFORM OF THE STATE'S APPROACH TO COMMUNITY CORRECTIONS (S.B.**
51 **796 – Rand; H.B. 876 – Wainwright)**

1 **SECTION 29.1.** The Department of Correction, in consultation with the
2 Sentencing and Policy Advisory Commission, the Administrative Office of the Courts, the
3 Conference of District Attorneys, Office of Indigent Defense Services, the Department of
4 Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention,
5 the School of Government at the University of North Carolina at Chapel Hill, and other
6 organizations and agencies it deems appropriate, may study comprehensive reform of the
7 State's approach to community corrections. The study may consider the integration of
8 evidence-based practices into all aspects of community corrections and the development of
9 cost-effective ways to manage offenders without compromising public safety. The study may
10 review data from North Carolina and other states to identify best practices in community-based
11 supervision and treatment, proven through research-based evidence to reduce crime, decrease
12 offender recidivism rates, and improve offender reintegration into society. The study may
13 estimate the costs of the identified programs and their projected impact on offender populations
14 in prison and under community supervision. The Department may report its findings, including
15 proposed legislation to enact a comprehensive Community Corrections Act, to the Joint
16 Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee no later than
17 April 1, 2010.

18
19 **PART XXX. DEPARTMENTS OF CORRECTION AND JUSTICE TO STUDY THE**
20 **ESTABLISHMENT OF A NORTH CAROLINA CORRECTIONAL AND PROBATION**
21 **OFFICER EDUCATION AND TRAINING STANDARDS COMMISSION (S.B. 1086 –**
22 **Snow)**

23 **SECTION 30.1.** The North Carolina Department of Correction and the North
24 Carolina Department of Justice may study all of the following:

- 25 (1) Issues that impede the timely certification of correctional officers and
26 probation/parole officers and ways to expedite the certification process.
- 27 (2) The current minimum education and training requirements for correctional
28 and probation/parole officers and whether those requirements are necessary
29 and appropriate for certified employees of the Department of Correction.
- 30 (3) Inconsistencies between rules promulgated by the North Carolina Criminal
31 Justice Education and Training Standards Commission and applicable State
32 and federal laws, and ways to resolve those inconsistencies.
- 33 (4) The current process of certifying criminal justice training schools and
34 programs or courses of instruction and whether that process could be
35 expedited.
- 36 (5) Ways to improve communication and cooperation between the Criminal
37 Justice Standards Division and the Department of Correction regarding the
38 employment, education, training, and retention of correctional officers and
39 probation/parole officers.
- 40 (6) Ways to expedite and enhance the technical assistance the Criminal Justice
41 Standards Division provides to the Department of Correction pursuant to
42 Chapter 17C of the General Statutes.
- 43 (7) The feasibility and advisability of establishing a separate training and
44 standards commission for State correctional officers and probation/parole
45 officers.

46 **SECTION 30.2.** The Department of Correction and the Department of Justice may
47 report their findings and recommendations no later than April 1, 2010, to the Chairs of the
48 House of Representatives and Senate Appropriations Subcommittees on Justice and Public
49 Safety and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight
50 Committee.

PART XXXI. DEPARTMENT OF JUSTICE TO STUDY THE FEASIBILITY AND IMPLICATIONS OF ALLOWING CANDIDATES FOR LAW ENFORCEMENT CERTIFICATION TO BE GIVEN CREDIT TOWARDS COMPLETION OF BASIC LAW ENFORCEMENT TRAINING (H.B. 99 – Killian, Burr, Wiley, R. Warren)

SECTION 31.1. The Department of Justice may 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 may 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 31.2. The Department of Justice may 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 may make recommendations for changes in policies and submit any recommended legislation for changes in the General Statutes.

PART XXXII. POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO STUDY ISSUES RELATED TO HABITUAL OFFENDERS (H.B. 1360 – Haire)

SECTION 32.1. The Post-Release Supervision and Parole Commission may evaluate the current prison population and identify the prisoners who are habitual offenders but whose felony offenses consist solely of Class I and Class H felonies. The Commission may study the feasibility of reducing the sentence for each prisoner in that particular habitual offender category as follows: (i) reduce the prisoner's sentence to equal the active time required by the sentencing grid under G.S. 15A-1340.17 for the highest level of the highest underlying felony in the indictment that charged the prisoner as an habitual felon and (ii) also give credit to the prisoner for time served. In its study the Commission may also consider the feasibility of amending the current habitual felon law to provide that Class G and Class F felony convictions on a defendant's record that are at least 10 years old from the date the defendant's citizenship rights have been restored may not be considered. The Commission may also consider any other issues relevant to its studies under this section.

PART XXXIII. NORTH CAROLINA COURTS COMMISSION STUDIES

SECTION 33.1. The North Carolina Courts Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening.

SECTION 33.2. Judicial Department and General Court of Justice (Clodfelter) – The Commission may study the structure, organization, jurisdiction, procedures and personnel of the Judicial Department and of the General Court of Justice and subsequently make recommendations to the General Assembly for changes in order to facilitate the administration of justice.

SECTION 33.3. Supreme Court Rule Making (S.B. 862 – Clodfelter) – The Commission may study whether to authorize the supreme court to revise the Rules of Civil Procedure and the Rules of Evidence.

PART XXXIV. NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION TO STUDY THE ISSUE OF STATE OVERSIGHT AND COORDINATION OF SERVICES TO VICTIMS OF SEXUAL VIOLENCE AND WHETHER SEXUAL VIOLENCE SHOULD BE INCLUDED AS A FOCUS AREA OF THE COMMISSION (S.B. 223 – Boseman, Atwater; H.B. 115 – McLawhorn, Ross, Farmer-Butterfield, Johnson)

SECTION 34.1. The North Carolina Domestic Violence Commission, in consultation with the North Carolina Coalition Against Domestic Violence and the North Carolina Coalition Against Sexual Assault, may study the issue of State oversight and coordination of services to victims of sexual violence and whether sexual violence should be included as a focus area of the Commission. The study may include, but is not limited to, a review of the organization and membership of entities in other states that (i) provide information and recommendations to state legislatures on domestic and sexual violence and (ii) information and services to the public on these issues. The Commission may report its findings and recommendations to the Joint Legislative Committee on Domestic Violence by July 1, 2010.

PART XXXV. CHILD FATALITY TASK FORCE TO STUDY ISSUES RELATING TO CHILD DRUG USE AND PARENTS WHO SUPPLY DRUGS TO THEIR CHILDREN (S.B. 905 – Clary)

SECTION 35.1. The North Carolina Child Fatality Task Force may study the issue of how to recognize and care for children who are using drugs for purposes other than legitimate health issues and whose parents appear to be providing the drugs to their children. In conducting the study, the Task Force may consider all of the following:

- (1) Whether testing is appropriate to determine whether a child is using drugs, and if so, the type of testing that would be appropriate.
- (2) What procedure should be followed to obtain permission to test a child for suspected drug use, particularly if there is a reasonable suspicion that a parent is supplying the drugs to the child.
- (3) What options are available to deal with a parent who provides drugs to a child when the drugs are not required to address health issues.
- (4) What intervention and treatment programs are available for both parents and children regarding drug use by children.
- (5) What legal action, if any, may be taken against a parent who is supplying drugs to a child.
- (6) Any other items the Task Force deems relevant to the study.

SECTION 35.2. The Task Force may report its findings and recommendations, including recommended legislation, to the 2010 Regular Session of the 2009 General Assembly on or before May 1, 2010.

PART XXXVI. DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF TOLLING ALL INTERSTATE HIGHWAYS ENTERING INTO THIS STATE IN COOPERATION WITH EACH SURROUNDING STATE (H.B. 1245 – Haire, Cole)

SECTION 36.1. The North Carolina Department of Transportation may study the feasibility of tolling all interstate highways entering into this State. In studying this issue, the Department may:

- (1) Ascertain the process for getting permission from the United States Department of Transportation to toll all existing highways designated as interstate routes.
- (2) Conduct a cost-benefit analysis of engaging the surrounding states in a compact that will allow for toll collections at state lines and a division, between the affected states, of tolls collected based on the percentage of total miles of an interstate highway that is in each state.
- (3) Determine the cost benefit of tolling existing highways designated as interstate routes.

(4) Determine the actual cost of construction of toll booths at or near a state line factoring in inflation.

(5) Determine any revenue or fund losses based on tolling existing highways designated as interstate routes.

SECTION 36.2. The Department may make a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division not later than March 1, 2010. The report may include the required information, any previous legislation that was enacted or repealed that deals with this issue, and any recommended legislation.

PART XXXVII. DEPARTMENT OF TRANSPORTATION TO STUDY LOCATION OF SOUTHEAST HIGH-SPEED RAIL CORRIDOR FROM HENDERSON TO ROANOKE RAPIDS IN CONJUNCTION WITH US 158 IMPROVEMENTS. (Jenkins)

SECTION 37.1. The Department of Transportation Rail Division may study and consider locating any Raleigh to Richmond southeast high-speed passenger rail improvements in a corridor from Henderson to Roanoke Rapids, in the same location with the planned four-lane freeway location of US 158.

SECTION 37.2. The Department may make a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on the results of its study not later than March 1, 2010.

PART XXXVIII. MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES (S.B. 105 – Albertson)

SECTION 38.1. The Marine Fisheries Commission may study the current statutes and rules for suspension, revocation, and reissuance of marine resources licenses and permits issued under Articles 14A, 14B, and 25A of Chapter 113 of the General Statutes.

PART XXXIX. DEPARTMENT OF AGRICULTURE TO STUDY WHETHER THE CURRENT REGULATION OF THE LAND APPLICATION OF SEPTAGE AND SLUDGE ADEQUATELY PROTECTS HUMAN HEALTH AND THE ENVIRONMENT (H.B. 1170 – Blackwood)

SECTION 39.1. The Department of Agriculture and Consumer Services may study the extent to which septage and sewage sludge is being spread or applied to land in North Carolina; whether changes in the permitting process are needed to protect rural communities from toxic waste; whether current regulation of septage or sludge spreading is adequate; and whether changes are needed so that the combined effects of the land application of animal wastes and municipal wastes are not detrimental to the people, domestic animals, or wildlife of North Carolina or to the land and waters of the State. While conducting this study, the Department of Agriculture and Consumer Services may also:

(1) Work with the local Soil and Water Conservation Districts to determine the total volume of septage and sewage sludge being spread or land applied by county and post maps on NC OneMap as soon as possible showing all of the following:

- a. Where septage and sludge are being spread or land applied;
- b. The quantities of septage and the quantities of sludge being spread or land applied; and
- c. The source of the septage and the source of the sludge being spread or land applied.

(2) Share the information gathered under subdivision (1) of this section with the county commissioners of each county.

- (3) Consider whether the pesticide program administered by the Department of Agriculture and Consumer Services should be expanded to regulate transportation and application of all wastes that may, under United States Environmental Protection Agency guidelines, include waste that would be considered hazardous if it were not commingled with domestic sewage.
- (4) Determine what fees would be necessary to establish a regulatory program that would include sufficient testing to be assured that any septage or sludge that is spread or land applied is free of pathogens and free of heavy metals so that neither the material spread nor any runoff or airborne residue of that material are capable of having a cumulative negative impact on human health, the land, or the flora and fauna in the area of the land application.
- (5) Work with The University of North Carolina to identify cost-effective alternatives to land application as a method of disposing of septage and sludge that protect public health and protect farmland from the cumulative effects of using farmland as a waste disposal facility.

SECTION 39.2. The Department of Agriculture and Consumer Services may report its findings, including any recommendations and any legislative proposals or administrative actions, to the General Assembly no later than May 1, 2010.

PART XL. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF AIR QUALITY, TO STUDY HOW TO COMPLY WITH THE FEDERAL REQUIREMENTS FOR AMBIENT AIR QUALITY WHILE REDUCING THE FREQUENCY OF EMISSIONS INSPECTIONS ON MOTOR VEHICLES THAT ARE LESS THAN FOUR MODEL YEARS OLD (S.B. 857 –Albertson)

SECTION 40.1. The Department of Environment and Natural Resources, Division of Air Quality, may study how to comply with the federal requirements for ambient air quality while reducing the frequency of emissions inspections on motor vehicles that are less than four model years old. This study should determine the impact on ambient air quality and the ability of the State to meet the federal air quality standards if vehicles that are less than four model years old are exempted from the emissions inspection requirements of Article 3A of Chapter 20 of the General Statutes. This study should also include revenue estimates showing any cost savings to the inspection program within the Division of Motor Vehicles, any loss of funding from the federal government for air quality programs, and revenue loss to other programs for uncollected fees.

SECTION 40.2. The Department of Environment and Natural Resources, Division of Air Quality, may report its findings to the Joint Legislative Transportation Oversight Committee, Joint Environment and Natural Resources Oversight Committee, the Joint Program Evaluation Oversight Committee, the Program Evaluation Division, and the Fiscal Research Division not later than December 31, 2009. The report may include all findings of the study and any recommended legislation appropriate to address the study findings.

PART XLI. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY EXISTING LAWS AND POLICIES RELATED TO THE USE OF TEMPORARY EROSION CONTROL STRUCTURES (S.B. 998 –Jenkins)

SECTION 41.1. Study. – The Department of Environment and Natural Resources, in consultation with the Coastal Resources Commission, may study existing laws and policies related to the use of temporary erosion control structures for purposes of protecting imminently threatened roads and buildings and may determine whether changes should be made in law or policy to better manage eroding shorelines in a manner consistent with protection of the environmental, recreational, and economic value of the beaches and unobstructed public access to the beach. The study may give special consideration to use of temporary erosion control

1 structures on inlet shorelines and in communities actively pursuing a beach nourishment
2 project.

3 **SECTION 41.2.** Report. – No later than April 1, 2010, the Department of
4 Environment and Natural Resources may report its findings, including any recommended
5 legislation, to the Environmental Review Commission. No later than June 1, 2010, the
6 Department may report to the Environmental Review Commission on progress toward
7 completion of the Beach and Inlet Management Plan required by S.L. 2000-67.
8

9 **PART XLII. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO**
10 **STUDY MEASURES TO MITIGATE THE IMPACT OF EROSION-THREATENED**
11 **STRUCTURES ON THE PUBLIC BEACH (S.B. 636 –Brown)**

12 **SECTION 42.1.** The Department of Environment and Natural Resources, in
13 consultation with the North Carolina Department of Insurance, the Federal Emergency
14 Management Agency, and local government representatives from municipalities and counties
15 with jurisdiction over ocean and inlet shorelines, may study measures to mitigate the impact of
16 erosion-threatened structures on the public beach and reduce potential public costs by
17 relocating imminently threatened structures. In conducting the study, the Department of
18 Environment and Natural Resources may do all of the following:

- 19 (1) Identify potential sources of funding for relocation of structures, including
20 federal hazard mitigation funds and insurance policies.
- 21 (2) Review programs in other states that address erosion hazards through
22 relocation of imminently threatened structures.
- 23 (3) Describe existing State and local government authority to address
24 erosion-threatened structures on ocean and inlet shorelines.
- 25 (4) Identify potential obstacles to creation of a hazard mitigation program to
26 relocate imminently threatened structures.

27 **SECTION 42.2.** The Department of Environment and Natural Resources may
28 report the results of the study and any recommendations to the Environmental Review
29 Commission no later than September 1, 2010.
30

31 **PART XLIII. reserved**
32

33 **PART XLIV. DEPARTMENT OF ADMINISTRATION TO STUDY ISSUES RELATED**
34 **TO THE OWNERSHIP OF PUBLIC LAND LOCATED IN NORTH CAROLINA (H.B.**
35 **1141 – Allen, Blackwood)**

36 **SECTION 44.1.** The Department of Administration, State Property Office, may
37 study issues related to the ownership of public land located in North Carolina. In conducting
38 its study, the Department of Administration may determine the following:

- 39 (1) The acreage and percentage of North Carolina's land mass owned by the
40 federal government, including federal parks, military bases, and national
41 forests, divided into appropriate subcategories.
- 42 (2) The acreage and percentage of North Carolina's land mass owned by the
43 State, including parks, forests, public universities and colleges, community
44 colleges, mitigation land, North Carolina Railroad, the State Ports Authority,
45 and the Department of Transportation.
- 46 (3) The acreage and percentage of North Carolina's land mass owned by
47 municipalities, counties, public school districts, and other governmental
48 entities.

49 **SECTION 44.2.** The Department of Administration may submit a report of its
50 findings listed by county to the House of Representatives Committee on Environment and

1 Natural Resources and the Senate Committee on Agriculture, Environment, and Natural
2 Resources by May 1, 2010.

3
4 **PART XLV. DEPARTMENT OF INSURANCE TO STUDY PROVISIONS OF THE**
5 **PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION MODEL**
6 **ACT AND TO STUDY CHANGES TO THE OPERATIONAL PLAN OF THE**
7 **INSURANCE GUARANTY ASSOCIATION THAT SHOULD BE MADE TO**
8 **STREAMLINE AND SIMPLIFY THE REIMBURSEMENT PROCESS FOR**
9 **CLAIMANTS (H.B. 1458 – Stewart)**

10 **SECTION 45.1.** The Department of Insurance may study the latest version of the
11 Property and Casualty Insurance Guaranty Association Model Act (the Act) and determine
12 what provisions of the Act should be incorporated into Article 48 of Chapter 58 of the General
13 Statutes. The Department may also study how the Insurance Guaranty Association (the
14 Association) might revise its plan of operation to streamline and simplify the process for
15 claimants seeking reimbursement from the Association. The Department may report its
16 findings, including proposed legislation, to the House of Representatives Insurance Committee
17 and the Senate Commerce Committee no later than April 1, 2010.

18
19 **PART XLVI. JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE**
20 **(Berger of Rockingham)**

21 **SECTION 46.1.** The Joint Legislative Elections Oversight Committee may study
22 the constitutionality of Article 22A of Chapter 163 of the General Statutes and make
23 recommendations to the 2010 Regular Session of the 2009 General Assembly on or before its
24 convening.

25
26 **PART XLVII. COMMISSION TO STUDY THE GOVERNANCE AND ADEQUACY OF**
27 **THE INVESTMENT AUTHORITY OF VARIOUS STATE-OWNED FUNDS FOR THE**
28 **PURPOSES OF ENHANCING THE RETURN ON INVESTMENTS (Michaux)**

29 **SECTION 47.1.** There is established the Commission to Study the Governance and
30 the Adequacy of the Investment Authority of Various State-Owned Funds for the Purposes of
31 Enhancing the Return on Investments.

32 **SECTION 47.2. (a)** The Commission shall be composed of 18 members as
33 follows:

- 34 (1) Five members of the Senate, appointed by the President Pro Tempore of the
35 Senate.
- 36 (2) Five members of the House of Representatives, appointed by the Speaker of the
37 House of Representatives.
- 38 (3) The State Treasurer or her or his designee.
- 39 (4) A representative from The University of North Carolina System.
- 40 (5) A representative from the Community College System.
- 41 (6) A representative from the Office of the State Controller.
- 42 (7) A representative from the Office of State Budget and Management.
- 43 (8) One member of the banking community, appointed by the President Pro
44 Tempore of the Senate.
- 45 (9) One member who is a certified public accountant, appointed by the Speaker of
46 the House of Representatives.
- 47 (10) One member who is a certified financial advisor with investment expertise,
48 appointed by the Governor.

49 Vacancies on the Commission shall be filled by the appointing authority. The
50 Commission shall be chaired by a Senator and a Representative designated by the appointing
51 authority. A quorum of the Commission shall be 10 members.

1 The Commission, while in the discharge of its official duties, may exercise all
2 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including all
3 the power to request all officers, agents, agencies, and departments of the State to provide any
4 information, data, or documents within their possession, ascertainable from their records, or
5 otherwise available to them.

6 The Commission may meet at any time upon call of the chairs. The Commission
7 may meet in the Legislative Building, the Legislative Office Building, the Offices of the State
8 Treasurer, or any other location as agreed upon by the Commission. The Commission may
9 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

10 The Legislative Services Commission, through the Legislative Services Officer,
11 shall assign professional staff to assist the Commission in its work. The House of
12 Representatives' and Senate's Directors of Legislative Assistants shall assign clerical staff to the
13 Commission, and the expenses relating to the clerical employees shall be borne by the
14 Commission. Members of the Commission shall receive subsistence and travel expenses at the
15 rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

16 **SECTION 47.2. (b)** The initial meeting of the Commission shall be called by the
17 cochairs.

18 **SECTION 47.3.** The Commission shall study issues relating to the source, nature,
19 purpose, and distribution of various State funds. As part of its study, the Commission may
20 examine issues related to:

21 (1) The identification, documentation, and categorization of funds, including:

- 22 a. The source of the funds.
- 23 b. The current location and type of fund.
- 24 c. Fund balances, including amounts needed to maintain adequate cash flow
25 and amounts available for investments.
- 26 d. Guiding documents.
- 27 e. Governance structure.
- 28 f. Current protections and investment authority.

29 The Commission may consider any other issues it deems relevant to this study.

30 **SECTION 47.4.** The Commission shall make an interim report to the 2010 Regular
31 Session of the 2009 General Assembly prior to its convening, and shall make a final report to
32 the 2010 Regular Session of the General Assembly. The report shall include any proposed
33 legislation.

34
35 **PART XLVIII. JOINT LEGISLATIVE STUDY COMMISSION ON THE**
36 **MODERNIZATION OF NORTH CAROLINA BANKING LAWS AND THE**
37 **CONSUMER FINANCE ACT (H.B. 1341 – Holliman, Brubaker)**

38 **SECTION 48.1.** There is created the Joint Legislative Study Commission on the
39 Modernization of North Carolina Banking Laws and the Consumer Finance Act. The purpose
40 of the Commission is to determine whether and to what extent the North Carolina Banking
41 Laws and the Consumer Finance Act (Article 15 of Chapter 53 of the General Statutes) need to
42 be updated.

43 **SECTION 48.2.** The Commission shall consist of 16 members as follows:

- 44 (1) Five members of the House of Representatives, appointed by the Speaker of
45 the House of Representatives.
- 46 (2) Five members of the Senate, appointed by the President Pro Tempore of the
47 Senate.
- 48 (3) One member of the consumer finance industry, one member representing a
49 State-chartered bank, and one member of a consumer advocacy organization,
50 each appointed by the Speaker of the House of Representatives.

- (4) One member of the consumer finance industry, one member representing a State-chartered bank, and one member of a consumer advocacy organization, each appointed by the President Pro Tempore of the Senate.

SECTION 48.3. The Commission shall have two cochair, one designated by the Speaker of the House of Representatives and one designated by the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the cochair. Any vacancy on the Commission shall be filled by the original appointing authority. A quorum of the Commission shall be a majority of its members.

SECTION 48.4. The Commission shall study the following issues related to the modernization of the North Carolina Consumer Finance Act:

- (1) The increase in costs of operations for the consumer finance industry and its impact on the delivery of products to the public.
- (2) The maximum dollar amount that can be lent to an individual consumer.
- (3) The appropriate rate of interest and fees to be charged for each level of consumer transaction.
- (4) Strategies for increasing consumer protection and disclosure.

SECTION 48.5. The Commission also shall study any issue related to the Banking Laws of North Carolina that the Commission deems appropriate.

SECTION 48.6. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet in the Legislative Building or the Legislative Office Building.

With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services.

All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

SECTION 48.7. The Commissioner of Banks shall use up to twenty-five thousand dollars (\$25,000) of the funds available to the State Banking Commission for the 2009-2010 fiscal year to fund the study authorized by this act.

SECTION 48.8. The Commission shall report the results of its study and its recommendations, including any proposed legislative changes, to the 2010 Regular Session of the 2009 General Assembly. The Commission shall terminate on May 1, 2010, or upon the filing of its final report, whichever occurs first.

PART XLIX. LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY (Yongue)

SECTION 49.1. There is created the Legislative Task Force on Childhood Obesity.

SECTION 49.2. The Task Force shall consist of 12 members as follows:

- (1) Six members of the House of Representatives.
- (2) Six members of the Senate.

SECTION 49.3. The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Task Force shall be filled by the same appointing authority that made the initial appointment. A quorum of the Task Force shall be a majority of its members.

SECTION 49.4. The Task Force shall include, but should not be limited to, study of issues relating to childhood obesity. In the course of the study, the Task Force shall consider and recommend to the General Assembly strategies for addressing the problem of childhood obesity and encouraging healthy eating and increased physical activity among children through:

- (1) Early childhood intervention;
- (2) Childcare facilities;
- (3) Before and after-school programs;
- (4) Physical education and physical activity in schools;
- (5) Higher nutrition standards in schools;
- (6) Comprehensive nutrition education in schools;
- (7) Increased access to recreational activities for children;
- (8) Community initiatives and public awareness; and
- (9) Other means.

SECTION 49.5. The Task Force shall encourage input from public nonprofit organizations, promoting healthy lifestyles for children, addressing the problems related to childhood obesity, encouraging healthy eating, and increasing physical activity among children.

SECTION 49.6. Members of the Task Force shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at anytime upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the Legislative Office Building.

With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Task Force in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Task Force, and the expenses relating to the clerical employees shall be borne by the Task Force. The Task Force may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services.

All State departments and agencies and local governments and their subdivisions shall furnish the Task Force with any information in their possession or available to them.

SECTION 49.7. The Task Force shall submit a final report of the results of its study and its recommendations to the 2010 Regular Session of the 2009 General Assembly. The Task Force shall terminate on May 1, 2010, or upon the filing of its final report, whichever occurs first.

PART L. STUDY COMMISSION ON NORTH CAROLINA'S ENERGY FUTURE (Hoyle)

SECTION 50.1. There is established the Study Commission on North Carolina's Energy Future.

SECTION 50.2. The Commission shall be composed of 19 members as follows:

- (1) Five members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Five members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (3) The Chief Executive Officers of Progress Energy, Duke Energy, NCEMC, and Electricities, or their designees.
- (4) One residential customer, appointed by the Speaker of the House of Representatives.
- (5) One commercial customer, appointed by the President Pro Tempore of the Senate.

- (6) One industrial customer, appointed by the President Pro Tempore of the Senate.
- (7) One "Green energy" advocate, appointed by the Governor.
- (8) One environmental advocate, appointed by the Speaker of the House of Representatives.

Public members shall be residents of the State. Vacancies on the Commission shall be filled by the appointing authority. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a co-chair, who shall be a member of the General Assembly. A quorum of the Commission shall be 10 members.

The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G. S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon call of the chairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 50.3. The Commission may examine issues related to:

- (1) Ensuring the State has appropriate statutes and regulations in place to respond to any federal requirement for renewable energy or carbon reduction.
- (2) Examining the cost, availability and pricing of electric service to ensure an adequate, reliable and affordable source of energy to all consumers in North Carolina, including, but not limited to examination of fuel mix, impact of conservation on load, and impact of renewable energy on price and reliability.
- (3) Examining utility access to capital finance markets and recommend to the General Assembly necessary changes to the traditional rate-case method of financing major utility capital projects.

SECTION 50.4. The Commission may make an interim report to the General Assembly by May 1, 2010, and a final report, including any proposed legislation, to the 2011 General Assembly upon its convening. The Commission shall terminate upon filing its final report or upon the convening of the 2011 General Assembly, whichever is earlier.

PART LI. CHANGE MEMBERSHIP OF REVENUE LAWS STUDY COMMITTEE (S.B. 574 – Hoyle)

SECTION 51.1. G.S. 120-70.105 reads as rewritten:

"§ 120-70.105. Creation and membership of the Revenue Laws Study Committee.

(a) Membership. – The Revenue Laws Study Committee is established. The Committee consists of ~~16~~ 20 members as follows:

- (1) ~~Eight-Ten~~ members appointed by the President Pro Tempore of the Senate; the persons appointed may be members of the Senate or public members.
- (2) ~~Eight-Ten~~ members appointed by the Speaker of the House of Representatives; the persons appointed may be members of the House of Representatives or public members.

(b) Terms. – Terms on the Committee are for two years and begin on January 15 of each odd-numbered year, except the terms of the initial members, which begin on appointment. Legislative members may complete a term of service on the Committee even if they do not seek

reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

PART LII. OUT-OF-STATE TRAVEL

SECTION 52.1. For legislative studies authorized by this act, out-of-state travel must be authorized by the President Pro Tempore of the Senate or the Speaker of the House of Representatives, as appropriate.

PART LIII. BILL AND RESOLUTION REFERENCES

SECTION 53.1. The listing of the original bill or resolution in this act is for reference purposes only and may not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

PART LIV. EFFECTIVE DATE AND APPLICABILITY

SECTION 54.1. Except as otherwise specifically provided, this act is effective when it becomes law. If a study is authorized both in this act and in the Current Operations and Capital Improvements Appropriations Act of 2009, the study shall be implemented in accordance with the Current Operations and Capital Improvements Appropriations Act of 2009 as ratified.

MINUTES
RULES AND OPERATIONS OF THE SENATE
AUGUST 7, 2009

The Committee on Rules and Operations of the Senate met at 4:30 p.m. on August 7, 2009 during a recess at Senator Rand's Chamber Desk. Fifteen members of the committee were present.

Senator Rand presented the committee with a proposed committee substitute for **H.B. 596- Designate April as Woodworking Month.**

Senator Nesbitt moved that the proposed Senate Committee Substitute for the above bill be heard by the committee.

**SENATE COMMITTEE SUBSTITUTE FOR H.B. 596 – ALLOW IN-HOME
LIC'D BARBERING -**

Senator Rand explained that this bill would now allow a registered barber to practice in a client's home out of medical necessity without meeting the requirements of GS 86A-15.

Senator Nesbitt offered an amendment to the above bill (Attachment 1). Senator Rand offered an amendment to the above bill (Attachment 2).

The bill was given a favorable report, as amended by the committee.

The meeting adjourned at 4:45 p.m.


Senator Tony Rand, Chairman


Evelyn Costello, Committee Clerk

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

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

Friday, August 07, 2009

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

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

H.B.	596	Designate April as Woodworking Month.	
		Draft Number:	50799
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:
Senator Rand will handle on the Floor.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 596

Short Title: Designate April as Woodworking Month. (Public)

Sponsors: Representatives Fisher, Yongue, Langdon, Rapp (Primary Sponsors);
M. Alexander, Bordsen, Goforth, Jones, Justus, Lucas, Luebke, Martin,
McCormick, Samuelson, Tarleton, Underhill, R. Warren, and Whilden.

Referred to: State Government/State Personnel, if favorable, Rules, Calendar, and Operations
of the House.

March 16, 2009

A BILL TO BE ENTITLED
AN ACT DESIGNATING APRIL AS WOODWORKING MONTH IN NORTH CAROLINA.
Whereas, the month of April is celebrated as National Woodworking Month; and
Whereas, designating the month of April as Woodworking Month in North Carolina
would help focus attention on the beauty and satisfaction of working with wood; and
Whereas, the designation would motivate North Carolinians to undertake
woodworking projects by increasing their knowledge and skill in woodworking and wood
finishing; Now, therefore,
The General Assembly of North Carolina enacts:
SECTION 1. Chapter 103 of the General Statutes is amended by adding a new
section to read:
"§ 103-12. Woodworking Month.
The month of April of each year is designated as Woodworking Month in the State of North
Carolina."
SECTION 2. This act is effective when it becomes law.



* H 5 9 6 - V - 1 *

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 596
PROPOSED SENATE COMMITTEE SUBSTITUTE H596-PCS50799-RC-66

Short Title: Allow In-Home Lic'd Barbering.

(Public)

Sponsors:

Referred to:

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW LICENSED BARBERS TO PRACTICE BARBERING IN A
CLIENT'S HOME.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 86A-15 is amended by adding a new subsection to read:

"(c) Notwithstanding any other provision of this Chapter, the following individuals may practice barbering in a client's home without meeting the requirements of subsection (b) of this section:

(1) A registered barber.

(2) A registered apprentice barber under the supervision and control of a registered barber."

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



* H 5 9 6 - P C S 5 0 7 9 9 - R C - 6 6 *

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

"Attachment 1"

EDITION No. _____

H. B. No. 596

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE H596-PCS50799-RC-66(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Nesbitt1 moves to amend the bill on page 1, line 12

2 () WHICH CHANGES THE TITLE

3 by rewriting the line to read:4 "SECTION 2.1. If House Bill 291 of the 2009 Regular
5 ~~General~~ Session ~~of the 2009~~ becomes law,
6 Section 1.2 ^{of House Bill 291} is repealed."7 SECTION 2.2. G.S. 88B-6(d) reads as rewritten:8 "(d) The salaries of all employees of the Board,
9 ~~including~~ excluding the executive director
10 shall be subject to the State Personnel
11 Act. The executive director shall serve at
12 the pleasure of the Board."13 SECTION 3. This act is effective when
14 it becomes law."15 _____
16 and on page 1, lines 6 - 11 reads as rewritten:17 "(c) Notwithstanding any other provision of law, a
18 registered barber may practice barbering in a client's
19 home out of medical necessity without meeting the requirements
20 of subsection (b) of this section."

SIGNED

M. Nesbitt

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

"Attachment 2"

DITION No. _____

H. B. No. _____

S. B. No. 596

COMMITTEE SUBSTITUTE _____

DATE

August 7 09

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

~~Ed~~ RAND

1 moves to amend the bill on page 1

, line 11

2 () WHICH CHANGES THE TITLE

3 by

Present

5

6

By adding at the End; "The Board of

Barbar Examiners Shall adopt Rules -

9

10

TO Allow This Exception."

11

12

13

14

15

16

17

18

19

Tom Rand
Ed

SIGNED

ADOPTED _____

FAILED _____

TABLED _____

2009-2010

SENATE RULES COMMITTEE MEMBERSHIP

SENATOR DAVID W. HOYLE, CHAIRMAN
SENATOR CHARLIE ALBERTSON
SENATOR PHIL BERGER
SENATOR STAN BINGHAM
SENATOR DAN BLUE
SENATOR JULIA BOSEMAN
SENATOR ANDREW C. BROCK
SENATOR PETER BRUNSETTER
SENATOR DEBBIE CLARY
SENATOR DANIEL CLODFELTER
SENATOR MARGARET DICKSON
SENATOR KATIE DORSETT
SENATOR JAMES FORRESTER
SENATOR FLETCHER HARTSELL
SENATOR EDWARD JONES
SENATOR ELLIE KINNAIRD
SENATOR MARTIN NESBITT
SENATOR JEAN PRESTON
SENATOR R. C. SOLES
SENATOR RICHARD STEVENS
SENATOR A. B. SWINDELL

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Appropriations on Education/Higher Education	0
Appropriations on General Government and Information Technology	0
Appropriations on Health and Human Services	0
Appropriations on Justice and Public Safety	0
Appropriations on Natural and Economic Resources	0
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H0012=	Moore	GARVEE BONDS/ REPAYMENT.	*SR Ch. SL 2009-497	08-06-09	08-06-09
H0079	Glazier	EXTEND SCHOOL FORMULA STUDY COMMITTEE.	*SR Ch. SL 2009-276	03-09-09	06-23-09
H0104=	Glazier	CLARIFY LEGISLATIVE CONFIDENTIALITY.	*S Vetoed 9/10/2009	03-05-09	07-07-09
H0188=	Parmon	STUDY RAISING COMPULSORY ATTENDANCE AGE.	*S Ref To Com On Rules and Operations of the Senate	05-19-09	
H0224=	Lucas	HONOR THEODORE KINNEY.	SR Ch. Res 2009-15	04-06-09	05-20-09
H0233	Avila	WAKE FOREST'S 100TH ANNIVERSARY.	SR Ch. Res 2009-8	03-24-09	03-30-09
H0374=	Martin	IMPROVE UPPER NEUSE BASIN WATER QUALITY.	*S Re-ref Com On Homeland Security, Military, and Veterans Affairs	05-11-09	08-06-09
H0383	Guice	HOUSE OF FLAGS MUSEUM.	*SR Ch. Res 2009-19	04-13-09	06-03-09
H0455	Insko	SALES TAX CHANGES/ STUDY COMPETING SYSTEMS.	*SR Ch. SL 2010-153	05-07-09	06-08-10
H0466	Mackey	CONSUMER CHOICE AND INVESTMENT ACT CHANGES.	*S Pres. To Gov. 7/8/ 2010	05-19-09	06-15-10
H0494	Wainwright	SUPERIOR COURT JUDGE MAY PERFORM MARRIAGE.	SR Ch. SL 2009-13	03-31-09	04-08-09
H0524	Goforth	ANNEXATION - OMNIBUS CHANGES.	*S Re-ref Com On Rules and Operations of the Senate	05-17-10	
H0529=	Tolson	EDGEcombe/NO HUNTING ON THE LAND OF ANOTHER.	*S Ref To Com On Rules and Operations of the Senate	04-07-09	
H0562	Spear	HONOR JACK LUCAS.	S Ref To Com On Rules and Operations of the Senate	05-26-09	
H0596	Fisher	ALLOW IN-HOME LIC'D BARBERING.	*SR Ch. SL 2009-471	04-13-09	08-07-09
H0637	Haire	HONOR HORACE KEPHART/ GREAT SMOKY MTS.	SR Ch. Res 2009-11	04-13-09	04-20-09
H0683	Crawford	PERMIT EXTENSIONS.	*S Pres. To Gov. 7/ 10/2010	04-06-09	06-15-10
H0690	Coates	HONOR FALLEN MEMBER/ SALISBURY FIRE DEPARTMENT	*S Ref To Com On Rules and Operations of the Senate	05-04-09	
H0696	Burris-Floyd	MOTORCYCLE AWARENESS MONTH.	S Re-ref Com On Appropriations/ Base Budget	04-06-09	07-06-10
H0764	Owens	2009 APPOINTMENTS BILL.	*SR Ch. SL 2009-470	08-06-09	08-06-09
H0766=	Womble	ANNUITY INSOLVENCY COVERAGE/INS. GUAR.	*SR Ch. SL 2010-11	05-04-09	05-26-10

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		ASSN.			
0836=	Tillis	MODIFY APPROPRIATIONS ACT.	*SR Ch. SL 2009-575	05-14-09	08-07-09
0945	Sutton	THE STUDIES ACT OF 2009.	*SR Ch. SL 2009-574	05-07-09	08-07-09
H1076=	Wiley	BLADEN FOX HUNTING.	*S Ref To Com On Wildlife Resources	05-14-09	06-15-10
H1115	Gulley	ALLOW ELECTRONIC PAROLE NOTIFICATION.	*SR Ch. SL 2010-107	05-06-09	07-01-10
H1117	Tucker	SEX OFFENDER CAN'T DRIVE BUS WITH CHILDREN.	SR Ch. SL 2009-491	08-06-09	08-06-09
H1249	Harrell	HOMEBUILDER PROPERTY TAX DEFERRAL CHANGE	*SR Ch. SL 2010-140	05-19-09	05-19-10
H1251	Harrell	COLONIAL SPANISH MUSTANG AS STATE HORSE	*SR Ch. SL 2010-6	05-19-09	05-26-10
H1307	Sutton	NO FELON AS SHERIFF.	*SR Ch. SL 2010-49	05-20-09	06-23-10
H1429	Lewis	MORTGAGE GUARANTY INSURER SUNSET EXTENDED	*SR Ch. SL 2010-40	05-20-09	05-26-10
H1517	Insko	HONOR TAR HEELS ON NATIONAL CHAMPIONSHIP.	SR Ch. Res 2009-31	05-04-09	08-07-09
H1527	Mobley	HONOR HERTFORD COUNTY'S 250TH ANNIVERSARY.	S Ref To Com On Rules and Operations of the Senate	05-26-09	
H1538	Jones	HIGH POINT FURNITURE MARKET.	SR Ch. Res 2009-21	05-28-09	06-03-09
H1652	Martin	HONORING FALLEN SOLDIERS.	*SR Ch. Res 2009-30	05-27-09	08-04-09
H1653	Randleman	HONOR WILLIAM OLIVER SWOFFORD.	SR Ch. Res 2009-25	06-22-09	07-01-09
H1658	Farmer-Butterfie	HONOR WALTER CRONKITE.	S Ref To Com On Rules and Operations of the Senate	08-06-09	
H1659	Stam	EMINENT DOMAIN.	*S Ref To Com On Rules and Operations of the Senate	06-30-10	
H1670	Owens	2010 APPOINTMENTS BILL.	*SR Ch. SL 2010-87	07-08-10	07-09-10
H1682=	Glazier	CORP. PUNISH. FOR CHILDREN W/DISABILIT.	*SR Ch. SL 2010-159	06-14-10	06-22-10
H1683=	Glazier	AMEND SUNSET/CHILDREN W/DISAB.	SR Ch. SL 2010-36	06-10-10	06-23-10
H1691	Bryant	USE OF 911 FUNDS.	*SR Ch. SL 2010-158	06-23-10	06-30-10
H1696	Tarleton	WATAUGA/SUNDAY BOW HUNTING EXEMPTION.	*SF Reptd Unfav	06-14-10	06-23-10
H1707	Holliman	SHP/ AGE-OUT DEPENDENTS; TOBACCO USE TESTING.	SR Ch. SL 2010-3	05-26-10	06-01-10
H1790	Guice	HONOR TRANSYLVANIA COUNTY'S 150TH.	S Ref To Com On Rules and Operations of the Senate	06-28-10	

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H1801=	Harrison	ENVIRONMENTAL TECHNICAL CORRECTIONS 2010.	*S Ref To Com On Rules and Operations of the Senate	06-28-10	
H1804=	Harrison	ENERGY POLICY COUNCIL GREEN ENERGY STUDY.	*S Ref To Com On Rules and Operations of the Senate	06-28-10	
H1824	Williams	COYOTE CONTROLS.	*SR Ch. SL 2010-156	06-30-10	07-06-10
H1840	Faison	REMOVE E-NC SUNSET/ STUDY COMPETING SYSTEMS.	*S Ref To Com On Rules, Calendar, and Operations of the House	06-01-10	06-23-10
H1901	McCormick	HONOR GEORGE HOLMES.	S Ref To Com On Rules and Operations of the Senate	06-28-10	
H1908	Williams	HONOR ERNEST BISHOP, JR.	S Ref To Com On Rules and Operations of the Senate	06-28-10	
H1940	Hall	HONORING NC VETERANS ON MEMORIAL DAY.	SR Ch. Res 2010-4	05-27-10	06-01-10
H2038	Carney	CPR AWARENESS WEEK.	S Ref To Com On Rules and Operations of the Senate	06-03-10	
H2051	Gillespie	LITTLE SWITZERLAND CENTENNIAL.	SR Ch. Res 2010-11	06-03-10	06-15-10
H2076	Weiss	HONOR ADA 20TH ANNIVERSARY.	SR Ch. Res 2010-23	06-28-10	06-28-10
S0015	Tony Rand	SESSION LIMITS.	S Ref to the Com on State Government/ State Personnel, if favorable, Appropriations	02-02-09	02-18-09
S0021	Tony Foriest	ORGAN DONATION AWARENESS MONTH.	S Ref To Com On Rules and Operations of the Senate	02-03-09	
S0035	David W. Hoyle	RECONVEYANCE FEES PROHIBITED.	*SR Ch. SL 2010-32	02-04-09	02-19-09
S0035	David W. Hoyle	RECONVEYANCE FEES PROHIBITED.	*SR Ch. SL 2010-32	06-07-10	06-23-10
S0057	Steve Goss	45TH SENATE DISTRICT LOCAL ACT.	S Re-ref Com On Appropriations/ Base Budget	02-04-09	07-30-09
S0062=	R. C. Soles, Jr.	BURGAU/OFFICIAL STATE BLUEBERRY FESTIVAL.	S Ref To Com On Rules and Operations of the Senate	02-05-09	
S0083	Eleanor Kinnaird	23RD SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-10-09	
S0092	Steve Goss	HONOR JOHN BROWN.	S Ref To Com On	02-10-09	

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			Rules and Operations of the Senate		
0100	Fletcher L. Hart	STUDY INNOVATIONS/ INCENTIVES IN EDUCATION.	S Ref To Com On Rules and Operations of the Senate	02-11-09	
S0110=	Ed Jones	HONOR SONNY BOY JOYNER/WELDON ROCKFISH CAPITAL.	SR Ch. Res 2009-2	02-11-09	02-24-09
S0115	David W. Hoyle	GASTON COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-11-09	
S0120	David F. Weinste	13TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-11-09	
S0129	Harry Brown	6TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-09	
S0146=	A. B Swindell	HONOR ROGER BONE.	SR Ch. Res 2009-5	02-12-09	03-04-09
S0152	Philip E. Berger	26TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-12-09	
S0166=	Tony Foriest	DISAPPROVE JORDAN LAKE RULES.	S Re-ref Com On Rules and Operations of the Senate	02-17-09	
S0168	Jerry W. Tillman	29TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-16-09	
S0171	W. Edward (Eddie	UNION COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-16-09	
S0174	Julia Boseman	9TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-17-09	
S0182	Tony Foriest	HONOR BOB SCOTT.	*S Re-ref Com On Rules and Operations of the Senate	02-17-09	03-30-09
S0182	Tony Foriest	HONOR BOB SCOTT.	*S Re-ref Com On Rules and Operations of the Senate	07-14-09	
S0183	Tony Rand	19TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	02-17-09	
S0201	Linda Garrou	32ND SENATORIAL	S Ref To Com On	02-18-09	

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		DISTRICT LOCAL ACT.	Rules and Operations of the Senate		
0208=	Katie G. Dorsett	PEOPLE FIRST.	*SR Ch. SL 2009-264	02-18-09	03-10-09
S0209	Charles W. Alber	10TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-18-09	
S0211	Jean Preston	2ND SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-18-09	
S0215	Harris Blake	ROBBINS DEANNEXATION.	*SR Ch. SL 2009-294	02-19-09	05-07-09
S0231	A. B Swindell	11TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-19-09	
S0238	Larry Shaw	STUDY STATE CONTRACTS W/MINORITY BUSINESSES.	S Ref To Com On	02-19-09	
S0263	Stan Bingham	33RD SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-23-09	
S0284	R. C. Soles, Jr.	8TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-25-09	
30301=	Larry Shaw	HONOR THEODORE KINNEY.	S Ref To Com On	02-25-09	
S0317	Tom Apodaca	48TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-26-09	
S0328	Debbie A. Clary	46TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	02-26-09	
S0340	Jim Jacumin	44TH SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-02-09	
S0342=	Steve Goss	STUDY GRANDPARENTS' VISITATION RIGHTS.	S Ref To Com On	03-02-09	
S0347	James Forrester	41ST SENATORIAL DISTRICT LOCAL ACT.	S Ref To Com On	03-02-09	
S0350=	R. C. Soles, Jr.	HONOR CHIEF ROSCOE JACOBS, SR.	S Ref To Com On	03-02-09	

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0353	Eleanor Kinnaird	NC HUMAN TRAFFICKING COMMISSION.	S	Ref To Com On Rules and Operations of the Senate		03-02-09	
S0361	Fletcher L. Hart	36TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate		03-03-09	
S0371	Julia Boseman	HONOR RICHARD JOHN MATTHEWS.	S	Ref To Com On Rules and Operations of the Senate		03-04-09	
S0376	Tony Foriest	HONOR JIM LONG.	SR	Ch. Res 2009-16		03-04-09	04-28-09
S0382	Charlie S. Danne	38TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate		03-04-09	
S0384	John Snow	50TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate		03-04-09	
S0392	Andrew C. Brock	34TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate		03-04-09	
S0394	Bob Atwater	18TH SENATORIAL DISTRICT LOCAL ACT.	S	Re-ref Com On Finance		03-05-09	05-13-09
S0402	Doug Berger	7TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate		03-05-09	
S0418=	Daniel G. Clodfe	STUDY COMMUNITY COLLEGE CONSTRUCTION PROCESS.	S	Ref To Com On Rules and Operations of the Senate		03-05-09	
S0421	Don Davis	5TH SENATORIAL DISTRICT LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate		03-05-09	
S0460=	Don Davis	COMMERCIAL DOG BREEDER REGULATION.	*S	Re-ref Com On Finance		07-08-09	08-04-09
S0468	Floyd B. McKissi	AUTHORIZE INSURANCE FOR FORMER EMPLOYEES.	*SR	Ch. SL 2009-564		06-24-09	07-23-09
S0471	Floyd B. McKissi	PAY EQUITY STUDY.	S	Ref To Com On Rules and Operations of the Senate		03-09-09	
S0496=	Ed Jones	EX-OFFENDER REENTRY STUDY.	S	Ref To Com On Rules and Operations of the Senate		03-11-09	
S0555	Martin L. Nesbit	BUNCOMBE COUNTY LOCAL ACT.	S	Ref To Com On Rules and Operations of the Senate		03-12-09	

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S0571	W. Edward (Eddie)	TELEVISION LEGISLATIVE SESSION.	S Ref To Com On Rules and Operations of the Senate	03-12-09	
S0593=	Josh Stein	HONOR KAY YOW.	S Ref To Com On Rules and Operations of the Senate	03-16-09	
S0594=	Eleanor Kinnaird	STUDY EXISTING CHILDREN/YOUTH PROGRAMS.	S Ref To Com On Rules and Operations of the Senate	03-16-09	
S0595	W. Edward (Eddie)	PEDESTRIAN SAFETY IMPROVEMENTS.	*SR Ch. SL 2010-37	03-16-09	05-11-09
S0635	Josh Stein	EQUITY FORMULA STUDY COMMISSION.	S Ref To Com On Rules and Operations of the Senate	03-18-09	
S0644=	A. B Swindell	STUDY OF HIGH SCHOOL PROGRAMS AT COMM. COLL.	S Ref To Com On Rules and Operations of the Senate	03-18-09	
\$ S0651	Steve Goss	STUDY NC GOVT TO UP ALTERNATIVE ENERGY USE.	S Ref To Com On Rules and Operations of the Senate	03-19-09	
S0672=	William R. Purce	STUDY/SMOKING BAN/ FOSTER CARE HOMES.	S Ref To Com On Rules and Operations of the Senate	03-19-09	
S0716	Daniel G. Clodfe	2010 ETHICS AND GOVERNMENT REFORM CHANGES.	*S Re-ref Com On Rules and Operations of the Senate	07-07-10	
S0732	Jean Preston	EST. STUDY COMM./ EARLY CHILDHOOD PROGRAMS.	S Ref To Com On Rules and Operations of the Senate	03-24-09	
S0746	Joe Sam Queen	ENERGY, SCIENCE & TECHNOLOGY RECOMMENDATIONS.	S Ref To Com On Rules and Operations of the Senate	03-24-09	
S0769	Eleanor Kinnaird	STUDY DNR ORDERS/ DECL. OF NATURAL DEATH.	S Ref To Com On Rules and Operations of the Senate	03-24-09	
S0775	Charlie S. Danne	STUDY PREPAID WIRELESS SERVICE CHARGES.	S Ref To Com On Rules and Operations of the Senate	03-24-09	
S0801	Tony Rand	2009 PRESIDENT PRO TEMP'S APPOINTMENTS.	S Ref To Com On Rules and Operations of the Senate	03-25-09	
S0830	Jim Jacumin	ROADSIDE CAMPAIGN SIGNS.	S Ref To Com On Rules and	03-25-09	

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S0855	Don Vaughan	HONOR MARVIN WARD.	S	Ref To Com On Rules, Calendar, and Operations of the House	03-25-09	03-26-09
\$ S0869	Richard Stevens	STUDY/AFTER SCHOOL CHILD CARE PROGRAMS.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0872=	Daniel G. Clodfe	STUDY/STANDARDS/ DISPUTED CHILD CUSTODY CASES.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0873	Daniel G. Clodfe	AMEND THE LAWS.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0879=	Bob Atwater	STUDY OFF-SHORE DRILLING REVENUES.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0886=	Don Vaughan	CLEANFIELDS ACT OF 2010.	*S	Pres. To Gov. 7/9/ 2010	07-09-10	07-09-10
S0905	Debbie A. Clary	PARENT PROVIDE ILLEGAL DRUGS TO CHILD/STUDY.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0940	Don Davis	STUDY FLEXIBILITY/ CERTIFIED NURSE MIDWIVES.	*S	Re-ref Com On Rules and Operations of the Senate	05-13-09	
S0944	Linda Garrou	STUDY/AUTISM SPECTRUM DISORDERS.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0945=	Vernon Malone	GUARDIANSHIP STUDY.	*S	Re-ref Com On Rules and Operations of the Senate	05-12-09	
S0948	Vernon Malone	STUDY COMM./YOUTH AGING OUT OF FOSTER CARE.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0952	Don Vaughan	HONOR HORACE KORNEGAY.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S0995=	William R. Purce	RESTORE PRIOR APPT. PROCESS/AUCTIONEERS COMM.	S	Ref To Com On Rules and Operations of the Senate	03-26-09	
S1012	Doug Berger	HOME SCHOOLERS IN PUBLIC SCHOOL PROG./ STUDY.	*S	Re-ref Com On Rules and Operations of the Senate	05-13-09	

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S1022	Josh Stein	SCHOOL CALENDAR FLEXIBILITY/INCLEMENT WEATHER	*S	Ref To Com On Rules and Operations of the Senate	06-01-10	
S1033	Andrew C. Brock	STUDY/HEAD INJURIES IN HIGH SCHOOL ATHLETICS.	S	Ref To Com On Rules and Operations of the Senate	03-31-09	
S1041	Andrew C. Brock	STUDY CERTIFICATE OF NEED.	S	Ref To Com On Rules and Operations of the Senate	03-31-09	
S1046=	Eleanor Kinnaird	STUDY SENTENCING AND PRISON OVERCROWDING.	S	Ref To Com On Rules and Operations of the Senate	03-31-09	
S1060=	Tony Foriest	STUDY RETIREMENT AND HEALTH BENEFITS.	S	Ref To Com On Rules and Operations of the Senate	03-31-09	
S1061=	Josh Stein	STUDY MEDICAL TREATMENTS/ PRESCRIPTION DRUGS.	S	Ref To Com On Rules and Operations of the Senate	03-31-09	
S1063	Julia Boseman	STUDY/ERASING ARREARS/ INCARCERATED PARENTS.	S	Ref To Com On Rules and Operations of the Senate	03-31-09	
S1064=	Julia Boseman	EST. FAMILY VIOLENCE & CHILD CUSTODY COMM.	S	Ref To Com On Rules and Operations of the Senate	03-31-09	
S1077	John Snow	REMOVE E-NC SUNSET.	*S	Ref To Com On Rules and Operations of the Senate	06-30-10	
S1085	John Snow	LEGISLATIVE COMMISSION ON GASOLINE SHORTAGES.	S	Ref To Com On Rules and Operations of the Senate	03-31-09	
S1094	R. C. Soles, Jr.	HONOR WATHA'S 100TH ANNIVERSARY.	S	Ref To Com On Rules, Calendar, and Operations of the House	04-02-09	06-25-09
S1095	Floyd B. McKissi	HONOR JOHN HOPE FRANKLIN.	S	Ref To Com On Rules and Operations of the Senate	04-02-09	
S1096	Tony Foriest	HONOR CHRISTOPHER DUFFY COLLINS.	SR	Ch. Res 2010-8	04-06-09	04-16-09
S1097	Jean Preston	HONOR BEAUFORT'S 300TH ANNIVERSARY.	SR	Ch. Res 2009-12	04-07-09	04-23-09
S1098=	Steve Goss	HONOR WADE EDWARD BROWN.	SR	Ch. Res 2009-13	04-07-09	04-29-09
S1099	Ed Jones	HONOR HERTFORD COUNTY'S 250TH	SR	Ch. Res 2009-17	04-28-09	05-20-09

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

Date: 08/03/2010
Time: 13:40
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2009-2010 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S1104	Ed Jones	ANNIVERSARY. HONOR HALIFAX COUNTY'S 250TH ANNIVERSARY.	SR Ch. Res 2009-24	06-17-09	06-30-09
S1111	Don Vaughan	AUTHORIZING RESOLUTION/SUSIE'S LAW.	S Ref To Com On Rules and Operations of the Senate	05-13-10	
S1116=	Dan Blue	STUDY/EARLY CHILDHOOD EDUCATION AND CARE.	S Ref To Com On Rules and Operations of the Senate	05-13-10	
S1124	Neal Hunt	AUTHORIZING/AMEND PERMIT EXTENSIONS ACT.	S Ref To Com On Rules and Operations of the Senate	05-13-10	
S1134=	Debbie A. Clary	PROTECT HEALTH CARE FREEDOM.	S Ref To Com On Rules and Operations of the Senate	05-17-10	
S1137=	Dan Blue	HONOR BOB HENSLEY.	S Ref To Com On Rules and Operations of the Senate	05-17-10	
S1144=	Fletcher L. Hart	DISAPPROVE DEER SEASON RULE CHANGE.	S Ref To Com On Rules and Operations of the Senate	05-17-10	
S1156=	James Forrester	DEFENSE OF MARRIAGE.	S Ref To Com On Rules and Operations of the Senate	05-17-10	
S1157	James Forrester	10TH AMENDMENT/HEALTH REFORM.	S Ref To Com On Rules and Operations of the Senate	05-17-10	
S1173=	Fletcher L. Hart	CROSSBOW USE/ DISAPPROVE RULE.	S Ref To Com On Rules and Operations of the Senate	05-18-10	
S1174	Linda Garrou	AUTH/ABOLISH HIGHER ED BOND OVERSIGHT COMM.	S Ref To Com On Rules and Operations of the Senate	05-18-10	
S1175	Linda Garrou	ABOLISH HIGHER EDUCATION BOND OVERSIGHT COMM.	S Ref To Com On Rules and Operations of the Senate	05-18-10	
S1178=	Stan Bingham	NO FELON AS SHERIFF.	S Ref To Com On Rules and Operations of the Senate	05-18-10	
S1179=	Peter S. Brunste	EXTEND ZOO FUNDS & ORG. STUDY COMMITTEE.	S Ref To Com On Rules and Operations of the Senate	05-18-10	

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2009-2010 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S1208	Michael P. Walte	13TH SENATORIAL DISTRICT LOCAL ACT-2.	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1217=	Fletcher L. Hart	STATE INVESTMENT STUDY TECHNICAL CORRECTION.	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1220=	Josh Stein	STUDY CARBON OFFSETS AND CARBON SEQUESTRATION.	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1224=	Josh Stein	STUDY - NC PROGRAMS THAT IMPACT ENVIRONMENT.	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1225=	Josh Stein	ENERGY POLICY COUNCIL GREEN ENERGY STUDY.	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1226=	Ed Jones	INVENTORY OF ANTIPOVERTY EFFORTS.	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1229=	Ed Jones	PERMANENT POVERTY STUDY..	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1232=	Ed Jones	POVERTY REDUCTION: ARRA MODIFICATIONS.	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1236=	Ed Jones	ANNEXING LOW-INCOME AREAS.	S	Ref To Com On Rules and Operations of the Senate	05-19-10	
S1241=	Malcolm Graham	DOMESTIC VIOLENCE TRAINING FOR JUDGES.	S	Ref To Com On Rules and Operations of the Senate	05-20-10	
S1249=	Don Davis	STUDY RAISING COMPULSORY ATTENDANCE AGE.	S	Ref To Com On Rules and Operations of the Senate	05-20-10	
S1257	John Snow	HONOR TRANSYLVANNIA COUNTY'S 150TH.	S	Ref To Com On Rules and Operations of the Senate	05-20-10	
S1264=	John Snow	CHEROKEE SCHOOL BOARD TERMS.	*S	Re-ref Com On Rules and Operations of the Senate	06-30-10	
S1271=	Charles W. Alber	STUDY FMP DEVELOPMENT PROCESS.	S	Ref To Com On Rules and Operations of the Senate	05-20-10	

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North Carolina General Assembly
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Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S1300	R. C. Soles, Jr.	HONOR ARTHUR W. WILLIAMSON.	SR Ch. Res 2010-9	05-20-10	06-14-10
1301	R. C. Soles, Jr.	HONOR W. HORACE CARTER.	SR Ch. Res 2010-17	05-20-10	06-22-10
S1302	R. C. Soles, Jr.	HONOR MARGARET TAYLOR HARPER.	SR Ch. Res 2010-21	05-20-10	06-28-10
S1305=	Martin L. Nesbit	PRGM EVAL STUDY AGENCY REVERSAL ALJ DECISION.	S Ref To Com On Rules and Operations of the Senate	05-20-10	
S1334	Don Vaughan	SUSIE'S LAW.	S Ref To Com On Rules and Operations of the Senate	05-20-10	
S1342	David W. Hoyle	2010 PRESIDENT PRO TEM'S APPOINTMENTS.	S Ref To Com On Rules and Operations of the Senate	05-24-10	
S1349	Don East	FAILURE TO CARRY OR COMPLETE ALIEN REG. DOCS.	S Ref To Com On Rules and Operations of the Senate	05-24-10	
\$ S1353=	Bob Atwater	DCR STUDY ENDOR IRON FURNACE/FUNDS.	S Ref To Com On Rules and Operations of the Senate	05-25-10	
S1354	Larry Shaw	CUMBERLAND COUNTY LOCAL ACT-1.	S Ref To Com On Rules and Operations of the Senate	05-25-10	
S1360	Austin M. Allran	BURKE COUNTY LOCAL ACT.	S Ref To Com On Rules and Operations of the Senate	05-25-10	
S1365	Philip E. Berger	AUTHORIZING INCR. PENALTY/INS. FIDUCIARIES.	S Ref To Com On Rules and Operations of the Senate	05-25-10	
S1379	Daniel G. Clodfe	DISAPPROVE RULE.	S Ref To Com On Rules and Operations of the Senate	05-26-10	
S1380	Daniel G. Clodfe	DISAPPROVE RULE.	S Ref To Com On Rules and Operations of the Senate	05-26-10	
S1391	Tony Foriest	CASWELL CO. HERITAGE MONTH.	SR Ch. Res 2010-22	05-26-10	06-28-10
S1405	Julia Boseman	AMEND CONDITIONAL DISCHARGE/1ST DRUG OFFENSE.	S Ref To Com On Rules and Operations of the Senate	05-26-10	
S1416=	Stan Bingham	STUDY IMPACT OF TOXINS ON HEALTH.	S Ref To Com On Rules and Operations of the Senate	05-26-10	

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

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2009-2010 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
S1419=	Eleanor Kinnaird	REGULATE CERTAIN COAL- ASH STRUCTURAL FILL.	S Ref To Com On Rules and Operations of the Senate	05-26-10	
\$ S1425	Andrew C. Brock	STUDY STATE E- COMMERCE/FINANCIAL TRANSACTIONS.	S Ref To Com On Rules and Operations of the Senate	05-26-10	
S1427	Andrew C. Brock	LRC STUDY CONSOLIDATION/STATE AGENCIES.	S Ref To Com On Rules and Operations of the Senate	05-26-10	
S1429	Malcolm Graham	AMEND RACIAL JUSTICE ACT.	S Ref To Com On Rules and Operations of the Senate	05-26-10	
\$ S1440	Joe Sam Queen	CREATE BROADBAND- SMART GRID TASK FORCE.	S Ref To Com On Rules and Operations of the Senate	05-27-10	
\$ S1441	Joe Sam Queen	E-NC/REQUEST NC PILOT FOR LIFELINE ONLINE.	S Ref To Com On Rules and Operations of the Senate	05-27-10	
\$ S1442=	Joe Sam Queen	E-NC CONNECTIVITY/ ECONOMIC DEVELOPMENT FUNDS.	S Ref To Com On Rules and Operations of the Senate	05-27-10	
S1449	Jim Jacumin	INCORPORATE LAKE JAMES.	S Ref To Com On Rules and Operations of the Senate	05-27-10	
S1451	Philip E. Berger	CONSIDER CANCELLATION AND EXPUNCTION.	S Ref To Com On Rules and Operations of the Senate	06-01-10	
S1452=	Harry Brown	MAKE SYNTHETIC CANNABINOIDS ILLEGAL.	S Ref To Com On Rules and Operations of the Senate	06-09-10	
S1453=	William R. Purce	HONOR PAT TAYLOR, SR. AND JR.	S Ref To Com On Rules and Operations of the Senate	06-09-10	
S1454	Joe Sam Queen	HONOR BETTY WISER.	SR Ch. Res 2010-20	06-16-10	06-22-10
S1456	Dan Blue	HONOR DUKE BASKETBALL TEAM.	SR Ch. Res 2010-16	06-22-10	06-22-10
S1457	Austin M. Allran	STUDY COMM. COLLEGE & UNC DEMOGRAPHICS.	S Ref To Com On Rules and Operations of the Senate	06-28-10	
S1458	Ed Jones	DISAPPROVE RULE/ FUGITIVE DUST EMISSIONS.	S Ref To Com On Rules and Operations of the Senate	06-28-10	
S1459=	William R. Purce	ALBEMARLE ELECTRIC	S Ref To Com On	06-29-10	

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

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2009-2010 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
		SYSTEM'S 100TH ANNIVERSARY.	Rules and Operations of the Senate		
S1460	Don Vaughan	HONOR JAMES TURNER.	*SR Ch. Res 2010-25	06-29-10	07-06-10
S1461	Dan Blue	HONOR DUKE LACROSSE TEAM.	S Ref To Com On Rules and Operations of the Senate	07-01-10	
S1462	David W. Hoyle	SINE DIE ADJOURNMENT.	*SR Ch. Res 2010-31	07-06-10	07-09-10

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2009-2010
SENATE RULES COMMITTEE MINUTES

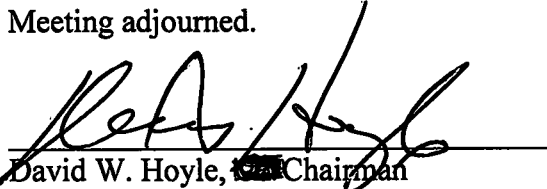
May 26, 2010

The Senate Rules Committee met at 10:30 AM on Wednesday, May 26, 2010 in Room 414 of the Legislative Office Building. There were 15 Members of the Committee in attendance. Senator David Hoyle, Chairman of the Committee, called the meeting to order. He recognized the following Pages: Kendall Medford, Shelby Rife, Haley Stewart and Allen Smith all from Gastonia, North Carolina and sponsored by Senator David Hoyle. Khidijah Bell and Amesha White, both from Ahoskie, North Carolina and sponsored by Senator Ed Jones.

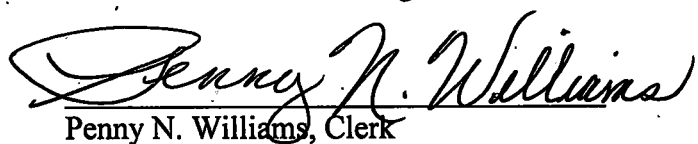
HB 1429 – Clarify the New NC Drought Response – Senator Phil Berger moved to adopt a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **Mortgage Guaranty Insurer Sunset Extended**, motion approved. Representative David Lewis the sponsor of the original bill came to explain the new Proposed Committee Substitute Bill. After his explanation, Senator David Clodfelter moved to give the new PCS a “favorable” report, motion passed.

HB 1251 – Cancer Screening Awareness Month – Senator Margaret Dickson moved to adopt a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **Colonial Spanish Mustang as State Horse**, motion approved. Senator Ed Jones came to explain the new Proposed Committee Substitute Bill. Senator Richard Stevens spoke in opposition to the Bill. Senator Jean Preston moved for a “favorable” report of the Proposed Committee Substitute Bill, motion passed.

Meeting adjourned.



David W. Hoyle, Chairman



Penny N. Williams, Clerk

NOTE:

- Attachment #1 – Committee Meeting Notice
- Attachment #2 – Original of HB 1429 and Proposed Committee Substitute Bill and History of the Bill
- Attachment #3 – Original of HB 1251 and Proposed Committee Substitute Bill and History of the Bill
- Attachment #4 – Committee Report for the Meeting
- Attachment #5 – Visitor's Sign Up Sheet

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 1429
Second Edition Engrossed 5/14/09

Short Title: Clarify the New NC Drought Response.

(Public)

Sponsors: Representative Lewis.

Referred to: Water Resources and Infrastructure, if favorable, State Government/State Personnel.

April 13, 2009

A BILL TO BE ENTITLED
AN ACT TO MAKE CERTAIN CLARIFICATIONS REGARDING THE IMPROVEMENTS
TO DROUGHT PREPAREDNESS AND RESPONSE IN NORTH CAROLINA MADE
BY THE 2008 SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-355.2(a)(4) is repealed.

SECTION 2. G.S. 143-355.2(h) reads as rewritten:

"(h) Water conservation measures imposed by a unit of local government that provides public water service or by a large community water system may be more stringent than the minimum water conservation measures required under this section. This subsection shall not be construed to authorize a unit of government, public water supply system, or private water supply system to regulate water use from a well located outside of its jurisdiction, a well not connected to its water system, or any other private well. Nothing herein shall be deemed to void or alter cross-jurisdictional agreements."

SECTION 3. G.S. 143-355.3(b) reads as rewritten:

"(b) Water Shortage Emergency Powers and Duties. – Whenever, pursuant to this Article, the Governor declares the existence of a water shortage emergency within a particular area of the State, the Secretary shall have the powers and duties set out in subdivisions (1), (2), and (3) of this subsection. These powers may only be exercised within the designated water shortage emergency area, after the Secretary has consulted with the affected water systems and determined that the water shortage emergency cannot be effectively managed in the absence of exercising these powers, and only for the period of the water shortage emergency. Under these circumstances, the Secretary has the power and duty to:

(1) Require any water system that has water supply in excess of that required to meet the essential water uses of its customers to provide water to a water system experiencing a water shortage emergency. The Secretary shall give preference to diversion of water from a water system within the same river basin as the water system that is experiencing a water shortage emergency. A diversion of water that requires a certificate under G.S. 143-215.22L shall meet the requirements of that section. The amount required to be supplied shall be limited to the amount necessary to supply essential water uses within the receiving system. The required diversion of waters shall cease upon the termination of the water shortage emergency.

(2) Adopt rules governing the conservation and use of water within the water shortage emergency area as shall be necessary to maintain essential water



1. use within the water shortage emergency area. Before such rules and
2. regulations shall become effective, they shall be published in two
3. consecutive issues of a daily newspaper generally circulated in the
4. emergency area. This subdivision shall not be construed to authorize a unit
5. of government, public water supply system, or private water supply system
6. to regulate water use from a well located outside of its jurisdiction, a well
7. not connected to its water system, or any other private well.

8. (3) Adopt rules governing conservation and use of water within the service area
9. of the water system from which water is being diverted as shall be necessary
10. to maintain essential water uses in the system while supplying water to the
11. water shortage emergency area. This subdivision shall not be construed to
12. authorize a unit of government, public water supply system, or private water
13. supply system to regulate water use from a well located outside of its
14. jurisdiction, a well not connected to its water system, or any other private
15. well."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

3

HOUSE BILL 1429
Second Edition Engrossed 5/14/09
Senate Rules and Operations of the Senate Committee Substitute Adopted 5/26/10

Short Title: Mortgage Guaranty Insurer Sunset Extended.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE EFFECTIVE DATE FOR COMMISSIONER OF INSURANCE
DISCRETION TO WAIVE THE MINIMUM POLICYHOLDERS POSITION
REQUIREMENT UNDER CERTAIN CIRCUMSTANCES FOR MORTGAGE
GUARANTY INSURERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-10-125(l) reads as rewritten:

"(l) Any waiver shall be (i) for a specified period of time not to exceed two years and
(ii) subject to any terms and conditions that the Commissioner shall deem best suited to
restoring the mortgage guaranty insurer's minimum policyholders position required by
subsection (a) of this section. Notwithstanding any other provision in this section, the
Commissioner shall not grant a waiver that would extend beyond July 1, 2011 July 1, 2015."

SECTION 2. Section 2 of S.L. 2009-254 reads as rewritten:

"**SECTION 2.** This act becomes effective July 1, 2009, and expires July 1, 2011 July 1, 2015."

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



North Carolina General Assembly
History of Bill H.1429
MORTGAGE GUARANTY INSURER SUNSET EXTENDED
by: Lewis

Date: 07/23/2010
Time: 09:11
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 04/09/2009 by: Lewis

GS Chapters: 58

Date	Action
04/09/2009 H	Filed
04/13/2009 H	Passed 1st Reading
04/13/2009 H	Ref to the Com on Water Resources and Infrastructure, if favorable, State Government/State Personnel
05/12/2009 H	Reptd Fav
05/12/2009 H	Re-ref Com On State Government/State Personnel
05/14/2009 H	Reptd Fav
05/14/2009 H	Cal Pursuant Rule 36(b)
05/14/2009 H	Placed On Cal For 5/14/2009
05/14/2009 H	Amend Failed 1
05/14/2009 H	Amend Failed 2
05/14/2009 HA	Amend Adopted 3
05/14/2009 HA	Amend Adopted 4
05/14/2009 H	Passed 2nd & 3rd Reading
05/14/2009 S	Rec From House
05/20/2009 S	Ref To Com On Rules and Operations of the Senate'
05/26/2010 S	Reptd Fav Com Substitute
05/26/2010 SA	Com Substitute Adopted
05/27/2010 S	Passed 2nd & 3rd Reading
05/31/2010 H	Rec To Concur S Com Sub
05/31/2010 H	Ref To Com On State Government/State Personnel
06/16/2010 H	Reptd Fav To Concur
06/16/2010 H	Cal Pursuant Rule 36(b)
06/16/2010 H	Placed On Cal For 6/17/2010
06/17/2010 H	Concurred In S/Com Sub
06/21/2010 H	Ratified
06/22/2010 H	Pres. To Gov. 6/22/2010
07/01/2010 H	Signed By Gov. 7/1/2010
07/01/2010 HR	Ch. SL 2010-40

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 1251
Committee Substitute Favorable 5/13/09

Short Title: Cancer Screening Awareness Month.

(Public)

Sponsors:

Referred to:

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING JUNE AS CANCER SCREENING AWARENESS MONTH.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 103 of the General Statutes is amended by adding a new
5 section to read:

6 "§ 103-12. Cancer Screening Awareness Month.

7 The month of June of each year is designated as Cancer Screening Awareness Month in
8 North Carolina."

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

3

HOUSE BILL 1251
Committee Substitute Favorable 5/13/09
Senate Rules and Operations of the Senate Committee Substitute Adopted 5/26/10

Short Title: Colonial Spanish Mustang as State Horse.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED
AN ACT DESIGNATING THE COLONIAL SPANISH MUSTANG AS THE OFFICIAL
HORSE OF THE STATE OF NORTH CAROLINA.

Whereas, the wild horses living along the Outer Banks of North Carolina are considered to be descendants of the horses brought to the Americas by Spanish explorers and colonists beginning in the 16th century; and

Whereas, these horses are known as Colonial Spanish Mustangs; and

Whereas, these Colonial Spanish Mustangs have played a significant role in the history and culture of North Carolina's coastal area for hundreds of years; Now, therefore, The General Assembly of North Carolina enacts:

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

"§ 145-31. State horse.

The Colonial Spanish Mustang is adopted as the official horse of the State of North Carolina."

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



North Carolina General Assembly
History of Bill H 1251
COLONIAL SPANISH MUSTANG AS STATE HORSE
by: Harrell, Burris-Floyd, England, Holliman Leg. Day: H-151/S-148

Date: 07/23/2010
Time: 09:12
Page: 1 of 1

2009-2010 Biennium

Introduced 04/08/2009 by: Adams, K. Alexander, M. Alexander, Avila, Barnhart, Blackwell, Bordsen, Bryant, Burris-Floyd, Cleveland, Cotham, Current, Dickson, Dockham, Dollar, Earle, England, Faison, Fisher, Folwell, Frye, Gibson, Glazier, Goforth, Grady, Guice, Harrell, Harrison, Holliman, Howard, Hurley, Jackson, Jeffus, Johnson, Justice, Justus, Lucas, Luebke, Mackey, Martin, McCormick, McElraft, Neumann, Pierce, Rapp, Sager, Setzer, Stevens, Stewart, Stiller, Tarleton, Wainwright, R. Warren, Whilden, Wiley, Wray

GS Chapters: 145

Date	Action
04/08/2009 H	Filed
04/09/2009 H	Passed 1st Reading
04/09/2009 H	Ref to the Com on Health, if favorable, State Government/State Personnel
05/05/2009 H	Reptd Fav
05/05/2009 H	Re-ref Com On State Government/State Personnel
05/13/2009 HA	Reptd Fav Com Substitute
05/13/2009 H	Cal Pursuant Rule 36(b)
05/13/2009 H	Placed On Cal For 5/14/2009
05/14/2009 H	Passed 2nd & 3rd Reading
05/14/2009 S	Rec From House
05/19/2009 S	Ref To Com On Rules and Operations of the Senate
~~05/26/2010-S~~	~~Reptd Fav Com Substitute~~
05/26/2010 SA	Com Substitute Adopted
05/27/2010 S	Passed 2nd & 3rd Reading
05/31/2010 H	Rec To Concur S Com Sub
05/31/2010 H	Ref To Com On Rules, Calendar, and Operations of the House
06/01/2010 H	Reptd Fav To Concur
06/01/2010 H	Cal Pursuant Rule 36(b)
06/01/2010 H	Placed On Cal For 6/2/2010
06/02/2010 H	Concurred In S/Com Sub
06/03/2010 H	Ratified
06/07/2010 H	Pres. To Gov. 6/4/2010
06/08/2010 H	Signed By Gov. 6/7/2010
06/08/2010 HR	Ch. SL 2010-6

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator David W. Hoyle, Chair**

Wednesday, May 26, 2010

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

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

H.B.	1429	Clarify the New NC Drought Response.	
		Draft Number:	PCS50917
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

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

H.B.(CS #1)	1251	Cancer Screening Awareness Month.	
		Draft Number:	PCS30454
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments:

VISITOR REGISTRATION SHEET

^{Rules}
Senate ~~Finance~~ Committee

Name of Committee

²⁶
May 13, 2010

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO DeANNE MANGUM

NAME	FIRM OR AGENCY AND ADDRESS
Christine Weason	American Cancer Society
Jim Harrell	Harrell and Assoc.
Amy McConkey	NC Bev Assoc
Thomas Moore	Edwin : Webb
Emily Williams	TPGT
T REEDER	NC DWR
Katie Haul	Basnight's office
Joyce Hoffer	SLA office

Senate ~~Panel~~ Committee
Name of Committee

May ²⁶~~18~~, 2010
Date

NAME**FIRM OR AGENCY AND ADDRESS**

Ben Heath

McGuire Wood

George Everett

Duke Energy

Kathy Hawkins

Progress Energy

2009-2010
SENATE RULES COMMITTEE MEETING

June 15, 2010

The Senate Rules Committee met at 1:00 PM, Tuesday, June 15, 2010 in Room 544 of the Legislative Office Building. There were 17 Members of the Committee in attendance. Senator David Hoyle, Chairman of the Committee, called the meeting to order. He recognized the following Pages: Alex Warren from Raleigh, N. C., sponsored by Senator Richard Stevens, Jake Semon from Greensboro, N. C., sponsored by Senator Don Vaughn, Elizabeth Wallace from Raleigh, N. C., sponsored by Senator Dan Blue, Julia Amend and Rachel Wordsworth, both from Rocky Mount, N. C., sponsored by Senator Basnight, Bailey Warren from Raleigh, N. C., Ty Hamby from Cary, N. C., Taylor Hill from Winterville, N. C. and Katherine Sipes from Greensboro, N. C., all sponsored by Senator David Hoyle.

HB 683 – Adopt NC Hot Sauce Day – Senator A. B. Swindell moved for adoption of a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **Prepaid Wireless Sunset/Permit Extensions**, motion carried. Senator Pete Brunstetter made a motion to give the new PCS a “favorable” report, motion passed.

HB 466 – Boxing Advisory Commission Study – Senator Dan Clodfelter moved for adoption of a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **Consumer Choice and Investment Act Changes**, motion passed. Senator Clodfelter explained the Bill. Senator Ellie Kinnaird had a question, Senator Clodfelter answered. Senator Richard Stevens moved to give the bill a “favorable” report, motion passed.

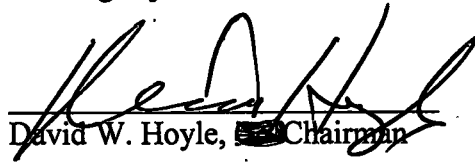
HB 1076 – Supervision of Certain Defendants – Senator Margaret Dickson moved for adoption of a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **Bladen Fox Hunting**, motion passed. Senator Fletcher Hartsell moved to give the PCS a “favorable” report, motion passed.

SB 35 – Early Organizational Session – Senator Dan Clodfelter moved for adoption of a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **Reconveyance Fees Prohibited**, for the purpose of discussion, motion passed. Senator Hoyle, Chairman of the Committee, explained to the Committee will be heard and discussed but no vote would be taken. Wendy Graff, Staff Attorney, gave an explanation of the PCS. Carolyn Snipes,

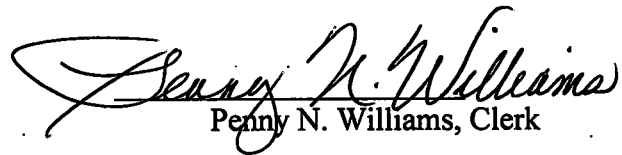
Branch Manager with Fidelity National Title Insurance Company, Asheville, North Carolina came to speak in support of the Bill. Willis Smith II, Financial

Consultant with Glenwood Capital, LLC, Raleigh, North Carolina, came to speak in opposition to the Bill. Rick Zechini, Director of Government Affairs, N. C. Association of Realtors, Raleigh, North Carolina came to speak in support of the Bill. William J. Spivock with Investment, Management and Development in Charlotte, North Carolina, came to speak in opposition to the Bill. Kim Crouch from the N. C. Bar Association came to speak in support of the Bill. Senator Ellie Kinnaird asked a question and Carolyn Snipes answered. Willis Smith spoke on the question. Senator Hoyle had several questions of Willis Smith. There was a question and answer period by Members of the Committee to the presentors.

Meeting adjourned.



David W. Hoyle, Chairman



Penny N. Williams, Clerk

NOTE:

- Attachment #1 – Committee Meeting Notice
- Attachment #2 – Agenda of Meeting
- Attachment #3 - Original of HB 683, Proposed Committee Substitute Bill, and History of the Bill
- Attachment #4 - Original of HB 466, Proposed Committee Substitute Bill, And History of the Bill
- Attachment #5 - Original of HB 1076, Proposed Committee Substitute Bill, And History of the Bill
- Attachment #6 - Original of SB 35, Proposed Committee Substitute Bill , Edition 5 of Senate Bill 35 that was discussed in June 15, 2010 Meeting, And History of the Bill as of this date.
- Attachment #7 - Senate Rules Committee Report
- Attachment #8 - Visitor's Sign Up Sheet

Principal Clerk _____
Reading Clerk _____

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Rules and Operations of the Senate** will meet at the following time:

DAY	DATE	TIME	ROOM
Tuesday	June 15, 2010	1:00 PM	Room 544

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 466	Boxing Advisory Commission Study.	Representative Mackey
HB 683	Adopt NC Hot Sauce Day.	Representative Crawford, Jr.
SB 35	Reconveyance Fees Prohibited.	Senator Hoyle

Senator David W. Hoyle, Chair

AGENDA

SENATE RULES COMMITTEE

**Tuesday, June 15 2010 at 1:00 PM
Room 544, Legislative Office Building**

I. Welcome and Opening Remarks

II. Introduction of Pages

III. Bills to be Considered:

HB 466 - Boxing Advisory Commission Study	- Rep. Mackey
HB 683 - Adopt NC Hot Sauce Day -	Rep. Crawford, Jr.
HB 1076 - Supervision of Certain Defendants -	Rep. Jones
	Rep. Wiley
	Rep. Harrison
SB 35 - Reconveyance Fees Prohibited -	Sen. Hoyle

IV. Other Business

V. Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 683

Short Title: Adopt NC Hot Sauce Day.

(Public)

Sponsors: Representative Crawford.

Referred to: State Government/State Personnel.

March 19, 2009

A BILL TO BE ENTITLED
AN ACT ESTABLISHING NORTH CAROLINA HOT SAUCE DAY.

Whereas, Granville County is home to both Bailey Farms, the largest pepper producer and distributor on the eastern seaboard and "Spice It Up" hot sauce, the 2005 new product of the year and also the critics "Meet the Heat" award and People's Choice Award for 2008; and

Whereas, the North Carolina Hot Sauce Contest was conceived to promote tourism in historic downtown Oxford; and

Whereas, the contest is held on the second Saturday of September and attracts producers from across the State, who showcase North Carolina products, including hot sauces, microbreweries, wines, barbeque sauces, and fiery food, and

Whereas, in addition to the hot sauce contest, visitors can participate in various simultaneous events, including the annual Heritage Street Festival and the September Sensations Bazaar at the Harris Exhibit Hall; and

Whereas, the North Carolina Hot Sauce Contest provides visitors with a fun-filled day of activities and deserves recognition as a statewide event; Now, therefore, The General Assembly of North Carolina enacts:

SECTION 1. Chapter 103 of the General Statutes is amended by adding a new section to read:

"§ 103-12. North Carolina Hot Sauce Day.

The second Saturday of September of each year is designated as North Carolina Hot Sauce Day."

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



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 683
PROPOSED SENATE COMMITTEE SUBSTITUTE H683-PCS30522-RW-85**

Short Title: Prepaid Wireless Sunset/Permit Extensions.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT EXTENDING THE SUNSET ON THE COLLECTION OF SERVICE CHARGES
FOR PREPAID WIRELESS TELEPHONE SERVICE; AND TO AMEND THE PERMIT
EXTENSIONS ACT OF 2009.

The General Assembly of North Carolina enacts:

SECTION 1. Section 7(c) of S.L. 2007-383, as amended by Section 1(d) of S.L.
2008-134, and S.L. 2009-90, reads as rewritten:

"**SECTION 7.(c)** Notwithstanding G.S. 62A-43, the charge imposed by that section does
not apply to prepaid wireless telephone service for the 2008, 2009, ~~and 2010 calendar years.~~
2010, and 2011 calendar years."

SECTION 2. Section 4 of S.L. 2009-406 reads as rewritten:

"**SECTION 4.** For any development approval that is current and valid at any point during
the period beginning January 1, 2008, and ending December 31, 2010, the running of the period
of the development approval and any associated vested right under G.S. 153A-344.1 or
G.S. 160A-385.1 is suspended during the period beginning January 1, 2008, and ending
~~December 31, 2010.~~December 31, 2012."

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



* H 6 8 3 - P C S 3 0 5 2 2 - R W - 8 5 *

North Carolina General Assembly
History of Bill H 683
PERMIT EXTENSIONS.
by: Crawford

Date: 07/26/2010
Time: 11:11
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 03/18/2009 by: Crawford

GS Chapters: U

Date	Action
03/18/2009 H	Filed
03/19/2009 H	Passed 1st Reading
03/19/2009 H	Ref To Com On State Government/State Personnel
04/01/2009 H	Reptd Fav
04/01/2009 H	Cal Pursuant Rule 36(b)
04/01/2009 H	Placed On Cal For 4/2/2009
04/02/2009 H	Passed 2nd & 3rd Reading
04/06/2009 S	Rec From House
04/06/2009 S	Ref To Com On Rules and Operations of the Senate
~~06/15/2010 S~~	~~Reptd Fav Com Substitute~~
06/15/2010 SA	Com Substitute Adopted
06/16/2010 S	Withdrawn From Cal
06/16/2010 S	Placed On Cal For 6/23/2010
06/23/2010 SA	Amend Adopted # 1
06/23/2010 S	Passed 2nd & 3rd Reading
06/24/2010 H	Rec To Concur S Com Sub
06/24/2010 H	Ref To Com On Rules, Calendar, and Operations of the House
07/08/2010 H	Reptd Unfav For Conc
07/08/2010 H	Cal Pursuant Rule 36(b)
07/08/2010 H	Placed On Cal For 7/8/2010
07/08/2010 H	Failed concur in S/Com Sub
07/09/2010 S	Conf Com Appointed
07/09/2010 H	Conf Com Appointed
07/10/2010 H	Conf Com Reported
07/10/2010 H	Placed On Cal For 7/10/2010
07/10/2010 HA	Conf Report Adopted
07/10/2010 S	Conf Com Reported
07/10/2010 S	Placed On Cal For 7/10/2010
07/10/2010 SA	Conf Report Adopted
07/10/2010 H	Ratified
07/10/2010 H	Pres. To Gov. 7/10/2010

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

2

HOUSE BILL 466

Committee Substitute Favorable 5/13/09

Short Title: Boxing Advisory Commission Study.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE
ROLE OF THE BOXING ADVISORY COMMISSION IN REGULATING BOXING
AND OTHER RELATED ARTS.

The General Assembly of North Carolina enacts:

SECTION 1. The Legislative Research Commission shall study the role of the
Boxing Advisory Commission in the regulation of boxing and other events within its
jurisdiction. In conducting the study, the Legislative Research Commission shall examine
whether the current regulatory structure adequately protects the physical safety of participants
and shall look at the regulatory systems in other states.

SECTION 2. The Legislative Research Commission may make an interim report to
the General Assembly no later than May 1, 2010, and shall make a final report no later than
December 1, 2010.

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 466
Committee Substitute Favorable 5/13/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H466-CSRW-86 [v.3]

6/14/2010 1:21:56 PM

Short Title: Consumer Choice and Investment Act Changes.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED
AN ACT TO AMEND THE CONSUMER CHOICE AND INVESTMENT ACT OF 2009,
AND AUTHORIZING SPECIFIED TELEPHONE COMPANY CUSTOMER
SATISFACTION CALLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-133.5(g) reads as rewritten:

"(g) The following sections of Chapter 62 of the General Statutes shall not apply to local exchange companies subject to price regulation under the terms of subsection (a) of this ~~section~~ section or electing companies subject to alternative regulation under the terms of subsection (h): G.S. 62-35(c), 62-45, 62-51, 62-81, 62-111, 62-130, 62-131, 62-132, 62-133, 62-134, 62-135, 62-136, 62-137, 62-139, 62-142, and 62-153."

SECTION 2. G.S. 62-133.5(h) reads as rewritten:

"(h) Notwithstanding any other provision of this Chapter, a local exchange company that is subject to rate of return regulation or subject to another form of regulation authorized under this section and whose territory is open to competition from competing local providers may elect to have its rates, terms, and conditions for its services determined pursuant to the plan described in this subsection by filing notice of its intent to do so with the Commission. The election is effective immediately upon filing. A local exchange company shall not be permitted to make the election under this section unless it commits to provide stand-alone basic residential lines to rural customers at rates that are less than or comparable to those rates charged to urban customers for the same service.

(1) Definitions. – The following definitions apply in this subsection:

- a. Local exchange company. – The same meaning as provided in G.S. 62-3(16a).
- b. Open to competition from competing local providers. – Both of the following apply:
 1. G.S. 62-110(f1) applies to the franchised area and to local exchange and exchange access services offered by the local exchange company.
 2. The local exchange company is open to interconnection with competing local providers that possess a certificate of public convenience and necessity issued by the Commission. The Commission is authorized to resolve any disputes concerning

- 1 whether a local exchange company is open to interconnection
2 under this section.
- 3 c. Single-line basic residential service. – Single-line residential flat rate
4 basic voice grade local service with touch tone within a traditional
5 local calling area that provides access to available emergency
6 services and directory assistance, the capability to access
7 interconnecting carriers, relay services, access to operator services,
8 and one annual local directory listing (white pages or the equivalent).
- 9 d. Stand-alone basic residential line. – Single-line basic residential
10 service that is billed on a billing account that does not also contain
11 another service, feature, or product that is sold by the local exchange
12 company or an affiliate of the local exchange company and is billed
13 on a recurring basis on the local exchange company's bill.
- 14 (2) Beginning on the date that the local exchange company's election under this
15 subsection becomes effective, the local exchange company shall continue to
16 offer stand-alone basic residential lines to all customers who choose to
17 subscribe to that service, and the local exchange company may increase rates
18 for those lines annually by a percentage that does not exceed the percentage
19 increase over the prior year in the Gross Domestic Product Price Index as
20 reported by the United States Department of Commerce, Bureau of
21 Economic Analysis, unless otherwise authorized by the Commission. With
22 the sole exception of ensuring the local exchange company's compliance
23 with the preceding sentence, the Commission shall not:
- 24 a. Impose any requirements related to the terms, conditions, rates, or
25 availability of any of the local exchange company's stand-alone basic
26 residential lines.
- 27 b. Otherwise regulate any of the local exchange company's stand-alone
28 basic residential lines.
- 29 (3) Except to the extent provided in subdivision (2) of this subsection, beginning
30 on the date the local exchange company's election under this subsection
31 becomes effective, the Commission shall not do either of the following:
- 32 a. Impose any requirements related to the terms, conditions, rates, or
33 availability of any of the local exchange company's retail services.
- 34 b. Otherwise regulate any of the local exchange company's retail
35 services.
- 36 (4) A local exchange company's election under this subsection does not affect
37 the obligations or rights of an incumbent local exchange carrier, as that term
38 is defined by section 251(h) of the Federal Telecommunications Act of 1996
39 (Act), under sections 251 and 252 of the Act or any Federal
40 Communications Commission regulation relating to sections 251 and 252 of
41 the Act, nor does it affect any authority of the Commission to act in
42 accordance with federal or State laws or regulations, including those
43 granting authority to set rates, terms, and conditions for access to unbundled
44 network elements and to arbitrate and enforce interconnection agreements.
- 45 (5) A local exchange company's election under this subsection does not prevent
46 a consumer from seeking the assistance of the Public Staff of the North
47 Carolina Utilities Commission to resolve a complaint with that local
48 exchange company, as provided in G.S. 62-73.1.
- 49 (6) A local exchange company's election under this subsection does not affect
50 the Commission's jurisdiction concerning the following:

- a. Enforce federal requirements on the local exchange company's marketing activities. However, the Commission may not adopt, impose, or enforce other requirements on the local exchange company's marketing activities.
- b. The telecommunications relay service pursuant to G.S. 62-157.
- c. The Life Line or Link Up programs consistent with Federal Communications Commission rules, including, but not limited to, 47 C.F.R. § 54.403(a)(3), as amended from time to time, and relevant orders of the North Carolina Utilities Commission.
- d. Universal service funding pursuant to G.S. 62-110(f1).
- e. Carrier of last resort obligations pursuant to G.S. 62-110.
- f. The authority delegated to it by the Federal Communications Commission to manage the numbering resources involving that local exchange company."

SECTION 3. G.S. 62-133.5(i) reads as rewritten:

"(i) ~~To the extent applicable, a~~ A competing local provider authorized by the Commission to do business under the provisions of G.S. 62-110(f1) may also elect to have its rates, terms, and conditions for its services determined pursuant to the plan described in subsection (h) of this section. However, it is provided further that any provisions of subsection (h) of this section requiring the provision of a specific retail service or impacting the pricing of such service, including stand-alone residence service, shall not apply to competing local providers."

SECTION 4. G.S. 75-104(b) is amended by adding a new subdivision to read:

"(8) The call is from a company that provides services to the telephone subscriber, no part of the call is used to make a telephone solicitation, the sole purpose of the call is to comply with the requirement for subsection (h) companies to conduct customer satisfaction surveys as mandated in G.S. 62-133.5(k), and the company making the call clearly states the purpose of the call in addition to the company name and contact information."

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

North Carolina General Assembly
History of Bill H 466
CONSUMER CHOICE AND INVESTMENT ACT CHANGES.
by: Mackey

Date: 07/26/2010
Time: 11:13
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 03/05/2009 by: Jones, Mackey

GS Chapters: 62

Date	Action
03/05/2009 H	Filed
03/09/2009 H	Passed 1st Reading
03/09/2009 H	Ref to the Com on Health, if favorable, Judiciary II
05/07/2009 H	Reptd Without Prejudice
05/07/2009 H	Re-ref Com On Judiciary II
05/13/2009 HA	Reptd Fav Com Substitute
05/13/2009 H	Cal Pursuant Rule 36(b)
05/13/2009 H	Placed On Cal For 5/14/2009
05/14/2009 H	Passed 2nd & 3rd Reading
05/14/2009 S	Rec From House
05/19/2009 S	Ref To Com On Rules and Operations of the Senate
06/15/2010 S	Reptd Fav Com Substitute
06/15/2010 SA	Com Substitute Adopted
06/16/2010 S	Passed 2nd & 3rd Reading
06/21/2010 H	Rec To Concur S Com Sub
06/21/2010 H	Ref To Com On Public Utilities
06/23/2010 H	Reptd Unfav For Conc
06/23/2010 H	Cal Pursuant Rule 36(b)
06/23/2010 H	Placed On Cal For 6/24/2010
06/24/2010 H	Failed concur in S/Com Sub
06/24/2010 H	Conf Com Appointed
06/29/2010 S	Conf Com Appointed
07/06/2010 S	Conf Com Reported
07/06/2010 S	Placed On Cal For 7/7/2010
07/06/2010 H	Conf Com Reported
07/06/2010 H	Placed On Cal For 7/7/2010
07/07/2010 SA	Conf Report Adopted
07/07/2010 HA	Conf Report Adopted
07/08/2010 H	Ratified
07/08/2010 H	Pres. To Gov. 7/8/2010

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1076*

Short Title: Supervision of Certain Defendants. (Public)

Sponsors: Representatives Wiley, Jones, Harrison (Primary Sponsors); Blackwood, Blust, Faison, Jeffus, and Lucas.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary III.

April 6, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED
IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR
PROBLEM-SOLVING COURTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-271 is amended by adding a new subsection to read:

"(f) The superior court has exclusive jurisdiction over all hearings to revoke probation pursuant to G.S. 15A-1345(e) in which the district court is supervising a drug treatment court or a problem-solving criminal court probation judgment under G.S. 7A-272(e)."

SECTION 2. G.S. 7A-272 is amended by adding two new subsections to read:

"(e) With the consent of the chief district court judge and the senior resident superior court judge, the district court has jurisdiction to preside over the supervision of probation judgments entered in superior court in which the defendant is required to participate in a drug treatment court program pursuant to G.S. 15A-1343(b1)(2b) or a problem-solving criminal court, as defined in subsection (f) of this section, or is participating in the drug treatment court pursuant to a deferred prosecution agreement under G.S. 15A-1341(a2). The district court may modify or extend the probation judgment, but jurisdiction to revoke probation supervised under this subsection is as provided in G.S. 7A-271(f).

"(f) As used in subsection (e) of this section, the term "problem-solving criminal court" refers to a court program, other than a drug treatment court established pursuant to Article 62 of Chapter 7A of the General Statutes, in which a criminal defendant, either as a condition of probation or pursuant to a deferred prosecution agreement under G.S. 15A-1341, is ordered to participate in specified activities designed to address underlying problems, such as substance abuse or mental illness, that contribute to the person's criminal activity. The ordered activities shall, at a minimum, require the person to participate in treatment and attend regular court sessions of the treatment court over an extended period of time. The senior resident superior court judge and the chief district court judge shall agree in writing that the problem-solving criminal court is being established before jurisdiction established by subsection (f) may be exercised by the district court."

SECTION 3. G.S. 15A-1344(a) reads as rewritten:

"(a) Authority to Alter or Revoke. – Except as provided in subsection (a1) or (b), probation may be reduced, terminated, continued, extended, modified, or revoked by any judge entitled to sit in the court which imposed probation and who is resident or presiding in the district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be, where the sentence of probation was imposed, where the probationer violates probation, or where the probationer resides. Upon a finding that



1 an offender sentenced to community punishment under Article 81B has violated one or more
2 conditions of probation, the court's authority to modify the probation judgment includes the
3 authority to require the offender to comply with conditions of probation that would otherwise
4 make the sentence an intermediate punishment. The district attorney of the prosecutorial district
5 as defined in G.S. 7A-60 in which probation was imposed must be given reasonable notice of
6 any hearing to affect probation substantially."

7 **SECTION 4.** G.S. 15A-1344 is amended by adding a new subsection to read:

8 "(a1) Authority to Supervise Probation in Drug Treatment Court or Problem-Solving
9 Criminal Court. – Jurisdiction to supervise and modify probation imposed in cases in which the
10 offender is required to participate in a drug treatment court or a problem-solving criminal court
11 is as provided in G.S. 7A-272(e) and (f) and G.S. 7A-271(f). Proceedings to modify or revoke
12 probation in such cases shall be held in the county in which the drug treatment court or
13 problem-solving court is located."

14 **SECTION 5.** This act becomes effective October 1, 2009, and applies to probation
15 judgments entered or deferred prosecution agreements executed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 1076*

PROPOSED SENATE COMMITTEE SUBSTITUTE H1076-PCS80625-LL-62

Short Title: Bladen Fox Hunting.

(Local)

Sponsors:

Referred to:

April 6, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN BLADEN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, there is an open season for taking foxes with weapons and by trapping during the trapping season set by the Wildlife Resources Commission each year, with no tagging requirements prior to or after sale.

SECTION 2. No bag limit applies to foxes taken under this act.

SECTION 3. This act applies only to Bladen County.

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

North Carolina General Assembly
History of Bill H 1076 (= SB 851)
BLADEN FOX HUNTING.
by: Wiley, Jones, Harrison

Date: 07/26/2010
Time: 11:13
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 04/02/2009 by: Blackwood, Blust, Faison, Harrison, Jeffus, Jones, Lucas, Wiley

Counties: BLADEN

Date	Action
04/02/2009 H	Filed
04/06/2009 H	Passed 1st Reading
04/06/2009 H	Ref to the Com on Ways and Means/Broadband Connectivity, if favorable, Judiciary III
04/23/2009 H	Reptd Fav
04/23/2009 H	Re-ref Com On Judiciary III
05/11/2009 H	Reptd Fav
05/11/2009 H	Cal Pursuant Rule 36(b)
05/11/2009 H	Placed On Cal For 5/12/2009
05/12/2009 H	Passed 2nd & 3rd Reading
05/14/2009 S	Rec From House
05/14/2009 S	Ref To Com On Rules and Operations of the Senate
~~06/15/2010-S~~	~~Reptd Fav Com Substitute~~
06/15/2010 SA	Com Substitute Adopted
06/16/2010 SA	Amend Adopted # 1
06/16/2010 S	Passed 2nd & 3rd Reading
06/16/2010 S	Engrossed
06/21/2010 H	Rec To Concur S Com Sub
06/21/2010 H	Ref To Com On Wildlife Resources

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator David W. Hoyle, Chair**

Wednesday, June 16, 2010

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

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

H.B.	683	Adopt NC Hot Sauce Day.	
		Draft Number:	PCS30522
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

H.B.	1076	Supervision of Certain Defendants.	
		Draft Number:	PCS80625
		Sequential Referral:	
		Recommended Referral:	None
		Long Title Amended:	Yes

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

H.B.(CS #1) 466	Boxing Advisory Commission Study.	
	Draft Number:	PCS30521
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

HB 466 - Senator Swindell will handle
HB 683 - Senator Clodfelter will handle
HB 1076 - Senator Dickson will handle

VISITOR REGISTRATION SHEET

SENATE RULES

6-15-2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Fitzgerald	UNC
Colleen Kochanek	Kochanek Law Group
Dana Simpson	Smith Anders
Jack Gogart	NSS
Lisa Martin	NC HB
Barbara Cansler	BSG
John Bowdich	AstraZeneca
Cody Thomas	NCAR

VISITOR REGISTRATION SHEET

SENATE RULES

6-15-2010

- Name of Committee

Date

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

NAME	FIRM OR AGENCY AND ADDRESS
Yvette Spivack	Reconciliation Fees Ltd./Freehold
Jessie Hays	NC Home Builders Assn
~~Samuel Brown~~	~~TWC~~
Steve Brewer	CenturyLink
Pam Motton	CenturyLink
Blair Phillips	TWC
Kim Beach	NCDH
Carolyn Snipes	NCLTA
David Farrell	NCLTA
Rick Zechini	NC Assoc. of Realtors
David McGowan	NC " " "

VISITOR REGISTRATION SHEET

SENATE RULES

6-15-2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Chiz Killian Nelson Mullins

Dan Finken Electric Cities of N.C.

Doug Heron WM

John McCall MHS

Thomas Jones NCACC

Kevin Leonard NCACC

VISITOR REGISTRATION SHEET

SENATE RULES

6-15-2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
WILLIS SMITH	GLENWOOD CAPITAL RALEIGH NC
William Spivack	DEF Ventures, Charlotte NC
Pat Coble	West Market Realty Co. Greensboro NC.
Thomas Moore	Technical Wds
Ryan Colm	West Market Realty Co. Greensboro, NC.
Kellie Slaughter	John Locke Foundation
DAVID BARRETT	Poyner Spruill
Wendy Kelly	Policy Group
Henry Jones	Attorney - Raleigh
Steve M. Stewart	Policy Group
Emile Willems	Policy Group

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

2

SENATE BILL 35
Rules and Operations of the Senate Committee Substitute Adopted 2/19/09

Short Title: Early Organizational Session.

(Public)

Sponsors:

Referred to:

February 4, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL
3 ASSEMBLY FOR AN ORGANIZATIONAL SESSION FOLLOWED BY AN
4 EXTENDED RECESS.
5 The General Assembly of North Carolina enacts:
6 SECTION 1. G.S. 120-11.1 reads as rewritten:
7 "§ 120-11.1. Time of meeting.
8 The regular session of the Senate and House of Representatives shall be held biennially
9 beginning at ~~12:00 noon~~ 10:00 A.M. on the ~~third Wednesday after the second Monday~~ second
10 business day in January next after their ~~election~~ election, except if that day is a Friday, the
11 session shall instead convene on Thursday, January 2. The Senate and House shall convene that
12 day for a two-day session. When the Senate and House of Representatives adjourn on the
13 second day, they stand adjourned until 12:00 noon on the third Wednesday thereafter."
14 SECTION 2. This act becomes effective January 1, 2011.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

5

SENATE BILL 35
Rules and Operations of the Senate Committee Substitute Adopted 2/19/09
House Committee Substitute Favorable 6/1/10
Corrected Copy 6/1/10
Fifth Edition Engrossed 6/3/10

Short Title: Reconveyance Fees Prohibited.

(Public)

Sponsors:

Referred to:

February 4, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT TRANSFER FEE COVENANTS DO NOT RUN WITH THE
3 TITLE TO REAL PROPERTY AND ARE NOT BINDING ON OR ENFORCEABLE
4 AGAINST ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE.

5 The General Assembly of North Carolina enacts:

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

7 "Chapter 39A.

8 "Transfer Fee Covenants Prohibited.

9 "§ 39A-1. Public policy.

10 (a) The public policy of this State favors the marketability of real property and the
11 transferability of interests in real property free from title defects, unreasonable restraints on
12 alienation, and covenants or servitudes that do not touch and concern the property.

13 (b) A transfer fee covenant violates this public policy by impairing the marketability of
14 title to the affected real property and constitutes an unreasonable restraint on alienation and
15 transferability of property, regardless of the duration of the covenant or the amount of the
16 transfer fee set forth in the covenant.

17 "§ 39A-2. Definitions.

18 As used in this Chapter:

19 (1) "Transfer" means the sale, gift, conveyance, assignment, inheritance, or
20 other transfer of an ownership interest in real property located in this State.

21 (2) "Transfer fee" means a fee or charge payable upon the transfer of an interest
22 in real property or payable for the right to make or accept such transfer,
23 regardless of whether the fee or charge is a fixed amount or is determined as
24 a percentage of the value of the property, the purchase price, or other
25 consideration given for the transfer. The following shall not be considered a
26 "transfer fee" for the purposes of this Chapter:

27 a. Any consideration payable by the grantee to the grantor for the
28 interest in real property being transferred, including any subsequent
29 additional consideration for the property payable by the grantee
30 based upon any subsequent appreciation, development, or sale of the
31 property that, once paid, shall not bind successors in title to the
32 property.



- b. Any commission payable to a licensed real estate broker for the transfer of real property pursuant to an agreement between the broker and the transferor or transferee, including any subsequent additional commission for the transfer payable by the transferor or the transferee based upon any subsequent additional commission payable by the transferor based upon any subsequent appreciation, development, or sale of the property.
- c. Any interest, charges, fees, or other amounts payable by a borrower to a lender pursuant to a loan secured by a mortgage against real property, including any fee payable to the lender for consenting to an assumption of the loan or a transfer of the real property subject to the mortgage, any fees or charges payable to the lender for estoppel letters or certificates, and any other consideration allowed by law and payable to the lender in connection with the loan.
- d. Any rent, reimbursement, charge, fee, or other amount payable by a lessee to a lessor under a lease, including any fee payable to the lessor for consenting to an assignment, subletting, encumbrance, or transfer of the lease.
- e. Any consideration payable to the holder of an option to purchase an interest in real property or the holder of a right of first refusal or first offer to purchase an interest in real property for waiving, releasing, or not exercising the option or right upon the transfer of the property to another person.
- f. Any tax, fee, charge, assessment, fine, or other amount payable to or imposed by a governmental authority.
- g. Any fee charged that is a typical real estate closing cost, including closing or escrow fees, settlement fees, attorney fees, or title insurance premiums and fees.
- h. Any reasonable fee charged for the preparation of statements of unpaid assessments pursuant to G.S. 47F-3-102(13) or resale certificates or statements of unpaid assessments pursuant to G.S. 47C-3-102(12).
- i. Any reasonable fee payable by the original transferee to a unit owners' association as defined in G.S. 47C-1-103(3), or owners' association as defined in G.S. 47F-1-103(3), as long as no portion of the fee is required to be passed through to a third party designated or identifiable by description in the document or another document referenced therein.
- j. Any fee payable as part of a conservation or preservation agreement as provided in G.S. 121-38(e).
- (3) "Transfer fee covenant" means a declaration or covenant purporting to affect real property that requires or purports to require the payment of a transfer fee to the declarant or other person specified in the declaration or covenant or to their successors or assigns, upon a subsequent transfer of an interest in the real property.

"§ 39A-3. Transfer fee covenants prohibited.

"(a) Any transfer fee covenant or any lien that is filed to enforce a transfer fee covenant or purports to secure payment of a transfer fee, shall not run with the title to real property and is not binding on or enforceable at law or in equity against any subsequent owner, purchaser, or mortgagee of any interest in real property as an equitable servitude or otherwise.

1 (b) A person who records a transfer fee covenant, files a lien that purports to secure
2 payment of a transfer fee, or enters into an agreement imposing a private transfer fee obligation
3 shall be liable for:

4 (1) Any and all damages resulting from the imposition of the transfer fee
5 obligation on the transfer of an interest in the real property, including the
6 amount of any transfer fee paid by a party to the transfer.

7 (2) All attorney fees, expenses, and costs incurred by a party to the transfer or
8 mortgagee of the real property to recover the transfer fee paid or in
9 connection with an action to quiet title or register the title or a proceeding
10 subsequent to initial registration. If an agent acts on behalf of a principal to
11 file or secure a private transfer fee obligation, liability shall be assessed to
12 the principal, but not to the agent."

13 **SECTION 2.** Nothing in this act shall be interpreted to mean that a transfer fee
14 covenant recorded prior to the effective date of this act is valid or enforceable.

15 **SECTION 3.** This act is effective when it becomes law and applies to: (i) any
16 transfer fee covenant that is recorded after the effective date of this act; (ii) any lien that is filed
17 to enforce a transfer fee covenant that is recorded after the effective date of this act or purports
18 to secure payment of a transfer fee that is recorded after the effective date of this act; and (iii)
19 any agreement imposing a private transfer fee obligation entered into after the effective date of
20 this act.

North Carolina General Assembly
History of Bill S 35
RECONVEYANCE FEES PROHIBITED.
by: Hoyle

Date: 07/26/2010
Time: 12:13
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 02/03/2009 by: Clary, Forrester, Garrou, Goodall, Hoyle, Jenkins, Preston,
Stevens, Weinstein

GS Chapters: 39A

Date	Action
02/03/2009 S	Filed
02/04/2009 S	Ref To Com On Rules and Operations of the Senate
02/19/2009 S	Reptd Fav Com Substitute
02/19/2009 SA	Com Substitute Adopted
02/19/2009 S	Placed On Cal For 2/19/2009
02/19/2009 S	Passed 2nd & 3rd Reading
02/24/2009 H	Passed 1st Reading
02/24/2009 H	Ref to the Com on Rules, Calendar, and Operations of the House, if favorable, State Government/State Personnel
05/18/2010 H	Withdrawn From Com
05/18/2010 H	serial referral stricken bill is re-referred to Education
05/27/2010 H	Withdrawn From Com
05/27/2010 H	Re-ref Com On Judiciary III
06/01/2010 HA	Reptd Fav Com Substitute
06/01/2010 H	Cal Pursuant Rule 36(b)
06/01/2010 H	Placed On Cal For 6/2/2010
06/02/2010 H	Amend 1 Offered
06/02/2010 H	Amendment Withdrawn 1
06/02/2010 HA	Amend Adopted 2
06/02/2010 H	Passed 2nd Reading
06/03/2010 H	Passed 3rd Reading
06/03/2010 H	Ordered Engrossed
06/04/2010 S	Rec From House
06/07/2010 S	Rec To Concur H Com Sub
06/07/2010 S	Re-ref Com On Rules and Operations of the Senate
06/23/2010 S	Reptd Fav To Concur
06/23/2010 S	Placed On Cal For 6/23/2010
06/23/2010 S	Concurred In H/com Sub
06/24/2010 S	Ratified
06/25/2010 S	Pres. To Gov. 6/25/2010
07/01/2010 S	Signed By Gov. 7/1/2010
07/01/2010 SR	Ch. SL 2010-32

*6/15/10 - Bill discussed in Sen. Rules
OCS*

2009-2010
SENATE RULES COMMITTEE MINUTES

June 23, 2010

The Senate Rules Committee met at 9:00 AM on Wednesday, June 23, 2010 in Room 414 of the Legislative Office Building. There were 14 Members of the Committee in attendance. Senator David Hoyle, Chairman of the Committee, called the meeting to order. He recognized the following Pages: Katelyn Stiles, Sierra Croft, Andrew Harris and Taylor Mahaffey all from Gastonia, North Carolina and sponsored by Senator David Hoyle. Brandon Hughes from Garner, North Carolina, sponsored by Senator David Rouser, Davis Mitchell from Cary, North Carolina, sponsored by Senator Josh Stein and Jennifer Volveno from Cary, sponsored by Senator Jean Preston.

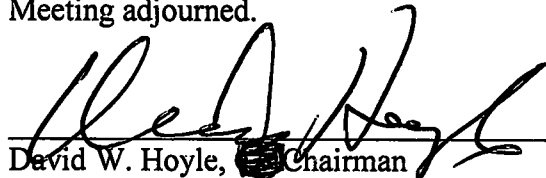
HB 1307 – Possess Prescription Drug/Not Drug Traffick – Senator Dan Clodfelter moved to adopt a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **No Felon as Sheriff**, motion approved: After discussion by the Committee, Senator Fletcher Hartsell moved go give the new PCS a “favorable” report, motion passed.

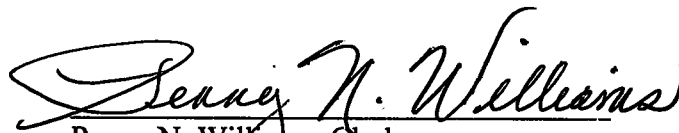
HB 1840 – Remove Sunset/e-NC Authority – Senator A. B. Swindell moved to adopt a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **Remove e-NC Sunset/Study Competing Systems**, motion approved. After discussion by the Committee, Senator Stan Bingham moved to give the new PCS a “favorable” report, motion passed.

Senator Hoyle turned the Meeting over to Senator A. B. Swindell to Chair the Committee as he came to explain S. B. 35 which had been thoroughly discussed at the previous Senate Rules Committee Meeting.

SB 35 – Reconveyance Fees Prohibited – Senator David Hoyle came to explain SB 35 which was originally **Early Organizational Session** and was thoroughly discussed at the previous Senate Rules Committee Meeting on June 15, 2010. After the discussion, Senator Richard Stevens made a motion to “concur” with the House of Representatives on this Bill, motion passed.

Meeting adjourned.


David W. Hoyle, Chairman


Penny N. Williams, Clerk

NOTE:

Attachment #1 – Committee Meeting Notice

Attachment #2 – Agenda of Meeting

Attachment #3 – Original of HB 1307, Proposed Committee Substitute Bill and History of the Bill

Attachment #4 – Original of HB 1840, Proposed Committee Substitute Bill and History of the Bill

Attachment #5 – Second Edition of SB 35, Proposed Committee Substitute Bill and History of the Bill

Attachment #6 – Committee Report of the Meeting

Attachment #7 – Visitor's Sign Up Sheets

Penny Williams (Sen. Hoyle)*Attachment #1***From:** Joyce Hodge (Senate LA Director)**Sent:** Tuesday, June 22, 2010 4:21 PM**To:** Rep. Ron Sutton**Subject:** <NCGA> Senate Rules and Operations of the Senate Committee Meeting Notice for Wednesday, June 23, 2010Principal Clerk
Reading Clerk_____
_____**2nd Corrected: HB 1307 ADDED**

**SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE**

The Senate Committee on Rules and Operations of the Senate will meet at the following time:

DAY	DATE	TIME	ROOM
Wednesday	June 23, 2010	9:00 a.m.	414 LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1840	Remove Sunset/e-NC Authority.	Representative Faison Representative Jones Representative Tillis Representative West
SB 35	Reconveyance Fees Prohibited.	Senator Hoyle
HB 1307	Possess Prescription Drug/Not Drug Traffick.	Representative Sutton

Senator David W. Hoyle, Chair

Senate Rules and Operations of the Senate Committee
Wednesday, June 23, 2010, 9:00 a.m.
414 LOB

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

HB 1840 Remove Sunset/e-NC Authority. Representative Faison

SB 35 Reconveyance Fees Prohibited. Senator Hoyle

HB 1307 Possess Prescription Drug/Not Representative Sutton *PCS Fav.*
Drug Traffick. *ver fav. Bill*

Presentations

Other Business

Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

4

HOUSE BILL 1307
Committee Substitute Favorable 5/11/09
Committee Substitute #2 Favorable 5/12/09
Fourth Edition Engrossed 5/13/09

Short Title: Possess Prescription Drug/Not Drug Traffick.

(Public)

Sponsors:

Referred to:

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE HOUSE SELECT STUDY COMMISSION ON TRAFFICKING
3 OF PRESCRIPTION MEDICATIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.1.** There is created the House Select Study Commission on
6 Trafficking of Prescription Medications. The purpose of the Commission is to review State law
7 pertaining to trafficking of controlled substances in relation to the application of those laws to
8 prescription medications.

9 **SECTION 1.2.** The Commission shall consist of 11 members as follows:

- 10 (1) Seven members of the House of Representatives appointed by the Speaker of
11 the House of Representatives.
- 12 (2) A district attorney, appointed by the Speaker of the House of
13 Representatives, after consultation with the Conference of District
14 Attorneys.
- 15 (3) A public defender, appointed by the Speaker of the House of
16 Representatives, after consultation with the Office of Indigent Defense
17 Services.
- 18 (4) An attorney engaged in the private practice of criminal law, appointed by the
19 Speaker of the House of Representatives.
- 20 (5) A sheriff, appointed by the Speaker of the House of Representatives, after
21 consultation with the North Carolina Sheriffs' Association.

22 The Speaker of the House of Representatives shall designate one representative as
23 chair. Vacancies on the Commission shall be filled by the same appointing authority as made
24 the initial appointment. The Commission shall expire upon delivering its final report.

25 The Commission, while in the discharge of its official duties, may exercise all
26 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
27 Commission may meet at any time upon the call of the chair. The Commission may meet in the
28 Legislative Building or the Legislative Office Building. The Commission may contract for
29 professional, clerical, or consultant services as provided by G.S. 120-32.02.

30 The Legislative Services Commission, through the Legislative Services Officer,
31 shall assign professional staff to assist the Commission in its work. The House of
32 Representatives' Supervisors of Clerks shall assign clerical staff to the Commission, and the
33 expenses relating to the clerical employees shall be borne by the Commission. Members of the



1 Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1,
2 138-5, or 138-6, as appropriate.

3 **SECTION 1.3.** In conducting the study, the Commission shall consider the
4 following:

- 5 (1) What currently manufactured prescription medications are covered by the
6 drug trafficking laws of this State.
- 7 (2) Whether the current drug quantities in the trafficking statutes are appropriate
8 quantities when applied to prescription medications and taking into
9 consideration the penalties provided.
- 10 (3) Whether trafficking of prescription medications should be addressed
11 separately from other drugs.
- 12 (4) What penalties are appropriate for the trafficking of prescription medications
13 and on what quantities of prescription medication should those penalties be
14 determined.

15 **SECTION 1.4.** The House Select Study Commission on Trafficking of
16 Prescription Medications shall make its final report to the 2010 Regular Session of the 2009
17 General Assembly upon its convening.

18 **SECTION 1.5.** All State departments and agencies and local governments and their
19 subdivisions shall furnish the Commission with any information in their possession or available
20 to them.

21 **SECTION 1.6.** Of the funds appropriated to the General Assembly, the Legislative
22 Services Commission shall allocate funds for the expenses of the Commission established by
23 this Part.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1307

Committee Substitute Favorable 5/11/09

Committee Substitute #2 Favorable 5/12/09

Fourth Edition Engrossed 5/13/09

PROPOSED SENATE COMMITTEE SUBSTITUTE H1307-PCS60090-LBx-95

Short Title: No Felon as Sheriff.

(Public)

Sponsors:

Referred to:

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE
3 THAT NO PERSON CONVICTED OF A FELONY IS ELIGIBLE TO BE ELECTED
4 SHERIFF.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 2 of Article VII of the Constitution of North Carolina reads
7 as rewritten:

8 "Sec. 2. Sheriffs.

9 In each county a Sheriff shall be elected by the qualified voters thereof at the same time and
10 places as members of the General Assembly are elected and shall hold his office for a period of
11 four years, subject to removal for cause as provided by law. No person is eligible to serve as
12 Sheriff if that person has been convicted of a felony against this State, the United States, or
13 another state, whether or not that person has been restored to the rights of citizenship in the
14 manner prescribed by law. Convicted of a felony includes the entry of a plea of guilty; a verdict
15 or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official,
16 either civilian or military; or a plea of no contest, nolo contendere, or the equivalent."

17 SECTION 2. The amendment set out in this act shall be submitted to the qualified
18 voters of the State at the statewide general election on November 2, 2010, which election shall
19 be conducted under the laws then governing elections in the State. Ballots, voting systems, or
20 both may be used in accordance with Chapter 163 of the General Statutes. The question to be
21 used in the voting systems and ballots shall be:

22 "[] FOR [] AGAINST

23 Constitutional amendment providing that no person convicted of a felony may serve
24 as Sheriff."

25 SECTION 3. If a majority of votes cast on the question are in favor of the
26 constitutional amendment set out in this act, the State Board of Elections shall certify the
27 amendment to the Secretary of State. The constitutional amendment is effective upon
28 certification. The Secretary of State shall enroll the amendments so certified among the
29 permanent records of that office.

North Carolina General Assembly
History of Bill H 1307
NO FELON AS SHERIFF.
by: Sutton

Date: 08/02/2010
Time: 11:02
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 04/08/2009 by: Sutton

GS Chapters: C

Date	Action
04/08/2009 H	Filed
04/09/2009 H	Passed 1st Reading
04/09/2009 H	Ref to the Com on Ways and Means/Broadband Connectivity, if favorable, Judiciary III
05/11/2009 HA	Reptd Fav Com Substitute
05/11/2009 H	Re-ref Com On Judiciary III
05/12/2009 HA	Reptd Fav Com Sub 2
05/12/2009 H	Cal Pursuant Rule 36(b)
05/12/2009 H	Placed On Cal For 5/13/2009
05/13/2009 HA	Amend Adopted 1
05/13/2009 H	Passed 2nd & 3rd Reading
05/14/2009 S	Rec From House
05/20/2009 S	Ref To Com On Rules and Operations of the Senate
06/23/2010 S	~~Reptd Fav Com Substitute~~
06/23/2010 SA	Com Substitute Adopted
06/23/2010 S	Placed On Cal For 6/23/2010
06/23/2010 S	Passed 2nd Reading
06/23/2010 S	Passed 3rd Reading
06/24/2010 H	Rec To Concur S Com Sub
06/24/2010 H	Com Sub Ruled Material
06/24/2010 H	Ref To Com On Judiciary III
06/29/2010 H	Reptd Fav To Concur
06/29/2010 H	Cal Pursuant Rule 36(b)
06/29/2010 H	Placed On Cal For 6/30/2010
06/30/2010 H	Concurred On 2nd Reading
07/01/2010 H	Concurred On 3rd Reading
07/01/2010 H	Ratified
07/01/2010 HR	Ch. SL 2010-49

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1840

Short Title: Remove Sunset/e-NC Authority.

(Public)

Sponsors: Representatives Faison, Jones, West, Tillis (Primary Sponsors); Gulley, Insko, Justice, and Wray.

Referred to: Ways and Means/Broadband Connectivity.

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET PROVISION PERTAINING TO THE E-NC
AUTHORITY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
HIGH-SPEED INTERNET ACCESS IN RURAL AND URBAN AREAS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2003-425, as amended by Section 12.3(a) of S.L.
2006-66, reads as rewritten:

"**SECTION 4.** Sections 1 and 2 of this act become effective December 31, 2003, with the
e-NC Authority hereby designated as the successor entity of the Rural Internet Access
Authority that will dissolve on that date, as provided by Section 5 of S.L. 2000-149. The
remainder of this act is effective when it becomes law. ~~The e-NC Authority created in this act is
dissolved effective December 31, 2011. This act is repealed effective December 31, 2011. Part
2F of Article 10 of Chapter 143B of the General Statutes and G.S. 120-123(77), as enacted by
this act, are repealed effective December 31, 2011.~~"

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

Jan

H

D

HOUSE BILL 1840
PROPOSED SENATE COMMITTEE SUBSTITUTE H1840-CSTD-101 [v.3]

6/22/2010 7:05:19 PM

Short Title: Remove e-NC Sunset/Study Competing Systems.

(Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET PROVISION PERTAINING TO THE E-NC AUTHORITY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HIGH-SPEED INTERNET ACCESS IN RURAL AND URBAN AREAS AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO CONTINUE ITS REVIEW OF LOCAL GOVERNMENT OWNED AND OPERATED COMMUNICATION SYSTEMS AND TO TEMPORARILY LIMIT THE FINANCING OPTIONS FOR THESE SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2003-425, as amended by Section 12.3(a) of S.L. 2006-66, reads as rewritten:

"**SECTION 4.** Sections 1 and 2 of this act become effective December 31, 2003, with the e-NC Authority hereby designated as the successor entity of the Rural Internet Access Authority that will dissolve on that date, as provided by Section 5 of S.L. 2000-149. The remainder of this act is effective when it becomes law. ~~The e-NC Authority created in this act is dissolved effective December 31, 2011. This act is repealed effective December 31, 2011. Part 2F of Article 10 of Chapter 143B of the General Statutes and G.S. 120-123(77), as enacted by this act, are repealed effective December 31, 2011.~~"

SECTION 2. Communication system. – As used in this act, the term "communication system" means a system that provides high-speed broadband Internet access service or other Internet access service, cable service, telecommunications service, video programming service, or a combination of these services at retail. The terms "cable service," "telecommunications service," and "video programming service" have the same meanings as in G.S. 105-164.3.

SECTION 3.(a) Study. – The Revenue Laws Study Committee is directed to continue its study begun in 2009 of local government owned and operated communication systems and to report its findings and any recommended legislation on this subject to the 2011 General Assembly by March 1, 2011. As part of its study, the Committee shall determine the following:

- (1) The extent to which current law authorizes units of local government to offer communication services not traditionally thought of as cable television services.



(2) The requirements and standards that should apply to a unit of local government and to a private provider when the local unit offers a communication service that is offered by a private provider.

(3) Whether varying or different provisions are needed to accommodate communication systems placed in service or financed under G.S. 160A-20 by cities before the effective date of this act.

(4) Policies and incentives that can be established to facilitate the offering and expansion of communication service by both public and private service providers, including public-private ventures and other opportunities.

SECTION 3.(b) Membership. – In conducting the study described in subsection (a) of this section, the Revenue Laws Study Committee cochairs are authorized to appoint an advisory subcommittee and to ask the Local Government Commission to designate an individual to participate in the subcommittee's deliberations in an ex officio, nonvoting capacity. The subcommittee may consist of no more than 12 members and may include individuals who are not members of the Committee or of the General Assembly, eight of whom represent the following interests:

(1) A cable service provider.

(2) A wireless telecommunications service provider.

(3) A local exchange provider that is not a wireless telecommunications service provider.

(4) A local exchange provider that is a wireless telecommunications service provider.

(5) A city that operates a cable system and an electric power system as a public enterprise.

(6) A city that operates a cable system as a public enterprise and does not operate an electric power system as a public enterprise.

(7) A city that is a member of a joint agency established under G.S. 160A-462 for the operation of a cable system as a public enterprise.

(8) The North Carolina League of Municipalities.

SECTION 4.(a) Interim Financing Provisions. – The Local Government Commission may not approve an application for financing under G.S. 160A-19, G.S. 160A-20, or G.S. 160A-466 by a unit of local government or a joint agency for a communication system until the date a bill recommended to the 2011 Regular Session of the 2011 General Assembly by the Revenue Laws Study Committee as a result of the study directed by Section 3 of this act becomes law or, if a bill is not recommended by that Committee or is not enacted, until the 2011 Regular Session of the General Assembly adjourns by joint resolution for more than 10 days. A communication system does not include systems and services provided by a unit of local government only for its own use or, pursuant to an interlocal or service agreement, for use by other units or agencies of government.

The prohibition in this section does not apply to an application submitted by any of the following:

(1) A unit of local government or a joint agency that, as of June 1, 2010, had previously entered into a contract under G.S. 160A-20 or G.S. 160A-466 to finance a communication system.

(2) A unit of local government that meets all of the following requirements:

a. As of June 1, 2010, has contracted with an outside party for a high-speed broadband Internet feasibility study. A high-speed broadband Internet feasibility study is a study that addresses the potential market for a publicly owned communication system, explores a system design and deployment strategy for various models and levels of service, or

1 identifies the investments in property and equipment necessary to
2 develop a system under various models and levels of service.

3 b. On or before December 1, 2010, has taken formal action, as reflected in
4 the minutes of the city council's meetings, to instruct city staff to file an
5 application with the Local Government Commission to approve a
6 contract by the city to finance a communication system.

7 (3) The recipient of a federal broadband stimulus grant, if the financing is
8 needed to provide any matching funds required as a condition of receiving
9 the grant.

10 (4) A unit of local government chosen by Google for its Fiber Project, if the
11 financing is needed to qualify as the Fiber Project.

12 **SECTION 4.(b) Interim Notice Requirements.** – A unit of local government that
13 plans to submit an application to the Local Government Commission during the period the
14 prohibition in subsection (a) of this section is in effect and whose application is eligible for
15 approval during this period because of the exclusion in subdivision (2) of that subsection must
16 hold a public hearing on the proposed application and must send written notice to each person
17 that provides communication service within the unit of its intent to submit an application. The
18 notice must be sent at least 15 days before the date of a public hearing held on the proposal. If
19 the unit submits an application to the Local Government Commission after the public hearing,
20 the Local Government Commission must accept written and oral comments from the providers
21 the unit is required to notify under this subsection.

22 **SECTION 4.(c) New Requirements Apply.** – A unit of local government whose
23 application to the Local Government Commission is approved under subdivision (a)(2) of this
24 section will be fully subject to the requirements of any bill enacted by the 2011 Regular Session
25 of the 2011 General Assembly upon the recommendation of the Revenue Laws Study
26 Committee as a result of the study directed by Section 3 of this act.

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

North Carolina General Assembly
History of Bill H 1840
REMOVE E-NC SUNSET/STUDY COMPETING SYSTEMS.
by: Faison, Jones, West, Tillis

Date: 08/02/2010
Time: 11:04
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 05/18/2010 by: Faison, Gulley, Insko, Jones, Justice, Tillis, West, Wray

GS Chapters: S

Date	Action
05/18/2010 H	Filed
05/20/2010 H	Passed 1st Reading
05/20/2010 H	Ref To Com On Ways and Means/Broadband Connectivity
05/26/2010 H	Reptd Fav
05/26/2010 H	Cal Pursuant Rule 36(b)
05/26/2010 H	Placed On Cal For 5/27/2010
05/27/2010 H	Passed 2nd & 3rd Reading
05/28/2010 S	Rec From House
06/01/2010 S	Ref To Com On Rules and Operations of the Senate
06/23/2010 S	Reptd Fav Com Substitute
06/23/2010 SA	Com Substitute Adopted
06/23/2010 S	Placed On Cal For 6/23/2010
06/23/2010 S	Passed 2nd & 3rd Reading
06/24/2010 H	Rec To Concur S Com Sub
06/24/2010 H	Ref To Com On Rules, Calendar, and Operations of the House

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

2

SENATE BILL 35

Rules and Operations of the Senate Committee Substitute Adopted 2/19/09

Short Title: Early Organizational Session.

(Public)

Sponsors:

Referred to:

February 4, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL
ASSEMBLY FOR AN ORGANIZATIONAL SESSION FOLLOWED BY AN
EXTENDED RECESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-11.1 reads as rewritten:

"§ 120-11.1. Time of meeting.

The regular session of the Senate and House of Representatives shall be held biennially beginning at ~~12:00 noon~~ 10:00 A.M. on the ~~third Wednesday after the second Monday~~ second business day in January next after their ~~election~~ election, except if that day is a Friday, the session shall instead convene on Thursday, January 2. The Senate and House shall convene that day for a two-day session. When the Senate and House of Representatives adjourn on the second day, they stand adjourned until 12:00 noon on the third Wednesday thereafter."

SECTION 2. This act becomes effective January 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

5

SENATE BILL 35
Rules and Operations of the Senate Committee Substitute Adopted 2/19/09
House Committee Substitute Favorable 6/1/10
Corrected Copy 6/1/10
Fifth Edition Engrossed 6/3/10

Short Title: Reconveyance Fees Prohibited.

(Public)

Sponsors:

Referred to:

February 4, 2009

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT TRANSFER FEE COVENANTS DO NOT RUN WITH THE
TITLE TO REAL PROPERTY AND ARE NOT BINDING ON OR ENFORCEABLE
AGAINST ANY SUBSEQUENT OWNER, PURCHASER, OR MORTGAGEE.

The General Assembly of North Carolina enacts:

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

"Chapter 39A.

"Transfer Fee Covenants Prohibited.

"§ 39A-1. Public policy.

(a) The public policy of this State favors the marketability of real property and the transferability of interests in real property free from title defects, unreasonable restraints on alienation, and covenants or servitudes that do not touch and concern the property.

(b) A transfer fee covenant violates this public policy by impairing the marketability of title to the affected real property and constitutes an unreasonable restraint on alienation and transferability of property, regardless of the duration of the covenant or the amount of the transfer fee set forth in the covenant.

"§ 39A-2. Definitions.

As used in this Chapter:

(1) "Transfer" means the sale, gift, conveyance, assignment, inheritance, or other transfer of an ownership interest in real property located in this State.

(2) "Transfer fee" means a fee or charge payable upon the transfer of an interest in real property or payable for the right to make or accept such transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property, the purchase price, or other consideration given for the transfer. The following shall not be considered a "transfer fee" for the purposes of this Chapter:

a. Any consideration payable by the grantee to the grantor for the interest in real property being transferred, including any subsequent additional consideration for the property payable by the grantee based upon any subsequent appreciation, development, or sale of the property that, once paid, shall not bind successors in title to the property.



* S 3 5 - V - 5 *

- 1 b. Any commission payable to a licensed real estate broker for the
2 transfer of real property pursuant to an agreement between the broker
3 and the transferor or transferee, including any subsequent additional
4 commission for the transfer payable by the transferor or the
5 transferee based upon any subsequent additional commission payable
6 by the transferor based upon any subsequent appreciation,
7 development, or sale of the property.
- 8 c. Any interest, charges, fees, or other amounts payable by a borrower
9 to a lender pursuant to a loan secured by a mortgage against real
10 property, including any fee payable to the lender for consenting to an
11 assumption of the loan or a transfer of the real property subject to the
12 mortgage, any fees or charges payable to the lender for estoppel
13 letters or certificates, and any other consideration allowed by law and
14 payable to the lender in connection with the loan.
- 15 d. Any rent, reimbursement, charge, fee, or other amount payable by a
16 lessee to a lessor under a lease, including any fee payable to the
17 lessor for consenting to an assignment, subletting, encumbrance, or
18 transfer of the lease.
- 19 e. Any consideration payable to the holder of an option to purchase an
20 interest in real property or the holder of a right of first refusal or first
21 offer to purchase an interest in real property for waiving, releasing,
22 or not exercising the option or right upon the transfer of the property
23 to another person.
- 24 f. Any tax, fee, charge, assessment, fine, or other amount payable to or
25 imposed by a governmental authority.
- 26 g. Any fee charged that is a typical real estate closing cost, including
27 closing or escrow fees, settlement fees, attorney fees, or title
28 insurance premiums and fees.
- 29 h. Any reasonable fee charged for the preparation of statements of
30 unpaid assessments pursuant to G.S. 47F-3-102(13) or resale
31 certificates or statements of unpaid assessments pursuant to
32 G.S. 47C-3-102(12).
- 33 i. Any reasonable fee payable by the original transferee to a unit
34 owners' association as defined in G.S. 47C-1-103(3), or owners'
35 association as defined in G.S. 47F-1-103(3), as long as no portion of
36 the fee is required to be passed through to a third party designated or
37 identifiable by description in the document or another document
38 referenced therein.
- 39 j. Any fee payable as part of a conservation or preservation agreement
40 as provided in G.S. 121-38(e).
- 41 (3) "Transfer fee covenant" means a declaration or covenant purporting to affect
42 real property that requires or purports to require the payment of a transfer fee
43 to the declarant or other person specified in the declaration or covenant or to
44 their successors or assigns, upon a subsequent transfer of an interest in the
45 real property.

46 **"§ 39A-3. Transfer fee covenants prohibited.**

47 "(a) Any transfer fee covenant or any lien that is filed to enforce a transfer fee covenant
48 or purports to secure payment of a transfer fee, shall not run with the title to real property and is
49 not binding on or enforceable at law or in equity against any subsequent owner, purchaser, or
50 mortgagee of any interest in real property as an equitable servitude or otherwise.

1 (b) A person who records a transfer fee covenant, files a lien that purports to secure
2 payment of a transfer fee, or enters into an agreement imposing a private transfer fee obligation
3 shall be liable for:

4 (1) Any and all damages resulting from the imposition of the transfer fee
5 obligation on the transfer of an interest in the real property, including the
6 amount of any transfer fee paid by a party to the transfer.

7 (2) All attorney fees, expenses, and costs incurred by a party to the transfer or
8 mortgagee of the real property to recover the transfer fee paid or in
9 connection with an action to quiet title or register the title or a proceeding
10 subsequent to initial registration. If an agent acts on behalf of a principal to
11 file or secure a private transfer fee obligation, liability shall be assessed to
12 the principal, but not to the agent."

13 **SECTION 2.** Nothing in this act shall be interpreted to mean that a transfer fee
14 covenant recorded prior to the effective date of this act is valid or enforceable.

15 **SECTION 3.** This act is effective when it becomes law and applies to: (i) any
16 transfer fee covenant that is recorded after the effective date of this act; (ii) any lien that is filed
17 to enforce a transfer fee covenant that is recorded after the effective date of this act or purports
18 to secure payment of a transfer fee that is recorded after the effective date of this act; and (iii)
19 any agreement imposing a private transfer fee obligation entered into after the effective date of
20 this act.

North Carolina General Assembly
History of Bill S 35
RECONVEYANCE FEES PROHIBITED.
by: Hoyle

Date: 07/26/2010
Time: 11:15
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 02/03/2009 by: Clary, Forrester, Garrou, Goodall, Hoyle, Jenkins, Preston,
Stevens, Weinstein

GS Chapters: 39A

Date	Action
02/03/2009 S	Filed
02/04/2009 S	Ref To Com On Rules and Operations of the Senate
02/19/2009 S	Reptd Fav Com Substitute
02/19/2009 SA	Com Substitute Adopted
02/19/2009 S	Placed On Cal For 2/19/2009
02/19/2009 S	Passed 2nd & 3rd Reading
02/24/2009 H	Passed 1st Reading
02/24/2009 H	Ref to the Com on Rules, Calendar, and Operations of the House, if favorable, State Government/State Personnel
05/18/2010 H	Withdrawn From Com
05/18/2010 H	serial referral stricken bill is re-referred to Education
05/27/2010 H	Withdrawn From Com
05/27/2010 H	Re-ref Com On Judiciary III
06/01/2010 HA	Reptd Fav Com Substitute
06/01/2010 H	Cal Pursuant Rule 36(b)
06/01/2010 H	Placed On Cal For 6/2/2010
06/02/2010 H	Amend 1 Offered
06/02/2010 H	Amendment Withdrawn 1
06/02/2010 HA	Amend Adopted 2
06/02/2010 H	Passed 2nd Reading
06/03/2010 H	Passed 3rd Reading
06/03/2010 H	Ordered Engrossed
06/04/2010 S	Rec From House
06/07/2010 S	Rec To Concur H Com Sub
06/07/2010 S	Re-ref Com On Rules and Operations of the Senate
~~06/23/2010 S~~	~~Reptd Fav To Concur~~
06/23/2010 S	Placed On Cal For 6/23/2010
06/23/2010 S	Concurred In H/com Sub
06/24/2010 S	Ratified
06/25/2010 S	Pres. To Gov. 6/25/2010
07/01/2010 S	Signed By Gov. 7/1/2010
07/01/2010 SR	Ch. SL 2010-32

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator David W. Hoyle, Chair**

Wednesday, June 23, 2010

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

FAVORABLE AS TO CONCURRENCE

S.B.(HCS #1) 35	Reconveyance Fees Prohibited.	
	Sequential Referral:	None
	Recommended Referral:	None

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

H.B.	1840	Remove Sunset/e-NC Authority.	
		Draft Number:	PCS50947
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

**UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 2, BUT FAVORABLE
AS TO SENATE COMMITTEE SUBSTITUTE BILL**

H.B.(CS #2) 1307	Possess Prescription Drug/Not Drug Traffick.	
	Draft Number:	PCS60090
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 3

Committee Clerk Comments:

Sen. Hoyle will handle HB 1307
Sen. Hoyle will handle HB 1840

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

June 23, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ken Melton	K. M. A.
Jul Bone	Bone & Assoc.
John Bowditch	Astron Zeneca
Eddie Caldwell	NC Sheriff's Assn.
Michael Travis	NCAAC
Bob Kay Jr	Kayler Law Firm
	}

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

June 23, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jane Patterson	e-NC Authority
Opie Jordan	e-NC Authority - Chair
Tom Brown	NCEDF
Henry Jones	Attorney - Raleigh
Michael Trank	NCACC
Steve Brewer	CenturyLink
Pam Melton	" "
Dat Coble	West Market Realty Co.
Roger Colon	West Market Realty Co.
Chris Kollar	CNA
William Spruick	RFR Ventures, Charlotte
Willis Smith	Glenwood Capital Asheville NC
David Anderson	PFFPAK

VISITOR REGISTRATION SHEET

RULES AND OPERATIONS OF THE SENATE

June 23, 2010

Name of Committee**Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE
CLERK

NAME**FIRM OR AGENCY AND ADDRESS**

David Hemen

NC Center for Nonprofits

Sammy Roberts

Two

Bull Hall

TWC

Stan Pace

Velizon

2009-2010

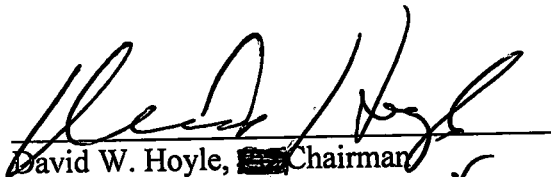
SENATE RULES COMMITTEE MINUTES

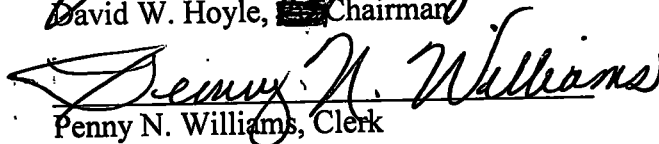
July 1, 2010

The Senate Rules Committee met at 9:00 AM on Thursday, July 1, 2010 in Room 414 of the Legislative Office Building. There were 12 Members of the Committee in attendance. Senator David Hoyle, Chairman of the Committee called the meeting to order. He recognized the following Pages: Cierra Accor, Chandler Caldwell, Phierica Gardia, Aja White, and Tyrece Meeks, all from Gastonia, North Carolina and sponsored by Senator David Hoyle. Davis Bryson from Raleigh, North Carolina and Deanna Metiver from Apex, North Carolina both sponsored by Senator Richard Stevens. Jessi Smith from Cary, North Carolina and sponsored by Senator Josh Stein, Wyatt Peterson from Greensboro, North Carolina and sponsored by Senator Don Vaughn, Alyssa Gotser from Manteo, North Carolina and sponsored by Senator Marc Basnight and Katherine Selix from Marion, North Carolina and sponsored by Senator Eddie Goodall.

HB 1115 – Designate Psoriasis Awareness Month – Senator Charles Albertson moved to adopt a Proposed Committee Substitute Bill which changes the Short Title of the Bill to: **Allow Electronic Parole Notification**, motion approved. After a discussion by the Committee, Senator Pete Brunstetter moved to give the new PCS a “favorable” report, motion passed.

Meeting adjourned.


David W. Hoyle, Chairman


Penny N. Williams, Clerk

NOTE:

Attachment #1 – Committee Meeting Notice – **Comment – HB 1691-Use of 911 Funds was removed from Senate Rules Committee Meeting and sent Senate Finance.**

Attachment #2 – Agenda for the Meeting

Attachment #3 – Original of HB 1115, Proposed Committee Substitute Bill and History of the Bill

Attachment #4 – Committee Report for the Meeting

Attachment #5 – Visitor's Sign Up Sheet

Principal Clerk _____
Reading Clerk _____

Corrected: HB 1115 Added

SENATE
NOTICE OF COMMITTEE MEETING
AND
BILL SPONSOR NOTICE

The Senate Committee on **Rules and Operations of the Senate** will meet at the following time:

DAY	DATE	TIME	ROOM
Thursday	July 1, 2010	9:00 AM	Room 414- LOB

The following will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1691	Use of 911 Funds.	Representative Bryant Representative Faison Representative Sager Representative West
HB 1115	Designate Psoriasis Awareness Month.	Representative Gulley Representative Cotham Representative Burris-Floyd

Senator David W. Hoyle, ChairHB

AGENDA

**SENATE RULES COMMITTEE
JULY 1, 2010 at 9:00 AM
Room 414, Legislative Office Building**

I. Welcome and Opening Remarks

II. Introduction of Pages

III. Bills to be Considered

**HB 1115 – Designate Psoriasis Awareness Month – Rep. Gulley, Rep.
Cotham, Rep. Burris-Floyd**

IV. Other Business

V. Adjournment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1115

Short Title: Designate Psoriasis Awareness Month. (Public)

Sponsors: Representatives Gulley, Cotham, Burris-Floyd (Primary Sponsors); Dollar, Farmer-Butterfield, Fisher, Folwell, Harrell, Harrison, Lucas, Mills, Randleman, Setzer, Stam, and Whilden.

Referred to: Health, if favorable, State Government/State Personnel.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT DESIGNATING THE MONTH OF AUGUST AS PSORIASIS AWARENESS MONTH.

Whereas, psoriasis and psoriatic arthritis are chronic, autoimmune diseases for which there is no cure; and

Whereas, as many as 7,500,000 men, women, and children in the United States have been diagnosed with either psoriasis or psoriatic arthritis; and

Whereas, as many as 210,000 people in North Carolina alone have been diagnosed with psoriasis or psoriatic arthritis; and

Whereas, psoriasis and psoriatic arthritis are painful and disabling diseases that have a significant and adverse impact on the quality of life of an individual diagnosed with either of these diseases; and

Whereas, the National Institute of Mental Health funded a study that found that psoriasis may cause as much physical and mental disability as other major diseases, including cancer, arthritis, hypertension, heart disease, diabetes, and depression; and

Whereas, psoriasis is associated with elevated rates of depression and suicidal ideation; and

Whereas, total direct and indirect health costs of psoriasis are calculated at over \$11,250,000,000 annually; and

Whereas, early diagnosis and treatment of psoriatic arthritis may help prevent irreversible joint damage; and

Whereas, treating psoriasis and psoriatic arthritis presents a challenge for patients and physicians because no one treatment works for everyone, some treatments lose effectiveness over time, many treatments are used in combination with other treatments, and all treatments may cause a unique set of side effects; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 103 of the General Statutes is amended by adding a new section to read:

"§ 103-12. Psoriasis Awareness Month.

The month of August of each year is designated as Psoriasis Awareness Month in North Carolina."

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1115
PROPOSED SENATE COMMITTEE SUBSTITUTE H1115-PCS50962-RW-88

Short Title: Allow Electronic Parole Notification.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ELECTRONIC NOTIFICATION TO THE MEDIA WHENEVER
THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION IS
CONSIDERING PAROLE FOR A PERSON SERVING A LIFE SENTENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1371(b)(3) reads as rewritten:

- "(3) Whenever the Post-Release Supervision and Parole Commission will be considering for parole a prisoner serving a sentence of life imprisonment the Commission must notify, at least 30 days in advance of considering the parole, by first class mail at the last known address:
- a. The prisoner;
 - b. The district attorney of the district where the prisoner was convicted;
 - c. The head of the law enforcement agency that arrested the prisoner and the sheriff of the county where the crime occurred;
 - d. Any of the victim's immediate family members who have requested in writing to be notified; and
 - e. Repealed by Session Laws 1993, c. 538, s. 22.
 - f. As many newspapers of general circulation and other media in the county where the defendant was convicted and if different, in the county where the prisoner was charged, as reasonable. The Commission may elect to use electronic means rather than the mail to notify the media under this sub-subdivision if such notification would be more timely and cost-effective.

The Post-Release Supervision and Parole Commission must consider any information provided by any such parties before consideration of parole. The Commission must also give the district attorney, the head of the law enforcement agency who has requested in writing to be notified, the victim, any member of the victim's immediate family who has requested to be notified, and as many newspapers of general circulation and other media in the county or counties designated in sub-subdivision f. of this section as reasonable, written notice of its decision within 10 days of that decision. The Parole Commission shall not, however, include the name of any victim in its notification to the newspapers and other media."

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



* H 1 1 5 - P C S 5 0 9 6 2 - R W - 8 8 *

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

2

HOUSE BILL 1115

Senate Rules and Operations of the Senate Committee Substitute Adopted 7/1/10

Short Title: Allow Electronic Parole Notification.

(Public)

Sponsors:

Referred to:

April 7, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE ELECTRONIC NOTIFICATION TO THE MEDIA WHENEVER
3 THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION IS
4 CONSIDERING PAROLE FOR A PERSON SERVING A LIFE SENTENCE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 15A-1371(b)(3) reads as rewritten:

7 "(3) Whenever the Post-Release Supervision and Parole Commission will be
8 considering for parole a prisoner serving a sentence of life imprisonment the
9 Commission must notify, at least 30 days in advance of considering the
10 parole, by first class mail at the last known address:

- 11 a. The prisoner;
12 b. The district attorney of the district where the prisoner was convicted;
13 c. The head of the law enforcement agency that arrested the prisoner
14 and the sheriff of the county where the crime occurred;
15 d. Any of the victim's immediate family members who have requested
16 in writing to be notified; and
17 e. Repealed by Session Laws 1993, c. 538, s. 22.
18 f. As many newspapers of general circulation and other media in the
19 county where the defendant was convicted and if different, in the
20 county where the prisoner was charged, as reasonable. The
21 Commission may elect to use electronic means rather than the mail to
22 notify the media under this sub-subdivision if such notification
23 would be more timely and cost-effective.

24 The Post-Release Supervision and Parole Commission must consider any
25 information provided by any such parties before consideration of parole. The
26 Commission must also give the district attorney, the head of the law
27 enforcement agency who has requested in writing to be notified, the victim,
28 any member of the victim's immediate family who has requested to be
29 notified, and as many newspapers of general circulation and other media in
30 the county or counties designated in sub-subdivision f. of this section as
31 reasonable, written notice of its decision within 10 days of that decision. The
32 Parole Commission shall not, however, include the name of any victim in its
33 notification to the newspapers and other media."

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



* H 1 1 5 - V - 2 *

North Carolina General Assembly
History of Bill H 1115
ALLOW ELECTRONIC PAROLE NOTIFICATION.
by: Gulley, Cotham, Burris-Floyd

Date: 08/03/2010
Time: 10:45
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 04/06/2009 by: Burris-Floyd, Cotham, Dollar, Farmer-Butterfield, Fisher, Folwell, Gulley, Harrell, Harrison, Lucas, Mills, Randleman, Setzer, Stam, Whilden

GS Chapters: 15a

Date	Action
04/06/2009 H	Filed
04/07/2009 H	Passed 1st Reading
04/07/2009 H	Ref to the Com on Health, if favorable, State Government/State Personnel
04/14/2009 H	Reptd Fav
04/14/2009 H	Re-ref Com On State Government/State Personnel
05/04/2009 H	Reptd Fav
05/04/2009 H	Cal Pursuant Rule 36(b)
05/04/2009 H	Placed On Cal For 5/5/2009
05/05/2009 H	Passed 2nd & 3rd Reading
05/06/2009 S	Rec From House
05/06/2009 S	Ref To Com On Rules and Operations of the Senate
07/01/2010 S	Reptd Fav Com Substitute
07/01/2010 SA	Com Substitute Adopted
07/01/2010 S	Placed On Cal For 7/6/2010
07/06/2010 SA	Amend Adopted # 1
07/06/2010 S	Passed 2nd & 3rd Reading
07/06/2010 S	Engrossed
07/07/2010 H	Rec To Concur S Com Sub
07/07/2010 H	Ref To Com On Judiciary II
07/08/2010 H	Reptd Fav To Concur
07/08/2010 H	Cal Pursuant Rule 36(b)
07/08/2010 H	Placed On Cal For 7/8/2010
07/08/2010 H	Concurred In S/Com Sub
07/09/2010 H	Ratified
07/09/2010 H	Pres. To Gov. 7/9/2010
07/20/2010 H	Signed By Gov. 7/20/2010
07/20/2010 HR	Ch. SL 2010-107

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator David W. Hoyle, Chair**

CORRECTED REPORT #1 - *as an attachment*

Thursday, July 01, 2010

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

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

H.B.	1115	Designate Psoriasis Awareness Month.	
		Draft Number:	PCS50962
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 1

Committee Clerk Comments:

Senator Hoyle will handle this Bill on the Senate Floor

2009-2010
SENATE RULES COMMITTEE MINUTES

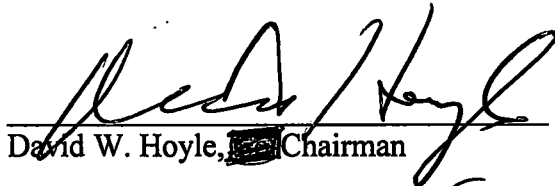
July 9, 2010

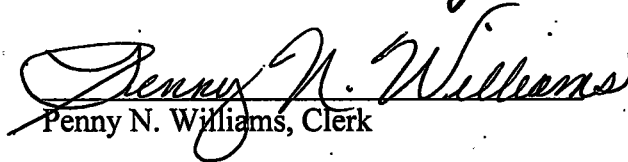
The Senate Rules Committee met in the Senate Chamber at Seat 30 on Friday, July 9, 2010. Members present were those of record in attendance at Session.

HB 1670 – 2010 Speaker's Appointments Bill – Senator Charlie Albertson moved to adopt for discussion a Proposed Committee Substitute Bill which changes the Short Title to: **2010 Appointments Bill**, motion passed. After discussion, Senator Charlie Albertson moved to give the Bill a “favorable” report, motion passed.

SJR 1462 – Sine Die Adjournment – Amendment to move the adjournment date from Friday, July 9, 2010 to Saturday, July 10, 2010. There was a motion to adopt the amendment, motion passed. Senator Charlie Albertson moved for a “favorable report as amended”, motion passed.

Meeting adjourned.


David W. Hoyle, Chairman


Penny N. Williams, Clerk

NOTE:

Attachment #1 – Original of HB 1670, Proposed Committee Substitute and History of Bill

Attachment #2 – Original of SJR 1462, Amendment, Second Edition of Amended Bill and History of Bill

Attachment #3 – Committee Report for the Meeting

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 1670

Short Title: 2010 Speaker's Appointments Bill.

(Public)

Sponsors: Representative Owens.

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

May 13, 2010

A BILL TO BE ENTITLED
AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations;
Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Thomas J. Emerson of Chatham County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2013.

SECTION 2. Unless otherwise provided for in this act, appointments are for terms to begin July 1, 2010.

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



* H 1 6 7 0 - V - 1 *

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 1670
Committee Substitute Favorable 7/8/10
PROPOSED SENATE COMMITTEE SUBSTITUTE H1670-PCS60104-LG-26**

Short Title: 2010 Appointments Bill.

(Public)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

**AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO FILL AN
UNEXPIRED TERM OF A MEMBER OF THE BOARD OF DIRECTORS FOR THE
NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE
RECOMMENDATION OF THE MAJORITY LEADER OF THE SENATE.**

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate; and

Whereas, the Speaker of the House of Representatives and the President Pro Tempore of the Senate have made recommendations; Now, therefore, The General Assembly of North Carolina enacts:

PART 1. SPEAKER'S RECOMMENDATIONS

SECTION 1.1. Nancy W. Davison of Wake County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2013.

SECTION 1.2.(a) Effective October 1, 2010, E.B. Palmer of Wake County is appointed to the African-American Heritage Commission for a term expiring on September 30, 2013.

SECTION 1.2.(b) Bernard George of Craven County is appointed to the African-American Heritage Commission for a term expiring on September 30, 2012, to fill the unexpired term of Donald A. Bonner.

SECTION 1.3. Thomas J. Emerson of Chatham County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2013.

SECTION 1.4. Constance M. Haire of Jackson County is appointed to the Board of Directors of the North Carolina Arboretum for a term expiring on June 30, 2014.

SECTION 1.5. Connie Locklear Harland of Wake County and Lorrie Looper of Watauga County are appointed to the Child Care Commission for terms expiring on June 30, 2012.

SECTION 1.6. Charles E. Johnson of Pitt County and Karen Cragnolin of Buncombe County are appointed to the North Carolina Clean Water Management Trust Fund Board of Trustees for terms expiring on July 1, 2014.



1 **SECTION 1.7.** Angela Lucas-Williams of Guilford County is appointed to the
2 North Carolina Criminal Justice Education and Training Standards Commission for a term
3 expiring on June 30, 2011, to fill the unexpired term of Vernon J. Bryant.

4 **SECTION 1.8.** Effective September 1, 2010, Jo M. Liles of Hertford County, Ben
5 Thalheimer of Mecklenburg County, Steven Storch of Durham County, Julia B. Freeman of
6 Haywood County, Alisa Hunt-Lowery of Johnston County, Dewey Jones of Person County,
7 and the Honorable Marian N. McLawhorn of Pitt County are appointed to the Domestic
8 Violence Commission for terms expiring on August 31, 2012.

9 **SECTION 1.9.** Effective January 1, 2011, David B. Strahan of Haywood County,
10 Alfred D. Riddick of Halifax County, Peggy T. Vick of Cumberland County, Arnold Dennis of
11 Durham County, and Bennie Walker of Forsyth County are appointed to the Committee on
12 Dropout Prevention for terms expiring on December 31, 2014.

13 **SECTION 1.10.** Effective December 1, 2010, Burr W. Sullivan of Davidson
14 County is appointed to the Economic Investment Committee for a term expiring on November
15 30, 2012.

16 **SECTION 1.11.** Effective January 1, 2011, the Honorable Marvin W. Lucas of
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25 **SECTION 1.14.** Donnie Brewer of Pitt County is appointed to the Environmental
26 Management Commission for a term expiring on June 30, 2012.

27 **SECTION 1.15.** Effective October 1, 2010, Linda A. Smith of Lee County and
28 Russell S. Jones of Buncombe County are appointed to the North Carolina State Board of
29 Examiners of Fee-Based Practicing Pastoral Counselors for terms expiring on September 30,
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31 **SECTION 1.16.** Elizabeth G. Page of Wake County is appointed to the Board of
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33 **SECTION 1.17.** Faline Locklear Dial of Robeson County is appointed to the North
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47 Carolina's Northeast Commission for terms expiring on June 30, 2012.

48 **SECTION 1.22.** Jerry O. Pearce of Wake County is appointed to the North
49 Carolina On-site Wastewater Contractors and Inspections Certification Board for a term
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2 Beaufort County are appointed to the North Carolina Parks and Recreation Authority for terms
3 expiring on July 1, 2013.

4 **SECTION 1.24.** Kelly Edwards Baxter of Pitt County is appointed to the Board of
5 Directors for the North Carolina Partnership for Children, Inc., for a term expiring on
6 December 31, 2011, to fill the unexpired term of Robert M. Shinn.

7 **SECTION 1.25.** Jeff D. Etheridge, Jr., of Columbus County is appointed to the
8 North Carolina State Ports Authority for a term expiring on June 30, 2012.

9 **SECTION 1.26.** Malcolm K. Fearing, III, of Dare County, Saint C. Basnight of
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11 Island Commission for terms expiring on June 30, 2012.

12 **SECTION 1.27.** Curtis B. Venable of Buncombe County and John B. Lewis of Pitt
13 County are appointed to the Rules Review Commission for terms expiring on June 30, 2012.

14 **SECTION 1.28.** Effective September 1, 2010, Steve O. Hunt of Catawba County is
15 appointed to the North Carolina Sheriff's Education and Training Standards Commission for a
16 term expiring on August 31, 2012.

17 **SECTION 1.29.** Effective January 1, 2011, Patrick Barnes of Chatham County and
18 Sondra Dickens of Northampton County are appointed to the North Carolina Small Business
19 Contractor Authority for terms expiring on December 31, 2014.

20 **SECTION 1.30.** Constance Adams of Burke County is appointed to the North
21 Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2013.

22 **SECTION 1.31.** The Honorable Harold J. Brubaker of Randolph County is
23 appointed to the Southern Dairy Compact Commission for a term expiring on June 30, 2014.

24 **SECTION 1.32.** James T. Driscoll, Jr., of Robeson County is appointed to the State
25 Building Commission for a term expiring on June 30, 2012.

26 **SECTION 1.33.** Effective January 1, 2011, Barbara K. Allen of Wake County is
27 appointed to the State Ethics Commission for a term expiring on December 31, 2014.

28 **SECTION 1.34.** Garry W. Cooper of Pamlico County is appointed to the State Fire
29 and Rescue Commission for a term expiring on June 30, 2013.

30 **SECTION 1.35.** Martha Adams of Wake County is appointed to the State Health
31 Plan Administrative Commission for a term expiring on June 30, 2012.

32 **SECTION 1.36.** Jonathan B. Howes of Orange County and Martha Johnson of
33 Johnston County are appointed to the Board of Trustees of the State Health Plan for Teachers
34 and State Employees for terms expiring on June 30, 2012.

35 **SECTION 1.37.** Effective January 1, 2011, John Wayne Kahl of Iredell County is
36 appointed to the State Judicial Council for a term expiring on December 31, 2013.

37 **SECTION 1.38.** Lisa Grafstein of Wake County is appointed to the State Personnel
38 Commission for a term expiring on June 30, 2016.

39 **SECTION 1.39.** Harold Allen Langley of Cleveland County is appointed to the
40 Structural Pest Control Committee for a term expiring on June 30, 2014.

41 **SECTION 1.40.** Karen McDonald of Cumberland County is appointed to the North
42 Carolina Substance Abuse Professional Practice Board for a term expiring on June 30, 2014.

43 **SECTION 1.41.** Mona M. Keech of Wake County is appointed to the
44 Supplemental Retirement Board of Trustees for a term expiring on June 30, 2012.

45 **SECTION 1.42.(a)** The Honorable John May of Franklin County is appointed to
46 the Virginia-North Carolina High-Speed Rail Compact Commission for a term expiring on
47 December 31, 2010, to fill the unexpired term of the Honorable Lucy T. Allen.

48 **SECTION 1.42.(b)** Effective January 1, 2011, the Honorable E. Nelson Cole of
49 Rockingham County is appointed to the Virginia-North Carolina High-Speed Rail Compact
50 Commission for a term expiring on December 31, 2012.

1 **SECTION 1.43.** John Howard Boyette, Jr., of Wilson County and Paul Weller of
2 Durham County are appointed to the Well Contractors Certification Commission for terms
3 expiring on June 30, 2013.
4

5 **PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS**

6 **SECTION 2.1.** David Peters of Wake County and Andrew Prescott of Durham
7 County are appointed to the Acupuncture Licensing Board for terms expiring on June 30, 2013.

8 **SECTION 2.2.** Annie McCoy of Wake County is appointed to the
9 African-American Heritage Commission for a term expiring on June 30, 2013.

10 **SECTION 2.3.** Jimmy Harrell of Camden County is appointed to the North
11 Carolina Agricultural Finance Authority for a term expiring on July 1, 2013.

12 **SECTION 2.4.** Dr. Paul Phibbs of Buncombe County is appointed to the Board of
13 Directors of the North Carolina Arboretum for a term expiring on June 30, 2014.

14 **SECTION 2.5.** Margaret Ann Biddle of Wake County and Linda Knight of
15 Edgecombe County are appointed to the Child Care Commission for terms expiring on June 30,
16 2012.

17 **SECTION 2.6.** Dr. Ronald Wahler of Wake County is appointed to the State Board
18 of Chiropractic Examiners for a term expiring on June 30, 2013.

19 **SECTION 2.7.** Claudette Weston of Forsyth County and Jerry Wright of Currituck
20 County are appointed to the Clean Water Management Trust Fund Board of Trustees for terms
21 expiring on July 1, 2014.

22 **SECTION 2.8.** Valoree Eikinas of Wake County and Dean Barbour of Johnston
23 County are appointed to the North Carolina Code Officials Qualification Board for terms
24 expiring on July 1, 2014.

25 **SECTION 2.9.** Joseph Lovallo of Mecklenburg County is appointed to the North
26 Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2013.

27 **SECTION 2.10.** Joe Castro of Transylvania County is appointed to the
28 Disciplinary Hearing Committee of the North Carolina State Bar for a term expiring on June
29 30, 2013.

30 **SECTION 2.11.** Effective September 1, 2010, the Honorable J. Thomas Davis of
31 Rutherford County, David Badger of Cherokee County, the Honorable Valerie Asbell of
32 Hertford County, Chief John Guard of Pitt County, and the Honorable Doug Berger of Franklin
33 County are appointed to the Domestic Violence Commission for terms expiring on August 31,
34 2012.

35 **SECTION 2.12.** Effective January 1, 2011, Dr. Zoe Locklear of Robeson County,
36 Lisa Daye of McDowell County, Margaret Ellis of Vance County, Johnny Mack Gibbs of
37 Cumberland County, and Richard Hooker of Cleveland County are appointed to the Committee
38 on Dropout Prevention for terms expiring on December 31, 2014.

39 **SECTION 2.13.** Harrell Everett of Wayne County is appointed to the Economic
40 Investment Committee for a term expiring on June 30, 2011.

41 **SECTION 2.14.** Stephen E. Taylor of Dare County is appointed to the North
42 Carolina Emergency Medical Services Advisory Council for a term expiring on December 31,
43 2013.

44 **SECTION 2.15.** Kevin McCarter of Wake County is appointed to the e-NC
45 Authority Commission for a term expiring on December 31, 2011. Paul Tine of Dare County is
46 appointed to the e-NC Authority Commission for a term expiring on December 31, 2012.

47 **SECTION 2.16.** Effective October 1, 2010, John Arey of Mecklenburg County is
48 appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral
49 Counselors for a term expiring on September 30, 2014.

1 **SECTION 2.17.** Andy Penry of Wake County is appointed to the Board of
2 Directors of the North Carolina Global TransPark Authority for a term expiring on June 30,
3 2011, to fill an unexpired term of Jack Kellogg.

4 **SECTION 2.18.** Talmadge Jones of Dare County is appointed to the North
5 Carolina Home Inspector Licensure Board for a term expiring on July 1, 2014.

6 **SECTION 2.18A.** Effective October 1, 2010, Lindsey R. Griffin of Pitt County is
7 appointed to the North Carolina Irrigation Contractors' Licensing Board for a term expiring on
8 September 30, 2013.

9 **SECTION 2.19.** David Cranfield of Rowan County and Cliff DeSpain of Wake
10 County are appointed to the North Carolina Manufactured Housing Board for terms expiring on
11 June 30, 2013.

12 **SECTION 2.20.** Richard Brunstetter of Forsyth County and Pamela Poteat of
13 Gaston County are appointed to the Commission for Mental Health, Developmental
14 Disabilities, and Substance Abuse Services for terms expiring on June 30, 2013.

15 **SECTION 2.21.** Lois Winstead of Person County is appointed to the Natural
16 Heritage Trust Fund Board of Trustees for a term expiring on December 31, 2015.

17 **SECTION 2.22.** William R. (Russ) Davis of Wilson County is appointed to the
18 North Carolina On-Site Wastewater Contractors and Inspectors Certification Board for a term
19 expiring on July 1, 2012. Glenn Hines of Currituck County is appointed to the North Carolina
20 On-Site Wastewater Contractors and Inspectors Certification Board for a term expiring on July
21 1, 2013.

22 **SECTION 2.23.** The Honorable Loretta Clawson of Watauga County is appointed
23 to the North Carolina Parks and Recreation Authority for a term expiring on June 30, 2013.

24 **SECTION 2.24.** Effective January 1, 2011, Rance Henderson of Burke County,
25 Marie Inscore of Nash County, and Tannis Nelson of New Hanover County are appointed to
26 the Board of Directors for the North Carolina Partnership for Children, Inc., for terms expiring
27 on December 31, 2013.

28 **SECTION 2.25.** Steve Johnson of Wake County is appointed to the Private
29 Protective Services Board for a term expiring on June 30, 2012.

30 **SECTION 2.26.** Walter Pierce of Hertford County is appointed to the Public
31 Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2011,
32 to fill the unexpired term of David Walker.

33 **SECTION 2.27.** Michael Atkins of Wake County is appointed to the North
34 Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2013.

35 **SECTION 2.28.** Dr. William Kiger of Forsyth County is appointed to the North
36 Carolina Respiratory Care Board for a term expiring on June 30, 2013.

37 **SECTION 2.29.** Elmer Midgett of Dare County and Joanne Williams of Dare
38 County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2012.

39 **SECTION 2.30.** Kevin D. Davidson of Wake County is appointed to the North
40 Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2011, to fill the
41 unexpired term of Edward Hearn.

42 **SECTION 2.31.** John Muter of Wake County is appointed to the State Building
43 Commission for a term expiring on June 30, 2013.

44 **SECTION 2.32.** Brigadier General Ralph R. Griffin of Wayne County is appointed
45 to the State Fire and Rescue Commission with a term expiring on June 30, 2013.

46 **SECTION 2.33.** Thomas Stern of Durham County is appointed to the State
47 Personnel Commission for a term expiring on June 30, 2016.

48 **SECTION 2.34.** Linda Jones of Wayne County and Bonnita Hargis of Wake
49 County are appointed to the Board of Trustees of the State Health Plan for Teachers and State
50 Employees for terms expiring on June 30, 2012.

SECTION 2.35. Laura Wilson of New Hanover County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2012.

SECTION 2.36. William Tesh of Guilford County is appointed to the Structural Pest Control Committee for a term expiring on June 30, 2014.

SECTION 2.37. David Turpin of Wake County is appointed to the North Carolina Substance Abuse Professional Practice Board for a term expiring on June 30, 2014.

SECTION 2.38. Dexter V. Perry of Wake County is appointed to the Supplemental Retirement Board of Trustees for a term expiring on June 30, 2012.

SECTION 2.39. Jeff Israel of Haywood County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2011, to fill the unexpired term of William Moyer.

SECTION 2.40. Effective January 14, 2011, Robert Clay of Gaston County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2015.

PART III. MAJORITY LEADER OF THE SENATE'S RECOMMENDATION

SECTION 3. Charles Carter of Buncombe County is appointed to the Board of Directors for the North Carolina Partnership for Children, Inc., for a term expiring on January 1, 2011, to fill the unexpired term of Carole Wilson.

PART IV. EFFECTIVE DATE

SECTION 4.1. Unless otherwise provided for in this act, appointments are for terms to begin July 1, 2010.

SECTION 4.2. This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

3

**HOUSE BILL 1670
Committee Substitute Favorable 7/8/10
Senate Rules and Operations of the Senate Committee Substitute Adopted 7/9/10**

Short Title: 2010 Appointments Bill.

(Public)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE
RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO FILL AN
UNEXPIRED TERM OF A MEMBER OF THE BOARD OF DIRECTORS FOR THE
NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., UPON THE
RECOMMENDATION OF THE MAJORITY LEADER OF THE SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain
appointments to public offices upon the recommendation of the Speaker of the House of
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32 **SECTION 1.37.** Effective January 1, 2011, John Wayne Kahl of Iredell County is
33 appointed to the State Judicial Council for a term expiring on December 31, 2013.

34 **SECTION 1.38.** Lisa Grafstein of Wake County is appointed to the State Personnel
35 Commission for a term expiring on June 30, 2016.

36 **SECTION 1.39.** Harold Allen Langley of Cleveland County is appointed to the
37 Structural Pest Control Committee for a term expiring on June 30, 2014.

38 **SECTION 1.40.** Karen McDonald of Cumberland County is appointed to the North
39 Carolina Substance Abuse Professional Practice Board for a term expiring on June 30, 2014.

40 **SECTION 1.41.** Mona M. Keech of Wake County is appointed to the
41 Supplemental Retirement Board of Trustees for a term expiring on June 30, 2012.

42 **SECTION 1.42.(a)** The Honorable John May of Franklin County is appointed to
43 the Virginia-North Carolina High-Speed Rail Compact Commission for a term expiring on
44 December 31, 2010, to fill the unexpired term of the Honorable Lucy T. Allen.

45 **SECTION 1.42.(b)** Effective January 1, 2011, the Honorable E. Nelson Cole of
46 Rockingham County is appointed to the Virginia-North Carolina High-Speed Rail Compact
47 Commission for a term expiring on December 31, 2012.

48 **SECTION 1.43.** John Howard Boyette, Jr., of Wilson County and Paul Weller of
49 Durham County are appointed to the Well Contractors Certification Commission for terms
50 expiring on June 30, 2013.

PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 2.1. David Peters of Wake County and Andrew Prescott of Durham County are appointed to the Acupuncture Licensing Board for terms expiring on June 30, 2013.

SECTION 2.2. Annie McCoy of Wake County is appointed to the African-American Heritage Commission for a term expiring on June 30, 2013.

SECTION 2.3. Jimmy Harrell of Camden County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2013.

SECTION 2.4. Dr. Paul Phibbs of Buncombe County is appointed to the Board of Directors of the North Carolina Arboretum for a term expiring on June 30, 2014.

SECTION 2.5. Margaret Ann Biddle of Wake County and Linda Knight of Edgecombe County are appointed to the Child Care Commission for terms expiring on June 30, 2012.

SECTION 2.6. Dr. Ronald Wahler of Wake County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2013.

SECTION 2.7. Claudette Weston of Forsyth County and Jerry Wright of Currituck County are appointed to the Clean Water Management Trust Fund Board of Trustees for terms expiring on July 1, 2014.

SECTION 2.8. Valoree Eikinas of Wake County and Dean Barbour of Johnston County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on July 1, 2014.

SECTION 2.9. Joseph Lovallo of Mecklenburg County is appointed to the North Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2013.

SECTION 2.10. Joe Castro of Transylvania County is appointed to the Disciplinary Hearing Committee of the North Carolina State Bar for a term expiring on June 30, 2013.

SECTION 2.11. Effective September 1, 2010, the Honorable J. Thomas Davis of Rutherford County, David Badger of Cherokee County, the Honorable Valerie Asbell of Hertford County, Chief John Guard of Pitt County, and the Honorable Doug Berger of Franklin County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2012.

SECTION 2.12. Effective January 1, 2011, Dr. Zoe Locklear of Robeson County, Lisa Daye of McDowell County, Margaret Ellis of Vance County, Johnny Mack Gibbs of Cumberland County, and Richard Hooker of Cleveland County are appointed to the Committee on Dropout Prevention for terms expiring on December 31, 2014.

SECTION 2.13. Harrell Everett of Wayne County is appointed to the Economic Investment Committee for a term expiring on June 30, 2011.

SECTION 2.14. Stephen E. Taylor of Dare County is appointed to the North Carolina Emergency Medical Services Advisory Council for a term expiring on December 31, 2013.

SECTION 2.15. Kevin McCarter of Wake County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2011. Paul Tine of Dare County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2012.

SECTION 2.16. Effective October 1, 2010, John Arey of Mecklenburg County is appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors for a term expiring on September 30, 2014.

SECTION 2.17. Andy Penry of Wake County is appointed to the Board of Directors of the North Carolina Global TransPark Authority for a term expiring on June 30, 2011, to fill an unexpired term of Jack Kellogg.

SECTION 2.18. Talmadge Jones of Dare County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2014.

1 **SECTION 2.18A.** Effective October 1, 2010, Lindsey R. Griffin of Pitt County is
2 appointed to the North Carolina Irrigation Contractors' Licensing Board for a term expiring on
3 September 30, 2013.

4 **SECTION 2.19.** David Cranfield of Rowan County and Cliff DeSpain of Wake
5 County are appointed to the North Carolina Manufactured Housing Board for terms expiring on
6 June 30, 2013.

7 **SECTION 2.20.** Richard Brunstetter of Forsyth County and Pamela Poteat of
8 Gaston County are appointed to the Commission for Mental Health, Developmental
9 Disabilities, and Substance Abuse Services for terms expiring on June 30, 2013.

10 **SECTION 2.21.** Lois Winstead of Person County is appointed to the Natural
11 Heritage Trust Fund Board of Trustees for a term expiring on December 31, 2015.

12 **SECTION 2.22.** William R. (Russ) Davis of Wilson County is appointed to the
13 North Carolina On-Site Wastewater Contractors and Inspectors Certification Board for a term
14 expiring on July 1, 2012. Glenn Hines of Currituck County is appointed to the North Carolina
15 On-Site Wastewater Contractors and Inspectors Certification Board for a term expiring on July
16 1, 2013.

17 **SECTION 2.23.** The Honorable Loretta Clawson of Watauga County is appointed
18 to the North Carolina Parks and Recreation Authority for a term expiring on June 30, 2013.

19 **SECTION 2.24.** Effective January 1, 2011, Rance Henderson of Burke County,
20 Marie Inscore of Nash County, and Tannis Nelson of New Hanover County are appointed to
21 the Board of Directors for the North Carolina Partnership for Children, Inc., for terms expiring
22 on December 31, 2013.

23 **SECTION 2.25.** Steve Johnson of Wake County is appointed to the Private
24 Protective Services Board for a term expiring on June 30, 2012.

25 **SECTION 2.26.** Walter Pierce of Hertford County is appointed to the Public
26 Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2011,
27 to fill the unexpired term of David Walker.

28 **SECTION 2.27.** Michael Atkins of Wake County is appointed to the North
29 Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2013.

30 **SECTION 2.28.** Dr. William Kiger of Forsyth County is appointed to the North
31 Carolina Respiratory Care Board for a term expiring on June 30, 2013.

32 **SECTION 2.29.** Elmer Midgett of Dare County and Joanne Williams of Dare
33 County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2012.

34 **SECTION 2.30.** Kevin D. Davidson of Wake County is appointed to the North
35 Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2011, to fill the
36 unexpired term of Edward Hearn.

37 **SECTION 2.31.** John Muter of Wake County is appointed to the State Building
38 Commission for a term expiring on June 30, 2013.

39 **SECTION 2.32.** Brigadier General Ralph R. Griffin of Wayne County is appointed
40 to the State Fire and Rescue Commission with a term expiring on June 30, 2013.

41 **SECTION 2.33.** Thomas Stern of Durham County is appointed to the State
42 Personnel Commission for a term expiring on June 30, 2016.

43 **SECTION 2.34.** Linda Jones of Wayne County and Bonnita Hargis of Wake
44 County are appointed to the Board of Trustees of the State Health Plan for Teachers and State
45 Employees for terms expiring on June 30, 2012.

46 **SECTION 2.35.** Laura Wilson of New Hanover County is appointed to the North
47 Carolina State Ports Authority for a term expiring on June 30, 2012.

48 **SECTION 2.36.** William Tesh of Guilford County is appointed to the Structural
49 Pest Control Committee for a term expiring on June 30, 2014.

50 **SECTION 2.37.** David Turpin of Wake County is appointed to the North Carolina
51 Substance Abuse Professional Practice Board for a term expiring on June 30, 2014.

1 **SECTION 2.38.** Dexter V. Perry of Wake County is appointed to the Supplemental
2 Retirement Board of Trustees for a term expiring on June 30, 2012.

3 **SECTION 2.39.** Jeff Israel of Haywood County is appointed to the Board of
4 Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June
5 30, 2011, to fill the unexpired term of William Moyer.

6 **SECTION 2.40.** Effective January 14, 2011, Robert Clay of Gaston County is
7 appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2015.

8
9 **PART III. MAJORITY LEADER OF THE SENATE'S RECOMMENDATION**

10 **SECTION 3.** Charles Carter of Buncombe County is appointed to the Board of
11 Directors for the North Carolina Partnership for Children, Inc., for a term expiring on January
12 1, 2011, to fill the unexpired term of Carole Wilson.

13
14 **PART IV. EFFECTIVE DATE**

15 **SECTION 4.1.** Unless otherwise provided for in this act, appointments are for
16 terms to begin July 1, 2010.

17 **SECTION 4.2.** This act is effective when it becomes law.

North Carolina General Assembly
History of Bill H 1670
2010 APPOINTMENTS BILL.
by: Owens

Date: 08/03/2010
Time: 13:06
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 05/12/2010 by: Owens

GS Chapters: U

Date	Action
05/12/2010 H	Filed
05/13/2010 H	Passed 1st Reading
05/13/2010 H	Ref To Com On Rules, Calendar, and Operations of the House
07/08/2010 HA	Reptd Fav Com Substitute
07/08/2010 H	Cal Pursuant Rule 36(b)
07/08/2010 H	Placed On Cal For 7/8/2010
07/08/2010 H	Passed 2nd & 3rd Reading
07/08/2010 S	Rec From House
07/08/2010 S	Ref To Com On Rules and Operations of the Senate
07/09/2010 S	Reptd Fav Com Substitute
07/09/2010 SA	Com Substitute Adopted
07/09/2010 S	Placed On Cal For 7/9/2010
07/09/2010 SA	Amend Adopted # 1
07/09/2010 S	Passed 2nd & 3rd Reading
07/09/2010 S	Engrossed
07/10/2010 H	Rec To Concur S Com Sub
07/10/2010 H	Cal Pursuant Rule 36(b)
07/10/2010 H	Placed On Cal For 7/10/2010
07/10/2010 H	Concurred In S/Com Sub
07/10/2010 H	Ratified
07/10/2010 HR	Ch. SL 2010-87

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

1

SENATE JOINT RESOLUTION 1462

Sponsors: Senator Hoyle.

Referred to: Rules and Operations of the Senate.

July 6, 2010

**1 A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2009
2 REGULAR SESSION OF THE GENERAL ASSEMBLY.**

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

4 SECTION 1. When the Senate and the House of Representatives, constituting the
**5 2009 Session of the General Assembly, adjourn on Friday, July 9, 2010, they stand adjourned
6 sine die.**

7 SECTION 2. This resolution is effective upon ratification.



* S 1 4 6 2 - V - 1 *

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. STR 1461

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

Sen.)

Hoyle

1 moves to amend the bill on page 1, line 5

2 () WHICH CHANGES THE TITLE

3 by deleting "Friday, July 9"

4

5 and substituting "Saturday, July 10"

6

7

9

10

11

12

13

14

15

16

17

18

19

SIGNED

Hoyle

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

2

**SENATE JOINT RESOLUTION 1462
Second Edition Engrossed 7/9/10**

Sponsors: Senator Hoyle.

Referred to: Rules and Operations of the Senate.

July 6, 2010

1 A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2009
2 REGULAR SESSION OF THE GENERAL ASSEMBLY.

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

4 **SECTION 1.** When the Senate and the House of Representatives, constituting the
5 2009 Session of the General Assembly, adjourn on Saturday, July 10, 2010, they stand
6 adjourned sine die.

7 **SECTION 2.** This resolution is effective upon ratification.



North Carolina General Assembly
History of Bill S 1462
SINE DIE ADJOURNMENT.
by: Hoyle

Date: 08/03/2010
Time: 13:07
Page: 1 of 1
Leg. Day: H-151/S-148

2009-2010 Biennium

Introduced 07/01/2010 by: Hoyle

GS Chapters: J

Date	Action
07/01/2010 S	Filed
07/06/2010 S	Ref To Com On Rules and Operations of the Senate
~~07/09/2010 S~~	~~Reptd Fav As Amended~~
07/09/2010 SA	Com Amend Adpt & Engross # 1
07/09/2010 S	Placed On Cal For 7/9/2010
07/09/2010 S	Passed 2nd & 3rd Reading
07/09/2010 S	Engrossed
07/10/2010 H	Passed 1st Reading
07/10/2010 H	Cal Pursuant 32(a)
07/10/2010 H	Passed 2nd & 3rd Reading
07/10/2010 S	Ratified
07/10/2010 SR	Ch. Res 2010-31

**NORTH CAROLINA GENERAL ASSEMBLY
SENATE**

**RULES AND OPERATIONS OF THE SENATE COMMITTEE REPORT
Senator David W. Hoyle, Chair**

Friday, July 09, 2010

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

FAVORABLE, AS AMENDED

S.JR.	1462	Sine Die Adjournment.	
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	No

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

H.B.(CS #1) 1670	2010 Speaker's Appointments Bill.	
	Draft Number:	PCS 60104
	Sequential Referral:	None
	Recommended Referral:	None
	Long Title Amended:	Yes

TOTAL REPORTED: 2

Committee Clerk Comments: